




City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 21, 2012

SUBJECT: **A REFERRAL TO THE NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE PROPOSED AMENDMENTS TO THE CITY'S FILM AND PRINT GUIDELINES**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission refer the subject to the Neighborhoods and Community Affairs Committee for discussion and consideration.

BACKGROUND

On April 18, 2001, the City Commission adopted Ordinance No. 2001-3303 which established procedures and criteria for the issuance of film permits in the City. At the same time, the City Commission adopted a companion Resolution that established Film and Print Guidelines. The Film & Print guidelines outline insurance, indemnity and application requirements; basic requirements for Police and other municipal services; do's and don'ts of filming; restrictions; and requirements. They also include requirements for residential production requests, as well as more detailed enforcement policies. These guidelines have been designed to allow the City flexibility in the coordination of productions. Rarely are productions "cookie cutter" in nature, and flexibility in the review and approval process allows City staff to be proactive and responsive in accommodating the varying needs of this industry, while mitigating any impacts of the production on the neighborhood(s).

The Tourism and Cultural Development Department, Office of Film and Special Events, is responsible for facilitating compatible production and, with the oversight of the City Manager's office, issues Film and Print Permits. The Office serves the needs of the City's thriving production community while safeguarding the City's businesses and neighborhoods. The Office of Film and Special Event issues close to 1000 film permits each year and is an information resource to productions, businesses and residents alike.

PROPOSED FILM & PRINT AMENDMENTS

In order for the City of Miami Beach to continue to successfully foster stability and growth in the film and print production industry, the City periodically reviews it's guidelines to determine if amendments are necessary. The City's Production Industry Council (PIC) has reviewed amendments to the guidelines at their January 10, 2012 and February 14, 2012 meetings. In considering amendments PIC recognized the long-term value of managing and promoting this industry, and proactively encouraging its continued growth.

Proposed amendments (see attached) include the following:

Clarify the enforcement section of film permits, mirroring recommended language proposed for the Special Event Guidelines and Regulations, which amends the fine schedule to \$500 for a first offense,

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\$1,500 for a second offense, and \$3,000 for a third and all subsequent offenses. Penalties for repeat violations are also proposed;

- further defining “City-wide” and “Driving Shot” permits;
- expanding the Vehicle Beach Access Policy pertaining to all beach, park and pedestrian use areas. Currently the pass is intended only for beach use. This change allows proper regulation of safety needs for productions that require access to non-beach authorized areas, such as greenspace, mirroring language recommended for special event guidelines; and
- other amendments include clean up language to various sections.

In addition to these proposed amendments, the Administration is seeking direction from the Commission on whether further amendments should be made to residential filming guidelines. As you know, the resident of 4350 North Bay Road has requested the City further restrict the frequency and number of Film & Print Permits in Single Family districts as a result of the recent activity at 4358 North Bay Road. The property in question has obtained Film & Print Permits in accordance with the City’s Guidelines and has complied with all requirements. However, this resident (4350 North Bay Road) believes the frequency of the activity changes the nature of a residential neighborhood.

As previously stated, these guidelines were adopted in 2001 primarily to regulate residential uses after concerns at the time that particular homes were truly commercial studios for the Print industry. Film and Print Permits are the only regulated commercial allowances for residential Miami Beach other than garage sales and home-based businesses. The guidelines essentially allow for completely contained uses with no major external impacts within the hours of 7am and 10pm (8am on weekends and holidays) to proceed with notification to all properties within 500 feet at least 48 hours prior to the production. Any uses beyond those hours or with more impactful elements (parking, lane closures, simulated gunfire, etc.) require signature approvals within that same radius, with the percentage of approvals determining what impacts the City will allow. In all cases where signature approvals are required, the immediate neighboring properties must consent or the City will not issue a permit.

All productions that want to film in residential neighborhoods are required to obtain a Film & Print Permit. As no two productions are the same, the Film & Print Office may require productions to meet additional requirements depending on the nature and scope of the production.

Current Residential Notice Requirements

Although the City Code does not have a notice requirement for film productions, the Film Guidelines, which were adopted by Resolution and are referenced in Chapter 12 of the City Code, require film productions in residential neighborhoods to provide notice to residents living within a minimum of 500 feet from any filming activity and/or equipment parking on private property. Productions are not allowed to park equipment or crew on the street or swale at any time unless a proper street closure has been processed and approved, including consent (signature approval) from affected residents.

In addition to notice, pursuant to the Film Guidelines, **consent** (signature approval) from affected neighborhood residents that live within 500 feet of the production is required for residential productions (including the parking of production vehicles) that are to occur between the hours of 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 8:00 a.m. weekends, as follows:

- Between 10:00 p.m. and 1:00 a.m., consent (signature approval) from 60% of affected neighborhood residents must be obtained by the production.
- Between 1:00 a.m. and 7:00 a.m., consent (signature approval) forms from 75% of affected neighborhood residents must be obtained by the production.

- In any instance where a production proposes to film at a residential location in excess of 14 consecutive days, regardless of filming activity, the production will be required to obtain consent (signature approval) from 90% of affected neighborhood residents.
- In all cases where signature approvals are required, the immediate neighboring properties must consent or the City will not issue a permit.

In addition, consent (signature approval) for residential location filming during normal hours are also required in the following circumstances:

- Productions with exceptional filming activities (e.g., simulated gunfire, bullet hits, fire effects, explosions, car crashes, aerial filming, etc.), or high-impact productions (e.g., large numbers of crew/talent and/or production vehicles/equipment present), as determined by the Film & Print Office based on an assessment of potential impact to the surrounding neighborhood, and/or any situation in which the activities may present a public safety concern.

CONCLUSION

The Administration recommends that the City Commission refer the subject to the Neighborhoods and Community Affairs Committee for discussion and consideration.


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I. WHO NEEDS A FILM & PRINT PERMIT?

Individuals or businesses wishing to conduct commercial film, television, video and photography projects must obtain a Film & Print permit from the City of Miami Beach.

Film & Print permits are issued for both public and private properties. Film and Print activities taking place on private (commercially zoned) property may not require a permit, as long as those activities (including vehicles) are completely self-contained on the property. Any activities that require city services require a Film & Print permit. The permit shall be available for inspection at the site on which the photography and/or filming is to occur. Upon the request of any police officer or code enforcement officer of the City, the owner, lessee or representative of the production company shall exhibit such permit.

II. PERMIT APPLICATION REQUIREMENTS

Individuals or businesses wishing to conduct commercial film, television, video and photography projects must provide the City with a copy of the following documents prior to the issuance of any Film & Print permits:

- Valid Certificate of Insurance for no less than one million US dollars (or currency equivalent) in general liability coverage, naming the City of Miami Beach as additional insured and policy certificate holder;
- Completed Indemnity Agreement (located on City's website), signed and sealed

- (notary seal or corporate seal), with entity matching insured party; and
- Completed permit application form, with permittee matching insured and indemnified.

A. Requests for a Film & Print permits should be received no less than ~~four~~ two working days prior to the start of production in commercial districts and five working days for film uses in residential Miami Beach, unless additional time is required due to the nature of the request.

Film permit applicants are issued permits that are date, time, and location specific, except for "Miami Beach Citywide" permit. Requests for filming on weekends or holidays are reviewed on a case-by-case basis. Locations for Film & Print permits are reserved on a first-come, first-serve basis, regardless of the size or scope of the production.

B. A Miami Beach Citywide permit allows for small teams (less than ten people in total) with minimal equipment (must be easily and quickly transported) to film on Miami Beach streets, sidewalks, City beaches and parks that do not require rental fees, assuming the production does not block pedestrian or vehicular traffic or impact private business or concessionaire without specific coordination. Equipment allowed includes camera, tripod, reflectors and battery operated lights. No generators or cabling allowed. No reserved or authorized parking permitted, including vehicles on beach or parks. Miami Beach City-wide does not include use of residential areas, which requires additional coordination and permitting from the City of Miami Beach. Requests for filming on weekends or holidays are reviewed on a case-by-case basis. Locations for film production are reserved on a first-come, first-serve basis regardless of the size or scope of the production. Film permits for small crews may be issued on a "City Wide" basis with review and approval from Film & Print Office.

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~~B. Requests for a print (photography) permit should be received no later than noon on the day prior to the start of production. Print permit applicants (photography) may be issued a "City Wide" permit which is valid all day for a period of time not to exceed three weeks. These "City Wide" permits do not grant the applicant any special privilege, nor exemption, from any City rule, regulation, ordinance or need for City services. "City Wide" permits do not include interiors of public buildings. Due to the complex nature of film production, any film permit issued for a specific location is understood to have priority over any "City Wide" print permit.~~

While these time frames/application deadlines are considered minimum standards, the Film & Print Office always appreciates as much notification time as possible and early notice is in the interest of applicants who wish to secure specific locations, which are booked on a first-come first-serve basis, or require City services. The Film & Print Office, without obligation, makes every effort to accommodate all reasonable requests that do not meet the above noted minimum time frames.

III. NEWS MEDIA: "professional journalists" collecting, photographing, recording, or reporting "news" as defined in section 90.5015 of the Florida Statute are exempt from obtaining a permit - but are encourage to notify the Film & Print Division if possible. Any uses that

require City coordination, inclusive of vehicles accessing authorized areas (e.g. beach and park areas) must coordinate such uses with the Film Office.

- IV. ~~STUDENTS are exempt from compliance with the insurance requirement. However,~~
sStudents must comply with all other permitting requirements and provide valid identification, along with proof of current enrollment, and may be asked to provide insurance from their educational institution.

VI. CITY SERVICES

Upon receipt of the completed permit application or written request, the Office of Film & Print will determine which City services will be required. The City will determine minimum staffing levels appropriate for proposed film or print productions. The City assumes no liability arising or resulting from the determinations of respective minimum staffing levels or the requirements for any production. Because no two production requests are the same, requirements may vary for each production. The following is a general list of frequently required services. The Film & Print Office reserves the right to require additional City Services and/or monetary deposits not listed below.

A. Use of Beach Patrol Headquarters and Lifeguard Stands

Approval of the Captain of Beach Patrol is required. Beach Patrol Headquarters must notify the Office of Film & Print of their approval prior to the issuance of permit. Water activities and/or stunts will require the presence of Off-Duty Miami Beach Patrol lifeguard(s).

B. Use of the Convention Center / ~~Theater of the Performing Arts~~City Theaters and rental venues

Film permit applicants must contact the management of these facilities in order to obtain approval and/or pay any applicable fees for the use of these facilities prior to a film/print permit being issued. Parking arrangements must also be made with the management of these facilities and the Parking Department for the use of non-metered parking for these public venues.

C. Golf Courses

All permit applicants must contact the management of these facilities to obtain approval and/or pay any applicable fees for the use of these facilities prior to any permits being issued. Golf Courses are not included as part of the "City-Wide" permit.

D. ~~Vehicles on the Beach~~Authorized Vehicle Access Passes

Vehicle Access Policy -- Vehicles on the beach, in parks or other authorized area should only be considered when absolutely necessary and may only be used for production elements and not private vehicles. If necessary, whenever possible, All Terrain Vehicles (ATV's), all terrain gators, and/or golf carts should be utilized by productions. Notwithstanding the above, certain productions taking place on the beach, in parks or other authorized use areas may require vehicular access to such areas for the purposes of loading-in and out of equipment for the event, and must be removed from such areas immediately thereafter. There is a vehicle access fee of \$150.00, per vehicle, per load-in. A Vehicle Access Permit will be issued by the Film & Print Office and must be displayed on the windshield of every vehicle on the beach or in such authorized areas. For any beach access, all such vehicles must be escorted on and off the beach by either

City of Miami Beach Police, Off-Duty Police or Ocean Rescue. All other authorized access uses (i.e. in City parks) may require escort by City of Miami Beach Police, Off-Duty Police, Ocean Rescue or other designated City employee(s). All vehicles will be restricted to the location(s) listed on the permit.

All operating vehicles on the beach, park or other authorized use area shall follow the procedures listed herein:

- o Due care and caution will be utilized at all times while driving any vehicle on the beach, park or other authorized use area.
- o All vehicles on the beach, park or other authorized use area shall enter and depart the area **beach** at the nearest access point to the call.
- o Prior to entering the beach, park or other authorized use area, vehicle headlights and overhead flashing lights (if equipped) or flashers will be turned on.
- o Drivers must turn off radios and shall roll down both the passenger and driver's side front windows of their vehicle while operating a vehicle on the beach, park or other authorized use area.
- o Maximum speed allowed on the beach, park or other authorized use area is 5 MPH.
- o Vehicles, SUVs, and trucks are prohibited from driving on the **soft sand** where hard pack sand exists.
- o Vehicles, SUVs, and trucks shall stay **west** of the garbage cans on the **hard pack sand** at all times.
- o Do not drive over hills or berms (dunes) or near objects that may obstruct your view.
- o If you stop and exit your vehicle, walk completely around the vehicle prior to reentering your vehicle and moving it.
- o Traffic cones (orange, 18" high) must be placed at the front and rear of vehicles when parked on the beach, park or other authorized use area.
- o Use of a cellular phone or walkie talkies while the vehicle is in motion is **prohibited**.
- o Personal vehicles are prohibited on the beach, park or other authorized use area at anytime.

These procedures are to be complied with at all times by anyone operating a vehicle on the beach, park or other authorized use area. Failure to comply with these procedures may result in immediate revocation of the permit and termination of the event.

~~The applicant is required to obtain a Vehicle Beach Access Permit (VBAP) from the Office of Film & Print in addition to the regular film/print permit. The day rate of \$150.00 per vehicle per day must be paid prior to the issuance of any VBAP. Request and payment for vehicle access to the beach should be received no later than 24 hours in advance of the production date. The use of Off-Duty police is required to escort vehicles to and on the beach.~~

E. Helicopter landings and/or flights under 1000 feet

A letter of authorization from the City Manager is required for any landings on Miami Beach prior to the issuance of the film/print permit. A complete request package should be received no later than four working days prior to the production date. As part of a helicopter low-flight/landing request, a production must apply for "Miami Beach Aerials" on the Film & Print permit application and submit the following; proof of insurance from

the company/helicopter owner, proof of pilot's license and certification for requested activities in addition to authorization (low fly waiver) from FAA authorities.

F. Street / Lane Closures

A street or lane closure permit is required prior to the issuance of the film/print permit. A street or lane closure permit is obtained from the Police Off-Duty Office and requires the signature of ~~both the~~ from the Offices of the Chief of Police, Director of Public Works and the City Manager. ~~The use of Off-Duty police is necessary.~~ A ~~street-street or lane~~ closure permit request should be made no less than seven working days prior to the production date and must include a Management of Traffic (MOT) plan from a Florida Department of Traffic (FDOT) licensed provider. In addition, ~~signed letters of approvals~~ signature surveys must be obtained from a minimum of 80% (preferably 100%) of the affected properties within the block, and/or business/residential associations in the area, if applicable. Based on the location, the Office of Film & Print will identify which entities are to be notified. All meters within closure must be reserved by production.

G. Signage

Signage to direct cast/crew or any other production elements ~~is not permitted and should not be posted~~ is permitted only by specific film permitted use and must be removed immediately upon completion of permitted activity. ~~Please use printed directions and detailed maps to direct cast/crew to parking and production sites. Please direct any further inquires about signage to the Film & Print Division prior to filming dates. Costs incurred for any removal of left signage will be forwarded to the permittee and must be satisfied before issuance of any further permitting.~~

H. Traffic Interruption/ Driving Shots

All productions that require any amount of traffic interruption require prior approval. Traffic interruption for vehicles (~~both cars and boats~~) or pedestrians requires specific information to be relayed to the Film & Print Office prior to approval. All traffic interruption will be directly coordinated on-site by the Off-Duty officer in accordance with the permit.

All requests for driving shots must apply for "Miami Beach Driving Shots" on the Film & Print permit application. Driving Shots that require a process rig, car to car that impedes the flow of traffic, car mounts or any traffic control require off-duty police escort. Each road has specific restrictions and may require additional permit in accordance with county or state law. Any driving shots on Ocean Drive may require notice and/or approval of the Ocean Drive Association.

I. Parking

Most productions require some level of parking arrangements. When an applicant requires on-street meter rentals or parking spaces in City parking lots/garages, arrangements must be made with the City Parking Department, in conjunction with the Office of Film & Print. Due to the high demand for parking spaces in the City of Miami Beach, the Parking Department will only rent parking meters for vehicles essential to production and/or to clear parking spaces for the production (no visible vehicles in the

shot). All production vehicles must park in legally designated parking spaces and/or lots. Vehicles parked in unauthorized areas (e.g., handicapped spaces, loading zones, fire lanes, alleyways, lanes of traffic, unlicensed lots, residential zones, etc.) without official authorization will be fined and/or removed. Loading zones are for expeditious loading and unloading and can not exceed 30 minutes in time. Production vehicles are prohibited from parking on Ocean Drive.

Requests for parking meters that have a direct impact on a business or residence may be required to be accompanied by an letter of consent approved signature survey from the affected business/property owner/ manager prior to the meter rental being approved. ~~Production vehicles that park adjacent to private properties must issue prior notification or obtain approval from the business/property owner(s).~~ The Film & Print Office determines if (any) notification and/or approval from affected businesses/residents is needed for meter rentals prior to the permit being issued. This determination is made on a case-by-case basis.

Requests for production vehicle parking should be received by the Parking Department no later than 48 hours prior to the production date and prior to 3:00 p.m. weekdays. ~~Requests for meter rentals made less than 24 hours in advance will be assessed a late fee by the Parking Department. Enforcement of reserved Mmeters are usually bagged requires 24 hours in advance in order to provide sufficient notice to the communitynotification.~~

~~It is strongly suggested, and may be required of some productions, that orange safety cones be placed along all trucks and equipment parked on public streets/thoroughfares to increase public safety.~~

J. Parks / Recreational Facilities

The Parks Department and/or Park Supervisor must be contacted when the applicant requires the rental or reserved use of a park facility (amphitheaters, basketball/handball/tennis courts, baseball/football/soccer fields, pools, etc.). Approval and/or payment of all applicable rental fees must be made prior to the issuance of the any permit. ~~North Shore Open Space Park requires entrance and/or filming fees, all other parks require coordination with the Parks/Recreation Department prior to any use of notable impact.~~

K. Production Deposits

For some productions, a refundable \$2,500 deposit will be required for filming on public property. This deposit is primarily for those productions that will be in one location for a longer than usual time period, and with elements of the production left at the site over several days. The deposit will be used to restore or clean any areas in need not accommodated bt the production. The Film & Print office shall have discretion to require the deposit and the value of the deposit, based on intended impact.

M. Off-Duty Fire / Fire Rescue

The ~~Off-Duty~~Special Events Fire Coordinator must be contacted when the applicant requests the use of fire, pyrotechnics, or will be performing stunts/activities (crashes,

jumps, falls) that are considered life threatening or dangerous, or when a **production need to temporarily disable fire prevention devices in any facility**. In such instances, the use of Off-duty Miami Beach Fire personnel is required.

N. Off-Duty Police

Off-duty police are required on any film production if the production personnel consist of ten or more people, or any production in which the proposed activity is deemed by the Film & Print Office or the Miami Beach Police Department to present a potential hazard or inconvenience to the general public. Off-duty police officers are required for all Authorized Access uses, street and lane reductions or closures or any activity that could be mistaken as a public danger, inclusive of stunt work, fighting, use of weaponry or bearing a likeness to a police officer.

The Police Off-Duty Coordinator determines the minimum number of off-duty police personnel that will be required and is responsible for the collection of all related fees. Requests for Off-duty police personnel should be received three business days prior to the production date to ensure the request can be filled.

- Off-duty officers will be required for most residential neighborhood filming as discussed in the Residential Neighborhood Filming section of these regulations. Print productions completely contained on private residential property and not including any large crews, outside set-ups or other impact elements, may be exempt from obtaining an off-duty officer.
- Off-duty police's first priority will be to address public safety related activities, as well as providing security needs as they relate to the production.
- Off-duty officers working on a production are empowered to ensure execution of the pre-approved site plan, traffic plan and/or film permit. Officers may determine on-site modifications to the permit when public safety is an issue. Any other changes made on-site should be done in cooperation with officer(s) on-site and the Film & Print Office.
- Permittees are encouraged to disclose foreseeable labor/management disputes and other controversial issues as relative to their project as it may affect the City's ability to provide police services.
- Applications-Requests for off duty police must be received by the Off Duty Office a minimum of three-two business days prior to the date of requested service. The Off Duty office may grant exceptions, and print production may be exempt based on their discretion.
- Any approved Off-off duty requested that is cancelled by the off duty employer, must provide the Off Duty Office with a minimum of twenty-four (24) hours notice of the cancellation. Failure to provide twenty-four (24) hour notice will result in the off duty employer being responsible for the four (4) hour minimum for each employee scheduled plus the appropriate administrative charges.

O. SANITATION DEPARTMENT

The Office of Arts, Culture and Entertainment will contact the Sanitation Department when the relocation or removal of dumpsters/trash receptacles are necessary and/or when the proposed production activity interferes with regular trash collection. Please note that any production that is found illegally dumping debris/trash will be fined. In

addition, any production leaving debris/trash behind at any production location will be billed for the time, labor and equipment used by the Sanitation Department to clean-up the area.

VI. CITY WIDE PERMITS

~~"City-Wide" permit includes the use of public property (beach, parks, sidewalks etc) and exteriors of the above listed facilities~~ Miami Beach "City-wide" permit allows for small teams with minimal equipment (must be easily and quickly transported) to film on Miami Beach streets, sidewalks, City beaches and parks that do not require rental fees, assuming the production does not block pedestrian or vehicular traffic or impact private business or concessionaire without specific coordination. Equipment allowed includes camera, tripod, reflectors and battery operated lights. No generators or cabling allowed. No reserved or authorized parking permitted, including vehicles on beach or parks. "City-wide" does not include use of residential areas, which requires additional coordination and permitting from the City of Miami Beach. However, the "City-wide" permit does not allow the permit holder to interfere with any scheduled activities at any location. A representative of these venues can request that the permit holder stop all production activity and vacate the area immediately and permit holder must promptly comply. City Wide permits may be issued to print productions that are of a low-impact/small scale, and film/TV productions also low impact/small in scale that do not exceed ten people total.

VII. RESIDENTIAL NEIGHBORHOOD FILMING

Residential filming in Miami Beach, whether single family home or multi-residential condo or apartment, requires a change of zoning from residential to commercial use via a film permit. All such production activity, inclusive of filming, parking, set-dressing, load in and load out in residential Miami Beach requires a film permit or shall ve a zoning violation for the production company and homeowner. Productions desiring to film in residentially zones facilities neighborhoods are required to obtain a permit. Detailed below are the standard logistical requirements for productions of all sizes desiring to obtain permits in residential locations. No two productions are the same, and the Film & Print Office may require productions to meet additional requirements depending on the nature and scope of a production.

Productions that will require completed notification or signature forms are strongly encouraged to begin the notification and process of obtaining signatures at least one week in advance. Completed signature forms are due to the Film & Print Office no less than 48 hours prior to start of production activity.

English and Spanish language signature and notification forms are available ~~through~~ on the Film & Print Office's website (www.filmmiamibeach.com) and are mandatory for use by production companies. These forms must be used by all productions, and shall be reviewed and approved by the Film & Print Office before any distribution or signature collection.

A. Notification Forms/Requirements:

- Notification to affected neighborhood(s) is required for residential location

productions between the hours of 7:00 a.m. and 10:00 p.m. weekdays and 8:00 a.m. and 10:00 p.m. weekends and holidays. *NOTE: Times denote from the start of load-in and 'tail-lights out' to the end of load out for all production activity.

- ~~Print productions may be exempt from this requirement after the Film Office has reviewed the permit request and as long as the activity does not involve large numbers of crew/talent, any parking or equipment not located solely on primarily filming property (within the home's property), considerable equipment, special effects (e.g., pyrotechnics, rainmakers, etc.) or activity that will have a potentially significant impact on a neighborhood. These productions would not be exempt from obtaining a permit. The film office must review all permit applications within residential neighborhoods—print, film or video.~~
- Mandatory notification to the affected neighborhood should occur no less than 48 hours prior to commencement of any residential filming activity, or arrival of any production-related vehicles and/or personnel on site.
- Notification forms must be distributed to all affected areas in a neighborhood. For purposes of the regulations, the affected neighborhood shall be determined by the ~~Office of Arts, Culture and Entertainment~~Office of Film and Print. Notification must be provided to residents within a minimum of 500 feet from any filming activity and/or equipment parking. Some locations may require additional areas of notice.
- For production activity within a single-dwelling home, where multi-dwelling units are affected, ~~notification may be distributed to the~~ signature survey from the property owner, manager, condo association board of directors or individual unit owners/tenants should be provided.
- For production activity within a multi-dwelling unit, signature survey must be provided ~~to~~ from the property owner, manager or condo association board of directors and/ or notification must be distributed to all individual unit owners/tenants who are affected, as well as any affected surrounding properties.
- In certain instances, a production may be required to obtain signatures from the impacted area during normal filming hours (see the Signature Forms section of these guidelines).

B. Signature Forms/Requirements:

- Signature consent forms from affected neighborhood residents will be required for residential location production activity between the hours of 10:00 p.m. and 7:00 a.m. weekdays and 10:00 p.m. and 8:00 a.m. weekends. *NOTE: Times denote load-in and 'tail-lights out' for production activity.
- For residential location filming requests for extended hours between 10:00 p.m. and 1:00 a.m., signature consent forms from 60% of affected neighborhood residents must be obtained by production.
- For residential location filming requests for extended hours between 1:00 a.m. and 7:00 a.m., signature consent forms from 75% of affected neighborhood residents must be obtained by production.
- Print or City-wide scaled productions may request exemption from this requirement after the Film Office has reviewed the permit request and as long as the activity does not involve large numbers of crew/talent, considerable equipment, special effects (e.g., pyrotechnics, rainmakers, etc.) or activity which will have a potentially significant impact on a neighborhood.

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- Signature approvals for residential location filming during normal hours will be required in the case of exceptional filming activities (e.g., gunfire, bullet hits, fire effects, explosions, car crashes, aerial filming, etc.), or high-impact productions (e.g., large numbers of crew/talent and/or production vehicles/equipment present) as determined by the Film & Print Office based on an assessment of impact to surrounding neighborhood, and/or any situation in which the activities may present a public safety concern.
- In any instance where a production proposes to film at a residential location in excess of 14 consecutive days, regardless of filming activity, the production will be required to obtain signature consent forms from 90% of affected neighborhood residents.
- Any residential location that wishes to host in excess of 60 days of filming either consecutively or within a 6 month period will require review by an Internal Review Board assembled by the City Manager to review the request and set conditions for approval. Requests for review must obtain the 90% signature approvals before coming before the Internal Review Board.
- ~~A resident's signature, printed name and address are required on each form.~~
- ~~Original~~ Signature forms must be submitted to the Film & Print Office before a permit may be issued.
- Signature forms must be distributed to all impacted areas in a neighborhood. Signature forms must be provided to residents within 500 feet from any filming activity and/or equipment parking. Some locations may require additional areas of notice.
- For production activity within a single-dwelling home, where multi-dwelling units are affected, approval signatures will be accepted from the property owner, manager, condo association board of directors or individual unit owners/tenants. ~~Signature consent forms~~ surveys from individuals in multi-dwellings units must meet the same minimum percentages as outlined above.
- For production activity within a multi-dwelling unit, approval signatures must be obtained from all affected individual unit owners/tenants, as well as any affected surrounding properties. Signature consent forms from individuals in multi-dwellings units must meet the same minimum percentages as outlined above.
- A map created by the production company should be included with the original ~~signature forms~~ surveys upon delivery to the Film & Print Office. This map should clearly identify pertinent streets by name & block (i.e. 700 block) indicate all addresses requiring signatures, and clearly show a site plan for production including all essential equipment parking and any catering plans.
- At those addresses at which signatures are required, the map submitted to the Film & Print Office should indicate: approvals, refusals, objections, and vacancies by address. In the instance of a failure to obtain a signature at any given address, applicant must document to the Film & Print Office as to the number of attempts at making contact.
- Note: Production must inform all affected properties of any schedule changes made after distribution of original notification/signature forms.
- At all times the Film & Print Office reserves the right to require the need for Signature forms as a condition of the permit.

In recognition that any production has the most impact on adjacent properties, the Film & Print office will require a signature approval from those adjacent properties when a production qualifies as an 'signature' level production. If one of the adjacent property owners/tenants does not wish to consent, the production may request that the Film & Print office activate the City's Internal Review Board to review the production's request. The Internal Review board will have the authority to approve the production's request after considering all circumstances including the opinion of the adjacent property owner.

C. Internal Review Board

For the purposes described above, an Internal Review Board composed of representatives from the following City of Miami Beach departments will be convened; Police Department, Code Compliance, City Manager's Office, ~~Arts, Culture & Entertainment~~ Office of Film & Print, and the Parking Department. Other City Departments will be brought into the Internal Review process as determined based on the scope & impact of a particular project (Parks and Recreation, Beach Patrol, Building Department etc.). A Board Member from the Production Industry Council will also be included on the Internal Review Board.

When the activation of an Internal Review Board is required, the Film & Print office shall organize the meeting. Recognizing the often-short timeline productions must work within, all efforts will be made to ensure that process is completed quickly and with full representation of all parties involved.

Please Note

- The Office of ~~Arts, Culture and Entertainment~~ Film & Print may determine that some locations require additional areas of notification.
- Production may elect to attach an additional letter with further information relating to the shoot at their discretion.

D. Residential Parking

- Production vehicles arriving on location in or near a residential neighborhood shall not enter the area before the time stipulated in the permit, and notification/signature forms, and must park in approved areas one by one, turning off engines as soon as possible.
- Residential productions may only arrange for immediate location parking of essential production equipment. The parking of private cast/crew vehicles on public streets is prohibited at all times. In all instances, arrangements should be made by the production company to legally park cast/crew vehicles on private property, legally available spaces or shuttle personnel to set. Use of City-owned swale (area abutting the street) is prohibited.
- All production vehicles on location must have a window placard on dashboard identifying the production company and/or project name. Several areas in Miami Beach are restricted to Residential Permit parking only, Monday through Friday 6:00 p.m. through 7:00 a.m., and 24 hours Saturday and Sunday. Productions in these areas must make arrangements with the Police and

Parking Departments to demarcate and secure the necessary sites.

- ~~Friday 6:00 p.m. through 7:00 a.m., and 24 hours Saturday and Sunday. Productions in these areas must make arrangements with the Police and Parking Departments to demarcate and secure the necessary sites.~~

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E. CODE OF CONDUCT

The City of Miami Beach Code of Conduct for Film & Print Productions must be distributed with all notification or signature approval forms, and crew should also be copied and made aware of the Code of Conduct.

VIII. MORATORIA

The City Manager or his designee has sole discretion to place a temporary moratorium on locations and neighborhoods that have experienced 'burn-out' as a result of previous high volume or large impact filming.

IX. ENFORCEMENT

- ~~Permits shall be maintained at the site on which the photography or filming occurs. Permits shall be presented on the request of any police officer or code compliance officer.~~
- ~~Persons engaged in a Film & Print without a permit or otherwise in violation of the guidelines herein, shall be subject to enforcement by City police or Code Compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines and/or partial or full default of security deposit:~~
 - ~~For the first offense within a 12 month period a fine of \$500;~~
 - ~~For the second offense within a 12 month period a fine of \$1,500; and~~
 - ~~For the third offense within a 12 month period and subsequent offenses a fine of \$3,000.~~

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Enforcement may include arrest for violation of Section 12-5 of the City Code, and/or enforcement as provided for in section 1-14 of this Code, and/or notices of violation referred to Special Masters, who have authority to issue fines or enforce compliance, as provided for in Chapter 30 of the City Code. Police or Code Compliance officers will coordinate enforcement with the Department of Tourism and Cultural Development. As an alternate and supplemental remedy, the City may enforce these Guidelines by injunctive relief in any court of competent jurisdiction and, in such circumstances the City shall be entitled to recover its reasonable attorneys' fees and costs

Violations of a Film & Print Permit

An issued Film & Print permit will have terms and conditions intended to be followed by the producer and/or permittee, unless specific arrangements are made only by the City Manager or his/her designee, in writing, after the event permit is issued. Should such conditions and/or arrangements be disregarded by the producer and/or permittee, his or her vendors or participants, whether witnessed by City personnel or established by photographic or other evidence or testimony afterwards, the producer and/or permittee would be in violation of the Film & Print permit and be subject to enforcement proceedings as provided by City Code and/or these guidelines.

With the exception of violations for which no correction is possible (e.g. noise violation, production without a required permit, etc.), if the violation is observed by City staff during the active production, the Film & Print producer/permittee will be given a time-certain opportunity (30 minutes or other time period as specified by the City Manager or designee) to correct the violation. Notwithstanding, the City retains discretion to proceed directly to the issuance of a notice of violation if the violation is egregious and/or violates conditions expressly provided for in the permit, or if a prior verbal warning for a violation of the Film & Print Permit has already been provided. Multiple violations shall be treated as one instance when simultaneously observed. Examples of Film & Print permit violations may include, but are not limited to the following, unless specified by the special event permit: violation of the noise ordinance; unauthorized use of public space; use of unpermitted structures, generators or production elements; improper utilization of the Vehicle Access Pass policy; violation of Florida Department of Environmental Protection (DEP), Miami-Dade Environmental Resource Management (DERM) or Florida Department of Transportation (FDOT) conditions; unauthorized use of branding, promotional activities or sampling; damaging public property without prior approval; or inability to effect proper sanitation plan. Any event that takes place without a Film & Print permit cannot by its nature be corrected and must be cited and shut down immediately.

The City may issue a verbal warning for first time violations in lieu of a first offense fine.

Such fines are in addition to and separate from any violations issued by the City for noncompliance with other sections of the City Code. Enforcement of the above shall be subject to appeal to the Special Master. The City reserves its rights to pursue alternate enforcement proceedings and penalties as provided for and allowed by law.

The following penalties shall be imposed in addition to any fines for violations specified above or of Section 12-5 of the City Code:

- If the offense is the fourth offense within the preceding 12 month period of time, in addition to the fine, the property and/or Film & Print producer and/or permittee will be restricted from receiving a Film & Print permit for a three (3) month period of time.
- If the offense is the fifth offense within six (6) months following the fourth offense, in addition to any fine, the property and/or Film & Print producer or and/or permittee will be restricted from receiving a Film & Print permit for an additional six (6) months period of time. Furthermore, the property and/or the Film & Print producer and/or permittee are considered to be a habitual offender.
- Notwithstanding the above, for repeat and/or habitual offenders, the City Manager may decline to issue future Film & Print permits to such person or entity for one year, or such other period as the City Manager deems appropriate.

Each violation shall constitute a separate offense for which a separate fine shall be imposed.

An offense shall be deemed to have occurred on the date the violation occurred. Restrictions imposed pursuant to this section shall be imposed by City Administration after finding an offense warranting suspension or restriction has occurred.

~~Persons engaged in film and print activities without a permit, or otherwise in violation of a permit, shall be subject to enforcement by City police or code compliance~~

~~officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to arrest, and/or enforcement as provided for in section 1-14 of this Code, and/or notices of violation referred to Special Masters, who have authority to issue fines or enforce compliance, as provided for in Chapter 30 of this Code. Police or code compliance officers will coordinate enforcement with the Office of Arts, Culture & Entertainment. As an alternate and supplemental remedy, the City may enforce this ordinance by injunctive relief in any court of competent jurisdiction, and in such circumstance the City shall be entitled to recover its reasonable attorneys' fees and costs. For repeat offenders, the Manager or designee may decline to issue permits to such person or entity for one year, or such other period as the Manager deems appropriate.~~

IX. MISCELLANEOUS

- ~~Cast/crew may not trespass onto other neighbor's or merchant's property. All personnel should remain within the boundaries of the property that has been permitted for filming.~~
- ~~Residents should never be prevented from accessing their street, driveway or home as a result of film production except for brief periods when scenes are being shot.~~
- ~~Production shall make every effort to maintain minimal noise levels at all times. In the performance of the filming activity, vehicle engines and generators shall be turned off as soon as possible, crew shall refrain from unnecessary shouting and production radio volumes shall be conducive to effecting communication without being obtrusive to the surrounding neighborhood. If complaints of excessive noise levels occur, a representative of the production company shall attempt to identify, correct and/or modify the noise source.~~
- ~~Removing, trimming and/or cutting of vegetation or trees are prohibited unless approved by the Film & Print Office and/or property owner and coordinated with City Parks Department. In most instances, a County and or State DEP tree trimming or removal permit will be required.~~
- ~~Productions may not impede normal residential services such as garbage collection and street cleaning without securing prior City approval.~~
- ~~At no time may production disrupt regular mail service.~~
- ~~Arrangements for the removal of production-generated refuse are the sole responsibility of the production.~~
- ~~When blockage of pedestrian right of way is anticipated, productions must submit a site plan to the Office of Film & Print Arts, Culture and Entertainment for approval.~~
- ~~ADA complaint Crossovers and/or non-slip rubber matting must be used to safely cover all cables placed on streets and sidewalks.~~
- ~~When filming occurs where pedestrians who are not associated with the production will be present, production representatives proper wayfinding signage must be provided by the production company and Off-duty officers shall be stationed throughout the set in order to direct pedestrians politely and safely through or around set.~~
- ~~Catering may only occur in pre-approved areas, and may not present any safety hazard or public nuisance.~~
- ~~All smoking refuse must be properly disposed of in marked 'butt-cans' or other~~

specifically designated receptacles.

- Cast/crew may not bring pets to location, unless part of the production, and noted on the permit.
- Signs utilized for the direction of cast/crew must be ~~hung with plastic wrap (i.e., yellow "caution" tape) string or plastic coated wire~~ identified by location in advance and removed immediately upon completion of permitted use. Signs that are not removed promptly after production may be subject to a fine.
- ~~The Office of Arts, Culture and Entertainment may require cast/crew to wear identification badges when on location.~~

X. REVISIONS

Revisions to these Film and Print Regulations proposed by Administration may be approved by the City Manager. City Manager may determine that the nature of a revision(s) is such that Mayor and Commission approval will be needed, in the form of a resolution.

XI. COMMUNITY

Miami Beach is proud of its community's spirit of giving and cooperation. We invite production companies who film in Miami Beach to contribute leftover food and expendables to local non-profit groups needing assistance. For a list of non-profit groups, please contact the Film & Print Office. We appreciate any efforts you make to assist our community in better understanding the production process. The Film & Print Office will assist in facilitating appointments for members of your cast or crew to talk to students in local schools and meet with members of our community.

The City of Miami Beach is undergoing an extensive effort to improve quality of life in our residential neighborhoods. Productions are encouraged to consider assisting in these neighborhood initiatives. If a production is capable of making lasting contributions to the community, the City would be happy to help facilitate these efforts.

XII. OTHER GOVERNMENT AGENCIES

A. Miami-Dade County Beach Maintenance

Miami-Dade County Beach Maintenance must be contacted when the applicant requires the beach to be raked and cleaned prior to the regular scheduled maintenance or when the applicant's presence on the beach may interfere with the regular scheduled maintenance. (Beach Maintenance: 305/868-7075)

B. Florida Department of Transportation

Contacted when the applicant will be filming on State roadways (MacArthur Causeway, Arthur Godfrey Road, Julia Tuttle Causeway, Alton Road, Fifth Street, Collins Avenue north of 5th Street, Indian Creek Drive) that are within the City's boundaries but are under the jurisdiction of the State. If the applicant will be interfering with the normal flow of vehicular traffic on these roadways, a State permit must be obtained in addition to the City's permit and the use of City of Miami Beach Police Off-Duty personnel is mandatory. (FDOT: 305/470-5368)

C. Miami Dade County Turtle Program

It is turtle nesting season each year April through October and activities on the beach may be subject to additional conditions. (For more information, please contact Bill Ahern or Jim Hoover at Haulover Beach Park, 305/947-3525).

XIII. ASSOCIATIONS & PROPERTY OWNERS

A. Mercantile Associations

Contacted when the applicant requires the use of any portion of a city block in such a manner that may interfere with daily business operations and/or pedestrian/vehicular rights-of-way.

B. Individual/Commercial Property Owners

Contacted when the applicant requests the use of public property (e.g., sidewalk, curb, loading zone, parking meter, alleyway, park area, median, roadway, etc.) directly in front, behind, across or next to a specific parcel of non-public property and/or when the individual/commercial property will appear in the production. When an individual/commercial property will appear prominently in any production, written approval from the property may be required before a permit is issued.

Confirmation from these departments, associations and property owners must be obtained by the applicant. All confirmations and/or additionally required permits will be verified by the Film & Print Office prior to the issuance of any permit.

XIV. SUMMARY

Because no two requests are the same (due to the creative nature of the entertainment industry) it may be necessary to impose additional requirements. The best guideline is courtesy to the Miami Beach community. Proper planning and notification is the key to any successful production. No matter the size of the production, all parties are encouraged to contact the Film & Print Office as soon as they know about any projects scheduled in the City of Miami Beach.

**MIAMI BEACH
FILM & PRINT DIVISION
PRODUCTION INCENTIVES PROGRAM**

The Film & Print Division of Miami Beach offers the following incentives to productions shooting in Miami Beach. To take advantage of this program productions can contact us by phone: 305/673-7070, by email: film@miamibeachfl.gov, or visit the website at www.filmiamibeach.com. We encourage any production wishing to take advantage of these incentives to contact to the City's Film & Print Division as far ahead of the production date as possible.

FILM, VIDEO AND PHOTO PRODUCTION INCENTIVE

This program is available to all permitted productions:

- A free permit option is available to all users.
- One free vehicle beach access pass per day (an off-duty Miami Beach police officer is required to be on site with any production bringing vehicles on to the beach)
- Waiver of all administrative fees related to the hiring of police off-duty officers for film, video and photo productions.

No-cost Convention Center Parking

When not in use for a convention or other City event, the Convention Center Parking Lot can be made available to productions for no-cost crew parking or base camps. This must be arranged prior to the production start date.

- ▶ NOTE: Consideration for neighboring residents and businesses would be paramount in permitting the use of this Lot. Guidelines established for Residential Filming would be applied to Convention Center parking requests and will address hours of operation and any aspects of the production that may have an impact on the surrounding residents. These guidelines require a percentage of affirmative "sign-offs" from affected neighbors for parking requests which exceed "normal" hours of operation and specifically address residential concerns in respect to productions.

Beach Access

- During the months of June through October, vehicle beach access passes (above and beyond the one free each day) shall be reduced by 50% to \$75.00 (per vehicle/per day).
- Productions which demonstrate no less than 100 Miami Beach hotel room nights (via manifest or letter from property) may receive ten vehicle beach access passes for free with any additional passes issued at the reduced rate of \$75.

Scouting Permits

Temporary scouting permits are available on a per project basis at the direction of the Film & Print Division. The permit will allow cars to park at legal metered parking at no cost and within all residential zones. It also allows a maximum of 20 minute parking in

FILM & PRINT REQUIREMENTS AND GUIDELINES 2004

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(marked) loading zones. Scouting permits are limited in time (typically not for more than one day), and are \$25 per day.

Production Company Mobile Unit (PCRIV) Permit

A PCRIV pass allows production units (RVs) to park in metered spaces without "feeding" the meters while there. This applies to legal parking spaces only and does not apply to Residential Parking Zones. The PCRIV pass is available for \$50 per month/per vehicle.

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