

ORDINANCE NO. 2022-47

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO FILMING ON SPECIFIED PROPERTY; AMENDING VARIOUS SECTIONS OF CHAPTER 20 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") RELATING TO FILM PERMITS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Senator Steve Geller)

WHEREAS, on November 4, 2021, the Broward County Board of County Commissioners ("Board") established an Office of Film to assist in the attraction of film, television, and other entertainment productions (collectively, "Productions") to Broward County;

WHEREAS, enhanced coordination between the County and municipalities in Broward County will create a more streamlined process for the issuance of permits for Productions, thereby making Broward County a more attractive destination for Productions; and

WHEREAS, to provide for that enhanced coordination, the Board desires to amend its ordinance regarding the issuance of film permits,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 20, Article XIII, of the Broward County Code of Ordinances is hereby amended to read as follows:

ARTICLE XIII. FILMING ON COUNTY SPECIFIED PROPERTY

Section 2. Section 20-261 of the Broward County Code of Ordinances is hereby repealed in its entirety, and a new Section 20-261 is hereby created to read as follows:

[Underlining omitted]

Sec. 20-261. Film, Television, and Entertainment Productions on Specified Property.

(a) *Definitions.* The following terms shall have the following meanings for the purposes of this article:

Specified Property means property that is owned or controlled by Broward County or by a Participating Municipality, including but not limited to a building, structure, facility, roadway, right of way, or other real property; and any other property for which Broward County or a Participating Municipality requires a permit for a Production.

Handheld Device means any camera or other video equipment that is designed to be held in the photographer's or filmmaker's hand and carried by the photographer or filmmaker while making a Production.

Participating Municipality means a municipality located within Broward County that has executed an interlocal agreement with the County authorizing the County to issue film permits for Productions on Specified Property.

Production means any still or live photography, or any motion picture, whether made on or by use of film, video, digital, or any other electronic device, to create motion pictures, streaming entertainment, commercials, animations, or other similar content, regardless of format or platform (such as theater, television, social media, internet, or print media).

(b) *Permits for Productions on Specified Property.*

(1) *Required.* No person or entity shall make a Production on Specified Property without first obtaining a permit from the County, unless otherwise provided herein.

(2) *Exceptions; Waivers of Permit Fees.* Nothing in this section shall require a permit for:

a. Any individual person filming, taking photographs, or video recording with a Handheld Device, solely for the individual's personal or family use, and providing the utilization does not include any the following:

1. An attempt to use the Specified Property to the exclusion of other members of the public, unless the Specified Property is licensed for the exclusive use by or on behalf of that individual;
2. Use of prop weapons, fire, pyrotechnics, prop vehicles, or stunts, or participation in the Production by individuals in any type of public safety uniform;
3. Use of language that is likely to incite imminent violence or panic; or the creation of noise that is frequent, habitual, or long, and plainly audible at a distance of twenty-five (25) feet from the area where the individual is located;
4. Use of Specified Property without invitation or permission when the property is currently contracted or licensed for the exclusive use by another person or entity;
5. Simulating the use or sale of illicit drugs; or
6. Violation of any County ordinance, rule, or regulation.

b. Any Production with three (3) or fewer individuals, provided that the Production does not involve any of the elements set forth in (b)(2)a.1. through (b)(2)a.6., above.

c. Productions by the media (e.g., reporters, photographers, camera persons, or other employees or independent contractors of a newspaper, news service, broadcast/cable/internet outlet, or similar entity) covering a news event that recently occurred or is currently ongoing on or adjacent to the Specified Property. This exception shall not apply to Productions that constitute or include simulations of events or documentaries.

Section 3. Section 20-262 of the Broward County Code of Ordinances is hereby repealed in its entirety, and a new Section 20-262 is hereby created to read as follows:
[Underlining omitted]

Sec. 20-262. Applications for Production Permits.

(a) *Permit application.* Any person or entity desiring a permit required by this article shall apply to the Broward County Film Commissioner or designee (collectively, the "Film Commissioner") on an application form developed by the Broward County Film Commission ("Film Commission"). The application must include at least the following:

- (1) Name, address (including local address), telephone number, and e-mail address of the applicant;
- (2) Locations, dates of filming, any special parking requests, details regarding the scenes to be filmed or photographed, and any County or Participating

Municipality personnel or equipment requested (e.g., police and fire department services, security services, etc.) ("Special Services");

(3) Evidence of insurance in the amount required by Section 20-263 of this article;

(4) A commitment to pay all cost recovery charges imposed or incurred by the County or the applicable Participating Municipality for the provision of any Special Services requested or required for the Production; and

(5) Any additional requirements established by the Film Commission, or any additional requirements established by the applicable Participating Municipality for permits issued for that Participating Municipality.

(b) *Permit Fees and Other Charges.* Each application for a permit shall be accompanied by a permit fee and payment of the administrative fees or other charges due to the County, if any, and proof of payment of any fees or other charges imposed by the applicable Participating Municipality. The permit fees and administrative fees for the County shall be established periodically by Resolution of the Board and included in the Broward County Administrative Code. If the Special Services for which cost recovery charges will be imposed by the County or Participating Municipality are required as a condition of permit approval, the estimated charges must be paid to the County or the Participating Municipality, as applicable, by the applicant prior to the issuance of the permit; in addition, the applicant must pay any actual costs incurred for such Special Services above the estimated amount within thirty (30) days after the County or the Participating Municipality invoices the applicant for such costs.

(c) *Permit Criteria.* Upon receipt of a completed application and payment of the fees and charges due with the application or prior to issuance of the permit in accordance with subsections (a) and (b), a permit shall be issued for the Production unless the Film Commissioner or the Director of the Office of Economic and Small Business Development determines, in their sole discretion, that the proposed Production:

(1) Unduly impedes governmental business or public access on the applicable Specified Property, or conflicts with previously scheduled activities on or near the applicable Specified Property;

(2) Threatens the health, safety, or welfare of the public, or violates local, state, or federal law; or

(3) Would violate an existing agreement between the County or the applicable Participating Municipality and a third party.

(d) *Permit Conditions.* The Film Commissioner or the County Administrator may impose reasonable time, place, and manner restrictions as a condition for issuance of a permit. Any such restrictions applicable to all permits shall be stated on the Film Commission's website; any such restrictions specific to a particular permit shall be stated in that permit. In addition, properly securing any applicable Special Services and promptly paying for all invoiced cost recovery charges for such Special Services are ongoing conditions of any issued permit.

(e) *Revocation or Suspension of Permit.* A permit issued pursuant to this section may be revoked or suspended by the Film Commissioner for any of the following reasons:

(1) Violation of any provision or restriction of the permit or this article;

(2) Any action by the applicant or its agents that the Film Commissioner determines threatens the health, safety, or welfare of the public; or

(3) Fraud or misrepresentation in the application for the permit.

(f) *Expired, Revoked, or Suspended Permit.* If a permit expires or is revoked or suspended prior to the completion of the Production, the Production must, upon the date of the expiration, revocation, or suspension, cease any and all Production-related activities at the applicable Specified Property until a new permit is issued or a suspended permit is reinstated.

(g) *Review.* If a permit application is denied or an issued permit is suspended or revoked, the applicant may, no later than ten (10) calendar days after the date of the denial, suspension, or revocation, seek review of such action to the County Administrator, who shall, in their reasonable discretion, issue a written decision on the denial, suspension, or revocation within thirty (30) days after receipt, and whose decision will be final.

Section 4. Section 20-263 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 20-263. Insurance requirements.

The applicant for a permit required by this article shall, as a prerequisite to the issuance of ~~a~~ the permit, maintain in force at all times during the ~~permit period~~ Production a comprehensive general liability policy with limits determined by the ~~d~~Director of the Broward County ~~r~~Risk ~~m~~Management ~~d~~Division upon a review of the particular circumstances involved. Said applicant, as a prerequisite to the issuance of a permit, shall provide to the ~~County Administrator or his designee~~ Film Commissioner a certificate of

insurance evidencing that ~~said~~ the required insurance is in existence and certifying that Broward County ~~is a~~ and any applicable Participating Municipality are the named insureds and that Broward County and the applicable Participating Municipality shall be given thirty (30) days' notice prior to the expiration or cancellation of the policy.

Section 5. Section 20-264 of the Broward County Code of Ordinances is hereby repealed in its entirety, and a new Section 20-264 is hereby created to read as follows:
[Underlining omitted]

Sec. 20-264. Authority of the Film Commissioner.

The Film Commissioner is authorized to facilitate and coordinate the use of Specified Property for each Production consistent with the issued permit. The authority of the Film Commissioner also includes responsibility for:

(a) Administering interlocal agreements that authorize the County to issue permits on behalf of a Participating Municipality, conform to the requirements of this article, and state any applicable additional requirements of the Participating Municipality for Productions;

(b) Issuing, suspending, revoking, or denying permits;

(c) Coordinating schedules for permitted Productions to minimize conflicts and to monitor each Production's compliance with applicable rules and regulations relating to the permit; and

(d) Facilitating issuance of any necessary additional permits and arrangements for the provision of Special Services as may be requested or required for a Production.

Section 6. Section 20-265 of the Broward County Code of Ordinances is hereby repealed in its entirety, and a new Section 20-265 is hereby created to read as follows:

[Underlining omitted]

Sec. 20-265. Enforcement.

The permit and other requirements as provided for in this article may be enforced by code enforcement officers, including municipal code enforcement officers, and any law enforcement agency having jurisdiction over the Specified Property, pursuant to Section 125.69 or Chapter 162, Florida Statutes, or any applicable municipal code enforcement provision.

Section 7. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 8. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 9. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED December 6, 2022

FILED WITH THE DEPARTMENT OF STATE December 7, 2022

EFFECTIVE December 7, 2022

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Sara F. Cohen 12/06/2022
Sara F. Cohen (date)
Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg 12/06/2022
Nathaniel A. Klitsberg (date)
Senior Assistant County Attorney

SFC/cv
Film Permitting Ordinance
12/07/2022
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.