

# MEMORANDUM

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Agenda Item No. 3(F)

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**TO:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

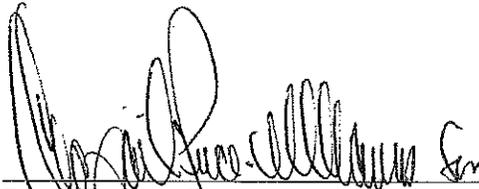
**DATE:** December 12, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution approving and  
authorizing the execution of  
the attached interlocal  
agreement between the Town  
of Cutler Bay and Miami-Dade  
County to provide film  
permitting services

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The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum



**Date:** January 23, 2013

**To:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Authorizing an Interlocal Agreement with the Town of Cutler Bay regarding Film  
and Photography Production Companies

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## Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution authorizing an Interlocal Agreement (Agreement) between the Town of Cutler Bay and Miami-Dade County that will allow the County to issue permits to film, television, and still photography production companies desiring to use the Town's facilities. The attached resolution further authorizes the County Mayor or the County Mayor's designee to execute the Agreement in substantially the form attached hereto.

## Scope

The Agreement applies to any film, television, and still photography production using facilities located in the Town of Cutler Bay within the boundaries of Commissioner Lynda Bell's District 8.

## Fiscal Impact

Approval of this item will generate additional revenue for Miami-Dade County's Department of Regulatory and Economic Resources (RER) Film and Entertainment Office, which will receive a \$100.00 application fee for every film permit processed on behalf of the Town of Cutler Bay.

## Monitoring

This Agreement will be monitored by Sandy Lighterman, Film and Entertainment Industries Liaison, RER.

## Background

With the approval of Ordinance 91-50, the Film and Entertainment Office provides one-stop film permitting services for many of Miami-Dade County's municipalities to facilitate film, television, and still photography authorizations quickly and efficiently. This approach helps create a "film friendly" environment within Miami-Dade County for film and television production, and encourages more production as a result.

Without the execution of this Agreement, film, television and still photography companies desiring to conduct business in Miami-Dade County will encounter barriers up until production, as each Municipal boundary crossed will require an additional permit, unnecessary paperwork, further man hours and additional fees. This simplified one-stop permitting service has enhanced Miami-Dade County's ability to efficiently process film permits for all of the filming locations, no matter the jurisdiction.

This item will authorize those services to be performed for the Town of Cutler Bay. The one-stop permitting service is one of the single most effective enticements Miami-Dade County has to attract the ever increasing number of film, television and still photography shoots to this community.



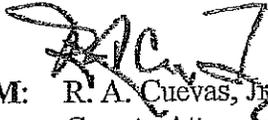
Jack Osterholt, Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** January 23, 2013

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
1-23-13

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AND AUTHORIZING THE  
EXECUTION OF THE ATTACHED INTERLOCAL  
AGREEMENT BETWEEN THE TOWN OF CUTLER BAY  
AND MIAMI-DADE COUNTY TO PROVIDE FILM  
PERMITTING SERVICES

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves the Interlocal Agreement between the Town of Cutler Bay and Miami-Dade County providing for film permitting by the Miami-Dade County Film and Entertainment Office on behalf of the municipality, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or the County Mayor's designee to execute the same for and on behalf of Miami-Dade County and to exercise the cancellation provisions contained therein.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 23<sup>rd</sup> day of January, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Eric A. Rodriguez

**INTERLOCAL AGREEMENT  
FILM PERMITTING  
MIAMI-DADE COUNTY – TOWN OF CUTLER BAY**

**WHEREAS**, the Board of County Commissioners passed Ordinance 91-50, in order to effect a one stop permitting process within the Film and Entertainment Office (Film Office) of the Miami-Dade County's Department of Regulatory and Economic Resources Business Affairs Division and the Town of Cutler Bay (Town).

**WHEREAS**, the Ordinance provides Miami-Dade County the authority to enter into an Interlocal Agreement with the various municipalities within Miami-Dade County in order to afford the Miami-Dade County's Film and Entertainment Office the ability to permit for use of municipal property and services; and

**WHEREAS**, the various municipalities have expressed willingness to enter into this agreement with Miami-Dade County to perform this function on their behalf.

**NOW THEREFORE**, for and in consideration of the terms, conditions and covenants contained herein, Miami-Dade County and the Town of Cutler Bay hereto agree as follows:

1. Purpose: The Town of Cutler Bay hereby authorizes Miami-Dade County, through its Film Office, to issue permits to film and still photography production companies allowing them to utilize the Town's facilities and services as authorized by the Town.
2. Term: The Town grants authorization to Miami-Dade County, through its Film Office, to issue permits for the period of five years, commencing ten (10) days from the date of approval of this agreement by both parties.
3. Option to Renew: The Miami-Dade County or the Town of Cutler Bay may, upon written notice to the other, thirty (30) days prior to the expiration of this agreement, renew this agreement for a period of five years.
4. Cancellation: This agreement may be canceled by either party by providing a prior written 30 days in advance notice of intent to terminate, with, or without cause. Any permits which may have been issued prior to termination, but covering dates after the termination date, will be honored.
5. Liaison: The Town will appoint a representative to act as liaison to the Film Office, and who will coordinate the Town's facilities and services, and who shall have the authority to authorize the issuance of permits by Miami-Dade County on behalf of the Town.
6. Advance Notice: Miami-Dade County agrees to provide written notice to the Town, via email, facsimile and/or U.S. mail of requests for the Town's facilities or services within one working day of receipt of the request from a production company for such service. The Town retains the right to deny issuance of a permit based on insufficient advance notice.

7. Insurance: Miami-Dade County, through its Film Office agrees to obtain from any production company issued a permit for the Town of Cutler Bay, an insurance certificate, naming the Town of Cutler Bay as additionally insured, in the amount of One Million dollars (\$1,000,000.00) for film production and for still photography, providing for comprehensive general liability coverage. In the event that Miami-Dade County fails to verify the required insurance and, the Town has not waived said requirements, Miami-Dade County shall assume liability under the State's Tort Law, within limitations described by SS 768.28 of the Florida Statutes. Verifying insurance means that Miami-Dade County obtains a copy of the production company's liability insurance policy naming the Town as an additional insured in the amounts described above.
8. Refusal: The Town's Manager in his/her discretion maintains the right to reject any permit application if the Town Manager determines that it would not be in the best interest of the Town to approve the permit application and the granting of the permit would not serve to promote the general welfare of the community.
9. Non Exclusive Rights: The Town retains the right to issue authorization to any production company directly and without notice to the Miami-Dade County's Film Office.
10. Priority Service Consideration: Miami-Dade County agrees that the Town's services will be given first right to provide support service to production companies which are utilizing the Town's property.
11. Guidelines: The Town agrees to provide in writing, guidelines that govern the issuance of permits issued on behalf of the Town. These guidelines are subject to revision at any given time; subject to a ten (10) day written notice to Miami-Dade County's Film Office. These guidelines must conform to law.
12. Facilities: The Town agrees to provide in writing, a schedule of facilities, services and associated fees and required deposits to which, it desires to make available for use. Further, Miami-Dade County agrees to forward any requests for special facilities which the Town may own or control and may be requested by a production company.
13. Collections: The Town agrees that they will be responsible for the billing and collection of any fees or charges assessed to a production company for use of facilities and/or services and Miami-Dade County will in no way be liable for such charges, if unpaid. Miami-Dade County shall not issue permits to film and still photography production companies that have unpaid fees or charges assessed by the Town of Cutler Bay under this section, provided the Town has notified Miami-Dade County of such unpaid fees or charges.
14. Hold Harmless: The Town agrees that they will hold Miami-Dade County harmless and that Miami-Dade County will be in no way be held liable for any damages caused by a production company permitted to film in the Town, where the permit was issued with the appropriate authorization of the Town's Liaison.
15. Cooperative Marketing: Miami-Dade County agrees to include the Town in any

cooperative marketing material which may be issued from Miami-Dade County Film Office, and the terms and costs will be determined at the time of production. Further, Miami-Dade County agrees to list the Town of Cutler Bay by name in any reference to "one stop permitting and its participating municipalities".

16. Facility Photo File: The Town agrees to provide Miami-Dade County with photographs of available areas or facilities which the Town wishes to promote for the use of film production and Miami-Dade County agrees to make this material available to production companies, in an effort to market the Town, Miami-Dade County and South Florida to the film industry.

17. Notice: All legal notices regarding this Agreement must be sent to the following address:

Miami - Dade County  
Deputy Mayor Jack Osterholt  
Attn: Office of Film & Entertainment  
111 NW 1 Street, Suite 2200  
Miami, FL 33128

Town of Cutler Bay  
Town Mayor  
10720 Caribbean Blvd, Suite 110  
Cutler Bay, Fl 33189

18. This Agreement may be amended only by the mutual written consent of both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their appropriate officials, as of the initial date written above.

ATTEST:

Harvey Ruvlin, Clerk  
MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Clerk, Miami-Dade County

BY: \_\_\_\_\_  
Carlos A. Gimenez  
Mayor  
Miami-Dade County

Approved as to legal form  
and sufficiency:   
Miami-Dade County Attorney

\_\_\_\_\_  
ATTEST:

\_\_\_\_\_  
Town of Cutler Bay  
Pursuant to  
Resolution # 2011-035

BY \_\_\_\_\_  
Clerk, Town of Cutler Bay

BY \_\_\_\_\_  
Mayor  
Town of Cutler Bay

Approved as to legal form  
and sufficiency: \_\_\_\_\_  
Attorney for Town of Cutler Bay