

1 ORDINANCE NO. 2022-47

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

7 (Sponsored by Senator Steve Geller)

8

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

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

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

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

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

23 **ARTICLE XIII. FILMING ON COUNTY SPECIFIED PROPERTY**

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25 repealed in its entirety, and a new Section 20-261 is hereby created to read as follows:

26 [Underlining omitted]

27 (SEE ORDINANCE 2023-37 FOR AMENDMENTS TO SECTION 20-261)

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29 repealed in its entirety, and a new Section 20-262 is hereby created to read as follows:

30 [Underlining omitted]

31 **Sec. 20-262. Applications for Production Permits.**

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

36 (1) Name, address (including local address), telephone number, and e-mail  
37 address of the applicant;

38 (2) Locations, dates of filming, any special parking requests, details regarding  
39 the scenes to be filmed or photographed, and any County or Participating

- 40 Municipality personnel or equipment requested (e.g., police and fire  
41 department services, security services, etc.) ("Special Services");
- 42 (3) Evidence of insurance in the amount required by Section 20-263 of this  
43 article;
- 44 (4) A commitment to pay all cost recovery charges imposed or incurred by the  
45 County or the applicable Participating Municipality for the provision of any  
46 Special Services requested or required for the Production; and
- 47 (5) Any additional requirements established by the Film Commission, or any  
48 additional requirements established by the applicable Participating  
49 Municipality for permits issued for that Participating Municipality.
- 50 (b) *Permit Fees and Other Charges.* Each application for a permit shall be  
51 accompanied by a permit fee and payment of the administrative fees or other charges  
52 due to the County, if any, and proof of payment of any fees or other charges imposed by  
53 the applicable Participating Municipality. The permit fees and administrative fees for the  
54 County shall be established periodically by Resolution of the Board and included in the  
55 Broward County Administrative Code. If the Special Services for which cost recovery  
56 charges will be imposed by the County or Participating Municipality are required as a  
57 condition of permit approval, the estimated charges must be paid to the County or the  
58 Participating Municipality, as applicable, by the applicant prior to the issuance of the  
59 permit; in addition, the applicant must pay any actual costs incurred for such Special  
60 Services above the estimated amount within thirty (30) days after the County or the  
61 Participating Municipality invoices the applicant for such costs.

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

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

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

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

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

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

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

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

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

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

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

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

153 **Sec. 20-263. Insurance requirements.**

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

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

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

166 [Underlining omitted]

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

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

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

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

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

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

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

183 [Underlining omitted]

184 **Sec. 20-265. Enforcement.**

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

190 Section 7. Severability.

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

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

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

203 Section 9. Effective Date.

204 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  
#615245

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.