

ORDINANCE NO. 2023-37

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO FILMING ON SPECIFIED PROPERTY;  
3 AMENDING SECTION 20-261 OF THE BROWARD COUNTY CODE OF ORDINANCES  
4 (“CODE”) RELATING TO FILM PERMITS; AND PROVIDING FOR SEVERABILITY,  
5 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)  
7

8 WHEREAS, on December 6, 2022, the Board of County Commissioners enacted  
9 an ordinance regarding the issuance of film permits in Broward County (“Film  
10 Ordinance”);

11 WHEREAS, the Film Ordinance was designed to enhance coordination between  
12 the County and municipalities in Broward County, thereby creating a more streamlined  
13 process for the issuance of film permits; and

14 WHEREAS, based upon initial implementation of the Film Ordinance and feedback  
15 from various municipalities and stakeholders, the Film Commissioner recommends  
16 certain changes to be made to further enhance coordination with the municipalities,

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

19 Section 1. Section 20-261 of the Broward County Code of Ordinances is hereby  
20 amended to read as follows:

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

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

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

29 *Handheld Device* means any camera or other video equipment that is designed to  
30 be held in the photographer's or filmmaker's hand and that is carried by the photographer  
31 or filmmaker ~~while~~ during the making of a Production on Specified Property.

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

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

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

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

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

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

50 a. Any ~~individual~~ person or entity using a single Handheld Device to  
51 filming, taking photographs, or video recording with a Handheld  
52 Device, solely for ~~the individual's~~ personal or family use, ~~and~~  
53 ~~providing~~ provided the utilization activity does not include any of the  
54 following:

55 1. An attempt to use the Specified Property to the exclusion of  
56 other members of the public in such a way as to interfere with  
57 the intended use of the Specified Property or to impede or  
58 divert the flow of pedestrian or vehicular traffic, unless the  
59 Specified Property is licensed by or on behalf of that person  
60 or entity for their exclusive use ~~by or on behalf of that~~  
61 ~~individual~~;

62 2. Use of prop weapons, fire, pyrotechnics, prop vehicles, or  
63 stunts, or participation in the Production by individuals in any  
64 type of public safety uniform;

65 3. Use of language that is likely to incite imminent violence or  
66 panic; or the creation of noise that is frequent, habitual, or

- 67 long, and plainly audible at a distance of twenty-five (25) feet  
68 from the area where the individual is located;
- 69 4. Use of Specified Property without invitation or permission  
70 when the property is currently contracted or licensed for the  
71 exclusive use by another person or entity;
- 72 5. Simulating the use or sale of illicit drugs; ~~or~~
- 73 6. Violation of any other County ordinance, rule, or regulation;  
74 or
- 75 7. Filming, photographing, or video recording any area where  
76 such activity is prohibited or restricted under federal, state, or  
77 local law or regulation.
- 78 b. Any Production with ~~three (3) or fewer individuals~~ on Specified  
79 Property by a single individual and that does not involve other  
80 physically present individuals hired or otherwise retained to  
81 participate in or assist with the Production, provided that the  
82 Production does not involve any of the elements set forth in (b)(2)a.1.  
83 through (b)(2)a.~~6~~7, above.
- 84 c. Productions by the media (e.g., reporters, photographers, camera  
85 persons, or other employees or independent contractors of a  
86 newspaper, news service, broadcast/cable/internet outlet, or similar  
87 entity) covering a news event that recently occurred or is currently  
88 ongoing on or adjacent to the Specified Property. This exception

89 shall not apply to Productions that constitute or include simulations  
90 of events or documentaries.

91 d. Notwithstanding any exemption from permitting requirements  
92 provided for in this section, any Production within any area of an  
93 airport, seaport, courthouse, or government building may be subject  
94 to certain reasonable, viewpoint neutral restrictions imposed by the  
95 owner or operator of such Specified Property, and approval of same  
96 may be required prior to commencing a Production in any such area.

97 Section 2. Severability.

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

104 Section 3. Inclusion in the Broward County Code of Ordinances.

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

110 Section 4. Effective Date.

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

ENACTED October 24, 2023

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Sara F. Cohen 09/20/2023  
Sara F. Cohen (date)  
Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg 09/20/2023  
Nathaniel A. Klitsberg (date)  
Senior Assistant County Attorney

SFC/cv  
Amended Film Ordinance  
10/24/2023  
#1054562.4

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