

MAY 01 1989

RESOLUTION NO. 89-M-23

A RESOLUTION PROVIDING POLICY AND PROCEDURES TO BE UTILIZED BY THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, IN THE ISSUANCE OF MOTION PHOTOGRAPHY PRODUCTION PERMITS.

WHEREAS, the Board of County Commissioners of Orange County, Florida has enacted an Ordinance under the terms of which the County Administrator, or his designee, is vested with authority to issue motion photography production permits upon his satisfaction that certain basic requirements are met to insure that the public health, safety and welfare of Orange County is not harmed or unduly threatened by permitted motion photography production activities as described in said Ordinance and that the County recovers its expenses incurred in extraordinary support of motion photography production; and

WHEREAS, the inherent nature of the commercial motion photography production process is such that flexibility and discretion are required in such permitting process due to the constantly changing nature of the activities to be permitted thereby,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Name and Purpose of Resolution.

This Resolution may be referred to as the "Motion Photography Permitting Resolution." The purpose of this Resolution is to establish a one-step permitting process for motion photography endeavors on public property owned or controlled by or under the jurisdiction of Orange County or utilizing County equipment, facilities or personnel and to provide a means whereby acts otherwise prohibited by the Code of Laws of Orange County may be allowed during motion photography production, and to provide under the permitting process an exemption from certain provisions of the Code of Laws of Orange County and various regulatory Resolutions made pursuant thereto; all in recognition of the favorable economic impact of the motion picture and television industry upon Orange County.

Section 2. Definitions.

The following words, terms and phrases, when used in this Resolution, shall have the meanings respectively ascribed to them in this section, except where the context clearly requires otherwise:

(1) *COUNTY ADMINISTRATOR* means the County Administrator of Orange County; and additionally, employees of the Office of the County Administrator, the Manager of the Department of General Services and the E.D.C. Film Commissioner when, and to the extent that, such parties are so designated by the County Administrator to execute his authority as granted herein.

(2) *COUNTY EQUIPMENT* is any tangible property, other than real property, purchased by public funds and utilized in the normal course and scope of providing governmental service by Orange County.

(3) *COUNTY FACILITY* is any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of Orange County including, but not limited to, County parks and recreation facilities and the Orange County Convention/Civic Center.

(4) *E.D.C. FILM COMMISSIONER* is the Director of the Motion Picture and Television Division for the Economic Development Commission of Mid-Florida, Inc.

(5) *MOTION PHOTOGRAPHY* is the commercial taking or making of a motion picture, television, videotape, or film production utilizing County equipment or utilizing County facilities.

This term shall include, and a production permit shall be required for, such productions on private property not at a studio:

- (i) involving the erection of tents or other temporary structures,
- (ii) involving the use of pyrotechnics, explosives, or other incendiary devices,

Section 5. Application For Permit.

(1) Any person seeking the issuance of a production permit shall file an application with the County Administrator on forms provided by him. Said application shall be filed not more than one hundred eighty (180) days before, and not less than ten (10) working days before, the commencement of production. The application shall be signed, under oath, by an authorized representative of the applicant.

(2) The application shall contain at least the following information:

(a) Location(s) of the production with real dates, rain dates, if appropriate, times and special arrangements.

(b) Duration and type of the production.

(c) Proof of general liability insurance coverage in the amount of at least One Million (\$1,000,000.00) Dollars with Orange County named as an additional insured.

(d) Special effects to be utilized, especially incendiary or explosive devices, with proof of Five Million (\$5,000,000.00) Dollars liability insurance therefor, with the County as an additional named insured. In addition, the application shall list the person in charge (pyrotechnician) of such special effects together with his qualifications and licensure by the applicable federal and/or state agencies.

(e) Proposed utilization of County equipment and/or personnel.

(f) Necessity for closures of public streets, ways or sidewalks and the specific duration and dates of such closures.

(g) A written summary or explanation of the portion of the production to be filmed within the unincorporated area of Orange County.

(h) Number and type of vehicles and/or equipment and number of production personnel to be on location with the production activity to be permitted.

(iii) emitting noise sufficient to violate the Noise Control Ordinance of Orange County.

This term shall not include the shooting of such film at studios constructed for such purpose where no County equipment or County facilities are involved and shall not include any news, news feature, or documentary production.

(6) *MOTION PHOTOGRAPHY PRODUCTION PERMIT* (also referred to herein as "Production Permit" or "Permit") is the permit required herein.

Section 3. County Administrator Authorized to Issue Permits.

The County Administrator, as defined hereinabove, shall have authority to issue motion photography production permits upon satisfaction of all requirements imposed by this Resolution and upon a showing to him that the public health, safety and welfare of Orange County are not endangered or unduly hampered by conduct of the activity permitted.

With regard to a permitted motion photography production activity, no other County permits shall be required; other than such preliminary permits as may be required by the various County Division and Departments concerned with health and safety, which preliminary permits shall be submitted to the County Administrator together with the application for the production permit.

Section 4. E.D.C. Film Commissioner May Be Designated As Agent.

The E.D.C. Film Commissioner may be hereby authorized by the County Administrator to act as an agent for the County Administrator in the receipt and processing of applications for production permits. After review and approval by the County Administrator of any application for a production permit, the E.D.C. Film Commissioner may then be authorized by the County Administrator to issue a permit.

(i) A statement describing in detail any activity which may result in a level of noise in excess of the restrictions imposed by the Noise Control Ordinance of Orange County.

(j) An agreement to pay for extraordinary services provided by the County.

The application shall be accompanied by a script or storyboard of the project.

(3) The application for permit, when filed with the County Administrator, shall be accompanied by the endorsements of such County officials as may be concerned with the nature of the activity permitted. Such endorsements shall state the recommended approval of the application or the recommended disapproval, with reasons stated for such disapproval, and an estimate of any cost incurred by the County for extraordinary services.

The County Administrator shall receive such recommendations and estimates as required by the nature of the activity being permitted from any of the following officials requested by him so to do:

The County Traffic Engineer

The County Risk Manager

The County Fire Official

The County Zoning Official

The County Building Official

The Manager, Environmental Protection Department

The Manager, Facilities Management Department

The Manager, Parks and Recreation Department

The Orange County Sheriff

The Florida Highway Patrol

The County Administrator may call upon any other County Division Director, Department Manager or any other qualified person to review the application and make a recommendation as to approval or disapproval if, in the opinion of the County Administrator, the nature of the activity being permitted so requires the need for such review.

(4) The application for permit, when filed with the County Administrator, shall contain an indemnification and hold harmless guarantee in favor of Orange County and in form acceptable to the County Risk Manager, under the terms of which an applicant shall hold harmless Orange County and the Orange County Sheriff, their officers, and employees, from any claim or expense, from any party, which may arise from the conduct of the activity being permitted.

Section 6. Application Review Procedure and Standards.

The County Administrator shall review the applications in timely fashion and approve or deny the same within six (6) working days after receipt thereof. The County Administrator's denial, if such is made, shall be accompanied by reasons for such denial. Failure to issue a denial accompanied by reasons for such denial within six (6) working days of receipt of an application by the County Administrator shall constitute an approval of the application by the County Administrator and a grant of the permit sought therein.

The County Administrator shall have the right to reject an application, and the receipt thereof, when the County Administrator finds such application is not accompanied by information sufficient to enable him to make a judgment thereon.

In making his review of an application, the County Administrator may, in his sole discretion, waive the various time limitations or required official recommendations imposed by this Resolution. Such waiver shall be based upon his finding that the public health, safety and welfare of Orange County will not be threatened or unduly hampered by such waiver.

The County Administrator shall utilize as criteria for the issuance of a permit those standards set forth in the County Motion Photography Permitting Ordinance.

Section 8. Appeal From Determination of County Administrator; Right of County Administrator to Request Approval by Board of County Commissioners.

(A) An aggrieved party may appeal an adverse decision by the County Administrator, or his designee, concerning the issuance of a motion photography production permit to the Board of County Commissioners provided said appeal is made within ten (10) days after the date of rendition of such adverse decision.

(B) The County Administrator may, upon his own initiative, request a final decision by the Board of County Commissioners upon any question or issue arising from an application for a motion photography production permit submitted to the County Administrator. The Board of County Commissioners shall grant the applicant for such permit the opportunity to be heard before rendering its decision on such permit.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is held invalid or unconstitutional for any reason, such holding shall not affect the validity of the remaining portions of this Resolution.

Section 10. Effective Date. This Resolution shall take effect on Adoption.

ADOPTED THIS 1<sup>ST</sup> DAY OF MAY, 1989.

BOARD OF COUNTY COMMISSIONERS  
OF ORANGE COUNTY, FLORIDA

BY: Hal Garrison  
VICE Chairman

ATTEST:

Martha O. Haynie, Clerk to the  
Board of County Commissioners

BY: Mary Jo Garrison  
Deputy Clerk