

1 Introduced by the Council President at the request of the Mayor:

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3
4 **ORDINANCE 2021-439-E**

5 AN ORDINANCE AMENDING CHAPTER 123 (PUBLIC FEES),
6 PART 2 (MOTION PHOTOGRAPHY PRODUCTION PERMITS),
7 SECTIONS 123.203 (DEFINITIONS) AND 123.205
8 (PERMIT REQUIRED; SUSPENSION AND/OR REVOCATION;
9 VIOLATION), *ORDINANCE CODE*, TO MODIFY AND ADD
10 CERTAIN DEFINITIONS AND TO CLARIFY THE
11 REQUIREMENT FOR PRODUCTION PERMITS; PROVIDING AN
12 EFFECTIVE DATE.

13
14 **BE IT ORDAINED** by the Council of the City of Jacksonville:

15 **Section 1. Chapter 123 (Public Fees) amended.** Chapter 123
16 (Public Fees), *Ordinance Code*, is hereby amended to read as follows:

17 **CHAPTER 123 - PUBLIC FEES**

18 * * *

19 **PART 2. - MOTION PHOTOGRAPHY PRODUCTION PERMITS**

20 * * *

21 **Sec. 123.203. - Definitions.**

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

25 (a) *Breaking News* is defined as an event that is currently
26 occurring or developing. This shall not apply to simulations
27 or re-enactments orchestrated by print or electronic news
28 or any scripted content.

29 ~~(a)~~ (b) *City equipment* is any tangible property, other than real
30 property, purchased by public funds and utilized in the
31 normal course and scope of providing governmental service

1 by the City of Jacksonville.

2 ~~(b)~~ (c) City facility is any public street, sidewalk, place or
3 building owned or controlled by or under the jurisdiction
4 of the City of Jacksonville to include, but not be limited
5 to, City parks and recreation facilities, ~~the ALLTEL~~
6 ~~Municipal Stadium~~ including all grounds surrounding all
7 sports complex facilities, ~~including the Coliseum,~~ and City
8 Hall.

9 (d) Commercial means film, video, digital, or other electronic
10 media for sale or distribution to further business
11 interests.

12 ~~(e)~~ (e) Executive Director is the Executor Director of the Office
13 of Economic Development.

14 ~~(d)~~ (f) Film Commissioner is the Manager of the Film and
15 Television Commission, a division of the Office of Economic
16 Development.

17 ~~(e)~~ (g) Motion photography is the commercial taking of still,
18 live, or motion picture production whether made on or by
19 film, video, digital, or any other electronic device used
20 to produce theatrical motion pictures, television, and
21 streaming entertainment motion pictures, industrial motion
22 pictures, television commercials, social media, internet-
23 based content, animation, or print media, regardless of
24 platform, ~~is the commercial taking or making of a motion~~
25 ~~picture, television, videotape, or film production~~ utilizing
26 City equipment or utilizing City facilities. This term shall
27 include, and a production permit shall be required for, such
28 commercial productions on private property not at a studio
29 involving the erection of tents or other temporary
30 structures or involving the use of pyrotechnics, explosives,
31 or other incendiary devices. This term shall not include the

1 shooting of such film at studios constructed for such
2 purpose where no City equipment or City facilities are
3 involved and shall not include any breaking news, news
4 feature, still photography, or documentary production.

5 ~~(f)~~(h) Production permit (also referred to herein as permit) is
6 the permit required by this Part.

7 (Ord. 97-881-E, § 1; Ord. 2012-364-E, § 10)

8 * * *

9 **Sec. 123.205. - Permit required; suspension and/or revocation;**
10 **violation.**

11 (a) No person shall film or take photos or do any other type of
12 motion photography for any commercial purpose within a state
13 or local publicly owned or controlled site, facility, or
14 right-of-way within the City of Jacksonville without first
15 obtaining a permit.

16 (b) Exceptions. Nothing in this section shall require any permit
17 from:

18 (i) Any individuals filming, taking photos, or videotaping
19 only for their own personal or family use.

20 (ii) Employees of print or electronic news media when
21 filming breaking news events as previously defined.

22 (iii) Any student of a secondary school or college or
23 university when filming, taking photos, or videotaping
24 for educational purposes while using a hand-held
25 camera, one camera on one tripod (with the exception
26 of such use on public transit and public transit
27 platforms), hand-held props and/or hand-held equipment
28 with a cast, crew, and personnel of three or fewer
29 people who are: (1) not asserting exclusive use of City
30 owned or controlled property; (2) not using prop
31 weapons, fire, pyrotechnics, animals, prop vehicles,

1 stunts, or actors in police, fire, or other emergency
2 personnel uniform; (3) not requesting parking
3 privileges for production vehicles; (4) not fighting,
4 whether real or simulated; (5) not using or projecting
5 noise with profane, vulgar, or indecent language or
6 other language in public that is likely to incite
7 violence or panic; (6) not creating noise which is
8 frequent, habitual, or long, and plainly audible at a
9 distance of one hundred (100) feet from the area where
10 the individual is located; (7) not filming or taking
11 photos at state or local publicly City-owned or
12 controlled property subject to contract by a private
13 party; (8) not simulating the use or sale of drugs;
14 and, (9) not otherwise requesting an exemption from
15 the City's rules and regulations or engaging in conduct
16 that would require an exemption from the City's rules
17 and regulations.

18 ~~(a)~~ (c) No person shall advertise, engage in, participate in,
19 and/or start any motion photography production unless a
20 production permit shall first have been obtained from and
21 signed by the Executive Director, or designee. Violation of
22 this section shall be punishable as a class "D" offense as
23 defined in Section 632.101.

24 ~~(b)~~ (d) Failure to comply with the terms and conditions of
25 the production permit once issued shall be grounds for
26 immediate suspension of the production until such time as
27 the noncompliance is remedied. The suspension shall be
28 initially communicated orally, followed by a written
29 suspension order. Continued failure to comply with the terms
30 and conditions of the production permit may result in
31 revocation of the permit. Continuation of the production in

1 violation of the suspension and/or revocation shall be
2 punishable as a class "D" offense as defined in Section
3 632.101.

4 (Ord. 97-881-E, § 1)

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6 **Section 2. Effective Date.** This Ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

9
10 Form Approved:

11
12 /s/ Paige H. Johnston

13 Office of General Counsel

14 Legislation prepared by: James R. McCain, Jr.

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