

COMMISSION MEMORANDUM

Second Reading/Public Hearing

TO: Mayor Dan Gelber
Members of the City Commission
Raul J. Aguila, Interim City Manager

FROM: Rafael A. Paz, Acting City Attorney 

DATE: June 23, 2021

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "MISCELLANEOUS OFFENSES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 70-8, TO PROHIBIT INDIVIDUALS FROM APPROACHING OR REMAINING WITHIN A SPECIFIED DISTANCE OF A LAW ENFORCEMENT OFFICER ENGAGED IN THE LAWFUL PERFORMANCE OF A LEGAL DUTY, AFTER RECEIVING A WARNING NOT TO DO SO; PROVIDING PENALTIES FOR SUCH VIOLATION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance, which is sponsored by Commissioner Steven Meiner, and co-sponsored by Commissioner Mark Samuelian and Commissioner Ricky Arriola, is submitted for second reading/public hearing at the June 23, 2021 meeting of the City Commission.

On May 12, 2021, the Mayor and City Commission approved the proposed Ordinance upon first reading.

The Ordinance prohibits any person, after receiving a warning from a law enforcement officer not to do so, to approach or remain within twenty (20) feet of a law enforcement officer engaged in the lawful performance of any legal duty with the intent to: (1) interrupt, disrupt, hinder, impede or interfere with a law enforcement officer's ability to perform such duty; or (2) provoke a physical response from a law enforcement officer; or (3) directly or indirectly harass a law enforcement officer.

A violation of the ordinance shall be punished in accordance with Section 1-14 of the City Code and shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment.

RAP/MAF/bhs