

ORDINANCE NO. \_\_\_\_\_

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 ANY 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.

**WHEREAS**, law enforcement officers serve a critical and essential role in keeping our community safe and must be permitted to do their jobs effectively; and

**WHEREAS**, the work of the City's law enforcement officers is of great importance and, as such, there exists a need to maintain and improve the safety, security and working conditions of these officers and those they seek to protect; and

**WHEREAS**, the City's law enforcement officers, while engaged in the lawful performance of their legal duties, continue to encounter individuals who, after receiving warnings not to do so, violate such warnings and approach or remain within close proximity of the officer(s), with no regard for the officers' personal safety and no consideration for the officers' responsibility to maintain public safety, order and social peace; and

**WHEREAS**, certain individuals who fail to heed such warnings not to approach an officer in the lawful performance of a legal duty, occasionally intend to provoke a physical response from officers, hinder officers' performance of their legal duties or incite the crowd surrounding such officers; and

**WHEREAS**, threats to the life and safety of law enforcement officers and the protection of the right to life, liberty and security of the persons in the surrounding area (and potentially, any arrestee) must be seen as imperative to the stability of society as a whole; and

**WHEREAS**, the Mayor and City Commission finds that it is in the best interest of the City's law enforcement officers, its residents and visitors to adopt these regulations to protect the general public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Section 70-8 of the City Code shall be created as follows, and as hereinafter set forth below:

## CHAPTER 70

### MISCELLANEOUS OFFENSES

\* \* \*

#### ARTICLE I. IN GENERAL

\* \* \*

**Sec. 70-8. Reserved Approaching a law enforcement officer, after warning, with intent to impede, provoke or harass.**

(a) As used in this Section, the term "law enforcement officer" shall be defined as set forth in Section 70-86 of the City Code.

(b) It shall be unlawful for any person, after receiving a warning from a law enforcement officer, 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.

(c) A violation of this Section shall be punished in accordance with Section 1-14 of the City Code.

#### **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

#### **SECTION 3. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

#### **SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

5/5/21

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