

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO INSTALL SIGNAGE, AT APPROPRIATE LOCATIONS ALONG THE BEACHWALK, IN ORDER TO ADVISE THE PUBLIC AS TO THE PROHIBITION AGAINST SMOKING ON PUBLIC BEACHES OR IN PUBLIC PARKS, WHICH PROHIBITION INCLUDES THE BEACHWALK.**

**WHEREAS**, the Mayor and City Commission seek to encourage the safe use of bicycle paths, sidewalks, and pedestrian ways in the City; and to facilitate and balance the health, safety, and welfare interests of bicyclists and pedestrians utilizing these areas of the City; and

**WHEREAS**, the City is an international tourist destination, with a world-renowned beach, that attracts visitors from around the globe; and

**WHEREAS**, in addition to City residents, the throngs of visitors each day significantly increase the use and congestion of the City's bike paths, sidewalks, pedestrian ways and, in particular, the Beachwalk; and

**WHEREAS**, pursuant to the Beachfront Management Plan ("BMP"), which was approved by the State of Florida, the City constructed and maintains those lands lying east of the Erosion Control Line between the Government Cut Inlet on the South and the Northern boundary of the City at 87<sup>th</sup> Terrace (the "Property"); and

**WHEREAS**, the BMP provides that the Property may only be used for purposes that promote and enhance public access, as well as use of the Property as a public beach area; and

**WHEREAS**, the City currently maintains approximately 150 public beach accesses and has beach regulations in place to promote balanced public utilization; and

**WHEREAS**, the Beachwalk, which is a beach access area and a very busy shared use path, is also specifically referenced in the BMP, and is included as part of the Atlantic Corridor which is within the Property and subject to the BMP; and

**WHEREAS**, pursuant to House Bill 105, which was signed into law by Governor Ron DeSantis on June 17, 2022, cities and counties are authorized to restrict the smoking of tobacco products in public beaches and public parks (subject to certain exceptions); and

**WHEREAS**, secondhand tobacco smoke contains various carcinogens and toxins, such as ammonia, arsenic, hydrogen cyanide, and formaldehyde; and

**WHEREAS**, on September 19, 2022, the Mayor and City Commission adopted Ordinance No. 2022-4509, which prohibits the smoking of any lighted tobacco product (except unfiltered cigars) in public beaches and public parks; and

**WHEREAS**, pursuant to Ordinance No. 2022-4509, and in the interest of the public health, safety, and welfare consistent with the BMP, the Mayor and City Commission desire to adopt this Resolution directing the City Administration to install signage along the Beachwalk to provide notice regarding the prohibition against smoking.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby direct the City Administration to install signage, at appropriate locations along the Beachwalk, in order to advise the public as to the prohibition against smoking on public beaches or in public parks, which prohibition includes the Beachwalk.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

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

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

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

MAF

5-9-23

\_\_\_\_\_  
Date