MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Rafael A. Paz, City Attorney

DATE: January 31, 2024

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND DIRECTING THE CITY ADMINISTRATION TO IMPLEMENT THE FOLLOWING COMPREHENSIVE STRATEGY FOR SPRING BREAK 2024, IN AN EFFORT TO PROACTIVELY STEM THE THREATS TO PUBLIC SAFETY THE CITY HAS EXPERIENCED DUE TO EXCESSIVELY LARGE CROWDS AND LIFE-THREATENING VIOLENCE DURING SPRING BREAK: (1) ADOPT AND EXECUTE A HEIGHTENED LAW ENFORCEMENT STAFFING PLAN, INCLUDING "ALPHA BRAVO" STAFFING IN PARTNERSHIP WITH LAW ENFORCEMENT AGENCIES PROVIDING ADDITIONAL RESOURCES TO THE MIAMI BEACH POLICE DEPARTMENT, INCLUDING THE FLORIDA HIGHWAY PATROL, MIAMI-DADE COUNTY POLICE DEPARTMENT, CITY OF MIAMI POLICE DEPARTMENT, AND CORAL GABLES POLICE DEPARTMENT, AMONG OTHER JURISDICTIONS; (2) VIGOROUSLY ENFORCE THE "OPEN CONTAINER" LAW, PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC AREAS AND RIGHT-OF-WAYS; (3) CLOSE PUBLIC BEACHES, FROM 5TH STREET TO 15TH STREET, OR PORTIONS THEREOF, AT 6:00 P.M., AS AUTHORIZED BY SECTION 82-443 OF THE CITY CODE; (4) EXPLORE SUSPENSION OF SIDEWALK CAFÉ OPERATIONS ON OCEAN DRIVE, FROM 5TH STREET TO 15TH STREET, AT 7:00 P.M., FROM FRIDAY, MARCH 8, 2024 THROUGH SUNDAY, MARCH 10, 2024, AND FROM FRIDAY MARCH 15, 2024 THROUGH SUNDAY, MARCH 17, 2024, AS AUTHORIZED BY THE CITY'S OUTDOOR DINING CONCESSION CONTRACTS; (5) ENFORCE THE CITY'S NOISE ORDINANCE TO THE FULLEST EXTENT PERMITTED BY LAW, WITH A FOCUS ON PREVENTING THE SPILLOVER OF LOUD MUSIC FROM ESTABLISHMENTS THAT CONTRIBUTE TO THE PARTY ATMOSPHERE ON PUBLIC RIGHT-OF-WAYS; (6) INCREASE CODE ENFORCEMENT AND FIRE CODE STAFFING AND INSPECTIONS OF BUSINESS ESTABLISHMENTS TO ENSURE COMPLIANCE WITH ALL LAWS; (7) CONTINUE TO EXPLORE THE IMPLEMENTATION OF A SECURED PERIMETER ON OCEAN DRIVE OR PORTIONS THEREOF; (8) IMPLEMENT MIDNIGHT CURFEWS AND OTHER EMERGENCY MEASURES IN ACCORDANCE WITH ALL LAWS, AS AUTHORIZED BY CITY COMMISSION RESOLUTION NO. 2023-32557; (9) IMPLEMENT A

ROBUST MARKETING AND COMMUNICATIONS CAMPAIGN TO APPRISE THE PUBLIC TO ANTICIPATE CURFEWS AND BE AWARE OF THE SIGNIFICANT ADDITIONAL RESTRICTIONS DURING SPRING BREAK; (10) CLOSE ALL CITY-OWNED OR CITY-OPERATED PARKING LOTS AND GARAGES IN THE ART DECO CULTURAL DISTRICT, INCLUDING ALONG WASHINGTON AVENUE AND COLLINS AVENUE, BETWEEN 5TH STREET AND 15TH STREET, STARTING AT 6:00 P.M.; (11) IMPLEMENT THE HIGH IMPACT PARKING RATE IN CITY-OWNED OR CITY-OPERATED PARKING LOTS AND GARAGES, WITH A DAILY RATE OF UP TO $100, WITH THE EXCEPTION OF RESIDENTS AND MONTHLY USERS; (12) RESTRICT ON-STREET PARKING ON OCEAN DRIVE, COLLINS AVENUE AND WASHINGTON AVENUE, FROM 5TH STREET TO 16TH STREET; AND (13) WORK WITH MIAMI-DADE COUNTY TO EXPLORE THE CLOSURE OF THE VENETIAN CAUSEWAY AND/OR RESTRICT THE VENETIAN CAUSEWAY FOR RESIDENT USE ONLY.

BACKGROUND/HISTORY

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? Yes ___ No X

If so, specify name of lobbyist(s) and principal(s): N/A

ANALYSIS

The attached Resolution was prepared at the request of the sponsor, Mayor Steven Meiner.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

The sponsor of this item requests that the Administration be prepared to address the fiscal impact of this proposed measure, if any, at the January 31, 2024 City Commission meeting.

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?	**Does this item utilize G.O. Bond Funds?**
No	No

Legislative Tracking

Office of the City Attorney

Sponsor

Mayor Steven Meiner

ATTACHMENTS:

Description

- Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND DIRECTING THE CITY ADMINISTRATION TO IMPLEMENT THE FOLLOWING COMPREHENSIVE STRATEGY FOR SPRING BREAK 2024, IN AN EFFORT TO PROACTIVELY STEM THE THREATS TO PUBLIC SAFETY THE CITY HAS EXPERIENCED DUE TO EXCESSIVELY LARGE CROWDS AND LIFE-THREATENING VIOLENCE DURING SPRING BREAK: (1) ADOPT AND EXECUTE A HEIGHTENED LAW ENFORCEMENT STAFFING PLAN, INCLUDING "ALPHA BRAVO" STAFFING IN PARTNERSHIP WITH LAW ENFORCEMENT AGENCIES PROVIDING ADDITIONAL RESOURCES TO THE MIAMI BEACH POLICE DEPARTMENT, INCLUDING THE FLORIDA HIGHWAY PATROL, MIAMI-DADE COUNTY POLICE DEPARTMENT, CITY OF MIAMI POLICE DEPARTMENT, AND CORAL GABLES POLICE DEPARTMENT, AMONG OTHER JURISDICTIONS; (2) VIGOROUSLY ENFORCE THE "OPEN CONTAINER" LAW, PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC AREAS AND RIGHT-OF-WAYS; (3) CLOSE PUBLIC BEACHES, FROM 5TH STREET TO 15TH STREET, OR PORTIONS THEREOF, AT 6:00 P.M., AS AUTHORIZED BY SECTION 82-443 OF THE CITY CODE; (4) EXLORE SUSPENSION OF SIDEWALK CAFÉ OPERATIONS ON OCEAN DRIVE, FROM 5TH STREET TO 15TH STREET, AT 7:00 P.M., FROM FRIDAY, MARCH 8, 2024 THROUGH SUNDAY, MARCH 10, 2024, AND FROM FRIDAY MARCH 15, 2024 THROUGH SUNDAY, MARCH 17, 2024, AS AUTHORIZED BY THE CITY'S OUTDOOR DINING CONCESSION CONTRACTS; (5) ENFORCE THE CITY'S NOISE ORDINANCE TO THE FULLEST EXTENT PERMITTED BY LAW, WITH A FOCUS ON PREVENTING THE SPILLOVER OF LOUD MUSIC FROM ESTABLISHMENTS THAT CONTRIBUTE TO THE PARTY ATMOSPHERE ON PUBLIC RIGHT-OF-WAYS; (6) INCREASE CODE ENFORCEMENT AND FIRE CODE STAFFING AND INSPECTIONS OF BUSINESS ESTABLISHMENTS TO ENSURE COMPLIANCE WITH ALL LAWS; (7) CONTINUE TO EXPLORE THE IMPLEMENTATION OF A SECURED PERIMETER ON OCEAN DRIVE OR PORTIONS THEREOF; (8) IMPLEMENT MIDNIGHT CURFEWS AND OTHER EMERGENCY MEASURES IN ACCORDANCE WITH ALL LAWS, AS AUTHORIZED BY CITY COMMISSION RESOLUTION NO. 2023-32557; (9) IMPLEMENT A ROBUST MARKETING AND COMMUNICATIONS CAMPAIGN TO APPRISE THE PUBLIC TO ANTICIPATE CURFEWS AND BE AWARE OF THE SIGNIFICANT ADDITIONAL RESTRICTIONS DURING SPRING BREAK; (10) CLOSE ALL CITY-OWNED OR CITY-OPERATED PARKING LOTS AND GARAGES IN THE ART DECO CULTURAL DISTRICT, INCLUDING ALONG WASHINGTON AVENUE AND COLLINS AVENUE, BETWEEN 5TH STREET AND 15TH STREET, STARTING AT 6:00 P.M.; (11) IMPLEMENT THE HIGH IMPACT PARKING RATE IN CITY-OWNED OR CITY-OPERATED PARKING LOTS AND GARAGES, WITH A DAILY RATE OF UP TO $100, WITH THE EXCEPTION OF RESIDENTS AND MONTHLY USERS; (12) RESTRICT ON-STREET PARKING ON OCEAN DRIVE, COLLINS AVENUE AND WASHINGTON AVENUE, FROM 5TH STREET TO 16TH STREET; AND (13) WORK WITH MIAMI-DADE COUNTY TO EXPLORE THE CLOSURE OF THE VENETIAN CAUSEWAY AND/OR RESTRICT THE VENETIAN CAUSEWAY FOR RESIDENT USE ONLY.

WHEREAS, the City of Miami Beach (the "City") is an internationally renowned tourist destination that is famous for its beautiful beaches, world-class shopping, entertainment, fine dining, and vast array of artistic and cultural events; and

WHEREAS, in recent years, the City has seen an increasingly large number of visitors during the Spring Break period, which has posed significant challenges including, but not limited to, extreme traffic and congestion, and severe impacts to the City's Police, Fire, Sanitation, and Code Compliance services; and

WHEREAS, many of the visitors to the City during high impact periods, such as Spring Break, are under the influence of alcoholic beverages and have demonstrated a blatant disregard for the rule of law; and

WHEREAS, in 2021, unruly crowd control issues during Spring Break resulted in the imposition of emergency measures, including an 8:00 pm. curfew in the area between 5th Street and 16th Street, from Pennsylvania Avenue to Ocean Drive; and

WHEREAS, in March 2022, the City also experienced massive crowds and several shootings in a concentrated tourist area over a period of a few days, resulting in the declaration of a state of emergency and imposition of a weekend midnight curfew for the last weekend of March, 2022, based upon the excessively large crowds and violence occurring on the second and third weekend of March, 2022; and

WHEREAS, such 2022 incidents included the shooting of 5 different innocent pedestrians and created stampedes and mayhem in the public streets and rights-of-way; and

WHEREAS, also in 2022, the Police Department and its law enforcement partners impounded one-hundred (100) firearms from February 18, 2022 – March 21, 2022, with approximately thirty-seven (37) of such firearms having been impounded during the third weekend in March spanning March 18 – 20; and

WHEREAS, in March 2023, the City experienced multiple fights, shootings, and various other incidents and police calls for service—for example, for the period between February 27, 2023 and March 18, 2023, there were four (4) aggravated assault arrests, three (3) aggravated battery arrests, seven (7) robbery arrests, twenty (20) arrests for carrying a concealed firearm, thirty-seven (37) felony drug arrests, twelve (12) arrests for battery on a law enforcement officer, and eighty-two (82) arrests for other felonies; and

WHEREAS, in addition, the Police Department and its law enforcement partners impounded over seventy (70) firearms from February 27, 2023 – March 19, 2023; and

WHEREAS, such March 2023 incidents included two (2) shootings that occurred the weekend of March 17th, which resulted in two (2) fatalities and injuries to others, and which also created stampedes that caused injuries to several people, including two (2) volunteer goodwill ambassadors, and all of which posed a danger to public safety and order in the public streets and rights-of-way; and

WHEREAS, in response to each of the two (2) deadly shootings, officers were able to arrive on the scene within a matter of seconds, but nevertheless were unable to prevent

the shootings (and were, themselves, endangered by their close proximity to the shootings); and

WHEREAS, despite the vast and highly-visible police presence in the City, criminals and their illegal behavior continued undeterred; and

WHEREAS, there is a clear pattern of unreasonably large and uncontrollably unruly crowds, general mayhem, and violence (including deadly violence) that takes place in the City during every recent Spring Break season, concentrated in the same area over the course of two weekends each year; and

WHEREAS, on March 27, 2023, the Mayor and City Commission adopted Resolution No. 2023-32557, endorsing, in advance of Spring Break 2024, the City Manager's intent to declare a state of emergency for the area south of Dade Boulevard/23rd Street in accordance with chapter 252 of the Florida Statutes, including the imposition of a curfew for limited periods in March of 2024 is necessary to provide for public safety and order in the City; and

WHEREAS, based on the foregoing, the Mayor and City Commission desire to approve and direct the City Administration to implement the measures specified in this Resolution, as part of the Mayor and City Commission's comprehensive strategy to mitigate the massive challenges associated large crowds and violence during Spring Break, and protect the health, safety and welfare of all residents and visitors in the City of Miami Beach.

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 approve and direct the City Administration to implement the following comprehensive strategy for Spring Break 2024, in an effort to proactively stem the threats to public safety the city has experienced due to excessively large crowds and life-threatening violence during Spring Break:

(1) adopt and execute a heightened law enforcement staffing plan, including "Alpha Bravo" staffing in partnership with law enforcement agencies providing additional resources to the Miami Beach Police Department, including the Florida Highway Patrol, Miami-Dade County Police Department, City of Miami Police Department, and Coral Gables Police Department, among other jurisdictions;

(2) vigorously enforce the "Open Container" law, prohibiting consumption of alcoholic beverages in public areas and right-of-ways;

(3) close public beaches, from 5th Street to 15th Street, or portions thereof, at 6:00 p.m., as authorized by Section 82-443 of the City Code;

(4) explore suspension of sidewalk café operations on Ocean Drive, from 5th Street to 15th Street, at 7:00 p.m., from Friday, March 8, 2024 through Sunday, March 10, 2024, and from Friday March 15, 2024 through Sunday, March 17, 2024, as authorized by the City's outdoor dining concession contracts;

(5) enforce the City's Noise Ordinance to the fullest extent permitted by law, with a focus on preventing the spillover of loud music from establishments that contribute to the party atmosphere on public right-of-ways;

(6) increase Code enforcement and Fire Code staffing and inspections of business establishments to ensure compliance with all laws;

(7) continue to explore the implementation of a secured perimeter on Ocean Drive or portions thereof;

(8) implement midnight curfews and other emergency measures in accordance with all laws, as authorized by City Commission Resolution No. 2023-32557;

(9) implement a robust marketing and communications campaign to apprise the public to anticipate curfews and be aware of the significant additional restrictions during spring break;

(10) close all City-owned or City-operated parking lots and garages in the Art Deco Cultural District, including along Washington Avenue and Collins Avenue, between 5th Street and 15th Street, starting at 6:00 p.m.;

(11) implement the high impact parking rate in City-owned or City-operated parking lots and garages, with a daily rate of up to $100, with the exception of residents and monthly users;

(12) restrict on-street parking on Ocean Drive, Collins Avenue and Washington Avenue, from 5th Street to 16th Street; and

(13) work with Miami-Dade County to explore the closure of the Venetian Causeway and/or restrict the Venetian Causeway for resident use only.

PASSED and **ADOPTED** this _____day of _____, 2024.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

(sponsored by Mayor Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney PAZ 1-24-24 Date