

## COMMISSION MEMORANDUM

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

**FROM:** Rafael A. Paz, Acting City Attorney 

**DATE:** March 17, 2021

**SUBJECT:** AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "CIVIL EMERGENCIES," BY AMENDING ARTICLE 2, ENTITLED "STATE OF EMERGENCY," BY AMENDING SECTION 26-31 THEREOF, ENTITLED "DECLARATION OF EMERGENCY," BY CLARIFYING AND UPDATING CERTAIN PROVISIONS CONTAINED THEREIN; AND BY AMENDING SECTION 26-33 THEREOF, ENTITLED "DISCRETIONARY EMERGENCY MEASURES," BY UPDATING CERTAIN TERMS CONTAINED THEREIN; AND BY AMENDING SECTION 26-34 THEREOF, ENTITLED "FILING AND PUBLICATION," TO PROVIDE FURTHER PUBLIC NOTIFICATION REQUIREMENTS PERTAINING TO THE DECLARATION OF A STATE OF EMERGENCY OR EMERGENCY MEASURES IMPLEMENTED PURSUANT THERETO; AND BY AMENDING SECTION 26-36 THEREOF, ENTITLED "VIOLATIONS," TO ESTABLISH SPECIFIED PENALTIES FOR THOSE BUSINESS ESTABLISHMENTS OPERATING IN VIOLATION OF AN IMPOSED CURFEW; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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The proposed Ordinance (the "Ordinance"), which is sponsored by Mayor Dan Gelber, is submitted for second reading at the March 17, 2021 meeting of the City Commission.

The Ordinance seeks to update and clarify certain terms contained within Sections 26-31 through 26-36 of the City Code, which sections of the City Code pertain to, and address, declared states of emergency.

The Ordinance also establishes monetary civil fines for those business establishments operating in violation of any curfew imposed pursuant to a declared state of emergency and any order, rule or emergency measure promulgated pursuant to Chapter 252 or Chapter 381, Florida Statutes, or the City Code. As such, the Ordinance provides for civil fines to be imposed against

businesses found to be operating in violation of the curfew, in the amount of \$250.00 for a first offense and \$500.00 for a second (and each subsequent) offense.

At the February 24, 2021 Commission meeting, the proposed Ordinance was approved on First Reading.

RAP/MAF/bhs