

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENDORSING THE CITY MANAGER'S PROACTIVE UTILIZATION AND IMPLEMENTATION OF THE PROVISIONS OF FLORIDA STATUTE 316.1891, WHICH PROVIDE THE POLICE DEPARTMENT WITH ADDITIONAL TOOLS TO CONTEND WITH UNPERMITTED SPECIAL EVENTS TAKING PLACE ON CITY STREETS AND ROADWAYS DURING SPRING BREAK 2023, WHEN SUCH SPECIAL EVENTS ARE PROMOTED ON SOCIAL MEDIA AND SUBSTANTIALLY INCREASE AND/OR DISRUPT THE FLOW OF TRAFFIC AND, CONSEQUENTLY, ADVERSELY IMPACT THE QUALITY OF LIFE OF THE CITY'S RESIDENTS AND VISITORS.

WHEREAS, in the 2022 legislative session, the Florida Legislature passed and adopted House Bill 1435 ("HB 1435"), which amended Florida Statute 316.3045, pertaining to the excessively loud operation of sound-making devices in motor vehicles; and

WHEREAS, HB 1435 also created Florida Statute 316.1891 which authorizes the sheriff or chief administrative officer of a county or municipality (for the City of Miami Beach, the City Manager) to designate "special event zones" in response to certain "special events" that take place (or are reasonably anticipated to take place) on roadways, streets, or highways; and

WHEREAS, a "special event" means an unpermitted, temporary activity or event that is organized or promoted via a "social media platform," and which is attended by 50 or more persons and substantially increases or disrupts the normal flow of traffic on a roadway, street, or highway; and

WHEREAS, a "special event zone" means a contiguous area on or along a roadway, street, or highway which the City Manager designates by placing warning signs at each point of ingress and egress to the "special event zone"; and

WHEREAS, Fla. Stat. 316.1891 provides that any person who commits a noncriminal traffic infraction in a "special event zone" must pay a fine double the amount otherwise required; and

WHEREAS, the Police Department would also be authorized, pursuant to Fla. Stat. 316.1891, to impound the motor vehicles of those persons who commit traffic infractions in any "special event zone"; and

WHEREAS, if the City Manager designates a "special event zone," Fla. Stat. 316.1891 authorizes the City to recover from the promoter or organizer of a "special event" all relevant costs and fees associated with designating and enforcing the "special event zone," including, but not limited to, costs and fees for the provision of supplemental law enforcement, firefighter, emergency medical technician or paramedic, and sanitation services; and

WHEREAS, although it has somewhat limited applicability, Fla. Stat. 316.1891 provides the City with an additional mechanism to control unpermitted "special events" that are promoted on social media and substantially increase and/or disrupt the flow of traffic.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby endorse the City Manager's proactive utilization and implementation of the provisions of Florida Statute 316.1891, which provides the Police Department with additional tools to contend with unpermitted special events taking place on City streets and roadways during Spring Break 2023, when such special events are promoted on social media and substantially increase and/or disrupt the flow of traffic and, consequently, adversely impact the quality of life of the City's residents and visitors.

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

2-13-23

Date

MAF