

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, (1) DIRECTING THE CITY ADMINISTRATION TO IMPLEMENT IN ADVANCE AND ENFORCE TIME, PLACE, AND MANNER RESTRICTIONS IN ORDER TO REGULATE AND CONTROL FUTURE PROTESTS AND DEMONSTRATIONS TO THE FULLEST EXTENT PERMITTED BY LAW, WITH THE AIM OF ENSURING PUBLIC SAFETY AND PROTECTING CITY RESIDENTS, PREVENTING DISTURBANCES, AND PRESERVING THE RIGHTS OF ALL; AND (2) DIRECTING THE MIAMI BEACH POLICE DEPARTMENT TO NOTIFY THE MAYOR AND CITY COMMISSION OF PROTESTS OF ANY SIZE TAKING PLACE IN THE CITY WITHIN ONE (1) HOUR OF OBTAINING INFORMATION TO ESTABLISH A REASONABLE BASIS TO BELIEVE THAT A PROTEST WILL OCCUR.

WHEREAS, the City of Miami Beach has a long-standing commitment to promoting and endorsing the fundamental principles of peace, justice, and tolerance; and

WHEREAS, the City recognizes the importance of fostering strong and peaceful international relations by supporting nations that share these values, including the State of Israel; and

WHEREAS, the City seeks to balance the protection of free speech and the right to peacefully protest with the absolute need to maintain law, order, and public safety, during all protests and demonstrations; and

WHEREAS, it is crucial that the City be more adequately prepared to lawfully manage the time, place, and manner of any future protests or demonstrations, and ensure compliance with its regulations by subjecting violators to appropriate penalties and/or sanctions; and

WHEREAS, for instance, any person who, stands, sits, lies, or places an object in such manner as to block passage by another person or to require another person to take evasive action to avoid physical contact, and who, after being ordered to move by law enforcement officers, remains in or on any public sidewalk, street, alley, beach walk, or beach entrance in such a manner as to block or impair movement of vehicles or pedestrians should be guilty, of the offense of Obstructing of Pedestrian and Vehicular Traffic, as currently being considered by separate ordinance by the Mayor and City Commission; and

WHEREAS, acts authorized as an exercise of one's First Amendment right to demonstrate, picket or to legally protest should not constitute Obstructing of Pedestrian and Vehicular Traffic unless a nearby adequate and available alternative forum is offered and provided, to which the subject or subjects refuse to move as currently being considered by separate ordinance by the Mayor and City Commission; and

WHEREAS, it is also essential that the Mayor and City Commission be advised in advance of any protest of any size planned to take place in the City before it occurs in order to adequately prepare the public for the impending protest and to provide advance notice to the public of the planned protest so that they may avoid the area of the protest if they so desire.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commissioner hereby (1) direct the City Administration to implement in advance and enforce time, place, and manner restrictions in order to regulate and control future protests and demonstrations to the fullest

extent permitted by law, with the aim of ensuring public safety and protecting City residents, preventing disturbances, and preserving the rights of all; and (2) direct the Miami Beach Police Department to notify the Mayor and City Commission of protests of any size taking place in the City within one (1) hour of obtaining information to establish a reasonable basis to believe that a protest will occur.

PASSED and ADOPTED this 13th day of March, 2024.


Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Mayor Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3-6-24

Date

FR