

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, (1) RESCINDING CITY OF MIAMI BEACH RESOLUTION NO. 2024-32971; (2) ACKNOWLEDGING THE ROLE OF PEACEFUL PROTESTS IN A DEMOCRATIC SOCIETY; (3) AFFIRMING THAT THIS RESOLUTION DOES NOT LIMIT, IN ANY WAY, THE MIAMI BEACH POLICE DEPARTMENT'S AUTHORITY TO IMPOSE LAWFUL TIME, PLACE, AND MANNER RESTRICTIONS ON ANY PUBLIC GATHERING AS APPROPRIATE TO THE SPECIFIC EVENT ONLY IF THE RESTRICTION IS VIEWPOINT AND CONTENT NEUTRAL AND OTHERWISE CONSTITUTIONALLY PERMISSIBLE; AND (4) REAFFIRMING THE DIRECTION THAT THE MIAMI BEACH POLICE DEPARTMENT NOTIFY THE MAYOR AND CITY COMMISSION OF PROTESTS OF ANY SIZE TAKING PLACE IN THE CITY WITHIN A REASONABLE TIME AFTER 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 Mayor and City Commission recognize the vital role of the right to free speech, including the right to engage in peaceful protest and/or demonstration, in our American democracy; and

WHEREAS, the Mayor and City Commission affirm the City's authority and ability to balance the protection of free speech and the right to publicly and peacefully gather with the absolute need to maintain law, order, and public safety, during all public gatherings and events, by imposing lawful time, place, and manner restrictions on any public gathering or event as appropriate to the specific gathering or event only if the restriction is viewpoint and content neutral and otherwise constitutionally permissible; and

WHEREAS, the Mayor and City Commission resolve to reaffirm its direction that the Miami Beach Police Department notify the Mayor And City Commission of protests of any size taking place in the City within a reasonable time after obtaining information to establish a reasonable basis to believe that a protest will occur; and

WHEREAS, a "one size fits all approach" as to protests occurring in our City is unnecessary, as the vast majority of protests are quite limited in size and present minimal public safety risks; and

WHEREAS, the Mayor and City Commission resolve, therefore, to rescind Resolution No. 2024-32971, passed on March 13, 2024, and to replace it with the affirmations contained in this Resolution.

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) rescind City of Miami Beach Resolution No. 2024-32971; (2) acknowledge the role of peaceful protests in a democratic society; (3) affirm that this Resolution does not limit, in any way, the Miami Beach Police Department's authority to impose lawful time, place, and manner restrictions on any public gathering as appropriate to the specific event only if the restriction is viewpoint and content neutral and otherwise constitutionally permissible; and (4) reaffirm the direction that the Miami Beach Police Department notify the Mayor And City Commission of protests of any size

taking place in the city within a reasonable time after obtaining information to establish a reasonable basis to believe that a protest will occur.

PASSED and ADOPTED this 3rd day of April, 2024.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

BAWNO
City Attorney

3-24-2024
Date