
CITY OF MIAMI BEACH

DECLARATION OF A STATE OF EMERGENCY RELATING TO HIGH IMPACT PERIOD (E.O. 2021-03-SB)

MARCH 23, 2021

WHEREAS, the City of Miami Beach 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, this year, the City has experienced an alarmingly high number of persons arriving into the City during the Spring Break period, along with a significant number of visitors traveling to the City due to the availability of reduced airfares, hotel rates, and vacation rental rates ("High Impact Period"); and

WHEREAS, many visitors to the City during the High Impact Period have demonstrated a disregard for the rule of law; and

WHEREAS, during the High Impact Period, multiple fights, brawls, melees, and other public displays and disturbances of the peace have occurred, resulting in numerous injuries to civilians and police officers, and causing extensive property damage to both public and private property; and

WHEREAS, in addition, many of the City's visitors during the High Impact Period continue to gather and socialize in extremely close proximity to one another without any facial coverings or regard for appropriate social distancing, which poses a direct threat to the health of themselves, their families and others, in violation of Miami-Dade County Emergency Orders and City Emergency Orders issued in response to the COVID-19 pandemic; and

WHEREAS, in response to unruly behavior exhibited by these large crowds during the High Impact Period, the City has required the assistance of additional police officers from various law enforcement agencies, such as the Miami-Dade County Police Department, Miami Gardens Police Department, Coral Gables Police Department and the Florida Highway Patrol, in an attempt to control the unruly crowds and maintain law and order in the City; and

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WHEREAS, the City's Police Department and its law enforcement partners have effectuated over 1,000 arrests from February 3, 2021 to the present; and

WHEREAS, more than 350 of such arrests have been for felony offenses, and more than eighty (80) firearms have been seized in the foregoing time period; and

WHEREAS, the majority of arrests, as well as the fights and other disturbances of the peace have taken place in the area bounded by 5th Street on the south, 16th Street on the north, Pennsylvania Avenue on the west, and Ocean Drive on the east (the "High Impact Zone"); and

WHEREAS, these disturbing incidents and arrests in the High Impact Zone have garnered significant attention from various news outlets and media throughout the world; and

WHEREAS, based upon safety concerns, a number of business establishments in the High Impact Zone have voluntarily closed their establishments, in the best interest and welfare of their patrons and employees; and

WHEREAS, the City has broad authority pursuant to its inherent police powers to implement emergency measures upon the declaration of a state of emergency, and the courts "have consistently held that it is a proper exercise of police power to respond to emergency situations with temporary curfews that might curtail the movement of persons . . ." See *2020 Entertainment, LLC v. Miami-Dade County*, No. 20-25138, 2021 WL 516282 (S.D. Fla. Feb. 11, 2021) (citing *Smith v. Avino*, 91 F.3d 105, 109 (11th Cir. 1996)); and

WHEREAS, in *Smith*, the Eleventh Circuit Court of Appeal held that "governing authorities must be granted the proper deference and wide latitude necessary for dealing with the emergency." *Id.*; and

WHEREAS, I, as Interim City Manager, have determined that, pursuant to Section 26-31 of the City Code, a State of Emergency exists in the City; and

WHEREAS, the City Manager is authorized, pursuant to Section 26-33 of the City Code, to order and promulgate any (or all) of those discretionary emergency measures set forth therein, in whole or in part, with such limitations and conditions as the City Manager may deem appropriate, including the establishment of curfews; and

WHEREAS, pursuant to Section 26-35 of the City Code, the duration of such discretionary emergency measures is limited to a period of seventy-two (72) consecutive hours, unless an extension is authorized by the City Commission; and

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WHEREAS, on March 20, 2021, I, as Interim City Manager, declared a State of Emergency throughout the City, in response to the overwhelmingly large number of visitors to the City (including on public streets, sidewalks, and other public property) during the High Impact Period, and in order to protect the public health, safety, and welfare of the City's residents, businesses, and visitors ("Declaration of a State of Emergency"); and

WHEREAS, on March 21, 2021, the Mayor and City Commission adopted Resolution No. 2021-31656, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional period of seven (7) days, commencing at 5:01 p.m. on March 23, 2021, and ending at 5:00 p.m. on March 30, 2021; and further authorizing the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach for two (2) additional 7-day increments, which would commence at 5:01 p.m. on March 30, 2021, and end at 5:00 p.m. on April 13, 2021.

NOW, THEREFORE, I, RAUL J. AGUILA, as Interim City Manager for the City of Miami Beach, Florida, declare as follows:

Pursuant to the authority vested in me under Section 26-31 of the Miami Beach City Code, I have determined that there is reason to believe that there exists a continuing clear and present danger of riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property, all of which constitute an imminent threat to public peace or order, and to the general welfare of the City of Miami Beach.

In order to avert such clear and present dangers, and in order to control unruly crowds, mitigate dangerous and illegal conduct, and to protect the public health, safety and welfare of the residents and visitors of the City of Miami Beach, I take this immediate action in good faith and deem it to be **NECESSARY**.

Accordingly, I HEREBY extend the Declaration of a State of Emergency throughout the City of Miami Beach, commencing at 5:01 p.m. on March 23, 2021, which Declaration shall continue in full force and effect until March 30, 2021, at 5:00 p.m., unless otherwise extended by the Mayor and City Commission, or by the City Manager pursuant to Resolution No. 2021-31656. Additionally, I hereby ORDER and PROMULGATE the following emergency measures, which are reasonably and necessarily implemented in response to this declared State of Emergency:

1. Commencing on Thursday, March 25, 2021, through the morning of Monday, March 29, 2021, a **curfew** shall be imposed each night from 8:00 p.m. through 6:00 a.m. in the area bounded by 5th Street on the south, 16th Street on the north, Pennsylvania Avenue on the west, and Ocean Drive on the east (the "High Impact Zone"). Restaurants within the High Impact Zone shall be permitted to continue to operate for delivery services **only**. Pursuant to Section 26-33(a)(1) of the City Code, the curfew

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shall not apply to the provision of designated essential services, such as fire, police and hospital services, including the transportation of patients thereto, utility emergency repairs, construction activities, emergency calls by physicians, and individuals making deliveries from restaurants.

2. Commencing on Thursday, March 25, 2021, through the morning of Monday, March 29, 2021, eastbound lanes on the MacArthur Causeway and Julia Tuttle Causeway shall be completely **CLOSED** to traffic from 10:00 p.m. through 6:00 a.m. each night, **except** to City residents, guests of hotels/short-term rentals in the City, and employees of business establishments in the City.
3. Commencing on Thursday, March 25, 2021, through the morning of Monday, March 29, 2021, eastbound lanes on the Venetian Causeway shall be completely **CLOSED** to traffic from 10:00 p.m. through 6:00 a.m. each night, **except** to City residents.
4. Commencing on Thursday, March 25, 2021, through the morning of Monday, March 29, 2021, from 8:00 p.m. through 6:00 a.m. each night, Ocean Drive shall be **CLOSED** to pedestrian and vehicular traffic, except to City residents requiring access to or from their homes, guests of hotels/short-term rentals requiring access to or from their hotels/short-term rental properties, and employees of business establishments. Other public roads within the High Impact Zone may be closed as deemed necessary by the Interim City Manager or Chief of Police.
5. Commencing on Thursday, March 25, 2021, through the morning of Monday, March 29, 2021, from 8:00 p.m. through 6:00 a.m. each night, all sidewalk café operations, including expanded outdoor restaurant seating, shall be **SUSPENDED** in the High Impact Zone, pursuant to the City's High Impact Ordinance and City Commission Resolution No. 2021-31599. All sidewalk café operators are directed to stack or remove tables and chairs no later than 8:00 p.m. each night.

The City strongly urges all businesses in the High Impact Zone to close voluntarily during the State of Emergency.

**THE EMERGENCY MEASURE(S) THAT HAVE BEEN ORDERED AND PROMULGATED
HEREIN ARE EFFECTIVE IMMEDIATELY, AND SHALL REMAIN IN EFFECT UNTIL
MARCH 30, 2021 AT 5:00 P.M., UNLESS OTHERWISE DETERMINED BY THE MIAMI
BEACH CITY COMMISSION BY DULY ENACTED RESOLUTION IN REGULAR OR
SPECIAL SESSION, OR BY THE CITY MANAGER PURSUANT TO RESOLUTION NO.
2021-31656.**

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Any violation of these emergency measure(s) shall subject the individual, operator, business entity, or organization to arrest and criminal prosecution pursuant to Section 26-36 and Section 1-14 of the City Code.

CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:

Raul Aguila

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Raul J. Aguila, Interim City Manager

Date and Time: 3/23/2021 | 3:05 PM EDT

ATTEST:

DocuSigned by:

Rafael E. Granado

3/23/2021 | 3:23 PM EDT

Rafael E. Granado, City Clerk