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**CITY OF MIAMI BEACH  
DECLARATION OF A STATE OF EMERGENCY AND EMERGENCY MEASURES  
MARCH, 2024 – UNRULY CROWDS, PUBLIC DISORDER, AND DANGEROUS  
CRIMINAL CONDUCT  
(E.O. NO. 2024-01)**

**MARCH 15, 2024 — EFFECTIVE FRIDAY, MARCH 15, 2024 AT 12:00 P.M.  
THROUGH MONDAY, MARCH 18, 2024 AT 12:00 P.M.**

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**WHEREAS**, the City of Miami Beach is a small barrier island nestled between Biscayne Bay (on the west) and the Atlantic Ocean (on the east); and

**WHEREAS**, the City only has approximately 80,000 residents and fifteen (15) square miles of land within its territorial jurisdiction; and

**WHEREAS**, nonetheless, 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**, however, in recent years, the City (which has a limited capacity for ingress and egress) has seen a tremendous number of visitors during the Spring Break / March high impact 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**, many of the visitors to the City during March are under the influence of alcoholic beverages and have demonstrated a blatant disregard for the rule of law; and

**WHEREAS**, as set forth more fully below, there is a clear pattern of unreasonably large and uncontrollably unruly crowds, general mayhem, and violence (including deadly violence) that takes place in the City every Spring Break season, concentrated in the same geographic area over the course of the second and third weekends of March each year; and

**WHEREAS**, for instance, in March 2021, unruly crowd control issues during the month of March resulted in the imposition of emergency measures, including an 8:00 pm. curfew in the area between 5<sup>th</sup> Street and 16<sup>th</sup> Street, from Pennsylvania Avenue to Ocean Drive, while the remainder of the entire City was subject to a Miami-Dade County midnight (12:00 a.m.) curfew; and

**WHEREAS**, in March 2022, the City also experienced massive crowds and several shootings in a concentrated tourist area over a period of a few days, resulting in the

declaration of a state of emergency and imposition of a weekend curfew for the last weekend of March 2022, based upon the excessively large crowds and violence occurring on the second and third weekend of March, 2022; and

**WHEREAS**, such 2022 incidents included three (3) contact shootings and five (5) non-contact, and created stampedes and mayhem in the public streets and rights-of-way; and

**WHEREAS**, in March 2023, the City experienced multiple fights, shootings, and various other incidents and police calls for service—for example, for the period between February 27, 2023 and March 18, 2023, there were four (4) aggravated assault arrests, three (3) aggravated battery arrests, seven (7) robbery arrests, twenty (20) arrests for carrying a concealed firearm, thirty-seven (37) felony drug arrests, twelve (12) arrests for battery on a law enforcement officer, and eighty-two (82) arrests for other felonies; and

**WHEREAS**, such incidents included two (2) shootings that occurred the weekend of March 17, 2023, which resulted in two (2) fatalities and injuries to others, and which also created stampedes that caused injuries to several people, including two (2) volunteer goodwill ambassadors, and all of which posed a danger to public safety and order in the public streets and rights-of-way; and

**WHEREAS**, the first deadly shooting, on March 17, 2023, occurred at approximately 10:45 p.m. on Ocean Drive near 7th Street, while police officers had been stationed half a block away at the 100 block of 7th Street, meaning that there was a police presence approximately 75–100 feet away from the shooting when it occurred; and

**WHEREAS**, the second deadly shooting, on March 19, 2023, occurred at approximately 3:00 a.m. on Ocean Drive near 11th Street, while police officers had been stationed nearby at the 100 block of 11th Street, meaning that there was a police presence approximately 100 feet away from the shooting when it occurred; and

**WHEREAS**, in response to each of the two (2) deadly shootings, officers were able to arrive on the scene within a matter of seconds, but nevertheless were unable to prevent the shootings; and

**WHEREAS**, if each of the shootings had occurred only moments earlier or later, police officers in the area could have been caught in the crossfire; and

**WHEREAS**, in response to the illegal and unruly behavior exhibited by these large crowds during March 2023, and in order to provide for the health and safety of persons and property, the City deployed hundreds of law enforcement officers, which included the assistance of police officers from various law enforcement agencies—including twenty-five (25) officers from the Miami-Dade Police Department's Priority Response Team, twenty (20) officers from the Miami-Dade School Board, six (6) officers from the Coral Gables Police Department, two (2) mounted patrols from the City of Miami Police Department, and four (4) agents from the Bureau of Alcohol, Tobacco, Firearms and

Explosives (“ATF”)—in an attempt to control the unruly crowds and maintain law and order in the City; and

**WHEREAS**, the City’s Police Department and its law enforcement partners effectuated 322 arrests from February 27, 2023 to March 19, 2023; and

**WHEREAS**, the Police Department and its law enforcement partners impounded over seventy (70) firearms from February 27, 2023 – March 19, 2023; and

**WHEREAS**, the overwhelming majority of these incidents and arrests occurred in the area bounded by 23<sup>rd</sup> Street and Dade Boulevard on the north, Government Cut on the south, Biscayne Bay on the west, and the Atlantic Ocean on the east (the “Curfew Area”); and

**WHEREAS**, the City’s Police and Fire Departments notified the City Administration that the volume and level of crowds during the March 2023 period made it extremely difficult for Police and Fire emergency vehicles to get through portions of the area in order to adequately protect the health, safety and welfare of the public; and

**WHEREAS**, in March 2024, in response to the illegal and unruly behavior exhibited by these large crowds during March 2023, and in order to provide for the health and safety of persons and property, the City deployed hundreds of law enforcement officers, which included the assistance of police officers from various law enforcement agencies—including forty five (45) troopers from the Florida Highway Patrol, seventy eight (78) officers from the Miami Dade Police Department, twenty (20) officers from the Miami Dade Multi Agency Gang Task Force (MAGTF), twenty nine (29) officers from the City of Miami Police Department, three (3) officers from the South Miami Police Department, fourteen (14) officers from the Coral Gables Police Department, fifteen (15) officers from the Miami Dade Schools Police Department, one (1) Marine Patrol Officer from the Bal Harbor Police Department, four (4) detention officers from the Miami Dade Corrections and Rehabilitation Department, five (5) officers from the North Miami Police Department, two (2) officers from the Surfside Police Department, three (3) officers from the Florida International University (FIU) Police Department, one (1) Marine Patrol officer from the North Bay Village Police Department, five (5) officers from the Miami Shores Police Department, two (2) members from the United States Coast Guard, twelve (12) officers from the Florida Fish and Wildlife Conservation Commission, two (2) agents from the Bureau of Alcohol Tobacco and Firearms (ATF), six (6) agents from the Florida Division of Alcoholic Beverages and Tobacco (ABT) and five (5) agents from the Florida Department of Law Enforcement—in an attempt to control the unruly crowds and maintain law and order in the City; and

**WHEREAS**, despite the vast and highly visible police officer presence in the City, and an increased number of law enforcement officers from outside agencies assisting, undeterred criminal behavior has been experienced during March 2024; and

**WHEREAS**, from March 1, 2024 through March 14, 2024, the Police Department

received 2,686 total calls for service and effectuated two-hundred and three (203) total arrests with seventy-three (73) of those arrests being for felonies and one-hundred and thirty (130) being for misdemeanor offenses; and

**WHEREAS**, the City's Police and Fire Departments notified the City Administration that the volume and level of crowds during the March 2024 period made it extremely difficult for Police and Fire emergency vehicles to get through portions of the area in order to adequately protect the health, safety and welfare of the public; and

**WHEREAS**, the City's Code Compliance and Parking Departments have also been strained by the demands on their resources, as evidenced by the nine hundred and seventy-one (971) Code calls for service during the period from March 8, 2024 through March 15, 2024; the five-thousand nine-hundred and twenty-five (5,925) Parking citations issued during the period from March 3, 2024 through March 9, 2024; and the six-hundred and forty-five (645) vehicle tows during the period from March 3, 2024 through March 9, 2024; and

**WHEREAS**, while the crowds in the City were less than anticipated from March 7, 2024 through March 10, 2024, the City Administration began to notice a dramatic change in the afternoon of Thursday, March 14, 2024; and

**WHEREAS**, as the crowds kept exponentially increasing as the afternoon turned into evening, the City Manager, Police Chief, Fire Chief and other City officials and employees noticed that an alarming number of persons in the crowds were seemingly drunk or high, and exhibited aggressive and unruly behavior; and

**WHEREAS**, in addition to criminal conduct, the aggressive and unruly behavior included people breaking through barricades and completely disobeying and threatening security guards stationed at the barricades; and

**WHEREAS**, throughout the night the crowds continued to swell and, based upon past experiences, the City anticipates this disturbing trend, in which the City may lose control of the public rights-of-way, to continue throughout the weekend (Friday, Saturday, and Sunday) due to the historically problematic St. Patrick's Day holiday, the crowds of which have already descended upon the streets of Miami Beach; and

**WHEREAS**, based on the foregoing pattern of crowds and unruly behavior consistent with prior years' experience with violent crowds, on the same weekend, in the same area of the City, the City Manager, Police Chief and Fire Chief agree that extraordinary measures are warranted and necessary to avoid losing control of City streets and maintain law and order to protect the public health, safety and welfare of the City's residents and visitors; and

**WHEREAS**, the City has broad authority pursuant to its inherent police powers, and "cases 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 who would otherwise enjoy freedom from restriction.” See *7020 Entertainment, LLC v. Miami-Dade County*, Court Case No. 20-25138, U.S. District Court for the Southern District of Florida (citing *Smith v. Avino*, 91 F.3d 105, 109 (11<sup>th</sup> Cir. 1996)); and

**WHEREAS**, in *Smith*, the Court also held that, “governing authorities must be granted the proper deference and wide latitude necessary for dealing with the emergency.” *Id.*; and

**WHEREAS**, based on similar threats to the health, safety and welfare of the City of Miami Beach, a Circuit Court upheld the City’s March, 2022 emergency measures, which imposed the same curfew over the same geographic area as the measures herein, and denied several establishments’ motion to enjoin the enforcement of the March, 2022 emergency measures, finding that “the emergency curfew promotes a compelling governmental interest (the health and safety of Miami Beach residents and visitors), is narrowly tailored to advance that interest, and accomplishes its goal through the use of the least intrusive means;” and

**WHEREAS**, pursuant to Section 26-31 of the City Code, if the City Manager determines that there is reason to believe that there exists a clear and present danger of 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, the City Manager may declare that a state of emergency exists within the City’s territorial jurisdiction; and

**WHEREAS**, the City Manager has determined that, based upon the preceding recitals and pursuant to Section 26-31 of the City Code, a State of Emergency currently 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; 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 by duly enacted ordinance or resolution in a regular or special session; and

**WHEREAS**, pursuant to Chapter 252 of the Florida Statutes and, more specifically, Florida Statutes 252.38 and 252.46, the City also has the power and authority to declare a local state of emergency and promulgate emergency orders to protect the health and safety of persons and property, and to make, amend and rescind such orders and rules as are necessary for such purposes; and

**WHEREAS**, Florida Statute 252.38 also requires that any such emergency order enacted by the City, pursuant to Chapter 252, must be narrowly tailored to serve a

compelling public health or safety purpose, and must also be limited in duration (of no more than 7 days, except that an emergency order may be extended by a majority vote of the governing body of the political subdivision, as necessary, in 7-day increments for a total duration of not more than 42 days), applicability, and scope in order to reduce any infringement on individual rights or liberties to the greatest extent possible.

**NOW, THEREFORE, I, ALINA T. HUDAK**, as City Manager for the City of Miami Beach, Florida, pursuant to the authority vested in me pursuant to Sections 26-31 through 26-36 of the City of Miami Beach Code of Laws and Ordinances (the “City Code”) and Chapter 252 of the Florida Statutes, have determined that there is reason to believe that there exists a continuing clear and present danger of 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 mitigate dangerous and illegal conduct, to maintain control of unruly crowds, and to protect the public health, safety and welfare of the residents and visitors of the City of Miami Beach, I take this emergency action in good faith, which I deem to be necessary and narrowly tailored to serve a compelling public health and safety purpose that is properly limited in duration, applicability, and scope in order to reduce any infringement on individual rights or liberties to the greatest extent possible.

**Accordingly, I hereby declare a State of Emergency in the City, pursuant to Sections 26-31 through 26-36 of the City Code and Chapter 252 of the Florida Statutes, and order the following emergency measures, which are narrowly tailored, reasonable in duration, applicability and scope, and necessarily implemented in response to this declared State of Emergency, and shall be effective on Friday, March 15, 2024 at 12:00 P.M. and shall continue in full force and effect until Monday, March 18, 2024 at 12:00 P.M., unless extended by the Mayor and City Commission.**

- Effective each night, from March 15, 2024 through March 18, 2024, from 11:59 p.m. through 6:00 a.m., a **curfew** shall be imposed for that area of the City bounded by 23<sup>rd</sup> Street and Dade Boulevard on the north (including properties fronting the north side of 23<sup>rd</sup> Street or Dade Boulevard), Government Cut on the south, Biscayne Bay on the west, and the Atlantic Ocean on the east (“the curfew area”). Businesses within the curfew area shall close sufficiently in advance of the curfew in order to permit patrons to avoid violating the curfew.
- Notwithstanding the foregoing, businesses shall be permitted to continue to operate from 11:59 p.m. -- 6:00 a.m. for delivery services only, and all City residents requiring access to or from their homes, guests requiring access to or from their hotels, and employees of business establishments requiring access, including business deliveries, shall be permitted. Pursuant to Section 26-33(a)(1) of the City Code and Fla. Stat. 252.46(4), the curfew 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, and emergency calls by physicians, and the curfew shall also not apply to persons travelling to their places of employment to report for work and to return to their residences after their work has concluded.

- The sale or distribution of any alcoholic beverage(s) for off-premises consumption, with or without payment or consideration therefor, shall be prohibited in the curfew area after 6:00 p.m. each day, pursuant to Section 26-33(a)(2) of the City Code.

If any section, sentence, clause, portion or phrase of this Declaration of a State of Emergency and Emergency Measures is held to be invalid by any court of competent jurisdiction, then said ruling shall in no way affect the validity of the remaining portions of these Emergency Measures.

**THE EMERGENCY MEASURE(S) SET FORTH HEREIN SHALL BE EFFECTIVE AT 12 P.M. ON FRIDAY, MARCH 15, 2024, AND SHALL CONTINUE THEREAFTER UNTIL MONDAY, MARCH 18, 2024 AT 12:00 P.M, UNLESS EXTENDED BY THE MIAMI BEACH CITY COMMISSION.**

**Any violation of these Emergency Measure(s) shall subject the violator(s) to arrest and criminal prosecution pursuant to Sections 26-36 and 1-14 of the City Code, or Florida Statutes 252.47 and 252.50.**




CITY OF MIAMI BEACH, FLORIDA

  
Alina T. Hudak, City Manager

Date: 3/15/24

Time: 10:30 a.m.

**ATTEST:**

  
Rafael E. Granado, City Clerk

REGIS BARBOU