

**RESOLUTION NO. 2023-32655**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO FURTHER DEVELOP AND CONTINUE TO IMPLEMENT A PLAN TO ADDRESS, THROUGH COLLABORATIVE AND PROACTIVE ENFORCEMENT, THE ILLEGAL SALE OF GOODS AND PRODUCTS, INCLUDING ALCOHOLIC BEVERAGES AND NARCOTICS, ON THE BEACH BY BACKPACK VENDORS AND OTHER PERSONS.**

**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 90,000 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, pristine beaches, world-class shopping, fine dining, and vast array of artistic and cultural events; and

**WHEREAS**, the City hosts approximately 11 million overnight visitors annually, along with throngs of "day-trippers," many of whom choose to spend time enjoying the beach; and

**WHEREAS**, the City has authorized, pursuant to concessionaire agreements, certain entities to provide (sell) goods and services to persons on the beach; and

**WHEREAS**, pursuant to Section 82-1 of the City Code, it is illegal (and an arrestable offense) to sell, or offer for sale to the public, any merchandise, products, goods or services on the beach (or any other property or place owned, maintained or operated by the City for public use) without appropriate authorization from the City; and

**WHEREAS**, the City has recently experienced many complaints regarding the number of persons (typically wearing backpacks) selling, or offering for sale, narcotics, alcoholic beverages (including to persons under the age of 21), and other goods on the beach; and

**WHEREAS**, the Police Department has taken proactive steps to address this illegal conduct, but cannot entirely do so alone; and

**WHEREAS**, by reporting illegal beach vendors when they observe them selling goods on the beach, the Ocean Rescue division of the Fire Department, and the City's authorized beach concessionaires, can greatly assist the Police Department in upholding the law and protecting the public health, safety and welfare; and

**WHEREAS**, in order to increase the efficiency and effectiveness in reporting illegal beach vendors, the Administration may desire to establish a hotline phone number specifically for such purpose; and

**WHEREAS**, by periodically deploying Police Department personnel and resources, in conjunction with promptly responding to information from Ocean Rescue, City concessionaires, and the public, the City Administration can better remediate this ongoing issue and convey the message that such illegal beach vending will not be tolerated.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Administration to further develop and continue to implement a plan to address, through collaborative and proactive enforcement, the illegal sale of goods and products, including alcoholic beverages and narcotics, on the beach by backpack vendors and other persons.

PASSED and ADOPTED this 28 day of June 2023.

ATTEST:



Rafael E. Granado, City Clerk

JUL - 5 2023



Dan Gelber, Mayor



(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



City Attorney

MAF

6-20-23

Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael A. Paz, City Attorney  
DATE: June 28, 2023

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO FURTHER DEVELOP AND CONTINUE TO IMPLEMENT A PLAN TO ADDRESS, THROUGH COLLABORATIVE AND PROACTIVE ENFORCEMENT, THE ILLEGAL SALE OF GOODS AND PRODUCTS, INCLUDING ALCOHOLIC BEVERAGES AND NARCOTICS, ON THE BEACH BY BACKPACK VENDORS AND OTHER PERSONS.

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### ANALYSIS

Pursuant to the request of Commissioner Laura Dominguez, the above-referenced Resolution is submitted for consideration by the Mayor and City Commission at the June 28, 2023 Commission meeting.

### SUPPORTING SURVEY DATA

N/A

### FINANCIAL INFORMATION

N/A

### Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

### Legislative Tracking

Office of the City Attorney

### Sponsor

Commissioner Laura Dominguez

**ATTACHMENTS:**

**Description**

- Resolution