

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: December 17, 2024

TITLE: INCREASE SECURITY REQUIREMENTS FOR NIGHTCLUBS AND OTHER LATE NIGHT DRINKING ESTABLISHMENTS.

RECOMMENDATION

The Administration recommends requiring nightclubs and late-night drinking establishments to meet a set standard of presented security measures citywide to increase the safety of all patrons, residents, and businesses.

BACKGROUND/HISTORY

At the June 26, 2024 City Commission meeting, at the request of Commissioner Alex Fernandez and later co-sponsored by Commissioners Joseph Magazine and David Suarez, the Mayor and City Commission approved a referral (C4 Q) to the Land Use and Sustainability Committee ("LUSC") to discuss increasing security requirements for nightclubs and other late-night drinking establishments.

The item (C4 AR) was not reached at the May 15, 2024 Commission meeting to be approved as a late submission and deferred to the June 26, 2024 Commission meeting where it was referred to LUSC.

ANALYSIS

While the City of Miami Beach is a welcoming, safe and fun destination for both tourists and residents, incidents of violence not unfamiliar to tourism-driven cities such as the May 2023 Club Gala shooting have occurred inside some city nightclubs. Most of these incidents could, however, have been avoided through the implementation of additional security measures at private entertainment establishments.

City Ordinance 2021-4458 requires enhanced security measures be taken for Alcoholic Beverage Establishments located on Ocean Drive, between 5th and 15th Streets. These establishments, for example, must hire Off-Duty Police Officers. This should be a requirement of all nightclubs and late-night drinking establishments as a rule regardless of location and with limited exceptions. As is the current practice, off-duty services may need to continue being outsourced to outside agencies.

As it stands, only certain establishments meeting a capacity threshold within the city are currently required to notify the Chief of Police or his designee whenever the venue will host a promoted event or concert. The ordinance, however, not only does not apply to all nightclubs or late-night drinking establishments, but also does not require the business to hire off-duty police. As it stands, the limited businesses only need to make the notification once the event is promoted, which at times, occurs only a few hours in advance. This practice limits the ability to carry out proper background checks on the performers to ensure there are no active warrants or histories of feuds that could be brought to Miami Beach along with their performance. Therefore, it is a

recommendation of the Department that the ordinance be reevaluated and expanded to incorporate a greater number of late-night drinking establishments if not all of them.

Most importantly, however, no set standard on security checks for weapons by private security guards is currently required at nightclubs and late-night drinking establishments. While some venues voluntarily choose to patdown customers by feeling for weapons by hand, wand their patrons with a hand-held metal detector, use a magnetometer (a device that measures the strength, direction, or change in a magnetic field), and/or carry out bag checks, other nightclubs do not conduct any type of safety check prior to allowing entry into their business. It is recommended that a minimum standard for weapon checks be decided upon and made mandatory for all nightclubs and late-night entertainment establishments of ALL patrons without exception and that this requirement be followed up by random site inspections to ensure compliance. If a site inspection were to identify a violation of the security measures put in place, the business should be immediately closed down and a significant violation should simultaneously be issued.

While more costly and technically difficult to implement, ideally, ID checks should be performed at each establishment via an electronic system which would also keep an electronic log of patrons entering the nightclub. Electronic ID checks verify that the ID is legitimate and speed up entrance lines that cause crowds to gather at queue line.

Additionally, all alcoholic beverage establishments should be required to have security cameras covering all portions of the business that are open to patrons, with the exception of bathrooms. Businesses should then also consider sharing live feed video during specified times or at will with the Miami Beach Police Department's Real Time Intelligence Center (RTIC) or at a minimum, allow the RTIC the ability to access recorded footage directly for a more immediate response and investigative follow up as needed.

It might also be worth considering standardizing a process for promoted events at venues that are open past 12:00 A.M. This could potentially require a special event permit or the establishment of another type of promoted event review process similar to the City special event procedure. It could also be explored as a part of the City's Conditional Use Permit (CUP) reviewing process. These extra layers would allow for more rigorous scrutiny of any promoted event and allow the City to more easily review the security apparatus, queuing options and security personnel among other identified criteria.

Lastly, the City could consider reviewing and potentially adopting all or portions of the City of Orlando's ordinance (City Code Updates to Nightclubs and Alcohol Sales in Downtown - City of Orlando).

To enhance public safety and regulate nightclubs, Orlando enacted a permit system requiring businesses to obtain a permit by May 1, 2023, at a cost of \$250. Establishments with a full liquor license and occupancy of 50 or more must secure extra duty police protection on weekends and major holidays, as determined by the Police Chief based on factors like venue size and history of incidents. Nightclubs may also need to install weapons detection systems, scan IDs, and track occupancy during late-night hours. Non-compliance results in violations and possible permit suspension or revocation, with a tiered violation system and hearing process. Suspended or revoked permits may be reapplied for after 365 days, provided the establishment demonstrates corrective actions.

The City of Orlando is updating its Land Development Code (LDC) to regulate nightclubs within the Downtown Entertainment Area (DEA). The new regulations require a 300-foot minimum distance between nightclubs to address issues like noise, trash, loitering, and disorderly conduct from nightclub clusters. The changes also eliminate the need for a Special Use Permit for Late Night Uses, streamlining the approval process. These measures aim to foster a diverse mix of

daytime activities, protect public health and safety, and support a vibrant, balanced downtown in line with the City's Growth Management Plan.

While the Administration understands that the implementation of certain of the recommended measures could incur high costs to the private establishments, it is important to understand that the cost of not having stronger security safeguards in place would undoubtedly be higher both to the private commercial owner and to the City as a whole. Stricter and more concrete safety regulations at Club Gala, for example, would have undoubtedly saved a life and prevented others from being injured. For this reason, the recommended security measures could be gradually implemented, potentially in phases to allow business to more comfortably acquire and better implement the requirements.

Pursuant to the Office of the City Attorney's consideration regarding the legal viability of the recommended security measures, implementation would require a multi-departmental approach to include the participation of the Code Compliance, Finance, Fire and Planning Departments among others.

FISCAL IMPACT STATEMENT

Any costs associated with the recommendations will be the responsibility of the private businesses. No additional financial impact has currently been identified.

CONCLUSION

The Administration recommends that all nightclubs and late-night drinking establishments be required to meet a set standard of security measures from those presented in this memo to prevent unnecessary violence or great bodily harm to all patrons.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Police

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Commissioner David Suarez
Commissioner Joseph Magazine

Condensed Title

Increase in Nightclub Security Measures.