

R9 R DISCUSS/TAKE ACTION REGARDING THE CITY ADMINISTRATION'S EFFORTS  
TO ELIMINATE ILLEGAL ALCOHOL SALES ON THE CITY'S BEACHES.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO:	Honorable Mayor and Members of the City Commission
FROM:	Commissioner David Suarez
DATE:	July 24, 2024

TITLE: DISCUSS/TAKE ACTION REGARDING THE CITY ADMINISTRATION'S EFFORTS TO ELIMINATE ILLEGAL ALCOHOL SALES ON THE CITY'S BEACHES.

### **ANALYSIS**

On June 28, 2023, the City Commission passed Resolution No. 2023-32655 (attached here), sponsored by Commissioner Laura Dominguez, "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." I would like an update from the City Administration on its efforts since that time to eliminate illegal alcohol sales on our City's beaches by individuals carrying backpacks, coolers, or other clandestine methods. I would also like to discuss with my colleagues any action that we can take to further enhance the City's efforts to eliminate this unlawful nuisance activity.

### **FISCAL IMPACT STATEMENT**

N/A

### **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**

Office of Commissioner David Suarez

### **Sponsor(s)**

Commissioner David Suarez

### **Co-sponsor(s)**

Commissioner Joseph Magazine

**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:



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Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

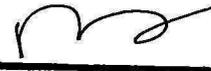
JUL - 5 2023



\_\_\_\_\_  
Dan Gelber, Mayor



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