

RESOLUTION NO. 5615

PROPOSED RESOLUTION NO. 20-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATING TO PUBLIC SAFETY; MAKING FINDINGS; DECLARING A STATE OF LOCAL EMERGENCY DUE TO CIVIL UNREST; IMPOSING A CURFEW WITHIN THE MUNICIPAL LIMITS OF THE CITY OF LAKE LAND AND ESTABLISHING THE DURATION THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**DECLARATION OF STATE OF LOCAL EMERGENCY
CITY OF LAKE LAND, FLORIDA**

WHEREAS, on May 31, 2020, a peaceful protest related to the death of George Floyd in Minneapolis, Minnesota was held in Munn Park within the City of Lakeland; and

WHEREAS, at some point during the protest, a splinter group of approximately 150 to 200 individuals left the protest and began to engage in acts of civil unrest and other criminal activities, primarily at the intersection of N. Florida Avenue and Memorial Boulevard; and

WHEREAS, actions engaged in by this group included blocking traffic and surrounding vehicles, throwing bottles and rocks at law enforcement officers and patrol vehicles, and, in one instance, stopping a vehicle driven by a civilian, breaking the windshields of the vehicle and punching the driver in the face through the window (the statement of Lakeland Police Chief Ruben Garcia describing said events is attached hereto as Exhibit "A" and incorporated herein by reference); and

WHEREAS, similar and more severe acts of violence are occurring in other communities around the country; and

WHEREAS, conditions exist which imminently threaten the public health, safety, welfare and security of the citizens, residents and visitors of the City of Lakeland, Florida; and

WHEREAS, in order to mitigate or prevent this threat, the City Commission of the City of Lakeland, Florida finds that it is necessary to declare a state of local emergency within the entire incorporated limits of the City of Lakeland pursuant to Chapter 26 of the Code of the City of Lakeland, Florida, Section 252.38, Florida Statutes, and the City's home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes; and

WHEREAS, pursuant to the declared state of local emergency, the City Commission finds that it is necessary in order to protect the public health, safety and welfare to declare a curfew within the incorporated limits of the City of Lakeland as provided herein;

NOW, THEREFORE, BE IT RESOLVED, DECLARED AND PROCLAIMED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA AS FOLLOWS:

SECTION 1. The foregoing findings are true and correct and are hereby adopted and incorporated herein.

SECTION 2. A state of emergency exists and is declared within the entire incorporated limits of the City of Lakeland.

SECTION 3. A curfew is hereby established and imposed within the entire incorporated limits of the City of Lakeland commencing at 8:00 P.M. on June 1, 2020 and expiring at 5:00 A.M. on June 2, 2020, and no one shall leave the property of their residence during such period of time except as provided herein. Said curfew may be

extended or re-imposed as necessary beyond the dates specified herein by written order of the City Manager, subject to termination by the City Commission, provided that the City Manager may not extend or re-impose the curfew provided herein beyond 5:00 A.M. on June 8, 2020 without further action of the City Commission.

SECTION 4. The curfew imposed herein shall not apply to individuals engaging in, going to, or returning from employment, including, but not limited to, federal, state and local government employees, judicial personnel, those providing hospital and other health care services, first responder and correctional personnel, child protection and child welfare personnel, housing and shelter personnel, veterinary services personnel, postal and shipping services personnel, and those performing utility and telecommunications repairs. Medical patients in need of transport, persons seeking medical care, and persons seeking emergency veterinary services for a domestic animal are also excluded from this curfew. This curfew does not prohibit a person from walking a pet animal on or immediately adjacent to the premises of the residence at which the animal is being maintained.

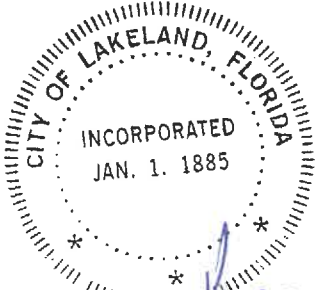
SECTION 5. The state of local emergency declared hereby shall continue in effect through June 8, 2020 unless extended by the City Commission.

SECTION 6. Violations of this Declaration of State of Local Emergency, and orders issued pursuant thereto, shall be punishable as provided in Section 1-14 of the Code of the City of Lakeland, Florida, or as otherwise provided by law.

SECTION 7. If any word, sentence, clause, phrase or provision of this Resolution, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Resolution shall not be affected thereby.


SECTION 8. This Resolution shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 1st day of June, A.D. 2020.





H. WILLIAM MUTZ, MAYOR

ATTEST: 

KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: 

PALMER C. DAVIS
CITY ATTORNEY

EXHIBIT "A"

On May 31, 2020 at about noon, a peaceful protest by Black Lives Matter began in Munn Park within the city limits of Lakeland, Florida. The crowd grew to about 500 in attendance and remained in the park not causing issues. At about 1415 hours, a splinter group of a couple hundred protestors walked two blocks over to the Lakeland Police Department and began to protest on the front steps of the station. Initially the protestors occupied all four corners of the intersections and then began to move into the roadway, blocking traffic and causing a disturbance/unlawful assembly.

In lieu of engaging the group at this time, they were allowed to continue the protest. At about 1500 hours, the group then proceeded north on Massachusetts Ave with some walking in the roadway since law enforcement did not engage them at the department. They continued north through the Bartow Road and Massachusetts Ave intersection. The group then walked to Memorial Blvd and turned west and then stopped at the intersection of Florida Ave and Memorial Blvd.

This group of about 150-200 moved into the roadway and blocked traffic. The group walked in between vehicles for about an hour and in the intersection. The group disregarding all Florida Traffic laws in regard to pedestrian violations. Lakeland Police Department moved in at about 1700 hours to give a dispersal order to the crowd. The rioters refused to disperse again after several warnings. At 1718 hours, LPD officers began to have bottles thrown at them. Officers and patrol vehicles were struck. At 1722 hours gas was authorized. At 1724 gas was deployed and dispersed the crowd. At 1729 hours, rioters threw rocks at our officers at the intersection and then dispersed. LPD units cleared the area.

- In one particular instance, at about 1630 hours, a vehicle driven by a civilian in the roadway was stopped by the protestors as he was making a left turn from Memorial onto Florida Ave. The victim advised LPD Dispatch he was punched in the face in through the window. Suspects also jumped onto of his windshield causing it to shatter. Suspects also broke out his rear windshield and jumped on the hood. Victim was able to get away and report it to police. This incident was captured on Facebook Live and was observed by LPD officers to confirm it did occur.
- Protestors also climbed onto to the roof of the business, Salem's Gyro's, at this intersection.
- Several times, suspects moved in and surrounded vehicles causing them to have to stop and then would back out.
- One protestor also jumped on top of the hood of a marked patrol driven by an LPD Sergeant and jumped off and fled the area.

Within 20 minutes, this group returned to the same intersection and continued standing in the roadway along with trucks and motorcycles driving recklessly (doing donuts and wheelies) in the intersection. Additional LPD officers responded along with the assistance of PCSO redeployed to Memorial and Florida Ave and again gave dispersal orders to the group of about 200 rioters. At about 1930 hours, these units began to have bottles and rocks thrown at them. Gas was deployed again and the crowds dispersed.

At about 2030 hours, the crowd has now moved to Martin Luther King Ave and Memorial Blvd. At the time of this writing, LPD and PCSO members are attempting to disperse this crowd. LPD and PCSO Units moved into disperse and were able to clear this area at about 2115 hours without incident.

During the entire incident since leaving Munn Park and moving to LPD, this group been ordered to disperse and warned they were part of an unlawful assembly.


Affiant, Chief Ruben Garcia


ASST CHIEF, LPD
WITNESS