

Carlton Fields Shareholders Prevail in Litigation Over Outdoor Dining in Miami Beach, Popularized During Pandemic

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Carlton Fields litigators Enrique Arana and Scott Byers recently won a two-year legal matter defending the City of Miami Beach over outdoor dining rights. Miami Beach restaurants alleged their right to place seating areas for guests on the sidewalk. Miami-Dade Circuit Judge Alan Fine ruled that the city has the ultimate say about how public spaces are used. Arana and Byers were featured in a *Daily Business Review* article about the case: “Carlton Fields Shareholders Prevail in Litigation Over Outdoor Dining in Miami Beach, Popularized During Pandemic.” Arana said, “The ruling is particularly important in light of the COVID-19 pandemic, when the city temporarily allowed businesses to provide more outdoor dining on streets and sidewalks. “The ruling affirms that the city can enter into agreements to allow private businesses to provide amenities on public property while maintaining control over its property.” Arana also noted that the ruling is in line with other Florida court decisions, which state that local governments have the same rights as private parties to enter into contracts for the use of government property — “... cities may authorize the use of their streets and sidewalks for sidewalk cafes without giving up control over the public property.” [Read the full article.](#) (Subscription may be required for full access.)

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