

**CITY OF MIRAMAR  
PROPOSED CITY COMMISSION AGENDA ITEM**

**First Reading Date:** October 16, 2024

**Second Reading Date:** November 20, 2024

**Presenter's Name and Title:** Tysheika Shaw, Executive Police Major, on behalf of the Police Department

**Prepared By:** Norman Powell, City Attorney

**Temp. Ord. Number:** 1836

**Item Description:** **SECOND READING** of Temp. Ord. #O1836, AMENDING CHAPTER, ENTITLED "MISCELLANEOUS OFFENSES" BY ESTABLISHING SECTION 13-16 ENTITLED "UNAUTHORIZED PUBLIC CAMPING OR PUBLIC SLEEPING" TO PROVIDE FOR REGULATIONS AND PENALTIES FOR PUBLIC CAMPING OR SLEEPING ON PUBLIC PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Consent  Resolution  Ordinance  Quasi-Judicial  Public Hearing

**Instructions for the Office of the City Clerk: None**

**Public Notice** – As required by the Sec. \_\_\_\_\_ of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, public notice for this item was provided as follows: on 00/00/2024 in a legal ad in the Sun-Sentinel Newspaper; by the posting the property on 8/23/2024 and/or by sending mailed notice to property owners within 1,500 feet of the property on 8/23/2024 (fill in all that apply)

Special Voting Requirement – As required by Sec. \_\_\_\_\_, of the City Code and/or Sec. \_\_\_\_\_, Florida Statutes, approval of this item requires a \_\_\_\_\_ (unanimous, 4/5ths etc.) vote by the City Commission.

**Fiscal Impact:** Yes  No

**REMARKS: NONE**


**Content:**

- **Agenda Item Memo from the City Manager to City Commission**
- **Ordinance TO1836**



CITY OF MIRAMAR  
INTEROFFICE MEMORANDUM

**TO:** Mayor and City Commissioners

**FROM:** Dr. Roy L. Virgin, City Manager 

**By:** Delrish L. Moss, Chief of Police

**DATE:** November 14, 2024

**RE:** SECOND READING of Temp. Ord. No.1836 approving Proposed Ordinance on Unauthorized Public Camping and Public Sleeping

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**RECOMMENDATION:** It is recommended that the City Commission adopt the attached ordinance prohibiting unauthorized public camping and public sleeping, in alignment with House Bill 1365 passed by the Florida Legislature. This ordinance aims to safeguard public health, safety, and welfare while ensuring a compassionate and humane response to individuals experiencing homelessness.

**ISSUE:** City Commission approval is required to amend the City Code to reflect new and or updated terminologies and methodologies for the City's ordinance.

**BACKGROUND:** The City of Miramar is facing increasing challenges related to unauthorized public camping and sleeping, which may result in unsanitary conditions and pose safety risks for both individuals and the broader community. In line with the City's commitment to protect public health and safety, this ordinance provides a framework that balances law enforcement's responsibility to regulate public spaces with the need to offer support to individuals in crisis.

**DISCUSSION:** Unauthorized Public Camping and Public Sleeping prohibits counties & municipalities from authorizing or otherwise allowing public camping or sleeping on public property without certification of designated public property by DCF; authorizes counties to designate public property for such uses for specified time period; requires counties to establish specified standards & procedures relating to such property; authorizes DCF to inspect such property & to issue notice; provides exception during specified emergencies. The ordinance is structured to align with CS/CS/HB 1365 and incorporates best practices from neighboring jurisdictions, ensuring that the City's specific needs are addressed. Special attention is placed on coordinating efforts with social services to provide compassionate care for individuals experiencing homelessness.

**CITY OF MIRAMAR  
MIRAMAR, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING CHAPTER THIRTEEN OF THE MIRAMAR CITY CODE, ENTITLED “MISCELLANEOUS OFFENSES” BY ESTABLISHING SECTION 13-16 ENTITLED “UNAUTHORIZED PUBLIC CAMPING OR PUBLIC SLEEPING” TO PROVIDE FOR REGULATIONS AND PENALTIES FOR PUBLIC CAMPING OR SLEEPING ON PUBLIC PROPERTY; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Miramar, Florida (“City”), a municipal corporation, enjoys all governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, pursuant to Section 125.0231, Florida Statutes, the City may not authorize or otherwise allow any person to regularly engage in “public camping or sleeping” on any property under the jurisdiction of the City; and

**WHEREAS**, the City Commission of the City of Miramar desires to amend Chapter 13, entitled “Miscellaneous Offenses” of the City’s Code of Ordinances by adding Section 13-16 entitled “Unauthorized Public Camping or Public Sleeping” to provide for regulations and penalties for public camping or sleeping on public property; and

10/3/24

**WHEREAS**, the City Commission of the Miramar, Florida finds that adopting an Ordinance prohibiting unauthorized camping or sleeping on public property is in the best interests of the public health, safety and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA:**

**Section 1.** Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

**Section 2.** Amending Chapter 13 “Miscellaneous Offenses” by establishing Section 13-16 entitled “Unauthorized Public Camping or Public Sleeping” to provide for regulations and penalties for public camping or sleeping on public property with all other provisions of this Chapter remaining the same:

**Sec. 13-16. - Unauthorized Public Camping or Public Sleeping.**

(a) It shall be unlawful in the City to engage in camping or sleeping on public property, except as may be specifically authorized by the appropriate governmental authority.

(b) Definitions.

Camping or sleeping means to lodge, reside or remain in an outdoor space temporarily by the erection, use or occupation of any tent, hut, lean-to, shack or temporary shelter of any kind which provides a cover from the elements, for sleeping purposes, or the laying down of bedding, such as a mat, blanket, sleeping bag or other material for the purpose of sleeping, resting or conducting any activities of daily living including but not limited to storage of personal possessions in such place.

Temporary shelter means the use of fabric, metal, cardboard, or other material including but not limited to a tent or other temporary structure for living accommodation or human habitation purposes.

Officer means a sworn law enforcement officer.

Public property means any street, alley, sidewalk, pedestrian pathway, bicycle lane, or any other area encompassed within the public right-of-way, recreation facility, or any other grounds, buildings, or other facilities owned or leased by the City of Miramar or any other governmental entity. For purposes of this Section 16-32, public property does not include any City Park.

(c) No officer shall issue a citation to make an arrest of or otherwise enforce this Section against any person unless:

(1) The officer orally requests or orders the person to refrain from the alleged violation of this Section, and if the person fails to comply after receiving the oral request or order, the person may be cited or arrested for a violation of this Section; and

(2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless assistance. If the officer determines that the person is in need of the assistance, and such assistance is available, the officer shall afford the person an opportunity to be transported to either a hospital or a public shelter; and

(3) The officer determines that the person does not appear to be in need of medical or human services assistance; or if the person who needs medical or human services assistance refuses to be transported to a hospital or public shelter.

(d) If applicable, the officer shall advise the person that any of his or her personal property which is not taken to the hospital, public shelter, jail or detention facility shall be inventoried and stored by Broward Sheriff's Office until reclaimed, for a maximum of thirty (30) days, subject to the granting of extensions of time at the Broward Sheriff's Office's sole discretion. The officer shall also advise the person that any personal property which is perishable, or which is in an unsanitary condition may be immediately discarded and will not be stored by Broward Sheriff's Office. Any personal property that was inventoried and stored by Broward Sheriff's Office for a person transported to a hospital, or public shelter or arrested, under the provisions of this Section which has not been reclaimed within thirty (30) days of the date the personal property was inventoried and stored shall be deemed abandoned and disposed of according to F.S. Ch. 705.

(e) Violation of this Section shall be punishable as provided in Section 1-6 of this Code.

**Section 3. Conflict & Repealer.**

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

**Section 4.** Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Code or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 5.** Inclusion in Code.

It is the intention of the City Commission of the City of Miramar that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Miramar and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

**Section 6.** Effective Date.

This Ordinance shall take effect immediately upon final passage and adoption.

Temp. Ord. No. 1836  
10/3/24

**PASSED FIRST READING:** \_\_\_\_\_

**PASSED AND ADOPTED ON SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
Mayor, Wayne M. Messam

ATTEST:

\_\_\_\_\_  
City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved  
this ORDINANCE as to form:

\_\_\_\_\_  
City Attorney,  
Austin Pamies Norris Weeks Powell, PLLC

<b><u>Requested by Comm. Chambers</u></b>	<b><u>Voted</u></b>
Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Mayor Wayne M. Messam	_____