

C7 AP A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE POLICE DEPARTMENT TO CREATE AND IMPLEMENT AN ACTION PLAN THAT PRIORITIZES ENFORCEMENT OF THE CITY'S PUBLIC CAMPING AND PUBLIC SLEEPING ORDINANCE, PARTICULARLY ON LINCOLN ROAD AND WASHINGTON AVENUE, AND FURTHER DIRECTING THE POLICE DEPARTMENT TO ENSURE THAT ALL POLICE OFFICERS COMPLETE A REFRESHER TRAINING FROM THE POLICE DEPARTMENTS TRAINING UNIT, ON THE CITY'S PUBLIC CAMPING AND PUBLIC SLEEPING ORDINANCE IN ORDER TO ENHANCE PUBLIC SAFETY, COMPASSIONATELY ADDRESS UNHOUSED PERSONS, AND PROMOTE A MORE POSITIVE EXPERIENCE IN THE CITY FOR RESIDENTS AND VISITORS.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: February 3, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE POLICE DEPARTMENT TO CREATE AND IMPLEMENT AN ACTION PLAN THAT PRIORITIZES ENFORCEMENT OF THE CITY'S PUBLIC CAMPING AND PUBLIC SLEEPING ORDINANCE, PARTICULARLY ON LINCOLN ROAD AND WASHINGTON AVENUE, AND FURTHER DIRECTING THE POLICE DEPARTMENT TO ENSURE THAT ALL POLICE OFFICERS COMPLETE A REFRESHER TRAINING FROM THE POLICE DEPARTMENTS TRAINING UNIT, ON THE CITY'S PUBLIC CAMPING AND PUBLIC SLEEPING ORDINANCE IN ORDER TO ENHANCE PUBLIC SAFETY, COMPASSIONATELY ADDRESS UNHOUSED PERSONS, AND PROMOTE A MORE POSITIVE EXPERIENCE IN THE CITY FOR RESIDENTS AND VISITORS.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

### **ANALYSIS**

The attached Resolution was prepared at the request of the sponsor, Commissioner David Suarez.

### **FISCAL IMPACT STATEMENT**

The sponsor of this item requests that the Administration be prepared to address the fiscal impact of this proposed measure, if any, at the City Commission meeting.

### **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

## **CONCLUSION**

### **Applicable Area**

South Beach

**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**

City Attorney

### **Sponsor(s)**

Commissioner David Suarez

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

### **Condensed Title**

Direct PD to Implement Action Plan Re: City's Public Camping and Sleeping Ordinance.  
(Suarez) CA

### **Previous Action (For City Clerk Use Only)**

RESOLUTION NO. 2025 - \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE POLICE DEPARTMENT TO CREATE AND IMPLEMENT AN ACTION PLAN THAT PRIORITIZES ENFORCEMENT OF THE CITY'S PUBLIC CAMPING AND PUBLIC SLEEPING ORDINANCE, PARTICULARLY ON LINCOLN ROAD AND WASHINGTON AVENUE, AND FURTHER DIRECTING THE POLICE DEPARTMENT TO ENSURE THAT ALL POLICE OFFICERS COMPLETE A REFRESHER TRAINING FROM THE POLICE DEPARTMENTS TRAINING UNIT, ON THE CITY'S PUBLIC CAMPING AND PUBLIC SLEEPING ORDINANCE IN ORDER TO ENHANCE PUBLIC SAFETY, COMPASSIONATELY ADDRESS UNHOUSED PERSONS, AND PROMOTE A MORE POSITIVE EXPERIENCE IN THE CITY FOR RESIDENTS AND VISITORS.**

**WHEREAS**, it is the policy of the City of Miami Beach that public property including, but not limited to, public sidewalks, streets, alleyways, parks, beaches, beach access areas, walkways, pathways, garages, buildings, promenades, and pedestrian malls should be readily accessible and available for use by residents, visitors, and the public at large for their safe enjoyment; and

**WHEREAS**, the use of public property by individuals for camping and/or sleeping interferes with the rights of residents, visitors and the public to freely use public spaces for the purpose for which they were intended; and

**WHEREAS**, the prohibition on camping and sleeping in public places within the City furthers the legitimate governmental interest in protecting the public health and the safety of all persons within the City, and maintains sanitation Citywide; and

**WHEREAS**, newly adopted Fla. Stat. §125.0231, prohibits a county or municipality from authorizing or otherwise allowing any person to regularly engage in public camping or sleeping on any public property including, but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of such county or municipality, went into effect on October 1, 2024; and

**WHEREAS**, recently amended City Code Sec. 70-45, entitled Public Camping and Public Sleeping Prohibited, prohibits lodging or residing in an outdoor space as evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, the storage of personal belongings, or lying, sitting, or resting upon or under any item or material; cooking over an open flame or fire out-of-doors; or sleeping out-of-doors, went into effect on September 11, 2024; and

**WHEREAS**, prohibitions on camping and sleeping in public places have been upheld by state and federal courts even in the absence of providing shelter to unhoused persons; however, the City's public camping and public sleeping ordinance requires that police offer shelter or other available government assistance to those persons engaged in public camping or sleeping who have no home or other permanent shelter; and

**WHEREAS**, the primary objective of the new action plan is to ensure that no person in the City is living on public property, thereby safeguarding those individuals from dangerous circumstances, such as disease, violence and severe weather conditions; and

**WHEREAS**, this action plan also aligns with the City's commitment to fostering an elevated quality of life for its residents, along with vibrant economic activity, and will further reinforce the City's reputation as a premier tourist destination; and

**WHEREAS**, the City reliably provides services to persons camping or sleeping on public property, such as immediate housing opportunities, in-house employment services, family reunification/relocation services, mental health screening and services, and rental assistance and referral supportive services; and

**WHEREAS**, a consistently visible police presence enforcing the City's public camping and public sleeping ordinance, particularly on Lincoln Road and Washington Avenue, not only helps to deter crime and protect those individuals who are living on public property, but also encourages residents and visitors to patronize and enjoy the City's key commercial areas.

**NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, hereby direct the Police Department to create and implement an action plan that prioritizes enforcement of the City's public camping and public sleeping ordinance, particularly on Lincoln Road and Washington Avenue, and further direct the police department to ensure that all police officers complete a refresher training from the Police Departments Training Unit, on the City's public camping and public sleeping ordinance in order to enhance public safety, compassionately address unhoused persons, and promote a more positive experience in the City for residents and visitors.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner David Suarez)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

1/24/2025

VL