



## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>1/3/2024</b>	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	<b>9/26/2023</b>	<b>1/3/2024</b>
File No.:		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
		Advertising Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>23-292</b>		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>N/A</b>	<b>Joy F. Cooper, Mayor</b>	<b>City Commission</b>	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Finance & Budget		<input type="checkbox"/> Organizational Capacity	<input checked="" type="checkbox"/> Infrastructure/Projects	
Implementation Timeline:				
Estimated Start Date: 12/20/2023    Estimated End Date: n/a				

### SHORT TITLE:

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, REPEALING AND REPLACING CHAPTER 19, SECTION 19-1, "SLEEPING OUT-OF-DOORS OR IN VEHICLES, TEMPORARY SHELTERS, OR PROPERTY OF ANOTHER," OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

### STAFF SUMMARY:

A number of courts have held that sleeping is an involuntary activity that can not be constitutionally prohibited. The United States Eleventh Circuit Court of Appeals in *Joel v. City of Orlando*, 232 F.3d 1353 (11th Cir. 2000) held that sleeping out-of-doors is not a fundamental right when an individual has been provided an opportunity to avoid violation of the law. The City's current code relating to sleeping in public spaces should be updated to reflect the current state of the law.

The proposed ordinance would establish new prohibitions against laying on bus benches, sleeping in public spaces and blocking sidewalks and roadways by camping or lodging thereon.

**Business Impact Analysis:**

As per 166.041(4)(c), the City is required to prepare a business impact analysis before the proposed ordinance is enacted since the State's exemption from the requirement does not apply. City Staff prepared a business impact estimate for this item, and it is provided as supplemental information for City Commission consideration in enacting the proposed ordinance (Exhibit 2).

Per Florida Statute 166.041(4)(b), the City is not required to procure an accountant or other financial consultant to prepare the business impact estimate.

**PROPOSED ACTION:**

The City Commission considers the attached Ordinance.

**ATTACHMENT(S):**

Exhibit 1 – Ordinance Prohibiting Camping or Lodging in Public Areas  
Exhibit 2 – Business Impact Estimate

Prepared by City Attorney.