



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the city's website by the time notice of the proposed ordinance is published.

This Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes. If one or more boxes are checked below, a Business Impact Estimate is not required by state law for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

Proposed ordinance's title/reference:

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.

Section A.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the city;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

EXHIBIT 2

The provisions contained in this section constitute exemptions as provided in Section 166.041(4)(c). Should any such exemption be applicable as indicated above, then the provisions found in Section B. below are not applicable and the Business Impact Estimate need not be provided.

Section B.

1. Summary of the proposed ordinance and statement of the public purpose. (i.e., public health, safety, morals and welfare).

The City of Hallandale Beach desires to update its Code of Ordinances with respect to sleeping out-of-doors or in vehicles, temporary shelters, or property of another to be more consistent with recent case law. The City Commission recognizes the right of persons to be free from criminal prosecution for conduct that is considered involuntary as prosecution for the same is considered cruel and unusual punishment under the Eight Amendment of the United States Constitution.

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. The City of Hallandale Beach aims to lawfully prevent sleeping or camping in certain public areas to promote sanitation, public health, and safety, which the court held in Joel is a legitimate government purpose. Further, the City has made significant investments in and has a compelling, legitimate governmental interest in the promotion and use of its mass transit system. Obstruction of bus shelters and benches by camping or lodging discourages the public from utilizing the mass transit system, thereby impacting the public's health, safety, and welfare. Moreover, obstruction of pedestrian walkways and other public rights-of-way caused by camping or lodging forces the public and first responders to use fewer safe areas for movement and therefore harms the general health, safety, and welfare of the public. The proposed amendment intends to serve the best interests of the City of Hallandale Beach and its residents.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;

There are no expected compliance costs that businesses may reasonably incur since the ordinance is an additional tool police officers can utilize to combat issues of blight. Businesses are not being asked to provide any further financial assistance to comply with this ordinance change.

- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

There are no new charges or fees imposed by the proposed ordinance.

EXHIBIT 2

(c) An estimate of the city's regulatory costs (such as but not limited to regulatory fees or charges to the businesses), including estimated revenues (not limited to revenue the city will collect, if any) from any new charges or fees to cover such costs.

There are no new charges or fees imposed by the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The City of Hallandale Beach has approximately 2,770 businesses according to the City of Hallandale Beach Chamber of Commerce. This ordinance has an impact on every business registered in the city.

An individual who openly sleeps in the streets and certain public areas have a detrimental effect on various aspects of a community by creating sanitation issues, blocking the flow of pedestrian and transit traffic, and potentially instilling apprehension in residents and visitors to the City.

4. Additional information/methodology for preparation, if any:

The criminology theory named Broken Windows suggests that visible signs of disorder and neglect can encourage further crime and anti-social behavior in an area, as they signal a lack of order and law enforcement.

Sleeping outdoors, which results in a lack of sanitation and impedes the movement of people through the city, represents a clear sign of disorder and neglect. As such, it is imperative that PD has the tools to enforce issues of blight.

Further, this ordinance will enable PD to offer persons experiencing homelessness, the availability to social services and/or housing.