

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING THE CITY OF NORTH MIAMI BEACH CODE BY AMENDING CHAPTER IX, ENTITLED “OFFENSES AND MISCELLANEOUS PROVISIONS,” BY AMENDING SECTION 9-35 ENTITLED “CAMPING PROHIBITED”; TO PROVIDE A UNIFORM PROCEDURE FOR IDENTIFYING CAMPING AND POLICE DEPARTMENT ENFORCEMENT OF THE CAMPING PROHIBITION; PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVERNER’S ERROR, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, the proposed amendment seeks to set forth the definition of prohibited camping and establish procedures for enforcement, as mandated by recent legislation passed and adopted by the State Legislature and signed into law by the Governor; and

WHEREAS, the Mayor and City Commission find the proposed amendments to be consistent with the North Miami Beach Comprehensive Plan and in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. That Chapter IX “OFFENSES AND MISCELLANEOUS PROVISIONS”, and Chapter IX, Section 9-35 entitled “Camping Prohibited”, of the Ordinances of North Miami Beach, Florida, is hereby deleted in its entirety, and hereby amended in its entirety to read as follows:

CHAPTER IX – OFFENSES AND MISCELLANEOUS PROVISIONS

Section 9-35 – CAMPING PROHIBITED

^{1/} Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by strikethrough.

(a) Definitions.

Temporary Shelter means the unauthorized use of fabric, metal, cardboard, or other material as a tent or other temporary structure for living accommodation purposes or human habitation.

Camping means to occupy, sleep, reside or dwell temporarily on City property by the erection, use or occupation of any tent, hut, lean-to, shack or Temporary Shelter for sleeping purposes, or the laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping, and conducting activities of daily living such as eating, sleeping or storage of personal possessions in such place.

Officer means a sworn law enforcement officer of the City of North Miami Beach Police Department.

Proper identification means a driver's license, a government or employment identification card with a photograph, or other form of photo-bearing identification that would satisfy an Officer, in his or her reasonable discernment, as to the identity of the person.

(b) Prohibited Acts. It shall be unlawful for any person to engage in Camping on public or private property in the City, including rights-of-way, except as may be specifically authorized by the appropriate governmental authority and/or property owner.

(c) Evidence of Camping. Being in a Temporary Shelter or being asleep in a public area is not sufficient to constitute a violation of this section. One or more of the following shall also exist to determine a person is engaged in Camping:

1. Numerous items of personal belongings are present;
2. The person is engaged in cooking activities;
3. The person has built or is maintaining a fire;
4. The person has engaged in digging or earth breaking activities; or
5. The person is asleep and he or she has no other permanent place to live.

(d) Enforcement.

Except as provided for in subsection (e), whenever an Officer has probable cause to believe that a violation of this section has occurred, he or she shall advise the person of the violation and afford the person an opportunity to be transported to a public shelter or otherwise vacate the area immediately upon request of an Officer. Under such circumstances, the Officer shall advise the person that, if they elect to be transported to a public shelter, any of his or her personal property that is not taken to the public shelter will be inventoried and stored by the City police department until reclaimed, or for a maximum of 60 days, except to the extent that such personal property is perishable or unsanitary, in which case such personal property may be discarded.

If the person elects to be transported to a public shelter, the Officer shall make available such transportation as may be available and the person making such election shall not be charged with a violation of this section.

If the person refuses either to be transported to a public shelter, or to otherwise vacate the premises, then such person may be charged with a violation which shall constitute a public nuisance and, upon conviction, be shall be punishable in accordance with subsection 9-1.1 of this Code.

(e) Subsection (d) shall not apply to any person who cannot be properly identified, or is intoxicated, or who within the past year was previously charged with a violation of this section three (3) times or who elected to be transported to a public shelter three (3) times.

(f) Any personal property that was inventoried and stored by the City police department for a person transported to a shelter under the provisions of this section which has not been reclaimed within 60 days of the date of inventory, shall be deemed abandoned and disposed of according to F.S. Ch. 705.

Section 3. It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 4. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 6. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. This Ordinance shall become effective immediately upon adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED on this first reading this _____ day of _____ 2025

APPROVED AND ADOPTED on second reading this _____ day of _____, 2025

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

MICHAEL JOSEPH
MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF NORTH MIAMI BEACH ONLY:

JOSEPH S. GELLER
CITY ATTORNEY

SPONSORED BY: Mayor and City Commission