

# MEMORANDUM

Agenda Item No. 5(A)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners


**DATE:** October 3, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to the Public Health Trust; creating section 25A-10 of the Code; prohibiting certain conduct at designated facilities of the Public Health Trust, including conduct relating to the preservation of property

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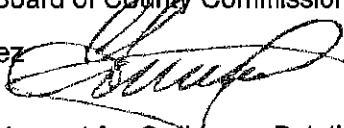
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
Abigail Price-Williams  
County Attorney

APW/cp

# Memorandum




**Date:** October 3, 2017  
**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez  
Mayor   
**Subject:** Fiscal Impact Statement for Ordinance Relating to the Public Health Trust Prohibiting  
Certain Conduct at Designated Facilities

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The proposed ordinance relating to the Public Health Trust (Trust) creates Section 25 A-10 of the Code of Miami-Dade County prohibiting certain conduct at the designated facilities of the Trust.

Enforcement of the proposed ordinance will not result in additional staffing needs. Therefore, implementation of the proposed ordinance will not have a fiscal impact on Miami-Dade County.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor

FIS5817 171740

# Memorandum



**Date:** October 3, 2017

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over the printed name.

**Subject:** Social Equity Statement For Ordinance Amending Chapter 25A To Add Provisions Related To Prohibited Conduct And Preservation Of Property At All Public Health Trust Facilities

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The proposed ordinance amends Chapter 25A of the Code of Miami-Dade County (County), to add provisions related to prohibited conduct and preservation of property at all Public Health Trust facilities. The proposed amendment would prohibit certain conduct, including public intoxication, and use of illegal drugs, as well as ensure proper sanitation at Trust facilities. The Trust will engage in a program of community awareness which will highlight the importance of health, safety, and well-being of all workers, patients, and family members at Trust Facilities. Similar regulations are presently codified in the Code for other County departments and observed at both the Miami-Dade Aviation and Seaport Departments.

The proposed ordinance is not anticipated to have any measurable social equity benefit or burden.

A handwritten signature in black ink, appearing to read "Alina T. Hudak". The signature is cursive and written over a horizontal line.

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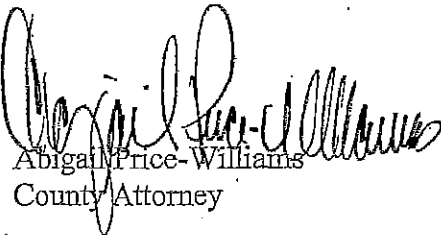
Alina T. Hudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** October 3, 2017

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(A)  
10-3-17

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

ORDINANCE RELATING TO THE PUBLIC HEALTH TRUST;  
CREATING SECTION 25A-10 OF THE CODE OF MIAMI-  
DADE COUNTY, FLORIDA; PROHIBITING CERTAIN  
CONDUCT AT DESIGNATED FACILITIES OF THE PUBLIC  
HEALTH TRUST, INCLUDING CONDUCT RELATING TO  
THE PRESERVATION OF PROPERTY; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE, AND AN  
EFFECTIVE DATE

**WHEREAS**, the designated facilities of the Public Health Trust (“Trust”) are defined in Chapter 25A-2 of the Code of Miami-Dade County, Florida (“Code”), and in Chapter 73-102, Laws of Florida; and

**WHEREAS**, the Board desires to maintain the integrity of the campus at the designated facilities of the Public Health Trust and protect and preserve the designated facilities of the Trust in order to ensure the health, safety, and well-being of all workers, patients, and family members at Trust facilities; and

**WHEREAS**, the Trust is engaging in a program of community awareness regarding the integrity of the grounds of Trust facilities and the importance of the health, safety, and well-being of all workers, patients, and family members at Trust facilities; and

**WHEREAS**, the Board desires to amend Chapter 25A of the Code of Miami-Dade County, Florida, to create a new section regarding Preservation of Property and Prohibited Conduct at Trust facilities; and

**WHEREAS**, similar provisions to those set forth in this ordinance are already part of the Code, for the Aviation, Seaport, and Parks, Recreation and Open Spaces Departments; and

**WHEREAS**, this Board previously has enacted Ordinance No. 10-2010 and Ordinance No. 15-1584, which allow civil citations as a penalty for non-violent misdemeanors; and

**WHEREAS**, section 1-5 of the Code provides additional penalties for code violations, including civil penalties for non-violent misdemeanors under chapter 8CC of the Code; and

**WHEREAS**, it is the intent of this Board to allow discretion in enforcement of violations of the Code set forth in this ordinance, including issuance of a warning where appropriate,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 25A-10 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:<sup>1</sup>

**Sec. 25A-10. Prohibited Conduct and Preservation of Property.**

(a) *General Prohibited Conduct.*

(1) It shall be unlawful for any person to remain in or on any area, place or facility at the designated facilities of the Trust, unless such person has a bona fide purpose for being in such area, place or facility, directly related to the normal and regular usage of such area, place or facility, in such a manner as to hinder or impede the orderly passage in or through or the normal or customary use of such area, place or facility by persons or vehicles entitled to such passage or use.

(b) *Preservation of Property.* No person shall:

- (1) Destroy, injure, deface, disturb, or tamper with any building, sign, equipment, fixture, marker, or any other structure or property at the designated facilities of the Trust;
- (2) Injure, deface, remove, destroy, or disturb the trees, flowers, shrubs, or other vegetation at the designated facilities of the Trust;
- (3) Walk, drive or park on a posted lawn or seeded area of the designated facilities of the Trust; or

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(4) Willfully abandon any personal property at the designated facilities of the Trust.

Any person who causes damage to the designated facilities of the Trust shall be held liable for such damage.

(c) *Sanitation.*

(1) No person shall deposit or drop or place any refuse including bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, tobacco products, or containers of foil upon the ground or on any other property belonging to the designated facilities of the Trust except in receptacles provided for trash disposal.

(2) No person shall deposit into any recycle bin or container any material other than that for which it is intended.

(3) No person shall dump or dispose of any fill, building material or any other material on any designated facilities of the Trust, or in any canal or drainage ditch serving the designated facilities of the Trust; except pursuant to a public works contract that the Trust may have with a vendor or otherwise in accordance with the policies of the Trust.

(4) No person shall use a restroom, toilet or lavatory facility other than in a clean and sanitary manner.

(5) No person shall deposit, blow, or spread any bodily discharge on the ground or pavement anywhere on the designated facilities of the Trust or on any floor, wall, partition, furniture, or any other part of a restroom, or other building or grounds at the designated facilities of the Trust, other than directly into a fixture provided for that purpose.

(6) No person shall place any foreign object in any plumbing fixture of a restroom, or other building or grounds at the designated facilities of the Trust.

(d) *Sanitation Pollution of Waters (Fountains).*

Using the fountains, drinking fountains, ponds, lakes, streams, bays, or any other bodies of water within the designated facilities of the Trust, or the tributaries, storm sewers, or drains flowing into them, as dumping places for any substance or matter or thing which will or may result in the pollution of said waters is strictly prohibited.

(e) *Intoxication.*

(1) No person shall drink any intoxicating liquors upon any portion of the designated facilities of the Trust, except in restaurants properly designated by the Trust, by lease for on-premises liquor consumption >>, or at events sanctioned and operated by the Trust<<.

(2) No person shall drive under the influence, as defined in section 316.193, Florida Statutes, as amended from time to time, on the designated facilities of the Trust.

(f) *Drugs.*

(1) No person, other than a duly qualified physician, a certified emergency technician (under the direction of a duly qualified physician or as provided by law), a registered nurse, a duly qualified pharmacist, or other duly qualified professional, shall, while on the designated facilities of the Trust, prescribe or give away any controlled substance as defined from time to time by State or Federal law to another or have such a drug in his possession, with intent to prescribe, sell, or give it away to another. Such persons shall not be authorized to offer to sell or to sell such drugs except pursuant to a permit, license or agreement issued by the County.

(2) No person shall consume, ingest, or use any illegal drugs or illegal substances upon any portion of the designated facilities of the Trust.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.



**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Eugene Shy, Jr.  
Laura E. Wade

APW  
ES/LEW

Prime Sponsor: Commissioner Sally A. Heyman