



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Public Safety and Health Committee (PSHC) Meeting

December 13, 2017
1:30 P.M.
Commission Chambers

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Research Notes

Item No. 1G1
File No. 172445

Researcher: SAP Reviewer: PGE

ORDINANCE RELATING TO OVERNIGHT CAMPING ON COUNTY PROPERTY: AMENDING SECTION 21-286 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT LAW ENFORCEMENT GIVE VIOLATORS THE OPPORTUNITY TO GO TO A HOMELESS SHELTER RELATED TO SEXUAL PREDATORS, SEXUAL OFFENDERS AND CERTAIN OTHER PERSONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the County ordinance relating to the prohibition on overnight camping on County property to exempt law enforcement from being directed to offer an opportunity to violators to go to a homeless shelter where such violator is a sexual predator or offender and thus ineligible.

APPLICABLE LEGISLATION/POLICY

See Miami-Dade County Code of Ordinances, Article XVIII Section 21-286 governing Offenses and Miscellaneous Provisions - Prohibition on Overnight Camping.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch21_artxviii_sec21-286

Section 810.09 of the Florida Statutes. Trespass on property other than structure or conveyance.— (b) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0810/Sections/0810.09.html

Section 21-281 of the Code. Sexual Offender and Sexual Predator Residence Prohibition - It is unlawful for any person who has been convicted of a violation of sexual battery, lewd and lascivious acts on/in presence of persons under age 16, in which the victim or apparent victim of the offense was less than sixteen (16) years of age, to reside within 2,500 feet of any school.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch21_artxvii_sec21-281

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Esteban L. Bovo, Jr., District 13

This item was adopted on first reading at the November 7, 2017 Board meeting and is set for public hearing before the Public Safety and Health Committee on Wednesday, December 13, 2017.

FISCAL IMPACT

Implementation of this ordinance will not have a fiscal impact to the County as the enforcement of this ordinance will be performed by existing staff.

ANALYSIS

The proposed ordinance amends Section 21-286 of the Code of Miami-Dade County, Florida, which prohibits overnight camping on county property/facility. The ordinance requires law enforcement to first offer violators the opportunity to

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go to a Homeless Shelter. This opportunity is meaningless where the violator is a sexual predator or sexual offender, and thus the proffered amendment aims to address that by exempting law enforcement's offer to go to a homeless shelter where the violator is a sexual offender or predator and thus ineligible. Overnight camping is defined as the use of outdoor space for living accommodation purposes involving the erection of structures such as the setting up of any tents, shacks, or shelters for sleeping activities from the hours of sunset to sunrise.

County property is an inappropriate setting for overnight camping activities for reasons that include, but are not limited to, the lack of adequate means for disposing of waste and access to utilities. The County has an obligation to maintain its property clean, safe and publicly accessible in accordance with the requirements of law. The requirement to offer homeless persons violating the prohibition an opportunity to go to a homeless shelter has proven unworkable, unduly burdensome on law enforcement, and has rendered the prohibition meaningless when the homeless person is a sexual predator, sexual offender, or is otherwise ineligible to stay at homeless shelters. With approval of this ordinance, the County will help ensure the proper aesthetic maintenance and safety of its properties and facilities.

The following table compares the existing Code section to the proffered amendments:

Code Comparison Chart Miami-Dade County		
Section	Original	Proposed
21-286 - <i>Prohibition on Overnight Camping</i>	<p>(1) Except as otherwise provided for in this Code, there shall be no overnight camping on County facility/property. Overnight camping is defined as the use of outdoor space for living accommodation purposes involving the erection of structures such as the setting up of any tents, shacks, or shelters for sleeping activities, from the hours of sunset to sunrise. The provisions of this chapter shall apply to the incorporated and unincorporated areas of Miami-Dade County.</p> <p>(2) Any person violating this section shall, upon being warned by a County official or a law enforcement officer, cease the prohibited activity. If the person continues the prohibited activity after such warning, the official or law enforcement officer may direct the individual to leave the premises. Any individual who does not leave as directed is subject to arrest for trespassing pursuant to Section 810.09 Florida Statutes.</p> <p>(3) Any homeless person, as defined in 24 CFR Section 583.5, violating this section shall first be offered an opportunity to go to a homeless shelter</p>	<p>(1) Except as otherwise provided for in this Code, there shall be no overnight camping on County facility/property. Overnight camping is defined as the use of outdoor space for living accommodation purposes involving the erection of structures such as the setting up of any tents, shacks, or shelters for sleeping activities, from the hours of sunset to sunrise. The provisions of this chapter shall apply to the incorporated and unincorporated areas of Miami-Dade County.</p> <p>(2) Any person violating this section shall, upon being warned by a County official or a law enforcement officer, cease the prohibited activity. If the person continues the prohibited activity after such warning, the official or law enforcement officer may direct the individual to leave the premises. Any individual who does not leave as directed is subject to arrest for trespassing pursuant to Section 810.09 Florida Statutes.</p> <p>(3) Any homeless person, as defined in 24 CFR Section 583.5, violating this section shall first be offered an opportunity to go to a homeless shelter</p>

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	<p>by a County official or law enforcement officer, if there is space available at such a shelter</p>	<p>by a County official or law enforcement officer, if there is space available at such a shelter. >> The requirement to offer an opportunity to go to a homeless shelter shall not apply to any sexual offender as defined in Section 21-280 of the Code, or any person that is otherwise ineligible to stay at a homeless shelter<<</p> <p>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.</p> <p>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 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.</p> <p>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.</p>
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News Articles on Sex Offenders and Homelessness

- Sun Sentinel. *Lauderdale homeless pushed out of Stranahan Park now camping at county library. July 12, 2017*
<http://www.sun-sentinel.com/local/broward/fl-sb-homeless-county-library-20170712-story.html>
County officials are struggling to deal with a sprawling homeless encampment outside the north entrance of Broward County’s main library that includes men and women who so far have resisted efforts to get them into shelters or treatment programs.
- Miami New Times. *Two Weeks After New Times Story, Ron Book Wants to Close Sex Offender Camp Near Hialeah. August 24, 2017*
<http://www.miaminewtimes.com/news/miami-dade-homeless-trust-wants-to-close-hialeah-sex-offender-camp-9611195>

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The lobbyist insists that, in fact, nothing has changed. Book says the county is simply allocating resources to the sex offenders for temporary rental assistance, such as first month's rent and security deposits. But he says that service has always been available to the offenders and blames them for lacking the initiative to arrange proper housing.

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Item Nos. 2C and 2D

File No. 172749 and 172751

Researcher: SAP Reviewer: PGE

RESOLUTION DECLARING CERTAIN FIREFIGHTING EQUIPMENT SURPLUS PROPERTY; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY; AUTHORIZING THE DONATION OF SUCH EQUIPMENT TO THE **GOVERNMENT OF THE COUNTRY OF SAINT LUCIA**; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A FOREIGN GOVERNMENTAL ENTITY DONATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

RESOLUTION DECLARING CERTAIN FIREFIGHTING EQUIPMENT SURPLUS PROPERTY; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY; AUTHORIZING THE DONATION OF SUCH EQUIPMENT TO THE **MUNICIPALITY OF SUTATENZA BOYACA, COLOMBIA**; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A FOREIGN GOVERNMENTAL ENTITY DONATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

ISSUE/REQUESTED ACTION:

Whether the Board should:

- 1) Declare certain firefighting equipment surplus property to the Government of the Country of Saint Lucia and to the Municipality of Sutatenza Boyaca, Colombia, waiving by a two-thirds vote of Board members present the procedure of disposition of surplus property; and
- 2) Authorize the County Mayor or his designee to execute a foreign governmental entity donation agreement.

APPLICABLE LEGISLATION/POLICY

Chapter 274 of the Florida Statutes governing Public Lands and Property: Tangible personal property owned by Local Governments. *Surplus property.*—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0274/0274.html

Section 2-11-2.1(b) of the County Code subsection governing sale, donation or other disposition of surplus property. To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-11.2.1

Section 2-11.2.2(d) of the County Code governing the disposition of County surplus property. *Exception for foreign governmental entities.* Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds (2/3) vote of members present and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_arti_sec2-11.2.1

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

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ANALYSIS

This item seeks authority to donate firefighting equipment surplus property to the Country of Saint Lucia and to the Municipality of Sutatenza Boyaca in Colombia. Both countries have expressed an interest in the property and desire to use the equipment within their Countries. The November 17, 2017 letter from the Fire Chief to the Chairman specifically stated that the fire protection clothing has been declared obsolete by the Miami-Dade Fire Rescue Department and cannot be legally used by another County department, municipality, or an eligible Community-Based Organization (CBO) in the County. These decommissioned fire protective clothing turn-out gear (helmets, boots, coats, and pants) may not be used for live fire service and can only be used for training without live burns.

The Consul General of Saint Lucia stated in the July 17, 2017 letter to the Board that Saint Lucia provides firefighting services to the entire island and is currently under-equipped and the Bunker Gear donations would be helpful to the Island. The Mayor of Sutatenza Boyaca stated in the June 29, 2017 letter to the Board that the donations of fire equipment will be used for training purposes in the Municipality of Sutatenza Fire Department. The Foreign Entity Donation Agreement between the County and the parties noted that the receiving Countries agree that they shall utilize the donated surplus property for the intended use specified in the Surplus Property Allocation Application.

The Donee will take possession of the equipment within 60 days of the effective date of this resolution and will be responsible for any and all costs of transferring the equipment. If, for any reason, the Donee fails to take possession of the equipment within 60 days of the effective date of this resolution, then this resolution will be null and void, and the ownership rights to the equipment will revert back to the County.

2C – 172749

The following firefighting equipment is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization. The Country of Saint Lucia (Donee) has expressed an interest in the following property and desires to use the equipment within the Country:

- 200 Sets of Turnout Gear: Coats & Pants; Est. Value \$200,000;
- 200 Fire Helmets; Est. Value \$20,000; and
- 200 Sets of Fire Boots; Est. Value \$2,000.

2D - 172751

The Municipality of Sutatenza Boyaca, Colombia (Donee) has expressed an interest in the following property and desires to use the equipment within the Country of Colombia.

- 40 Sets of Turnout Gear: Coats & Pants; Est. Value \$40,000;
- 40 Fire Helmets; Est. Value \$4,000; and
- 40 Sets of Fire Boots; Est. Value \$400.

Additional Information

- On April 4, 2017, the Board approved Resolutions R-385-17, R-386-17, 387-17 and R-388-17 for donations of firefighting equipment surplus property to the following international Fire Departments: City of Roatan, Honduras, City of Palin Guatemala, City of Asuncion, Paraguay and City of Chichigalpa, Nicaragua.
- St. Lucia Times. *Press Release, June 7, 2017* - The Saint Lucia Fire Service is continuing efforts to build capacity in specialized areas of firefighting. Two officers recently completed training in Fire Investigation at the Florida State Fire College in the United States. The subject areas covered included Accelerant Detection, Human Factors and Indicators, Weather factors, Documenting the' fire scene, Fire scene sketching, Evidence, Reporting, Vehicle fires "Wild land fires, Electrical considerations and more.
<https://stluciatimes.com/2017/06/07/saint-lucia-fire-service-continues-build-capacity>

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Item No. 3A

File No. 172612

Researcher: SAP Reviewer: PGE

RESOLUTION APPROVING THE FISCAL YEAR 2017-18 CONTRACT IN THE AMOUNT OF \$1,133,000.00 WITH THE STATE OF FLORIDA DEPARTMENT OF HEALTH EFFECTIVE RETROACTIVELY TO OCTOBER 1, 2017 FOR THE PURPOSE OF MEETING PUBLIC HEALTH NEEDS OF THE CITIZENS OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ANY PROVISIONS CONTAINED THEREIN, AND TO EXECUTE FUTURE AGREEMENTS FOR, AND APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS PROGRAM FOR THIS PURPOSE

ISSUE/REQUESTED ACTION:

Whether the Board should approve FY 2017-18 contract in the amount of \$1,133,000.00 with the State of Florida Department of Health (DOH) retroactive to October 1, 2017 for the purpose of meeting public health needs in the County.

APPLICABLE LEGISLATION/POLICY

Chapter 154 of the Florida Statutes governing County Organization and Intergovernmental Relations - Public Health Facilities. System of coordinated county health department services; It is the intent of the Legislature to promote, protect, maintain, and improve the health and safety of all citizens and visitors of this state through a system of coordinated county health department services. The Legislature recognizes the unique partnership which necessarily exists between the state and its counties in meeting the public health needs of the state. To strengthen this partnership, the Legislature intends that the public health needs of the several counties be provided through contractual arrangements between the state and each county. The Legislature also recognizes the importance of meeting the educational needs of Florida's public health professionals.

http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0154/0154ContentsIndex.html&StatuteYear=2012&Title=-%3E2012-%3EChapter%20154

PROCEDURAL HISTORY

Prime Sponsor: None

FISCAL IMPACT

The FY 2017-18 contract identifies a total program cost of \$68,279,929. The County's cash contribution of \$1,133,000.00 from Jackson Health System.

Breakdown	Amount
State's cash contribution	\$ 55,769,998.00
County's cash contributions	\$ 1,133,000.00
Other Local Cash contributions	
- DOH Health Services	\$ 4,550,513.00
- Medicaid	\$ 2,099,976.00
- Other	\$ 4,726,442.00
	\$11,376,931.00
Total	\$68,279,929.00

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ANALYSIS

This item seeks authorization for the County to provide \$1,133,000 in program support to the State of Florida Department of Health for public health services to the residents of Miami-Dade County for one-year, retroactive to October 1, 2017 and terminating on September 30, 2018. According to Chapter 154 of the Florida Statutes, the purpose of the contract between DOH and the County is to promote public health, including environmental health services; to control and eradicate preventable disease; and to provide care to special populations. Miami-Dade County Health Department is one of the created County Health Departments. It is necessary for the parties to execute this contract in order to ensure coordination between the State and the County in the operation of the County Health Department (CHD).

The Contract Administrative Policies and Procedures specifies that:

- All funds for the CDH shall be deposited in the CHD Trust Fund maintained by the state treasurer and these funds shall be accounted for separately from funds deposited for others CHDs and shall be used only for public health purposes in Miami-Dade County;
- There shall be no transfer of funds between the three levels of services without a contract amendment unless the CHD director/administrator determines that an emergency exists herein a time delay would endanger the public's health;
- The CHD may execute subcontracts for services necessary to enable the CHD to carry out the programs specified in the contract.

ADDITIONAL INFORMATION

Chapter 154.011 of the Florida Statutes outlines the following for Primary Care Services:

- (1) It is the intent of the Legislature that all 67 counties offer primary care services through contracts, as required by s. 154.01(3), for Medicaid recipients and other qualified low-income persons. Therefore, the Department of Health is directed, to the extent that funds are appropriated, to develop a plan to implement a program in cooperation with each county. The department shall coordinate with the county's governing body. Such primary care programs shall be phased-in and made operational as additional resources are appropriated.
- (2) The department shall monitor, measure, and evaluate the quality of care provided by each primary care program.
- (3) It is the intent of the Legislature that each county primary care program include a broad range of preventive and acute care services which are actively coordinated through comprehensive medical management and, further, that the health and preventive services currently offered through the county health departments are fully integrated, to the extent possible, with the services provided by the primary care programs.
- (4) Each county primary care program shall coordinate obstetrical services with the Improved Pregnancy Outcome Program. Financially eligible women at risk for adverse pregnancy outcomes due to any potential medical complication shall not be denied access to prenatal care.
- (5) The department shall adopt rules to govern the operation of primary care programs authorized by this section. Such rules may include, but need not be limited to, requirements for income eligibility, income verification, continuity of care, client services, client enrollment and disenrollment, eligibility, intake, recordkeeping, coverage, quality control, quality of care, case management, a definition of income used to determine eligibility or sliding fees, and Medicaid participation and shall be developed by the State Health Officer.