

MEMORANDUM

Amended
Agenda Item No. 7(D)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance related to solicitation
of business on private residential
property; creating section 21-
29.1.1 of the Code; amending
section 8CC-10 of the Code to
provide for penalties

Ordinance No. 24-74

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III and Co-Sponsors Commissioner Marleine Bastien, Commissioner Juan Carlos Bermudez, Commissioner Kevin Marino Cabrera and Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: July 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Solicitation of Business on Private Residential Property

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to be "James Reyes".

James Reyes
Chief of Public Safety

Memorandum



Date: July 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Danielle Levine Cava
Mayor 

Subject: Social Equity Statement for a New Ordinance to Prohibit the Solicitation of Business on Private Residential Property Between the Hours of 8:00 p.m. and 8:00 a.m.

This proposed ordinance seeks to create Section 21-29.1.1 of the Code of Miami-Dade County, Florida (Code), prohibiting the solicitation of business on private residential property between the hours of 8:00 p.m. and 8:00 a.m. Miami-Dade County (County) residents have expressed concerns regarding the frequency of solicitations of business on their private residences at night. Uninvited solicitation of business on private residential property after daylight hours may create a nuisance, cause inconveniences, and disturb the peaceful enjoyment of private property. Moreover, soliciting business on private residential property in the dark may encourage the commission of crimes and help conceal the identity of individuals purporting to be solicitors.

The County currently regulates the solicitation of business through various provisions of the Code. For instance, section 21-29.1 of the Code governs solicitation on properties and facilities owned or operated by the County, section 21-36 of the Code governs solicitation on sidewalks, and section 21.36.3 of the Code governs solicitation on roadways. The Code does not currently include regulations pertaining to the solicitation of business on private residential property.

Prohibiting the solicitation of business on private residential property between the hours of 8:00 p.m. and 8:00 a.m. is a regulation aimed at preventing potential crime and promoting the security and tranquility of residents in their homes, which may create a social benefit for County residents. This ordinance may present a social burden to businesses wishing to solicit on private residential property between the hours of 8:00 p.m. and 8:00 a.m. However, the prohibition between the hours of 8:00 p.m. and 8:00 a.m. leaves open the daytime and early evening hours for solicitation on private residential property, providing ample opportunities for businesses to solicit on private residential property.



James Reyes
Chief of Public Safety



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(D)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved	_____	Mayor	Amended Agenda Item No. 7(D)
Veto	_____		7-2-24
Override	_____		

ORDINANCE NO. 24-74

ORDINANCE RELATED TO SOLICITATION OF BUSINESS
ON PRIVATE RESIDENTIAL PROPERTY; CREATING
SECTION 21-29.1.1 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; AMENDING SECTION 8CC-10 OF THE
CODE TO PROVIDE FOR PENALTIES; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE, AND AN
EFFECTIVE DATE

WHEREAS, Miami-Dade County (the “County”) regulates the solicitation of business through various provisions of the Code of Miami-Dade County (the “Code”); and

WHEREAS, for instance, section 21-29.1 of the Code governs solicitation on properties and facilities owned or operated by the County, section 21-36 of the Code governs solicitation on sidewalks, and section 21-36.3 of the Code governs solicitation on roadways; and

WHEREAS, section 21-29.1 of the Code provides that “[i]t shall be unlawful for any person, firm, corporation or other legal entity to engage in any private business, commercial activity, or to undertake to provide any service for compensation, or to advertise or display merchandise, or to transact any business for profit, or to solicit business, on any property or facilities owned or operated by Miami-Dade County”; and

WHEREAS, the Code does not currently include regulations pertaining to the solicitation of business on private residential property; and

WHEREAS, County residents have expressed concerns regarding the frequency of solicitations of business on their private residences at night; and

WHEREAS, uninvited commercial solicitation after daylight hours may constitute a nuisance, cause inconvenience, and disturb the peaceful enjoyment of private property; and

WHEREAS, individuals may falsely represent themselves as commercial solicitors in order to gain access to private residences at night for criminal purposes; and

WHEREAS, darkness may facilitate the commission of crimes and may obscure the identity of individuals purporting to be solicitors; and

WHEREAS, this ordinance's prohibition of the solicitation of business on private residential property between the hours of 7:00 p.m. and 8:00 a.m. is a reasonable regulation aimed at preventing crime and promoting the security of residents in their homes; and

WHEREAS, this prohibition between the hours of 7:00 p.m. and 8:00 a.m. leaves open the daytime and early evening hours and therefore provides ample opportunities for solicitation on private residential property; and

WHEREAS, this Board wishes to protect and promote the safety, welfare, and peace of County residents by restricting the hours in which the solicitation of business on private residential property is permitted,

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

Section 1. The foregoing recitals are hereby approved and incorporated herein.

Section 2. Section 21-29.1.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>**Sec. 21-29.1.1** **Solicitation of business on private residential property; applicability; enforcement; prohibition at specified hours.**

¹ 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.

- (a) This section shall apply to both the incorporated and unincorporated areas. In the unincorporated area, this section shall be enforced by the County, and in the incorporated areas, this section shall be enforced by the municipalities. It is provided, however, that this shall not be construed to limit the County's authority to enforce this section within a municipality that has not adopted its own regulations as provided in paragraph (b) below.
- (b) Each municipality may establish and enforce its own regulations relating to the solicitation of business on private residential property, provided that such regulations are more stringent than the provisions of this section. A municipality that adopts or has previously adopted its own regulations shall file the applicable legislation with the Miami-Dade County Clerk of the Board, but the enforceability of such municipal regulation shall not be contingent on such filing.
- (c) It shall be unlawful for any person, firm, corporation, or other legal entity to engage in any private business, commercial activity, or to undertake to provide any service for compensation, or to advertise or display merchandise, or to transact any business for profit, or to solicit business, on any private residential property between the hours of 7:00 p.m. and 8:00 a.m., without first obtaining the consent of the property owner or of a person residing at the property.<<

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of Civil Penalties.

	*	*	*
<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>	
21-29.1	Advertising or engaging in private business on County property	\$100.00	
>> <u>21-29.1.1</u>	<u>Solicitation of business on private residential property</u>	<u>\$100.00</u> <<	

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Section 4. 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.

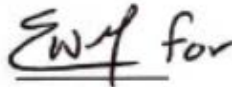
Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. 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:

July 2, 2024

Approved by County Attorney as
to form and legal sufficiency:

for

Prepared by:



Cristina M. Rabionet

Prime Sponsor: Chairman Oliver G. Gilbert, III
Co-Sponsors: Commissioner Marleine Bastien
Commissioner Juan Carlos Bermudez
Commissioner Kevin Marino Cabrera
Commissioner Raquel A. Regalado