

ORDINANCE NO. 25-342

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA;
PERTAINING TO PUBLIC CAMPING OR SLEEPING IN THE
TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 17
("OFFENSES AND MISCELLANEOUS PROVISIONS"); CREATING
SECTION 17-4 OF CHAPTER 17, TITLED "PUBLIC CAMPING AND
SLEEPING"; PROVIDING FOR INCLUSION INTO THE CODE;
PROVIDING THE SCOPE AND APPLICABILITY; PROVIDING A
DEFINITION OF PUBLIC CAMPING OR SLEEPING;
PROHIBITING PUBLIC CAMPING OR SLEEPING; PROVIDING
FOR NOTICES OF VIOLATIONS; PROVIDING FOR
ENFORCEMENT AND PENALTIES; PROVIDING FOR
ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Florida legislature enacted Section 125.0231 "Public camping and public sleeping" (the "Statute") of the Florida Statutes effective January 1, 2025; and

WHEREAS, the Statute prohibits municipalities from allowing individual(s) "to regularly engage in public camping or sleeping on any public property, including but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of the [...] municipality"; and

WHEREAS, the Statute further provides that the Attorney General, a resident of the municipality or the owner of a business located within the municipality "may bring a civil action in any court of competent jurisdiction against the municipality" for a violation of the Statute; and

WHEREAS, in accordance with the Statute, "if the resident or business owner prevails in a civil action, the court may award reasonable expenses incurred in bringing the civil action, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs"; and

WHEREAS, the Town Council of the Town of Miami Lakes desires to preserve the health, safety, and welfare of its residents and maintain the aesthetics and usability of public spaces; and

WHEREAS, the Town Council adopts this Ordinance, prohibiting the authorization or allowance of any person to regularly engage in public camping or sleeping on Town property as prohibited by the Statute.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Creation of Section 17-4 of Chapter 17. Section 17-4 of Chapter 17, is created as described in Exhibit "A."

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. 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, 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 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

FIRST READING

The foregoing ordinance was offered by Vice Mayor Morera who moved its adoption on first reading. The motion was seconded by Councilmember Herzberg and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed on first reading this 17th day of June, 2025

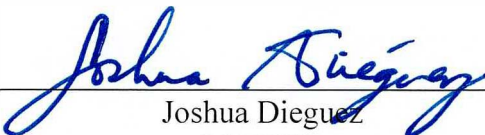
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SECOND READING

The foregoing ordinance was offered by Mayor Joshua Dieguez who moved its adoption on second reading. The motion was seconded by Councilmember Ray Garcia and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Absent
Councilmember Juan Carlos Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on second reading this 15th of July, 2025.




Joshua Dieguez
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
TOWN ATTORNEY

EXHIBIT “A”

CHAPTER 17 – OFFENSES AND MISCELLANEOUS PROVISIONS

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17-4 Public Camping and Sleeping.

(a) Definition.

1. “Public camping or sleeping” as defined by F.S. §125.0231 means:

- a. Lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space and evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, or the storage of personal belongings; or
- b. Lodging or residing overnight in an outdoor space without a tent or other temporary shelter; or
- c. As otherwise defined in Section 125.0231, Florida Statutes;
- d. But does not include: Lodging or residing overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be or camping for recreational purposes on property designated for such purposes.

(b) Purpose. It is the policy of the Town of Miami Lakes to not authorize or otherwise allow any person to regularly engage in public camping or sleeping on any public property under Town jurisdiction as prohibited by Section 125.0231 of the Florida Statutes.

(c) Applicability. This section shall be effective in the Town of Miami Lakes and apply to all public property under Town jurisdiction.

(d) Public camping and sleeping prohibited. No person may regularly engage in public camping or sleeping on any public property, including, but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of the Town of Miami Lakes.

This prohibition does not apply to a person that the Town has specifically authorized to engage in public camping or sleeping on public property designated for public camping or sleeping in accordance with Section 125.0231, Florida Statutes.

(e) Notice. A resident of Miami Lakes, an owner of a business located within the Town of Miami Lakes, or the Attorney General may provide written notice of an alleged violation of this section to the Town Council.

1. The Town Manager shall designate an electronic submission method (to be displayed on the Town's website) to serve as the primary means of receiving such written notice.
2. Written notices of violation(s) must include:
 - a. The location of the alleged violation;
 - b. The date(s) of the alleged violation;
 - c. A description or photograph of the alleged violator; and
 - d. Any other information that will assist the Town in curing alleged violation(s).

(f) Injunctions. A resident of Miami Lakes, an owner of a business located within the Town of Miami Lakes, or the Attorney General may bring a civil action in any court of competent jurisdiction against the Town of Miami Lakes to enjoin a violation of Section (d).

An application for injunction filed pursuant to this section must be accompanied by an affidavit attesting that:

1. The applicant has provided written notice of the alleged violation of Section (d) to the Town Council.
2. The applicant has provided the Town with 5 business days to cure the alleged violation.
3. The Town has failed to take all reasonable actions within the limits of Town authority to cure the alleged violation within 5 business days after receiving written notice of the alleged violation.

(g) Enforcement and penalties.

1. This section shall be enforced by law enforcement officers with jurisdiction over the property where the violation occurred including Miami-Dade County Police Department and
2. In accordance with Section 125.69, Florida Statute, and “”, violations of this section shall be prosecuted in the same manner
3. It is the intent of the Town Council that compliance with this section be achieved through services, assistance, warnings, or other non-coercive measures and that criminal arrest be reserved as a last resort to cure violations of this section.