

THE CRIMINALIZATION OF HOMELESSNESS

SPRING 2026

PROFESSOR STEPHEN J. SCHNABLY
<http://osaka.law.miami.edu/~schnably/HomelessnessSeminarSyllabus.html>

Office: G472
305-284-4817
schnably@law.miami.edu

LITIGATION & STATUTE SUPPLEMENT, PART I

Litigation Documents: Cooper-Levy v. City of Miami

Cooper-Levy v. City of Miami, No. 22-cv-21939 (S.D. Fla) (Docket as of 1/10/24)	1
Cooper-Levy v. City of Miami, No. 22-cv-21939 (S.D. Fla) (Complaint, filed 6/4/22)	18
Order Setting Trial and Pre-Trial Schedule (08/16/22)	57
Cooper-Levy v. City of Miami, No. 22-cv-21939 (S.D. Fla) (Order on Motion to Dismiss, 8/18/22)	63
Cooper-Levy v. City of Miami, No. 22-cv-21939 (S.D. Fla) (Omnibus Order on Motions for Summary Judgment, 12/12/23)	78
Settlement Agreement (2/20-22/2024)	110
Order of Dismissal with Prejudice(03/27/24)	116
Revised City of Miami Policy on Treatment of Homeless Persons' Property, APM-1-19 (5/2/24)	118

Miami and Florida Statutes, Ordinances, and Regulations

City of Miami Code § 1-13 General Penalty	126
City of Miami Code § 22-1 Definitions	126
City of Miami Code § 22-6 Littering	137
City of Miami Code § 37-3 Sleeping on Streets, Sidewalks, etc.	139
City of Miami Code § 37-4 Living, Sleeping in Vehicles	139
City of Miami Code § 37-6 Aggressive or Obstructive Panhandling	140
City of Miami Code § 37-7 Sex offenders and Sexual Predators	141
City of Miami Code § 37-8 Panhandling prohibited in certain areas	142
City of Miami Code § 37-11 Public urination or defecation	145
City of Miami Code § 38-3 Closing hours for parks	145
City of Miami Code § 38-17 Throwing or depositing certain substances	146
City of Miami Code § 38-53 Fires	146
City of Miami Code § 38-54 Use of facilities generally	146
City of Miami Code § 38-62 Water fountains	147
City of Miami Code § 38-63 Disposal of trash	147
City of Miami Code § 38-68 Restrooms	147
City of Miami Code § 38-71 Camping	147
City of Miami Code § 38-54-1 Definitions	147
City of Miami Code § 38-54-2 Obstruction of free passage on sidewalks	151
City of Miami Code § 38-54 -3 Permit required for work that obstructs street/sidewalk	152
City of Miami Ordinance 13907 (§ 25-25) (Food Sharing)	158
City of Miami Ordinance 14032 (§ 37-16) (Encampment)	162
Miami-Dade County Code § 21-286 (camping)	165

City of Miami Proposed Ordinance (§ 37-11) (2015; not enacted)	166
Police Departmental Orders	169
Departmental Order 11, Chapter 10 (Homeless)	177
Departmental Order 11, Chapter, 26 (Body Worn Camera) (BWC)	182
City of Miami, APM 1-19 (2019)	34
City of Miami, APM 1-19 (2021)	612
City of Miami APM-1-19 (5/2/24)	118
Fla. Stat. Ch. 705 (Lost or Abandoned Property)	619
Fla. Stat. § 800.03 (Lewdness; Indecent Exposure).....	212
Fla. Stat. § 810.09 (Burglary and Trespass).....	213
Fla. Stat. ch. 761 (Religious Freedom)	215
City of Miami Beach Code § 70-45	217
City of Miami Beach Code § 70-46	218
City of Miami Beach Police Arrest Records.....	220

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:22-cv-21939-BB**

Cooper-Levy et al v. City of Miami
Assigned to: Judge Beth Bloom
Referred to: Magistrate Judge Alicia M. Otazo-Reyes
Cause: 42:1983 Civil Rights Act

Date Filed: 06/24/2022
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Latoyla Yasheen Cooper-Levy

represented by **Benjamin Samuel Waxman**
Benjamin Waxman LLC
77 Harbor Drive, #8
Miami, FL 33149
305-985-5000
Email: benji@benjaminwaxmanlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Chelsea Lee Dunn
Southern Legal Counsel
1229 NW 12th Avenue
Gainesville, FL 32601
3522718890
Email: chelsea.dunn@southernlegal.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Boaz Tilley
ACLU Foundation of Florida, Inc.
4343 West Flagler Street
Suite 400
Miami, FL 33134
United Sta
786-363-2714
Fax: 786-363-1257
Email: dtalley@aclufl.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jocelyn Lourdes Jauregui
Legal Services of Greater Miami
10720 Caribbean Boulevard
Suite 400
Miami, FL 33189
Email: JJauregui@lsgmi.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jodi Lynn Siegel
Southern Legal Counsel, Inc.
1229 NW 12th Avenue
Gainesville, FL 32601-4113
352-271-8890
Fax: 271-8347
Email: jodi.siegel@southernlegal.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Lucas Marshall
Human Rights Defense Center
P.O. Box 1151

Lake Worth
Lake Worth, FL 33460
United Sta
561-319-1527
Fax: 8667357136
Email: dmarshall@humanrightsdefensecenter.org
ATTORNEY TO BE NOTICED

Stephen J. Schnably
University of Miami School of Law
Professor of Law
1311 Miller Drive
Coral Gables, FL 33146
305-284-4817
Email: schnably@law.miami.edu
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jeffrey Martin Hearne
Legal Services of Greater Miami
4343 W. Flagler St., Ste. 100
Suite 100
Miami, FL 33134
305-438-2403
Fax: 305-438-2403
Email: jhearne@legalservicesmiami.org
ATTORNEY TO BE NOTICED

Plaintiff

Phillip Sylverin

represented by **Benjamin Samuel Waxman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Chelsea Lee Dunn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Boaz Tilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jocelyn Lourdes Jauregui
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jodi Lynn Siegel
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Lucas Marshall
(See above for address)
ATTORNEY TO BE NOTICED

Stephen J. Schnably
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jeffrey Martin Hearne

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Sherman Rivers

represented by **Benjamin Samuel Waxman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Chelsea Lee Dunn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Boaz Tilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jocelyn Lourdes Jauregui
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jodi Lynn Siegel
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Lucas Marshall
(See above for address)
ATTORNEY TO BE NOTICED

Stephen J. Schnably
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jeffrey Martin Hearne
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Joseph Simmons

represented by **Benjamin Samuel Waxman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Chelsea Lee Dunn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Boaz Tilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jocelyn Lourdes Jauregui
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jodi Lynn Siegel

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Lucas Marshall
(See above for address)
ATTORNEY TO BE NOTICED

Stephen J. Schnably
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jeffrey Martin Hearne
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

City of Miami

represented by **Christopher Allan Green**
Miami City Attorney's Office
Miami Riverside Center
444 SW 2nd Avenue
Suite 945
Miami, FL 33130-1910
305-416-1800
Fax: 416-1801
Email: CAGreen@miamigov.com
TERMINATED: 12/19/2022
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Forrest Lee Andrews
Lydecker Diaz, LLC
1221 Brickell Avenue
19th Floor
Miami, FL 33131
305-416-3180
Fax: 305-416-3190
Email: fla@lydeckerdiaz.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen Hunter Johnson
Lydecker | Diaz
1221 Brickell Avenue
19th Floor
Miami, FL 33131
305 416 3180
Fax: 305 416 3190
Email: shj@lydeckerdiaz.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brandon Luis Fernandez
City of Miami
Office of the City Attorney
444 SW 2nd Ave
Suite 945
Miami, FL 33130-1910
305-416-1800
Fax: 305-416-1801
Email: bfernandez@miamigov.com

ATTORNEY TO BE NOTICED

Bryan E. Capdevila
City of Miami
Office of the City Attorney
444 SW 2nd Avenue
Suite 945
Miami, FL 33130
305-416-1800
Fax: 305-400-5071
Email: bcapdevila@miamigov.com
ATTORNEY TO BE NOTICED

Joshua Quetglas
Lydecker LLP
2900 NE 2nd Ave Apt 373
Miami, FL 33137
786-390-9511
Email: jquetglas@lydecker.com
ATTORNEY TO BE NOTICED

Kerri Lauren McNulty
Office of the City Attorney – City of Miami
444 S.W. 2nd Avenue, Suite 945
Miami, FL 33130
305-416-1800
Fax: 305-416-1801
Email: klmcnulty@miamigov.com
ATTORNEY TO BE NOTICED

Marguerite Clare Racher Snyder
City of Miami–City Attorney
444 SW 2nd Avenue
Suite 945
Miami, FL 33130
305-416-1800
Email: msnyder@miamigov.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/24/2022	<u>1</u>	COMPLAINT against City of Miami. Filing fees \$ 402.00 receipt number AFLSDC-15740722, filed by Jospeh Simmons, Latoyla Yasheen Cooper-Levy, Sherman Rivers, Phillip Sylverin. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s))(Hearne, Jeffrey) (Entered: 06/24/2022)
06/24/2022	2	Clerks Notice of Judge Assignment to Judge Beth Bloom. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Alicia M. Otazo-Reyes is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. (swr) (Entered: 06/24/2022)
06/24/2022	<u>3</u>	Summons Issued as to City of Miami. (swr) (Entered: 06/24/2022)
06/24/2022	4	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Stephen J. Schnably. Filing Fee \$ 200.00 Receipt # AFLSDC-15741092 by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 7/8/2022 (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 06/24/2022)
06/24/2022	5	PAPERLESS ORDER granting <u>4</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Stephen J. Schnably. Signed by Judge Beth Bloom (ak03) (Entered: 06/24/2022)

07/07/2022	<u>6</u>	NOTICE of Attorney Appearance by Christopher Allan Green on behalf of City of Miami. Attorney Christopher Allan Green added to party City of Miami(pty:dft). (Green, Christopher) (Entered: 07/07/2022)
07/07/2022	<u>7</u>	NOTICE of Attorney Appearance by Kerri Lauren McNulty on behalf of City of Miami. Attorney Kerri Lauren McNulty added to party City of Miami(pty:dft). (McNulty, Kerri) (Entered: 07/07/2022)
07/13/2022	<u>8</u>	NOTICE of Attorney Appearance by Bryan E. Capdevila on behalf of City of Miami. Attorney Bryan E. Capdevila added to party City of Miami(pty:dft). (Capdevila, Bryan) (Entered: 07/13/2022)
07/13/2022	<u>9</u>	Unopposed MOTION for Extension of Time to file Response/Answer by City of Miami. Responses due by 7/27/2022 (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 07/13/2022)
07/13/2022	<u>10</u>	PAPERLESS ORDER granting <u>9</u> Defendant's Unopposed Motion for Enlargement of Time to File Response to Complaint. Defendant shall file its response to the Complaint no later than August 18, 2022 . Answer/response Deadline 8/18/2022. Signed by Judge Beth Bloom (ak03) (Entered: 07/13/2022)
07/13/2022		Reset Deadlines City of Miami /answer due 9/18/2022. Per DE#10. (cqs) (Entered: 07/14/2022)
07/29/2022	<u>11</u>	ORDER REQUIRING SCHEDULING REPORT AND CERTIFICATES OF INTERESTED PARTIES Joint Scheduling Report due by 8/15/2022 Signed by Judge Beth Bloom on 7/29/2022. <i>See attached document for full details.</i> (cqs) (Entered: 07/29/2022)
08/15/2022	<u>12</u>	Joint SCHEDULING REPORT – Rule 16.1 by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin (Hearne, Jeffrey) (Entered: 08/15/2022)
08/15/2022	<u>13</u>	Certificate of Other Affiliates/Corporate Disclosure Statement – NONE disclosed by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin (Hearne, Jeffrey) (Entered: 08/15/2022)
08/15/2022	<u>14</u>	Certificate of Other Affiliates/Corporate Disclosure Statement by City of Miami (Capdevila, Bryan) (Entered: 08/15/2022)
08/16/2022	<u>15</u>	ORDER SETTING TRIAL AND PRE–TRIAL SCHEDULE, REQUIRING MEDIATION, AND REFERRING CERTAIN MATTERS TO MAGISTRATE JUDGE: Amended Pleadings due by 10/17/2022. Discovery due by 3/7/2023. Fact Discovery due by 3/7/2023. Expert Discovery due by 3/7/2023. Joinder of Parties due by 10/17/2022. Mediation Deadline 3/21/2023. In Limine Motions due by 3/29/2023. Dispositive Motions due by 3/29/2023. Motions due by 3/29/2023. Pretrial Stipulation due by 6/19/2023. Jury Trial set for 7/3/2023 9:00 AM in Miami Division before Judge Beth Bloom. Calendar Call set for 6/27/2023 1:45 PM in Miami Division before Judge Beth Bloom. ORDER REFERRING CASE to Magistrate Judge Alicia M. Otazo–Reyes for Discovery Matters. Signed by Judge Beth Bloom on 8/16/2022. <i>See attached document for full details.</i> (scn) <u>Pattern Jury Instruction Builder</u> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here . (Entered: 08/16/2022)
08/18/2022	<u>16</u>	MOTION TO DISMISS <u>1</u> Complaint, FOR FAILURE TO STATE A CLAIM by City of Miami. Responses due by 9/1/2022 (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 08/18/2022)
09/01/2022	<u>17</u>	RESPONSE in Opposition re <u>16</u> MOTION TO DISMISS <u>1</u> Complaint, FOR FAILURE TO STATE A CLAIM filed by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Replies due by 9/8/2022. (Hearne, Jeffrey) (Entered: 09/01/2022)
09/06/2022	<u>18</u>	Joint NOTICE of Mediator Selection and Hearing. Selected/Added Latoyla Yasheen Cooper–Levy, Norman Gerstein as Mediator. Mediation Hearing set for 3/10/2023 at 10:00 a.m.. (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 09/06/2022)
09/07/2022	<u>19</u>	ORDER Scheduling Mediation before Norman Gerstein Mediation Hearing set for 3/10/2023 10:00 AM Signed by Judge Beth Bloom on 9/6/2022. <i>See attached document for full details.</i> (cqs) (Entered: 09/07/2022)
09/08/2022	<u>20</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 09/08/2022)

09/08/2022	<u>21</u>	PAPERLESS ORDER granting <u>20</u> Defendant's Unopposed Motion for Extension of Time to File Reply. Defendant shall file its reply in support of the Motion to Dismiss, no later than September 19, 2022 . Replies due by 9/19/2022. Signed by Judge Beth Bloom (ak03) (Entered: 09/08/2022)
09/19/2022	<u>22</u>	REPLY to Response to Motion re <u>16</u> MOTION TO DISMISS <u>1</u> Complaint, FOR FAILURE TO STATE A CLAIM filed by City of Miami. (Capdevila, Bryan) (Entered: 09/19/2022)
12/06/2022	<u>23</u>	ORDER denying <u>16</u> Motion to Dismiss for Failure to State a Claim. Answer due by 12/16/2022 Signed by Judge Beth Bloom on 12/6/2022. <i>See attached document for full details.</i> (cqs) (Entered: 12/06/2022)
12/16/2022	<u>24</u>	ANSWER and Affirmative Defenses to Complaint with Jury Demand by City of Miami. (Capdevila, Bryan) (Entered: 12/16/2022)
12/19/2022	<u>25</u>	Unopposed MOTION to Withdraw as Attorney by Christopher Green for / by City of Miami. Responses due by 1/3/2023 (Green, Christopher) (Entered: 12/19/2022)
12/19/2022	<u>26</u>	PAPERLESS ORDER granting <u>25</u> Unopposed Motion to Withdraw as Counsel for City of Miami. Christopher Allan Green representing City of Miami (Defendant) withdrawn from case. Signed by Judge Beth Bloom (ak03) (Entered: 12/19/2022)
01/20/2023	<u>27</u>	MOTION for Extension of Time as to Remaining Deadlines and to Modify Scheduling Order by City of Miami. Responses due by 2/3/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 01/20/2023)
01/20/2023	<u>29</u>	ORDER Amending Scheduling Order And Certain Pretrial Deadlines. Order granting <u>27</u> Motion to Modify Scheduling Order. Discovery due by 5/2/2023. Expert Discovery due by 5/2/2023. Mediation Deadline 5/16/2023. Dispositive Motions due by 5/24/2023. In Limine Motions due by 5/24/2023. Motions due by 5/24/2023. Pretrial Stipulation due by 8/14/2023. Calendar Call set for 8/22/2023 01:45 PM in Miami Division before Judge Beth Bloom. Jury Trial set for 8/28/2023 09:00 AM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 1/20/2023. <i>See attached document for full details.</i> (kpe) (Entered: 01/23/2023)
01/22/2023	<u>28</u>	Amended MOTION for Extension of Time as to Remaining Deadlines and to Modify Scheduling Order by City of Miami. Responses due by 2/6/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 01/22/2023)
01/23/2023	<u>30</u>	PAPERLESS ORDER denying as moot <u>28</u> Defendant's Amended Motion to Modify Scheduling Order. The Court modified the trial date in a manner consistent with Defendant's requested relief in its Order Amending Scheduling Order And Certain Pretrial Deadlines, ECF No. <u>29</u> . Signed by Judge Beth Bloom (jg01) (Entered: 01/23/2023)
02/08/2023	<u>31</u>	Joint MOTION to Reschedule Mediation by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 02/08/2023)
02/09/2023	<u>32</u>	ORDER RESCHEDULING MEDIATION, granting <u>31</u> Motion to RESCHEDULING MEDIATION. The mediation conference in this case shall be held on or before April 19, 2023, at 10:00 a.m. with Norman Gerstein via Zoom video conference. Signed by Judge Beth Bloom on 2/9/2023. <i>See attached document for full details.</i> (cqs) (Entered: 02/10/2023)
03/30/2023	<u>33</u>	Joint MOTION to Continue <i>Trial Date</i> by Latoyla Yasheen Cooper-Levy. Responses due by 4/13/2023 (Attachments: # <u>1</u> Text of Proposed Order ORDER GRANTING JOINT MOTION TO MODIFY SCHEDULING ORDR AND TO CONTINUE TRIAL DATE)(Hearne, Jeffrey) (Entered: 03/30/2023)
03/31/2023	<u>34</u>	ORDER AMENDING SCHEDULING ORDER AND CERTAIN PRETRIAL DEADLINES, granting <u>33</u> Motion to Continue. Discovery due by 6/27/2023. Expert Discovery due by 6/27/2023. Fact Discovery due by 6/27/2023. Mediation Deadline 7/11/2023. Dispositive Motions due by 7/19/2023. In Limine Motions due by 7/19/2023. Motions due by 7/19/2023. Pretrial Stipulation due by 10/6/2023. Calendar Call set for 10/17/2023 01:45 PM before Judge Beth Bloom. Jury Trial set for 10/23/2023 09:00 AM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 3/31/2023. <i>See attached document for full details.</i> (cqs) (Entered: 03/31/2023)
04/18/2023	<u>35</u>	Joint MOTION for Extension of Time to reschedule mediation by Latoyla Yasheen Cooper-Levy. Responses due by 5/2/2023 (Attachments: # <u>1</u> Exhibit Order on Joint Motion to Reschedule Mediation)(Hearne, Jeffrey) (Entered: 04/18/2023)

04/18/2023	<u>36</u>	PAPERLESS ORDER granting <u>35</u> Motion for Extension of Time to Reschedule Mediation to June 21, 2023 at 10:00 am, via Zoom video conference. Signed by Judge Beth Bloom (BB) (Entered: 04/18/2023)
05/26/2023	<u>37</u>	UNOPPOSED MOTION to Modify the Scheduling Order (Responses due by 6/9/2023) by Joseph Simmons. (Attachments: # <u>1</u> Exhibit ORDER GRANTING PLAINTIFFS UNOPPOSED MOTION TO MODIFY THE SCHEDULING ORDER)(Hearne, Jeffrey) Modified text and relief on 5/26/2023 (pes). (Entered: 05/26/2023)
05/30/2023	<u>38</u>	THIRD ORDER AMENDING SCHEDULING ORDER AND CERTAIN PRETRIAL DEADLINES,granting <u>37</u> Motion to Amend ; granting <u>37</u> Motion for Extension of Time. Signed by Judge Beth Bloom on 5/26/2023. <i>See attached document for full details.</i> (mee) (Entered: 05/30/2023)
06/08/2023	<u>39</u>	Unopposed MOTION to Seal per Local Rule 5.4 by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order) (Capdevila, Bryan) (Entered: 06/08/2023)
06/08/2023	40	PAPERLESS ORDER granting <u>39</u> Motion to Seal. Defendant may file the proposed motion under sealspecifically, the sealed motion for temporary stay, for continuance of trial, and to modify scheduling order and, in the alternative, motion for continuance of trial and to modify scheduling orderwithin 48 hours of this Order. Signed by Judge Beth Bloom (BB) (Entered: 06/08/2023)
06/09/2023		SYSTEM ENTRY – Docket Entry 41 [motion] restricted/sealed until further notice. (2004243) (Entered: 06/09/2023)
06/12/2023	<u>42</u>	ORDER ON SEALED MOTION FOR TEMPORARY STAY, (Responses due by 6/14/2023) Signed by Judge Beth Bloom on 6/12/2023. <i>See attached document for full details.</i> (cqs) (Entered: 06/12/2023)
06/14/2023	<u>43</u>	Unopposed Motion to Seal re DE# 40 Order on Motion to Seal, by Latoyla Yasheen Cooper–Levy. (Attachments: # <u>1</u> Exhibit PROPOSED] ORDER GRANTING PLAINITFFS UNOPPOSED MOTION TO SEAL) (Hearne, Jeffrey) Modified on 6/15/2023 by unsealing document as document is public document per Local Rules (kpe). (Entered: 06/14/2023)
06/14/2023	<u>44</u>	Unopposed MOTION to Seal per Order authorizing the submission of this document under seal by Latoyla Yasheen Cooper–Levy. (Hearne, Jeffrey) (Entered: 06/14/2023)
06/14/2023	45	PAPERLESS ORDER granting <u>44</u> Motion to Seal. Plaintiffs may file their response to the Motion for a Temporary Stay, ECF No. 41 , under seal and file a motion to appoint next friend under seal. Signed by Judge Beth Bloom (jg01) (Entered: 06/14/2023)
06/14/2023		SYSTEM ENTRY – Docket Entry 46 [misc] restricted/sealed until further notice. (874155) (Entered: 06/14/2023)
06/15/2023	<u>47</u>	ORDER On Plaintiffs' Unopposed Sealed Motion To Seal. Order denying as moot 41 Sealed Motion for a Temporary Stay. Signed by Judge Beth Bloom on 6/14/2023. <i>See attached document for full details.</i> (kpe) (Entered: 06/15/2023)
06/15/2023	48	Clerk's Notice to Filer re <u>43</u> Motion. Wrong Event Selected; ERROR – The Filer selected the wrong event. The document was corrected by the Clerk. It is not necessary to refile this document. (kpe) (Entered: 06/15/2023)
06/15/2023		SYSTEM ENTRY – Docket Entry 49 [motion] restricted/sealed until further notice. (874155) (Entered: 06/15/2023)
06/19/2023	<u>50</u>	Joint MOTION to Waive Appearances at Mediation by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 06/19/2023)
06/21/2023	<u>51</u>	ORDER granting <u>50</u> Motion TO WAIVE APPEARANCES AT MEDIATION. Signed by Judge Beth Bloom on 6/20/2023. <i>See attached document for full details.</i> (cqs) (Entered: 06/21/2023)
06/21/2023	<u>52</u>	ORDER Granting in Part and Denying in Part 41 Sealed Motion for Temporary Stay; Denying as Moot <u>43</u> Motion to Seal. Signed by Judge Beth Bloom on 6/21/2023. <i>See attached document for full details.</i> (cds) (Entered: 06/21/2023)
06/21/2023	<u>53</u>	FINAL MEDIATION REPORT by Ret. Hon. Norman S. Gerstein. Disposition: Case did not settle. Mediation held/partially held via video–conference. (Hearne, Jeffrey) (Entered: 06/21/2023)

06/21/2023	<u>54</u>	FOURTH ORDER AMENDING SCHEDULING ORDER AND CERTAIN PRETRIAL DEADLINES In Limine Motions due by 8/18/2023. Dispositive Motions due by 8/18/2023. Motions due by 8/18/2023. Pretrial Stipulation due by 11/6/2023. Jury Trial set for 11/20/2023 09:00 AM in Miami Division before Judge Beth Bloom. Calendar Call set for 11/14/2023 01:45 PM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 6/21/2023. <i>See attached document for full details.</i> (cqs) (Entered: 06/22/2023)
06/30/2023	<u>55</u>	Unopposed MOTION for Leave to File <i>Defendant's Response In Opposition to Plaintiffs' Sealed Motion for Appointment of Next Friend Out of Time</i> by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 06/30/2023)
06/30/2023	<u>56</u>	Unopposed MOTION for Leave to File <i>to File Defendant's Response in Opposition to Plaintiffs' Sealed Motion for Appointment of Next Friend Under Seal</i> by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 06/30/2023)
07/01/2023	<u>57</u>	Unopposed MOTION to Take Deposition from Plaintiff Latoyla Ishia Cooper (also known as, "Latoyla Yasheen Cooper-Levy") by City of Miami. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 07/01/2023)
07/05/2023		SYSTEM ENTRY – Docket Entry 58 [order] restricted/sealed until further notice. (amb) (Entered: 07/05/2023)
07/05/2023	59	PAPERLESS ORDER denying as moot <u>55</u> Motion for Leave to File. See Sealed Order at ECF No. 58 . Signed by Judge Beth Bloom (BB) (Entered: 07/05/2023)
07/05/2023	60	PAPERLESS ORDER denying as moot <u>56</u> Motion for Leave to File. See the Court's Order at ECF No. 58 . Signed by Judge Beth Bloom (BB) (Entered: 07/05/2023)
07/05/2023	<u>61</u>	ORDER granting <u>57</u> Motion to Take Deposition from Latoyla Ishia Cooper. Signed by Judge Beth Bloom on 7/5/2023. <i>See attached document for full details.</i> (cqs) (Entered: 07/05/2023)
07/07/2023	<u>62</u>	Joint MOTION for Protective Order by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Attachments: # <u>1</u> Text of Proposed Order Stipulated Protective Order)(Dunn, Chelsea) (Entered: 07/07/2023)
07/07/2023	<u>63</u>	STIPULATED PROTECTIVE ORDER. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 7/7/2023. <i>See attached document for full details.</i> (Attachments: # <u>1</u> Exhibit A – Declaration of Compliance) (aa00) (Entered: 07/07/2023)
08/14/2023	<u>64</u>	Unopposed MOTION for Leave to File <i>Conventionally</i> by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 08/14/2023)
08/14/2023	<u>65</u>	Unopposed MOTION for Leave to File Excess Pages by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 08/14/2023)
08/14/2023	66	PAPERLESS ORDER granting <u>65</u> Motion for Leave to File Excess Pages. The City's summary judgment motion may not exceed 30 pages in length and its separately filed statement of material facts may not exceed 20 pages in length. Signed by Judge Beth Bloom (BB) (Entered: 08/14/2023)
08/14/2023	67	PAPERLESS ORDER granting <u>64</u> Motion for Leave to File Conventionally. Signed by Judge Beth Bloom (BB) (Entered: 08/14/2023)
08/16/2023	<u>68</u>	Unopposed MOTION for Leave to File Excess Pages <i>for Motion for Summary Judgment and Statement of Undisputed Facts</i> by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 08/16/2023)
08/16/2023	<u>69</u>	Joint MOTION for Extension of Time to file motions in limine by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 8/30/2023 (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 08/16/2023)
08/16/2023	70	PAPERLESS ORDER granting <u>68</u> Motion for Leave to File Excess Pages. Plaintiff's motion for summary judgment may not exceed 30 pages in length and the separately filed statement of undisputed facts may not exceed 20 pages in length. Signed by Judge Beth Bloom (BB) (Entered: 08/16/2023)
08/16/2023	71	PAPERLESS ORDER granting <u>69</u> Motion for Extension of Time to File motions in limine by August 28, 2023. Signed by Judge Beth Bloom (BB) (Entered: 08/16/2023)

08/17/2023	<u>72</u>	Unopposed MOTION to Seal per Local Rule 5.4 by Latoyla Yasheen Cooper–Levy. (Attachments: # <u>1</u> Exhibit Proposed Order Granting Plaintiff's Unopposed Motion to Seal) (Hearne, Jeffrey) (Entered: 08/17/2023)
08/17/2023	<u>73</u>	PAPERLESS ORDER granting <u>72</u> Motion to Seal. Plaintiffs may file under seal the deposition transcript of Audrey Delricho, next friend of Joseph Simmons. Signed by Judge Beth Bloom (jg01) (Entered: 08/17/2023)
08/17/2023	<u>74</u>	Plaintiff's NOTICE by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin <i>of Filing Depositions in Support of Plaintiffs' Motion for Partial Summary Judgment</i> (Attachments: # <u>1</u> Deposition 30(b)(6), # <u>2</u> Deposition Candalier, # <u>3</u> Deposition Chin–Queen, # <u>4</u> Deposition Collins, # <u>5</u> Deposition Cooper–Levy, # <u>6</u> Deposition Jackson, # <u>7</u> Deposition McClean, # <u>8</u> Deposition Morrison, # <u>9</u> Deposition Porro, # <u>10</u> Deposition Rivers, # <u>11</u> Deposition Rosemond, # <u>12</u> Deposition Sanders, # <u>13</u> Deposition Simmons, # <u>14</u> Deposition Sylverin, # <u>15</u> Deposition Torres, # <u>16</u> Deposition Trueba, # <u>17</u> Deposition Vera, # <u>18</u> Deposition Wiggins) (Siegel, Jodi) (Entered: 08/17/2023)
08/17/2023	<u>75</u>	Unopposed MOTION for Leave to File <i>to Conventionally</i> by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 08/17/2023)
08/17/2023	<u>76</u>	PAPERLESS ORDER granting <u>75</u> Unopposed MOTION for Leave to File <i>to Conventionally</i> . Signed by Judge Beth Bloom (jg01) (Entered: 08/17/2023)
08/17/2023		SYSTEM ENTRY – Docket Entry 77 [misc] restricted/sealed until further notice. (874155) (Entered: 08/17/2023)
08/18/2023	<u>78</u>	Statement of: Material Facts in Support of Plaintiffs' Motion for Partial Summary Judgment by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin (Attachments: # <u>1</u> Exhibit Cooper–Levy Interrogatory Answers, # <u>2</u> Exhibit City Designations, # <u>3</u> Exhibit City Response to Amended RFA, # <u>4</u> Exhibit Clean Up Notice, # <u>5</u> Exhibit City Response to First RFA, # <u>6</u> Exhibit Inventory Storage Forms, # <u>7</u> Exhibit City's Handwritten Storage Notes)(Siegel, Jodi) (Entered: 08/18/2023)
08/18/2023	<u>79</u>	MOTION for Partial Summary Judgment by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 9/1/2023 (Hearne, Jeffrey) (Entered: 08/18/2023)
08/18/2023	<u>80</u>	NOTICE by City of Miami (Attachments: # <u>1</u> 2019 Version of APM 1–19, # <u>2</u> MPD Departmental Order, # <u>3</u> Deposition of David Rosemond, # <u>4</u> Deposition of Sergio Torres, # <u>5</u> Deposition of Cmndr. Chin–Queen, # <u>6</u> Deposition of Wade Sanders, # <u>7</u> Deposition of Plaintiff Cooper–Levy, # <u>8</u> Deposition of Plaintiff Rivers, # <u>9</u> Deposition of Plaintiff Simmons, # <u>10</u> Deposition of Plaintiff Sylverin) (Capdevila, Bryan) (Entered: 08/18/2023)
08/18/2023	<u>81</u>	Statement of: of Material Facts <i>in Support of Summary Judgment</i> by City of Miami (Capdevila, Bryan) (Entered: 08/18/2023)
08/18/2023	<u>82</u>	MOTION for Summary Judgment by City of Miami. Responses due by 9/1/2023 (Capdevila, Bryan) (Entered: 08/18/2023)
08/21/2023	<u>83</u>	NOTICE OF CONVENTIONAL FILING IN SUPPORT <u>79</u> Motion for Partial Summary Judgment by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin (cqs) Text Modified on 8/21/2023 (cqs). (Entered: 08/21/2023)
08/21/2023	<u>84</u>	NOTICE by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin re <u>78</u> Statement,, <u>79</u> MOTION for Partial Summary Judgment <i>of Filing Index of Exhibits</i> (Hearne, Jeffrey) (Entered: 08/21/2023)
08/21/2023	<u>85</u>	NOTICE by City of Miami re <u>82</u> MOTION for Summary Judgment (Capdevila, Bryan) (Entered: 08/21/2023)
08/21/2023	<u>86</u>	Corrected NOTICE by City of Miami re <u>82</u> MOTION for Summary Judgment (Capdevila, Bryan) (Entered: 08/21/2023)
08/23/2023	<u>87</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>82</u> MOTION for Summary Judgment , <u>79</u> MOTION for Partial Summary Judgment by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 08/23/2023)

08/24/2023	<u>88</u>	PAPERLESS ORDER granting <u>87</u> Motion for Extension of Time to File Response/Reply to Motion. Responses to Motion for Partial Summary Judgment, ECF No. <u>79</u> , Motion for Summary Judgment, ECF No. <u>82</u> , due by 9/25/2023. Signed by Judge Beth Bloom (jg01) (Entered: 08/24/2023)
08/25/2023	<u>89</u>	MOTION in Limine by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 08/25/2023)
08/27/2023	<u>90</u>	Amended MOTION in Limine by City of Miami. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 08/27/2023)
08/28/2023	<u>91</u>	PAPERLESS ORDER denying as moot <u>89</u> Motion in Limine. See Amended Motion at ECF No. <u>90</u> . Signed by Judge Beth Bloom (BB) (Entered: 08/28/2023)
08/28/2023	<u>92</u>	MOTION in Limine by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Hearne, Jeffrey) (Entered: 08/28/2023)
09/11/2023	<u>93</u>	RESPONSE in Opposition re <u>90</u> Amended MOTION in Limine filed by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Replies due by 9/18/2023. (Hearne, Jeffrey) (Entered: 09/11/2023)
09/11/2023	<u>94</u>	RESPONSE in Opposition re <u>92</u> MOTION in Limine filed by City of Miami. Replies due by 9/18/2023. (Attachments: # <u>1</u> Judgment of Simmons' Forgery and Fraud Conviction, # <u>2</u> City's Requests for Admissions and Plaintiffs' Responses, # <u>3</u> Judgment of Rivers' Tampering with Evidence Conviction)(Capdevila, Bryan) (Entered: 09/11/2023)
09/18/2023	<u>95</u>	ORDER SCHEDULING TRIAL AND ORDER OF INSTRUCTIONS BEFORE CALENDAR CALL: In Limine Motions due by 11/7/2023. Pretrial Stipulation due by 11/7/2023. Jury Trial set for 11/20/2023 9:00 AM in Miami Division before Judge Beth Bloom. Calendar Call set for 11/14/2023 1:45 PM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 9/18/2023. <i>See attached document for full details.</i> (scn) <u>Pattern Jury Instruction Builder</u> – To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here . (Entered: 09/18/2023)
09/18/2023	<u>96</u>	NOTICE of Attorney Appearance by Brandon Luis Fernandez on behalf of City of Miami. Attorney Brandon Luis Fernandez added to party City of Miami(pty:dft). (Fernandez, Brandon) (Entered: 09/18/2023)
09/18/2023	<u>97</u>	REPLY to Response to Motion re <u>90</u> Amended MOTION in Limine filed by City of Miami. (Attachments: # <u>1</u> September 11, 2023 Email, # <u>2</u> Amended Metadata Log, # <u>3</u> Service Email for and Attached Plaintiffs' Third Amended Initial Disclosure)(Capdevila, Bryan) (Entered: 09/18/2023)
09/18/2023	<u>98</u>	REPLY to Response to Motion re <u>92</u> MOTION in Limine filed by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Hearne, Jeffrey) (Entered: 09/18/2023)
09/22/2023	<u>99</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>82</u> MOTION for Summary Judgment , <u>79</u> MOTION for Partial Summary Judgment by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 09/22/2023)
09/22/2023	<u>100</u>	PAPERLESS ORDER granting <u>99</u> Motion for Extension of Time to File Response to Motions. Responses due by 10/2/2023. Signed by Judge Beth Bloom (jg01) (Entered: 09/22/2023)
09/30/2023	<u>101</u>	Unopposed MOTION for Leave to File Excess Pages to <i>City of Miami's Response in Opposition to Plaintiffs' Partial Summary Judgment and to City of Miami's Statement of Material Facts in support</i> by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 09/30/2023)
10/02/2023	<u>102</u>	PAPERLESS ORDER granting <u>101</u> Motion for Leave to File Excess Pages. The City's Response in Opposition to the Plaintiffs' Motion for Partial Summary Judgment may not exceed 30 pages in length and the City's separately filed statement of material facts may not exceed 25 pages in length. Signed by Judge Beth Bloom (jg01) (Entered: 10/02/2023)
10/02/2023	<u>103</u>	Statement of: of Material Facts in Support of Defendant's Response in Opposition to Plaintiffs' Motion for Partial Summary Judgment by City of Miami (Capdevila, Bryan) (Entered: 10/02/2023)
10/02/2023	<u>104</u>	RESPONSE in Opposition re <u>79</u> MOTION for Partial Summary Judgment filed by City of Miami. Replies due by 10/10/2023. (Capdevila, Bryan) (Entered: 10/02/2023)

10/02/2023	<u>105</u>	Statement of: of Material Facts Opposing Defendant's Motion for Summary Judgment by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin re <u>81</u> Statement (Hearne, Jeffrey) (Entered: 10/02/2023)
10/02/2023	<u>106</u>	RESPONSE in Opposition re <u>82</u> MOTION for Summary Judgment filed by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Replies due by 10/10/2023. (Hearne, Jeffrey) (Entered: 10/02/2023)
10/09/2023	<u>107</u>	Unopposed MOTION for Leave to File Excess Pages by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 10/09/2023)
10/10/2023	<u>108</u>	PAPERLESS ORDER granting <u>107</u> Motion for Leave to File Excess Pages. Both parties will have an additional five (5) pages for their Replies to the Responses to the motions for summary judgment. The Replies may not exceed fifteen (15) pages in length. Signed by Judge Beth Bloom (jg01) (Entered: 10/10/2023)
10/10/2023	<u>109</u>	Statement of: of Material Facts in support of Reply by City of Miami re <u>82</u> MOTION for Summary Judgment (Capdevila, Bryan) (Entered: 10/10/2023)
10/10/2023	<u>110</u>	REPLY to Response to Motion re <u>82</u> MOTION for Summary Judgment filed by City of Miami. (Capdevila, Bryan) (Entered: 10/10/2023)
10/10/2023	<u>111</u>	Statement of: Reply Statement of Material Facts by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin re <u>103</u> Statement (Hearne, Jeffrey) (Entered: 10/10/2023)
10/10/2023	<u>112</u>	REPLY to Response to Motion re <u>79</u> MOTION for Partial Summary Judgment filed by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Hearne, Jeffrey) (Entered: 10/10/2023)
10/19/2023	<u>113</u>	Unopposed MOTION to Continue <i>Trial</i> re <u>95</u> Scheduling Order., by City of Miami. Responses due by 11/2/2023 (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Text of Proposed Order)(Capdevila, Bryan) (Entered: 10/19/2023)
10/20/2023	<u>114</u>	FIFTH ORDER AMENDING SCHEDULING ORDER AND CERTAIN PRETRIAL DEADLINES. Granting in part <u>113</u> Motion to Continue. Pretrial Stipulation due by 12/29/2023. Calendar Call set for 1/9/2024 01:45 PM in Miami Division before Judge Beth Bloom. Jury Trial set for 1/16/2024 09:00 AM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 10/19/2023. <i>See attached document for full details.</i> (nwn) (Entered: 10/20/2023)
10/31/2023	<u>115</u>	(STRICKEN PER DE#119)NOTICE of Attorney Appearance by Forrest Lee Andrews on behalf of City of Miami. Attorney Forrest Lee Andrews added to party City of Miami(pty:dft). (Andrews, Forrest)Text Modified on 11/2/2023 (cqs). (Entered: 10/31/2023)
10/31/2023	<u>116</u>	NOTICE by City of Miami <i>for DEPOSITION DESIGNATIONS FOR TRANSCRIPT OF COOPER–LEVY AND</i> (Attachments: # <u>1</u> Deposition Designation – Vera, # <u>2</u> Deposition Designation – Trueba, # <u>3</u> Deposition Designation – Wiggins, # <u>4</u> Deposition Designation – Collins, # <u>5</u> Deposition Designation – Simmons, # <u>6</u> Deposition Designation – Mcclean, # <u>7</u> Deposition Designation – Candelier, # <u>8</u> Deposition Designation – Chin–Queen, # <u>9</u> Deposition Designation – Porro, # <u>10</u> Deposition Designation – Rosemond, # <u>11</u> Deposition Designation – Torres, # <u>12</u> Deposition Designation – Williams) (Andrews, Forrest) (Entered: 10/31/2023)
10/31/2023	<u>117</u>	MOTION for clarification <u>95</u> Scheduling Order., <i>or in the alternative</i> , MOTION for Extension of Time to File Deposition Designations re <u>95</u> Scheduling Order., by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 11/14/2023 (Hearne, Jeffrey) (Entered: 10/31/2023)
11/01/2023	<u>118</u>	Clerk's Notice to Filer re <u>115</u> Notice of Attorney Appearance. Login/Signature Block Violation; CORRECTIVE ACTION REQUIRED WITHIN 3 DAYS – The name of attorney e–filing this document via their CM/ECF login does not match the name of attorney on the signature block of the document. The name used for login must match typed name on signature block of the document. This filing is a violation of Section 3J(1) of CM/ECF Admin Procedures and LR 5.1(b). Filer must File a Notice of Striking, then refile document pursuant to CM/ECF Admin Procedures and Local Rules. (cqs) (Entered: 11/01/2023)
11/01/2023	<u>119</u>	NOTICE of Striking <u>115</u> Notice of Attorney Appearance filed by City of Miami by City of Miami (Andrews, Forrest) (Entered: 11/01/2023)

11/01/2023	<u>120</u>	SECOND ORDER OF INSTRUCTIONS BEFORE CALENDAR CALL; granting <u>117</u> Motion for Clarification; granting <u>117</u> Motion for Extension of Time. Signed by Judge Beth Bloom on 11/1/2023. <i>See attached document for full details.</i> (nwn) (Entered: 11/02/2023)
11/01/2023		Set/Reset Deadlines/Hearings: Pretrial Stipulation due by 12/29/2023. Calendar Call set for 1/9/2024 01:45 PM in Miami Division before Judge Beth Bloom. Jury Trial set for 1/16/2024 09:00 AM in Miami Division before Judge Beth Bloom. PER DE <u>120</u> . (nwn) (Entered: 11/02/2023)
11/02/2023	<u>121</u>	NOTICE of Attorney Appearance by Forrest Lee Andrews on behalf of City of Miami (Andrews, Forrest) (Entered: 11/02/2023)
11/06/2023	<u>122</u>	NOTICE of Attorney Appearance by Daniel Lucas Marshall on behalf of Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Attorney Daniel Lucas Marshall added to party Latoyla Yasheen Cooper–Levy(pty:pla), Attorney Daniel Lucas Marshall added to party Sherman Rivers(pty:pla), Attorney Daniel Lucas Marshall added to party Joseph Simmons(pty:pla), Attorney Daniel Lucas Marshall added to party Phillip Sylverin(pty:pla). (Marshall, Daniel) (Entered: 11/06/2023)
11/07/2023	<u>123</u>	NOTICE of Attorney Appearance by Forrest Lee Andrews on behalf of City of Miami (Andrews, Forrest) (Entered: 11/07/2023)
12/06/2023	<u>124</u>	NOTICE of Attorney Appearance by Marguerite Clare Racher Snyder on behalf of City of Miami. Attorney Marguerite Clare Racher Snyder added to party City of Miami(pty:dft). (Snyder, Marguerite) (Entered: 12/06/2023)
12/11/2023	<u>125</u>	NOTICE of Attorney Appearance by Stephen Hunter Johnson on behalf of City of Miami. Attorney Stephen Hunter Johnson added to party City of Miami(pty:dft). (Johnson, Stephen) (Entered: 12/11/2023)
12/11/2023	<u>126</u>	OMNIBUS ORDER ON MOTIONS FOR SUMMARY JUDGMENT; denying <u>79</u> Motion for Partial Summary Judgment; denying <u>82</u> Motion for Summary Judgment. Signed by Judge Beth Bloom on 12/11/2023. <i>See attached document for full details.</i> (nwn) (Entered: 12/12/2023)
12/12/2023	<u>127</u>	ORDER Setting Hearing on Motion <u>92</u> MOTION in Limine , <u>90</u> Amended MOTION in Limine : Motion Hearing set for 1/9/2024 02:00 PM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 12/12/2023. <i>See attached document for full details.</i> (nwn) (Entered: 12/13/2023)
12/17/2023	<u>128</u>	Unopposed MOTION/PETITION for Writ of Habeas Corpus ad Testificandum on Lee Packer, Administrator, South Florida Evaluation and Treatment Center by Latoyla Yasheen Cooper–Levy. (Attachments: # <u>1</u> Text of Proposed Order Proposed Writ)(Hearne, Jeffrey) (Entered: 12/17/2023)
12/18/2023	<u>129</u>	(DISSOLVED PER DE#160) Writ of Habeas Corpus ad Testificandum Issued as to Lee Packer, Administrator, South Florida Evaluation and Treatment Center. This is to command you in charge of the person Latoyla Cooper to deliver this person to the United States Courthouse located at 400 North Miami Avenue, Courtroom 10–2, Miami, Florida at 9:00 a.m. on Tuesday, January 16, 2024, for the purpose of appearing at her jury trial. Signed by Judge Beth Bloom on 12/18/2023. <i>See attached document for full details.</i> (nwn) Modified text on 1/4/2024 (nwn). (Entered: 12/18/2023)
12/18/2023	<u>130</u>	NOTICE by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin of <i>Rule 26(a)(3)A) Pretrial Disclosures</i> (Hearne, Jeffrey) (Entered: 12/18/2023)
12/18/2023	<u>131</u>	Defendant's NOTICE by City of Miami <i>Rule 26(a)(3)A) Pre–trial Disclosures</i> (Andrews, Forrest) (Entered: 12/18/2023)
12/19/2023	<u>132</u>	Unopposed MOTION to Appear by Zoom at Calendar Call and Motions in Limine re <u>127</u> Order Setting Hearing on Motion, <u>120</u> Order on Motion for Clarification, Order on Motion for Extension of Time by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Siegel, Jodi) (Entered: 12/19/2023)
12/19/2023	133	PAPERLESS ORDER granting <u>132</u> Motion for Counsel to Appear by Zoom Videoconference for Calendar Call and Motions in Limine. Calendar Call set for 1/10/2024 01:30 PM in Miami Division before Judge Beth Bloom. The parties may join remotely via ZoomGov Meeting at https://www.zoomgov.com/j/1615913558?pwd=amUza1NGeVhkUk1tek9HYUxneHRtdz09 (Meeting ID: 161 591 3558 Passcode: 364059). Jury Trial set for 1/16/2024 09:00 AM in Miami Division before Judge Beth Bloom.

		Signed by Judge Beth Bloom (jg01) (Entered: 12/19/2023)
12/19/2023	<u>134</u>	ORDER ON UNOPPOSED PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM. Granting <u>128</u> Unopposed MOTION/PETITION for Writ of Habeas Corpus ad Testificandum on Lee Packer, Administrator, South Florida Evaluation and Treatment Center filed by Latoyla Yasheen Cooper-Levy. Signed by Judge Beth Bloom on 12/18/2023. <i>See attached document for full details.</i> (nwn) (Entered: 12/19/2023)
12/19/2023	135	VACATED NOTICE of Hearing on Motion **TIME CHANGE ONLY** <u>92</u> MOTION in Limine , <u>90</u> Amended MOTION in Limine : Motion Hearing set for 1/10/2024 01:30 PM in Miami Division before Judge Beth Bloom. The parties may join remotely via ZoomGov Meeting at https://www.zoomgov.com/j/1615913558?pwd=amUza1NGeVhkUk1tek9HYUXneHRtdz09 (Meeting ID: 161 591 3558 Passcode: 364059). (jg01) Modified to vacate per 137 on 12/20/2023 (ego). (Entered: 12/19/2023)
12/20/2023	136	PAPERLESS NOTICE of Hearing on Motion <u>92</u> MOTION in Limine , <u>90</u> Amended MOTION in Limine : Motion Hearing set for 1/10/2024 at 01:30 PM in Miami Division before Judge Beth Bloom. The parties may join remotely. The link to join the Zoom video conference is: https://www.zoomgov.com/j/16191705654?pwd=WmlmK0RpelQ5bUZhdTVGM3RUMHZoUT09 Alternatively, the Meeting ID for this Hearing is 161 9170 5654 and the Passcode is: 692150.(ego) (Entered: 12/20/2023)
12/20/2023	137	Clerk's Notice of Docket Correction re 135 Notice of Hearing on Motion,. Vacated Due to Error; The correct Notice has been entered as ECF 136 . (ego) Modified text on 12/20/2023 (ego). (Entered: 12/20/2023)
12/20/2023	<u>138</u>	Defendant's MOTION to Bring Electronic Equipment into the courtroom <i>MOTION FOR PERMISSION TO UTILIZE ELECTRONIC EQUIPMENT IN THE COURTROOM DURING TRIAL AND FOR SECURITY CLEARANCE OF EQUIPMENT</i> by City of Miami. Responses due by 1/3/2024 (Attachments: # <u>1</u> Text of Proposed Order Proposed Order for Defendant's Motion to Use Electronic Equipment)(Andrews, Forrest) (Entered: 12/20/2023)
12/22/2023	<u>139</u>	ORDER ON MOTION TO UTILIZE ELECTRONIC EQUIPMENT; granting <u>138</u> Motion to Bring Electronic Equipment into the courtroom. Signed by Judge Beth Bloom on 12/21/2023. <i>See attached document for full details.</i> (nwn) (Entered: 12/22/2023)
12/22/2023	<u>140</u>	NOTICE by City of Miami <i>AMENDED DEPOSITION DESIGNATIONS FOR TRANSCRIPT OF WILLIAM A. PORRO</i> (Andrews, Forrest) (Entered: 12/22/2023)
12/22/2023	<u>141</u>	NOTICE by City of Miami <i>AMENDED DEPOSITION DESIGNATIONS FOR TRANSCRIPT OF SERGIO TORRES</i> (Andrews, Forrest) (Entered: 12/22/2023)
12/22/2023	<u>142</u>	NOTICE by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin <i>Deposition Designations</i> (Attachments: # <u>1</u> Designation Transcript of Natasha Colebrooke-Williams, # <u>2</u> Designation Transcript of Christian Candalier, # <u>3</u> Designation Transcript of Vivian Collins, # <u>4</u> Designation Transcript of Latoyla Cooper-Levy, # <u>5</u> Designation Transcript of Audrey Delricho, # <u>6</u> Designation Transcript of Jamille Jackson, # <u>7</u> Designation Transcript of Leighton McClean, # <u>8</u> Designation Transcript of Sherman Rivers, # <u>9</u> Designation Transcript of David Rosemond, # <u>10</u> Designation Transcript of Wade Sanders, # <u>11</u> Designation Transcript of Joseph Simmons, # <u>12</u> Designation Transcript of Phillip Sylverin, # <u>13</u> Designation Transcript of Odell Wiggins) (Hearne, Jeffrey) (Entered: 12/22/2023)
12/22/2023	<u>143</u>	NOTICE by City of Miami (Attachments: # <u>1</u> Deposition Designation – Sanders, # <u>2</u> Amended Deposition Designation – Chin-Quee, # <u>3</u> Amended Deposition Designation – Rosemond, # <u>4</u> Amended Deposition Designation – Colebrooke, # <u>5</u> Deposition Designation – Jackson, # <u>6</u> Amended Deposition Designation – Vera, # <u>7</u> Amended Deposition Designation – Collins, # <u>8</u> Amended Deposition Designation – McLean, # <u>9</u> Amended Deposition Designation – Candalier, # <u>10</u> Amended Deposition Designation – Trueba, # <u>11</u> Amended Deposition Designation – Morrison, # <u>12</u> Amended Deposition Designation – Wiggins) (Andrews, Forrest) (Entered: 12/22/2023)
12/22/2023	<u>144</u>	NOTICE by City of Miami <i>Notice of Filing Deposition Transcripts</i> (Attachments: # <u>1</u> Transcripts Deposition Transcript – Colebrooke, # <u>2</u> Transcripts Deposition Transcript – Candalier, # <u>3</u> Transcripts Deposition Transcript – Collins, # <u>4</u> Transcripts Deposition Transcript – Jackson, # <u>5</u> Transcripts Deposition Transcript – McLean, # <u>6</u> Transcripts Deposition Transcript – Morrison, # <u>7</u> Transcripts Deposition Transcript – Porro, # <u>8</u> Transcripts Deposition Transcript – Rosemond, # <u>9</u> Transcripts Deposition Transcript – Sanders, # <u>10</u> Transcripts Deposition Transcript – Torres, # <u>11</u> Transcripts Deposition Transcript – Trueba, # <u>12</u> Transcripts Deposition Transcript – Vera, # <u>13</u>

		Transcripts Deposition Transcript – Wiggins, # <u>14</u> Transcripts Deposition Transcript – Chin–Queen) (Andrews, Forrest) (Entered: 12/22/2023)
12/28/2023	<u>145</u>	Unopposed MOTION for Extension of Time to file pretrial materials in second order of instructions before calendar call re <u>120</u> Order on Motion for Clarification, Order on Motion for Extension of Time by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 1/11/2024 (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 12/28/2023)
12/28/2023	<u>146</u>	PAPERLESS ORDER granting <u>145</u> Motion for Extension of Time. Pretrial Stipulation and Plaintiffs' materials identified in the Second Order of Instructions Before Calendar Call, including the objections and counter–designations to the deposition Designations, due by 1/3/2024. Signed by Judge Beth Bloom (jg01) (Entered: 12/28/2023)
12/29/2023	<u>147</u>	MOTION for clarification by City of Miami. Attorney Joshua Quetglas added to party City of Miami(pty:dft). Responses due by 1/12/2024 (Attachments: # <u>1</u> Order)(Quetglas, Joshua) (Entered: 12/29/2023)
12/29/2023	<u>148</u>	PAPERLESS ORDER granting <u>147</u> Motion for Clarification. The December 29, 2023 deadline contained in the <u>120</u> Second Order of Instructions before Calendar Call is extended as to both Plaintiffs and Defendant to allow all materials and pleadings from both parties to be submitted on or before January 3, 2024. Signed by Judge Beth Bloom (jg01) (Entered: 12/29/2023)
01/03/2024	<u>149</u>	Unopposed MOTION/PETITION for Writ of Habeas Corpus ad Testificandum on on Sherea Green, Director, Miami–Dade Corrections by Latoyla Yasheen Cooper–Levy. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order Proposed Writ)(Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>150</u>	MOTION to Allow Plaintiff Cooper–Levy to Attend Trial Unshackled and in Non–Jail Clothing by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>151</u>	Defendant's NOTICE OF FILING OBJECTIONS TO PLAINTIFFS DEPOSITION DESIGNATIONS AND COUNTER–DESIGNATIONS by City of Miami (Attachments: # <u>1</u> Objection and Counter–Designation–Cooper–Levy, # <u>2</u> Objection and Counter–Designation–Sylverin, # <u>3</u> Objection and Counter–Designation–Delricho, # <u>4</u> Objection and Counter–Designation–Wiggins, # <u>5</u> Objection and Counter–Designation–Candalier, # <u>6</u> Objection and Counter–Designation–Jackson, # <u>7</u> Objection and Counter–Designation–Rosemond, # <u>8</u> Objection and Counter–Designation–McLean, # <u>9</u> Objection and Counter–Designation to Transcript–Simmons, # <u>10</u> Objection and Counter–Designation to Transcript–Colebrooke, # <u>11</u> Objection and Counter–Designation to Transcript–Rosemond, # <u>12</u> Objection and Counter–Designation to Transcript–Sanders) (Andrews, Forrest) (Entered: 01/03/2024)
01/03/2024	<u>152</u>	DEFENDANT CITY OF MIAMIS OBJECTIONS TO PLAINTIFFS TRIAL EXHIBIT LIST to <u>130</u> Notice (Other) by City of Miami. (Andrews, Forrest) (Entered: 01/03/2024)
01/03/2024	<u>153</u>	Proposed Voir Dire Questions by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>154</u>	Joint NOTICE of Neutral Statement of Case and List of Witnesses for Venire Panel by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin (Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>155</u>	PRETRIAL STIPULATION (JOINT) by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin (Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>156</u>	Proposed Jury Instructions by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>157</u>	NOTICE of Plaintiffs' Objections and Counter–Designations to Defendant's Deposition Designations by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin re <u>140</u> Notice (Other), <u>116</u> Notice (Other),, <u>143</u> Notice (Other),, <u>141</u> Notice (Other) (Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>158</u>	Exhibit List (Joint) by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin.. (Hearne, Jeffrey) (Entered: 01/03/2024)
01/03/2024	<u>159</u>	Witness List (JOINT) by Latoyla Yasheen Cooper–Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin.. (Hearne, Jeffrey) (Entered: 01/03/2024)

01/03/2024	<u>160</u>	ORDER ON UNOPPOSED PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM AND DISSOLVING PRIOR WRIT ECF No. <u>129</u> ; granting <u>149</u> Motion for Writ of Habeas Corpus ad Testificandum. Signed by Judge Beth Bloom on 1/3/2024. <i>See attached document for full details.</i> (nwn) (Entered: 01/04/2024)
01/03/2024	<u>161</u>	WRIT OF HABEAS CORPUS AD TESTIFICANDUM AND DISSOLVING PRIOR WRIT. Writ of Habeas Corpus ad Testificandum Issued as to Latoyla Cooper. Jury Trial set for 1/16/2024 09:00 AM in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 1/3/2024. <i>See attached document for full details.</i> (nwn) (Entered: 01/04/2024)
01/03/2024	<u>162</u>	ORDER ON MOTION TO ALLOW PLAINTIFF COOPER-LEVY TO ATTEND TRIAL UNSHACKLED AND IN NON-JAIL CLOTHING; granting in part <u>150</u> Motion to Allow Plaintiff Cooper-Levy to Attend Trial Unshackled and in Non-Jail Clothing. Signed by Judge Beth Bloom on 1/3/2024. <i>See attached document for full details.</i> (nwn) (Entered: 01/04/2024)
01/05/2024	<u>163</u>	Plaintiff's MOTION For Leave to Ask Leading Questions of City Witnesses on Direct Examination by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. (Siegel, Jodi) (Entered: 01/05/2024)
01/05/2024	<u>164</u>	MOTION to Strike <i>Undisclosed Witnesses and Prohibiting the Use of Late-Produced Evidence</i> by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 1/19/2024 (Hearne, Jeffrey) (Entered: 01/05/2024)
01/05/2024	<u>165</u>	PAPERLESS ORDER requiring expedited response. The City is ORDERED to file a response to <u>164</u> MOTION to Strike <i>Undisclosed Witnesses and Prohibiting the Use of Late-Produced Evidence</i> filed by Latoyla Yasheen Cooper-Levy, Joseph Simmons, Sherman Rivers, Phillip Sylverin, and to <u>163</u> Plaintiff's MOTION For Leave to Ask Leading Questions of City Witnesses on Direct Examination filed by Latoyla Yasheen Cooper-Levy, Joseph Simmons, Sherman Rivers, Phillip Sylverin, by January 8, 2024 . Signed by Judge Beth Bloom (jg01) (Entered: 01/05/2024)
01/05/2024		Set Deadline per DE#165 as to <u>163</u> Plaintiff's MOTION For Leave to Ask Leading Questions of City Witnesses on Direct Examination , <u>164</u> MOTION to Strike <i>Undisclosed Witnesses and Prohibiting the Use of Late-Produced Evidence</i> . Responses due by 1/8/2024. (scn) (Entered: 01/08/2024)
01/07/2024	<u>166</u>	Amended MOTION to Strike <i>Undisclosed Witnesses and Prohibiting the Use of Late-Produced Evidence</i> by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 1/22/2024 (Hearne, Jeffrey) (Entered: 01/07/2024)
01/08/2024	<u>167</u>	Unopposed MOTION to Bring Electronic Equipment into the courtroom by Latoyla Yasheen Cooper-Levy, Sherman Rivers, Joseph Simmons, Phillip Sylverin. Responses due by 1/22/2024 (Attachments: # <u>1</u> Text of Proposed Order)(Hearne, Jeffrey) (Entered: 01/08/2024)
01/08/2024	<u>168</u>	RESPONSE in Opposition re <u>166</u> Amended MOTION to Strike <i>Undisclosed Witnesses and Prohibiting the Use of Late-Produced Evidence</i> filed by City of Miami. Replies due by 1/16/2024. (Andrews, Forrest) (Entered: 01/08/2024)
01/08/2024	<u>169</u>	RESPONSE in Opposition re <u>163</u> Plaintiff's MOTION For Leave to Ask Leading Questions of City Witnesses on Direct Examination filed by City of Miami. Replies due by 1/16/2024. (Andrews, Forrest) (Entered: 01/08/2024)
01/08/2024	<u>170</u>	MOTION to Strike <i>THE TESTIMONY OF PLAINTIFFS LATOYLA COOPER-LEVY AND JOSEPH SIMMONS</i> by City of Miami. Responses due by 1/22/2024 (Andrews, Forrest) (Entered: 01/08/2024)
01/09/2024	<u>171</u>	ORDER ON PLAINTIFF'S MOTION TO USE ELECTRONIC EQUIPMENT; granting <u>167</u> Motion to Bring Electronic Equipment into the courtroom. Signed by Judge Beth Bloom on 1/8/2024. <i>See attached document for full details.</i> (nwn) (Entered: 01/09/2024)
01/09/2024	<u>172</u>	NOTICE of Hearing on Motion <u>92</u> MOTION in Limine , <u>90</u> Amended MOTION in Limine , <u>166</u> Amended MOTION to Strike <i>Undisclosed Witnesses and Prohibiting the Use of Late-Produced Evidence</i> , <u>170</u> MOTION to Strike <i>THE TESTIMONY OF PLAINTIFFS LATOYLA COOPER-LEVY AND JOSEPH SIMMONS</i> : Motion Hearing set for 1/11/2024 at 01:30 PM in the Miami Division, 400 North Miami Avenue, Courtroom 10-2, before Judge Beth Bloom. The parties may join remotely. The link to join the Zoom video conference is: https://www.zoomgov.com/j/16191705654?pwd=WmlmK0RpelQ5bUZhdTVGGM3RUMHZoUT09 Alternatively, the Meeting ID for this Hearing is 161 9170 5654 and the Passcode is: 692150 (ego) (Entered: 01/09/2024)

01/09/2024	173	<p>PAPERLESS NOTICE of Hearing: Calendar Call set for 1/11/2024 at 01:30 PM in the Miami Division, 400 North Miami Avenue, Courtroom 10–2, before Judge Beth Bloom.</p> <p>The parties may join remotely. The link to join the Zoom video conference is: https://www.zoomgov.com/j/16191705654?pwd=WmlmK0RpelQ5bUZhdTVGM3RUMHZoUT09 Alternatively, the Meeting ID for this Hearing is 161 9170 5654 and the Passcode is: 692150. (ego) (Entered: 01/09/2024)</p>
01/09/2024	<u>174</u>	<p>First MOTION to Seal <i>Plaintiff's Psychological Medical Exams</i> per Local Rule 5.4 by City of Miami. (Attachments: # <u>1</u> Text of Proposed Order Order Granting Motion to Seal) (Andrews, Forrest) (Entered: 01/09/2024)</p>
01/09/2024	175	<p>PAPERLESS ORDER granting <u>174</u> Motion to Seal Plaintiff's Psychological Medical Exams per Local Rule 5.4. Matter should remain sealed permanently. Signed by Judge Beth Bloom (BB) (Entered: 01/09/2024)</p>
01/10/2024	176	<p>PAPERLESS NOTICE of Hearing: re <u>163</u> Plaintiff's MOTION For Leave to Ask Leading Questions of City Witnesses on Direct Examination , <u>92</u> MOTION in Limine , <u>90</u> Amended MOTION in Limine , <u>166</u> Amended MOTION to Strike <i>Undisclosed Witnesses and Prohibiting the Use of Late–Produced Evidence</i>, <u>170</u> MOTION to Strike <i>THE TESTIMONY OF PLAINTIFFS LATOYLA COOPER–LEVY AND JOSEPH SIMMONS</i></p> <p>Motions and Calendar Call set for 1/16/2024 AT 09:30 AM in the Miami Division, 400 North Miami Avenue, Courtroom 10–2, before Judge Beth Bloom. The parties may join remotely. The link to join the Zoom video conference is: https://www.zoomgov.com/j/16191705654?pwd=WmlmK0RpelQ5bUZhdTVGM3RUMHZoUT09. Alternatively, the Meeting ID for this Hearing is 161 9170 5654 and the Passcode is: 692150. (ego) (Entered: 01/10/2024)</p>
01/10/2024		<p>SYSTEM ENTRY – Docket Entry 177 [misc] restricted/sealed until further notice. (1087605) (Entered: 01/10/2024)</p>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.

**LATOYLA YASHEEN COOPER-LEVY,
PHILLIP SYLVERIN, SHERMAN RIVERS,
JOSEPH SIMMONS,**

PLAINTIFFS,

v.

CITY OF MIAMI,

DEFENDANT.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Preliminary Statement

1. For two decades, the City of Miami (“City”) was under the Pottinger consent decree, which regulated how the City interacted with its homeless residents. The consent decree was in response to what the City admitted in court was its “practice of criminalizing homelessness and the systematic disposal of homeless persons’ property.” The City of Miami’s Motion for Termination, Or, Alternatively, Modification of the Pottinger Consent Decree (“Motion”), *Pottinger v. City of Miami*, No. 1:88-cv-2406-FAM (S.D. Fla.), Docket Entry (“DE”) 566:10. In particular, the consent decree prohibited the City from unlawfully taking personal property belonging to homeless individuals. In 2019, the federal court terminated the consent decree, holding that “the City substantially complied with the Consent Decree’s property provisions” by storing and protecting personal property. *Pottinger v. City of Miami*, 359 F. Supp. 3d 1177, 1199 (S.D. Fla. 2019), *aff’d sub nom. Peery v. City of Miami*, 977 F.3d 1061 (11th Cir. 2020). Now,

despite its assurances to the court that judicial oversight was no longer needed because the City's "policy of harassment has been replaced with one of compassion," Motion, DE 566:25, the City is routinely seizing and destroying the personal property of its homeless residents.

2. Plaintiffs Latoyla Yasheen Cooper-Levy, Phillip Sylverin, Sherman Rivers, and Joseph Simmons bring this action to challenge the City of Miami's practice of seizing and destroying the personal property of homeless individuals.

3. The City conducts sweeps without sufficient notice and in a manner that prevents Plaintiffs from securing their personal property to avoid destruction. These sweeps are still occurring today.

4. When conducting the sweeps, the City often gives homeless individuals only a few minutes to move their belongings. If the person cannot move their personal property, the City removes and destroys it. If the individual is not present during the sweep, the City removes and destroys the personal property without giving them any means to secure or retrieve their personal possessions.

5. The City's actions deprived Plaintiffs of personal property critical to their survival, such as government-issued identification documents, medication, and clothing, as well as irreplaceable personal possessions.

6. The intentional taking and destruction of Plaintiffs' personal property violates Plaintiffs' constitutional right to be free from unreasonable seizure and their right to due process.

7. Plaintiffs seek injunctive relief enjoining the City from taking and destroying homeless individuals' personal property in violation of the United States Constitution. Plaintiffs also seek a declaratory judgment that the City's policies and practices are unlawful under the Constitution.

8. Plaintiffs further seek damages resulting from the City's intentional destruction of their personal property.

Jurisdiction and Venue

9. This action arises under the Fourth and Fourteenth Amendments to the United States Constitution. The Court has original jurisdiction over these claims pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) & (4). Plaintiffs' claims for declaratory relief and injunctive relief are authorized under 28 U.S.C. §§ 2201-02 and 42 U.S.C. § 1983. At all times relevant to this action, Defendant and its officers, employees, and agents acted under color of state law.

10. Venue is proper in the Southern District of Florida, Miami Division, pursuant to 28 U.S.C. § 1391(b). All the acts and omissions identified in this complaint occurred in the City of Miami, Miami-Dade County, Florida, which falls within the Miami Division of the Southern District of Florida.

Parties

11. Plaintiff Latoyla Yasheen Cooper-Levy is a resident of Miami and homeless at all relevant times.

12. Plaintiff Phillip Sylverin is a resident of Miami and homeless at all relevant times.

13. Plaintiff Joseph Simmons is a resident of Miami and homeless at all relevant times.

14. Plaintiff Sherman Rivers is a resident of Miami and homeless at all relevant times.

15. Defendant City of Miami is a municipality, duly organized and existing under the laws of the State of Florida, with the capacity to sue and be sued.

Factual Allegations

Background

16. Most of the unsheltered individuals in Miami-Dade County live in the City of Miami. The Point-In-Time census conducted by the Miami-Dade County Homeless Trust in January 2021 found 892 unsheltered individuals, and 555 of them lived in the City of Miami.

17. The *Pottinger* consent decree required the City to “respect the personal property of all homeless people,” including not only “any personal property known to belong to a homeless person,” but also “any personal property ... readily recognizable as property of a homeless person (i.e., bedding, clothing, or other belongings organized or packaged together in a way indicating it had not been abandoned).” It also required all City departments to “follow their own internal procedures for taking custody of personal property.” *Pottinger*, 359 F. Supp. 3d at 1188.

18. Shortly before the district court terminated the *Pottinger* consent decree in February 2019, the City adopted an Administrative Policy regarding the Treatment of Homeless Persons’ Property (APM-1-19). (Exhibit A.)

19. APM-1-19 applies to all City employees, including outreach workers and public sanitation workers, as well as police officers except in case of conflict with Police Departmental Order 11, Chapter 10. (Exhibit A, at 1.)

20. Police Departmental Order 11, Chapter 10 (“PDO 11, Ch. 10”) instructs officers to “respect the personal property of homeless persons” and further states that “in no event shall any law enforcement officer destroy any personal property known to a homeless person, or readily recognizable as property of a homeless person. (Exhibit B, at 4.)

21. Once the district court terminated the *Pottinger* consent decree in February 2019, the City was no longer under court enforcement of the consent decree or under court oversight as to how it treats the homeless.

22. Beginning in early 2021, the City began an aggressive plan to clear homeless encampments within the City of Miami.

23. The City drafted a “Street Clean Up and Encampment Resource Plan” which proposed to close homeless encampments by conducting ongoing sweeps. (Exhibit C.)

24. In April 2021, the City Commission enacted a resolution directing the City Manager to facilitate bi-weekly cleanings of homeless encampments.

25. In September 2021, the City Commission enacted a resolution directing the City Manager to facilitate the cleanings of homeless encampments at least three times a week.

26. Homeless individuals living on the street often own personal property, including tents, clothing, shoes, personal hygiene products, medication, government-issued identification, and other important documents.

27. When conducting sweeps, City staff, including those from the Homeless Outreach Team, the Police Department, and Solid Waste, arrive at the encampments along with dump trucks.

28. The City staff instruct homeless individuals who are present to move their personal property within a few minutes.

29. Some homeless individuals are not present when the City arrives because they are working, showering, visiting social service agencies, or tending to other matters. These individuals are not given an opportunity to move their personal property.

30. After giving the homeless individuals a few minutes to move their personal property, the City then removes all personal property remaining at the encampment.

31. The City often uses a crane to pick up the personal property, places it in the back of a dump truck, and then disposes of the personal property.

The City's Practice and Custom

32. The City's practice and custom of how it treats the personal property of homeless individuals differs from the written policy outlined in APM-1-19 and PDO 11, Ch. 10.

33. The City provides inadequate notice of the sweeps. The City's inadequacies include: posting notices identifying the date of the proposed sweep, but conducting the sweep on a different day than the one identified on the notice; posting notices that do not include the time of the sweep; posting notices with less than 24 hours' notice; posting notices that do not identify any date of the sweep; and conducting sweeps without any written notice.

34. It is the City's practice and custom to provide insufficient notice to homeless residents when it conducts sweeps.

35. The City's practice and custom is to seize and destroy personal property belonging to homeless individuals.

36. The City does not sort the personal property or attempt to secure personal items such as identification, medicines and eyeglasses, and other small items of importance identified by the homeless person or readily identifiable as vital or significant personal property.

37. The City does not determine whether unattended items are readily recognizable as personal property of a homeless person.

38. The City does not determine whether the personal property is contaminated or poses a health or safety hazard.

39. The City does not have a warrant when it conducts the sweeps. APM-1-19 requires City staff to complete an Inventory Storage Form for any personal property it seizes and attempt to notify the property's owner.

40. Between January 1, 2021, and April 2022, City of Miami staff only completed two Inventory / Storage Invoices.

41. Between January 1, 2021, and April 2022, the City of Miami only made one attempt to notify a homeless person that the City had stored personal property and that the owner could pick up the personal property.

42. The City's practice and custom is to seize and destroy the personal property belonging to homeless individuals, rather than to inventory and store the personal property and provide an opportunity for the owner to recover the personal property.

43. The City's practice and custom of seizing and destroying personal property erroneously deprives homeless individuals of their personal property.

44. The City's officials, employees, and agents acted under color of law when they seized and destroyed the personal property belonging to homeless individuals.

Destruction of Plaintiffs' Property

Latoyla Cooper-Levy

45. In May 2021, Latoyla Yasheen Cooper-Levy ("Cooper-Levy") had been living at the homeless encampment located at Northwest 17 Street and 7th Avenue for approximately three years.

46. One day in May 2021, Cooper-Levy left the encampment to attend orientation for a job to which she had recently been hired.

47. Cooper-Levy did not abandon her property. Her property was readily recognizable as personal property of a homeless person and was inside her tent, organized in a way indicating it had not been abandoned.

48. While she was gone, the City conducted a sweep of the encampment.

49. Cooper-Levy did not receive any notice the City would conduct a sweep on that date and at that time.

50. When Cooper-Levy returned to the encampment, she found the City had removed her personal property and the personal property of other homeless individuals.

51. Cooper-Levy's personal property, which was not abandoned, was not contaminated, and did not pose a health hazard or safety issue.

52. The City destroyed her U.S. passport, birth certificate, Social Security card, identification, telephone, clothing, work uniform, shoes, a sleeping tent, and an urn containing her mother's ashes.

53. Because the City took her uniform and she was unable to purchase a new uniform, Cooper-Levy lost her job.

54. After returning to the encampment, Cooper-Levy found a notice from the City under a brick which contained information about how to retrieve stored property.

55. However, when Cooper-Levy went to the location indicated on the notice, City staff told her they did not have any of her belongings.

56. The City made no attempt to save items that belonged to her, made no attempt to determine if her property was contaminated or contained dangerous items, and made no offer to store her property. Instead, the City irrevocably seized and destroyed her property.

57. Cooper-Levy is currently homeless and is fearful that the City will seize and destroy her personal property without notice again.

58. Cooper-Levy suffered damages from the City's actions, including the loss of her destroyed personal property and garden-variety emotional distress.

Phillip Sylverin

59. In August 2021, Phillip Sylverin ("Sylverin") had been living in an encampment on NW 11th Street near or under the I-95 bridge for approximately 3 years.

60. Mr. Sylverin has been homeless for about 4 years.

61. On or about August 2, 2021, at approximately 9:00 am the City arrived at the encampment and instructed Sylverin to take everything he could carry or it would be thrown out.

62. Sylverin did not receive any notice the City would conduct a sweep on that date and at that time. He did not know about the sweep until City employees arrived and the City employees only gave him a few minutes to move his property.

63. Sylverin uses a wheelchair for mobility and he was unable to move most of his personal property within the limited time given by the City.

64. City employees used a crane to place his personal property into a dump truck including his tent, identification documents, furniture, and family photos. His pet cat was inside the tent when the City placed it in the dump truck and was presumably killed.

65. Sylverin was unable to carry away or salvage any of his belongings. The only personal property he had left was what he was wearing and his wheelchair.

66. Sylverin's personal property, which was not abandoned, was not contaminated, nor did it pose a health hazard or safety issue.

67. The City made no attempt to save items that belonged to him, made no attempt to determine if his property was contaminated or contained dangerous items, and made no offer to store his property. Instead, the City irrevocably seized and destroyed his personal property.

68. Sylverin is currently homeless and is fearful that the City will seize and destroy his personal property without notice again.

69. Sylverin suffered damages from the City's actions, including the loss of his destroyed personal property and garden-variety emotional distress.

Sherman Rivers

70. In August 2021, Sherman Rivers ("Rivers") resided in the encampment located under the bridge on NW 11th Street between NW 5th Avenue and NW 3rd Avenue.

71. Rivers has been homeless for about 30 years.

72. On or about August 2, 2021, at approximately 9:00 am, the City arrived at the encampment, but Rivers was at work when the City arrived.

73. Rivers did not abandon his property. His property was readily recognizable as property of a homeless person, and it was organized in a way indicating it had not been abandoned. Most of his personal property was inside his tent.

74. Rivers did not receive any notice the City would conduct a sweep on that date and at that time.

75. When Rivers returned to the encampment, he found the City had removed his personal property.

76. City employees used a crane to place his personal property into a dump truck including his tent, birth certificate, identification, public benefits cards, prescription medications, new clothing, shoes, a bike, toiletries, and \$60 in change.

77. Rivers' personal property, which was not abandoned, was not contaminated, and it did not pose a health hazard or safety issue.

78. The City made no attempt to save items that belonged to him, made no attempt to determine if his personal property was contaminated or contained dangerous items, and made no offer to store his personal property. Instead, the City irrevocably seized and destroyed his property.

79. On at least four other occasions, the City has seized and destroyed his personal property while he was at work.

80. Rivers is currently homeless, and he is fearful that the City will continue to seize and destroy his belongings without notice.

81. Rivers suffered damages from the City's actions, including the loss of destroyed personal property and garden-variety emotional distress.

Joseph Simmons

82. In August 2021, Joseph Simmons ("Simmons") resided in the encampment located under the bridge on NW 11th Street between NW 5th Avenue and NW 3rd Avenue. He has been homeless for about 3 years.

83. During a sweep that occurred on or about August 2, 2021, at approximately 9:00 a.m., the City arrived at the encampment and instructed Simmons to take everything he could carry, or it would be thrown out.

84. City employees threw Simmons' personal belongings into a dump truck, including his tent, clothes, furniture, medication, glasses, dentures, identification documents, coin and stamp collections, and jewelry. Most of his personal property was inside his tent.

85. Simmons did not receive any notice the City would conduct a sweep on that date and at that time. He did not know about the sweep until City employees arrived and was only given a few minutes to move his property.

86. Simmons did not have sufficient time to protect his property, and he was unable to salvage any of his belongings. The only personal property he had left was the clothes he was wearing.

87. Simmons' property, which was not abandoned, was not contaminated and did not pose a health hazard or safety risk.

88. The City made no attempt to save items that belonged to him, made no attempt to determine if his property was contaminated or contained dangerous items, and made no offer to store his property. Instead, the City irrevocably seized and destroyed his property.

89. On approximately 19 other occasions, the City has seized and destroyed his personal property.

90. Simmons is currently homeless and is fearful that the City will seize and destroy his belongings without notice again.

91. Simmons suffered damages from the City's actions, including the loss of his destroyed personal property and garden-variety emotional distress.

First Claim for Relief

Denial of Constitutional Right against Unreasonable Seizure
United States Constitution, Fourth and Fourteenth Amendments

92. Plaintiffs incorporate and reallege by reference paragraphs 16-91.

93. Plaintiffs have a right to be free from unreasonable seizures under the Fourth and Fourteenth Amendments to the United States Constitution.

94. Plaintiffs had a clearly established possessory interest in their personal property, and that interest is reasonable and legitimate.

95. By seizing and destroying Plaintiffs' property, Defendant meaningfully interfered with Plaintiffs' possessory interests and seized Plaintiffs' property in violation of the Fourth and Fourteenth Amendments.

96. Defendant acted under color of law in destroying Plaintiffs' property.

97. Defendant's above-described practices and conduct violate Plaintiffs' right to be free from unreasonable seizures under the Fourth and Fourteenth Amendments to the United States Constitution.

98. Defendant has a persistent and widespread practice and custom of seizing and destroying the property of homeless individuals.

99. Plaintiffs have suffered and continue to suffer irreparable harm for which there is no adequate remedy and law, and they have been directly damaged because of the City's conduct.

Second Claim for Relief

Denial of Constitutional Right to Due Process of Law
United States Constitution, Fourteenth Amendment

100. Plaintiffs incorporate and reallege by reference paragraphs 16-91.

101. Plaintiffs have a constitutionally protected interest in their personal property.

102. Defendant seized and destroyed Plaintiffs' personal property with no notice, or with constitutionally inadequate notice.

103. Defendant has a persistent and widespread practice and custom of seizing and destroying the personal property of homeless individuals without adequate notice.

104. Defendant seized Plaintiffs' personal property without providing a meaningful opportunity for Plaintiffs to challenge the deprivation of property.

105. Defendant has a persistent and widespread practice and custom of seizing the personal property of homeless individuals without providing a meaningful opportunity to challenge the deprivation.

106. Defendant irrevocably deprived Plaintiffs of their personal property by destroying it without constitutionally adequate due process.

107. Defendant has a persistent and widespread practice and custom of destroying the personal property of homeless individuals without adequate due process.

108. Plaintiffs have suffered and continue to suffer irreparable harm for which there is no adequate remedy and law and they have been directly damaged by the City's conduct.

109. Defendant acted under color of law in destroying Plaintiffs' property. Defendant's above-described custom, practices, and conduct violate Plaintiffs' right to due process of law under the Fourteenth Amendment to the United States Constitution.

Jury Demand

Plaintiffs demand a jury trial on all issues so triable.

Prayer for Relief

WHEREFORE, Plaintiffs seek relief from this Court as follows:

- A. Injunctive relief enjoining Defendant from repeating the unlawful policies, practices, and conduct, specifically that Defendant be enjoined from any future confiscation and destruction of Plaintiffs' property absent a lawful justification accompanied by proper notice, a reasonable opportunity to be heard, and other due-process protections;
- B. Declaratory judgment that Defendant's policies, practices and conduct violated Plaintiffs' rights under the Fourth and Fourteenth Amendments of the United States Constitution;
- C. Damages in an amount according to proof;

D. Attorneys' fees and costs as provided by law; and

E. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Jeffrey M. Hearne
Jeffrey M. Hearne, Fla. Bar No. 512060
jhearne@legalservicesmiami.org
Jocelyn Armand, Fla. Bar No. 44264
jarmand@legalservicesmiami.org
LEGAL SERVICES OF GREATER MIAMI, INC.
4343 W Flagler Street, Suite 100
Miami, FL 33134
Tel. / Fax : (305) 438-2403

Stephen Schnably**
Professor of Law
schnably@law.miami.edu
University of Miami School of Law
1311 Miller Drive, Law Lib. G472
Coral Gable, FL 33146
Tel: (305) 284-4817
Cooperating Attorney, Greater Miami Chapter, ACLU of Florida
** Pro Hac Vice application pending

Jodi Siegel, Fla. Bar No. 511617
Jodi.siegel@southernlegal.org
Chelsea Dunn, Fla. Bar No. 1013541
Chelsea.dunn@southernlegal.org
SOUTHERN LEGAL COUNSEL, INC.
1229 NW 12th Avenue
Gainesville, FL 32601
Tel: (352) 271-8890
Fax: (352) 271-8347

Benjamin Waxman, Fla. Bar No. 403237
bwaxman@royblack.com
Benjiwaxman@gmail.com
BLACK SREBNICK P.A.
201 S. Biscayne Blvd., Suite 1300
Miami, FL 33131
Tel: 305-371-6421
Fax: 305-358-2006
Cooperating Attorney, Greater Miami Chapter, ACLU of Florida

Daniel Tilley, Fla. Bar No. 102882
dtalley@aclufl.org
ACLU FOUNDATION OF FLORIDA
4343 West Flagler St., Suite 400,
Miami, FL 33134
Tel: (786) 363-2714

POLICY NUMBER:

CITY OF MIAMI

REVISIONS

REVISED
SECTION
CreatedDATE OF
REVISION
01/14/2019

APM- 1- 19

DATE:

1/14/2019

ISSUED BY:

Emilio T. Gonzalez
City Manager/Designee


SIGNATURE
ADMINISTRATIVE
POLICY**SUBJECT: TREATMENT OF HOMELESS PERSONS' PROPERTY****Purpose**

The purpose of this policy is to establish a standard practice for the handling, temporary storage, and disposition of property belonging to homeless persons.

Scope

This Administrative Policy shall apply to all City employees, whether probationary, classified, unclassified, executive, temporary, or part-time, except employees of the Miami Police Department shall be bound by and follow the procedures set forth in Departmental Order 11 Chapter 10, or any existing Departmental Order addressing the treatment of homeless persons' property, to the extent there is any conflict between this Administrative Policy and any Departmental Order.

Definitions

- A. "Contaminated or Dangerous Items" are those items that present a hazard to the health and safety of City Personnel or the public. These items include, but are not limited to, hazardous materials, flammable materials (e.g., propane tanks), fabric contaminated with human or animal waste, fabric contaminated with flammable substances (e.g., oil or petroleum products), wet fabric (mold hazard), etc.
- B. "Homeless Person" shall mean a person who lacks a fixed, regular, and adequate night-time residence and has a primary night-time residency that is: (a) supervised publicly or privately operated shelter designed to provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless person" does not include any person imprisoned or otherwise detained pursuant to an Act of

Congress or a state law. 42 U.S.C. §11301, et seq. (1994).

- C. "Homeless Person's Property" or "Homeless Property" shall mean personal property known to belong to a homeless person, or readily recognizable as property of a homeless person (i.e., bedding or clothing and other belongings organized or packaged together in a way indicating it has not been abandoned).

Procedures

I. General procedures:

1. City Personnel will attempt to secure personal items such as identification, medicines and eyeglasses and other small items of importance identified by the Homeless Person or readily identifiable as intimate personal property.
2. Notwithstanding anything herein:
 - a. Homeless Property that is contaminated or otherwise poses a health or safety concern to City Personnel or to members of the public may be disposed of.
 - b. The City is not responsible for taking custody of mattresses, upholstered furniture, or other bulky items on public property, and may dispose of those items.
 - c. Nothing herein prevents the disposal of items reasonably believed to be refuse.
 - d. The City may prohibit the presence of unattended property in specified areas where the presence of such unattended property poses a threat or risk to the public health or safety.

II. Tagged/Labeled Homeless Persons' Property:

1. In order to aid the City in its ability to readily identify and handle the property of homeless persons, the City requires that all homeless individuals who wish to identify their personal property place a tag or label with their name and contact information (telephone and/or email) on the outside of any such property, such that City employees can easily identify the property as belonging to a specific individual and will have a means of contacting that individual with regard to any actions taken as to that property.
2. Whenever a City employee encounters unattended but tagged/labeled homeless persons' property, the following procedure shall be employed:
 - a. Any personal items such as identification, medicines and eyeglasses and other small items of importance readily identifiable as intimate personal property will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel, and a copy of that

form will be provided to the Homeless Person by e-mail (if provided/available).

- b. Any items that are contaminated or otherwise pose a health hazard or obvious safety issue will be disposed of according to this policy.
- c. Any Homeless Property that does not appear to be contaminated or otherwise pose a health hazard or obvious safety issue, such as identification, clothing, bedding, photographs, personal papers, and keepsakes, will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel, and a copy of that form will be provided to the Homeless Person by e-mail (if provided/available).
- d. Whenever possible, City personnel will photograph the homeless property prior to taking action.
- e. Following any such action described above, the City will attempt to contact the homeless individual identified on that tag/label to inform them of the disposition of their unattended property, and to notify them of any stored property and the method through which the homeless person can claim that property. Three (3) attempts at contact will be made. The City shall document any such attempts.

III. When a Homeless Person accepts voluntary placement in shelter:

1. When a Homeless Person accepts placement in a shelter, City personnel will request the Homeless Person to secure the personal items that they wish to take to shelter with them. These items should include, at a minimum, any identification, medication, eyeglasses, and electronics in the homeless person's possession.
2. City personnel will request that the Homeless Person identify any of their remaining Homeless Property that they are willing to voluntarily discard. When a homeless person voluntarily agrees to discard property, they will be asked to sign a Waiver for Voluntary Disposal of Property Form.
3. Any remaining Homeless Property that cannot be taken to the shelter, which is not contaminated or does not otherwise pose a health hazard or obvious safety issue, will be documented, secured, and stored by City personnel. The Homeless Person will be required to sign an Inventory Storage Form, and a copy of that form will be provided to the Homeless Person. Any such stored property will be held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed.
4. Whenever possible, City personnel will photograph the homeless property prior to taking action.

IV. During a Cleanup operation:

1. All Cleanup operations will be coordinated by the Department of Human Services.
2. City personnel will place notices of Cleanup operation, at least seven (7) days prior to the cleaning date. The notice will inform individuals of the date of cleaning and will provide the phone number and address of the Veterans Affairs/Homeless Assistance Program Division in the Department of Human Services, where any collected Homeless Property can be retrieved.
3. Whenever possible, City personnel will photograph the Homeless Property prior to the Cleanup operation.
4. Cleanup operation when the Homeless Person is present:
 - a. City Personnel will inform the Homeless Person that the Cleanup is about to commence and request that they relocate themselves with their Homeless Property. These items should include, at a minimum, any identification, medication, eyeglasses, and electronics in the homeless person's possession.
 - b. City personnel will request that the Homeless Person identify any of their remaining Homeless Property that they are willing to voluntarily discard. When a homeless person voluntarily agrees to discard property, they will be asked to sign a Waiver for Voluntary Disposal of Property Form.
 - c. Any remaining Homeless Property that cannot be left on the site, which is not contaminated or does not otherwise pose a health hazard or obvious safety issue, shall be documented, secured, and stored by City personnel. The Homeless Person will be required to sign an Inventory Storage Form, and a copy of that form will be provided to the Homeless Person. Any such property will be held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed.
5. Cleanup operation when the Homeless Person is not present:
 - a. Any personal items such as identification, medicines and eyeglasses and other small items of importance readily identifiable as intimate personal property will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel.
 - b. Any items that are contaminated or otherwise pose a health hazard or obvious safety issue will be disposed of according to this policy.
 - c. Any Homeless Property that does not appear to be contaminated or otherwise pose a health hazard or obvious safety issue, such as identification, clothing, bedding,

photographs, personal papers, and keepsakes, will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel.

- d. If the property was tagged/labeled, the City will attempt to contact the individual identified as the property owner in the manner set forth in section II, above. If the property was not tagged/ labeled, the City will post a notice at the location of the property disposition, notifying the potential owner of the property that their property was either discarded or stored, and informing the reader of how to contact the City to discuss that property.

V. Procedures for unattended and unidentified (untagged/unlabeled) Homeless Property:

1. The Department of Human Service shall be contacted prior to City personnel taking action with respect to Homeless Property.
2. Any personal items such as identification, medicines and eyeglasses and other small items of importance readily identifiable as intimate personal property will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel.
3. Any items that are contaminated or otherwise pose a health hazard or obvious safety issue will be disposed of according to this policy.
4. Any Homeless Property that does not appear to be contaminated or otherwise pose a health hazard or obvious safety issue, such as identification, clothing, bedding, photographs, personal papers, and keepsakes, will be collected and held for a period of ninety (90) days. An Inventory Storage Form will be completed by City personnel.

VI. Storage Procedures

1. The City homeless property storage site will be accessible by public transit or other means accessible to persons with low income.
2. When Homeless Property is collected by City personnel it should be labeled with the date of its removal and location from which it was removed to assist with its being reclaimed by its owners. Bags may be used to keep items collected from the same sites together.



City of Miami
Street Clean Up & Encampment Resource Plan
2021

Mission and Vision

To develop safe procedures so that communities in all five (5) districts are free of homeless encampments and debris while assisting those struggling with homeless by offering an easy transition to shelter and eventually more permanent housing.

Encampments and Homeless Clean Ups

POPULATION – All Individuals and Families living on the street

The 2021 census counted 555 homeless individuals living on the street in the City of Miami, a 15% decrease from the 2020 count at 654.

The population of homeless persons in downtown Miami and in the City overall fluctuates throughout the year based on various factors. What remains a constant challenge, however, is the debris, trash and solid waste left behind by homeless persons who live on the streets and other public areas of the City not intended for human habitation. This includes human waste. The presence of human waste leads to an unsanitary environment and may also provide an environment for the spread of communicable diseases for both the homeless and surrounding residents and businesses.

The City of Miami currently provides homeless individuals assistance with placement into appropriate housing and/or shelter. The program provides outreach, assessment, placement, information, referral and transportation services to homeless individuals and families. The program also employs and trains formerly homeless men and women through the Downtown Development Authority (DDA) and a service provide and expect to hire 6-10 individuals to be involved in the clean-ups. All clean-up efforts will include the continuation of the outreach and resources provisions mentioned.

PROJECT OVERVIEW

To address these concerns, the City coordinates (and continue to coordinate) clean-ups in collaboration with other City Departments. The expanded and enhanced clean-ups include participation from:

- City of Miami of Human Services Clean Up Coordinator (FTE)
- City of Miami Homeless Outreach (FTE)
- City of Miami Neighborhood Service Centers (FTE)
- City of Miami Department of Solid Waste (FTE)
- City of Miami Police
- City of Miami Code Compliance (FTE)
- City of Miami Department of Innovation and Technology (as needed)
- City of Miami Communications (as needed)
- City of Miami Commissioners Offices (as needed)
- The Homeless Trust & Providers (Camillus House, Chapman House, Lotus House, Citrus Health -as needed)
- Miami-Dade Florida Department of Health (as needed)
- City of Miami Downtown Development Authority (as needed)

PROTOCOL

The City of Miami has identified homeless hot spots in the City of Miami. Each hot spot will consist of two clean ups per week. During the clean ups overseen by the City's new Clean Up Coordinator, Homeless Outreach (Green Shirts) will offer shelter and resources to all individuals at each hot spot. Miami Police will address public access and enforcement. Department of Solid Waste will assist with street clean up and bulk pick up. The Department of Human Services will also deploy the Neighborhood Service Center teams to assist residents and business owners. The clean-ups will be conducted in accordance with the requirements of APM 1-19. The Department of Human Services will maintain a list of homeless encampment hot spots. (See Appendix A)

Resources and Specialized Teams include the following:**Department of Human Services**

- 1 Clean Up Coordinator
- 4 Homeless Outreach (Green Shirts)
- 1 Neighborhood Service Center Administrator (or equivalent from Commissioner's Office)

Department of Solid Waste

- 6 Staff (Waste Collectors)
- 3 Service Center Pick-up Trucks
- Sanitation Truck + Operator
- HAWK (combination crane and dump truck) + Operator
- Street Sweeper + Operator
- Water Truck + Operator
- 6 Sanitizers + Equipment

Police & Code Compliance

- 2 Officers (Neighborhood Resource Officers)
- 1 Code Compliance Officer

PLAN

Schedule: Clean ups will be conducted 2 times per week by location or as frequently as needed. The required signage to alert the hot spot area will be posted seven (7) days prior to the clean-up. DHS Clean Up Coordinator is tasked with the responsibility of coordinating all clean ups related to homelessness in the City of Miami and documenting the posting of the notices. This employee is responsible for scheduling and coordinating all partners, teams and resources (internal and external). This individual will attend all clean ups and supervise. Green Shirts will visit the site daily over the course of the seven (7) day posting and provide assistance. We are recommending hiring two case managers (Licensed Clinical Social Workers, preferred). The sequencing of sites is prioritized by the negative impact they represent to the greatest number of residents and businesses in the area. Teams will be deployed based

on need. It is recommended that a given area is completely cleared of encampments before the next area is addressed. All clean-up sites requiring heavy machinery will be conducted on Wednesdays, with follow up visits within the following week. The sites listed below are the first set of clean ups of major encampments (please see Appendix B).

	Site	Date
1	Overtown (NW 17 Street)	Wednesday, Feb 10, 2021
2	Overtown (NW 13 Street & NW 11 Street)	Wednesday, Feb 17, 2021
3	Area around Miami Rescue Mission Building	Wednesday, Feb 24, 2021
4	Approach bridge between Downtown and Flagler	Wednesday, March 3, 2021

On the assigned day, significant number of beds through various shelter options will be made available. Outreach workers will arrive at the site in the morning and announce the start of the cleanup. Individuals will be interviewed by outreach workers, and basic information will be requested and documented. All individuals will be given a choice to be transported to shelter, process for relocation to another city (if they have relatives or friends who would accept them) or simply told they can no longer occupy the public-right-of-way or private property. Contaminated items will be discarded by the waste collectors.

Once the individuals have cleared the area and contaminated items are discarded, the area will be swept and properly disinfected for general and public use standards. These areas will be monitored by the cleanup coordinator, outreach workers and police officers to ensure these sites are not repopulated.

Homeless Trust Continuum of Care (CoC)

The Homeless Trust will work to direct existing resources for homeless individuals and serve as an enhancement to clean-ups and large group feedings. These are in locations where City of Miami Green Shirts are deployed regularly. These services targeted to unsheltered persons experiencing homelessness include:

- Homeless Engagement and Outreach
 - Information regarding housing programs and opportunities offered through the CoC
 - Outreach staff for Homeless Management Information System input, administration of Vulnerability Assessments and Homeless Verifications
 - Information on area services for showers, mail, meals
 - Identification Assistance
 - Information on services targeting homeless sub-population (domestic violence, youth, veterans)
 - Distribution of Homeless Helpline cards
- Health Services
 - Providing educational and prevention materials:
 - COVID-19 social distancing recommendations, prevention, signs and symptoms
 - Hepatitis A
 - West Nile Virus
 - Needle Exchange

- Information on area community health centers
- Participation of partners including Camillus Health Concern, IDEA Exchange, Florida Department of Health in Miami-Dade providing:
 - Distribution of disease prevention supplies as available (face coverings, wipes, hand sanitizer)
 - COVID-19 Screening and Testing
 - Hepatitis A Vaccination
 - HIV Testing
 - Mobile Health
- Mental Health and Substance Services
 - Information on area community mental/behavioral health centers, suicide prevention, etc., mental health and substance abuse counseling
 - On site mental health and substance abuse counseling
- Legal Services

Homeless Trust Community Education

The Homeless Trust offers web-based orientations and educational opportunities for community groups and individuals:

- The CoC Homeless System of Care
 - History, Structure and Accomplishments to Date
 - Miami-Dade CoC Housing Strategies to End Homelessness
 - Housing First Approach
 - Prevention
 - Diversion
 - Outreach and Specialized Outreach
 - Emergency Shelter
 - Landlord Recruitment and Retention through the RentConnect Program
 - Rapid Re-Housing
 - Permanent Supportive Housing
- Nutritional Needs of Homeless Persons and Healthy Meal Planning for Street Feedings
- Trauma-Informed Care and Harm Reduction

Law Enforcement: Miami Police will be present at all clean ups. Law enforcement will patrol areas after clean ups are completed. Miami Police and DHS will coordinate the attendance of Homeless staff at police roll calls to update police officers on the homeless services currently available. Police can recommend clients to the overnight bed. Clients in overnight beds will have priority to extended beds.

Sanitation: Six (6) staff designated to key areas (Overtown, Downtown and Little Havana). Staff will be equipped with chemical resistant safety suits and equipment to sanitize streets. They will oversee removing of human waste, as well as eliminating odor from the streets and sidewalks through sanitation efforts.

Cameras: Solid Waste will work with DHS and provide ten (10) cameras. Solid Waste, Miami Police and DHS will coordinate the monitoring of camera footage for illegal dumping and related Solid Waste

violations. The purpose of the cameras is to (1) deter and detect illegal dumping around homeless encampments, (2) to identify unpermitted feeders in accordance with Large Group Feeding Ordinance, and (3) to detect drug use and drug sales in and around encampments. The cost involved with this setup includes installation and monitoring service. This cost is included in the overall clean-up budget. Locations include (please see Appendix B):

DOWNTOWN

- SW 2nd Street from the Warf to North Miami Avenue
- Parking lot on Miami River Drive near MRC and around FPL building
- SW 1 Street Parking lot West of Macy's
- Flagler Street and NW 1 Street West Bound

OVERTOWN

- NW 10/11 Streets between 4 and 6 Avenue
- NW12 Street between 1 Avenue and 2 Avenue
- NW 17 Street between NW 4 and 6 Avenue
- NW 13/14 Streets between 1 and 2 Avenue.

LITTLE HAVANA

- SW 5th and SW 6th Street (Jose Marti Park area)
- Location TBD

Placements: Homeless Outreach “Green Shirts” will continue offering shelter and resources to homeless individuals and families. If clients refuse, they are required to move from the clean-up location.

Partner Engagement: Continue to further engage FDOT and Miami Dade County regarding all appropriately properties in the City of Miami regarding homeless individuals and encampments around clean ups. Engage City of Miami Department of Public Works and Resilience to identify locations where foliage, trees, art, and more may be added to improve the areas.

Property: As per Executive Order, we will follow City Manager’s APM regarding personal property.

Shopping Carts: Police will enforce Florida State Statute 506.509 , which states that “Any person who is in possession of a shopping cart... with a registered name or mark shall be presumed to be in possession of stolen property and is guilty of a misdemeanor of the first degree.”

Signage: Signs will be posted throughout the City that provide notice of the Large Group Feeding Ordinance, as well as signs that relate to ADA compliance and the blocking of sidewalks within the City of Miami. The Large Group Feeding permit allows the City to manage large group feedings in our public spaces with advance notice through printed signage (installed by Public Works), ensuring a safe and sanitary environment for our citizens. Signage is in accordance with City Code 54.9 and Miami21 10.1.3 SIGNS EXEMPTED FROM PERMIT REQUIREMENTS. Police and Code will be deployed together to the following areas where group feedings are common to conduct enforcement:

DOWNTOWN

- SW 2nd St between second Ave and North River Drive
- SW 2nd Street and 3rd Ave
- SW 1st Street along 1st Ave to Miami Ave

- S Miami Ave and 2nd Street, next to FedEx
- Bayfront Park
- North Miami Ave and 5th Street
- NE 6th Street and Miami Ave, around Christ Fellowship
- Flagler Street under I-95
- South and West of the MDC Government Center

OVERTOWN:

- NW 13th St and 1 Ct
- NW 14th St and 1st Ct
- NW 10th Ave and 4th St
- NW 10th Ave and 5th St
- NW 17th St and east of 7th Ave

ALLAPATTAH

- NW 17th St west of NW 7th Ave (Mother Teresa)
- NW 7 Ave under I-395
- Little Havana sites:
- SW 6th St and 3rd – 4th Ave

City of Miami Code Compliance, Miami Police and an accompanying Homeless outreach staff (Green Shirt) will inspect identified areas in residential and commercial downtown and will issue violations to property owners as needed if litter is left on property due to large group feedings.

A violation of the Large Group Feeding Ordinance shall be enforced jointly by Miami Police and Code Compliance against the individual or organization by the issuance of a civil code enforcement fine in the amount of \$250.00 for a first occurrence and a civil fine in the amount of \$500.00 for each subsequent occurrence in accordance with Chapter 2, Article X of the City Code. Repeat violations in anyone (1) calendar year may also subject the repeat violator to being precluded from receiving Large Group Feeding permits for a period of up to twelve (12) months. These procedures are to be determined.

DUTIES

City of Miami - Homeless Outreach

- The division of Homeless Outreach will post notices in the areas of the cleanup at least seven (7) days in advance and reserve beds to offer homeless individuals who may be impacted.
- Green Shirts will visit the site daily over the course of the seven (7) day posting and provide assistance. Homeless Outreach personnel are dispatched daily, no fewer than 2 green shirts. We would like at least two green shirts deployed to homeless encampment clean-up sites on a permanent basis, split shifts (8am-6pm and 12pm-9pm). Homeless Outreach will invite agencies to participate (drug and alcohol partners, mental health partners).
- Homeless Outreach will provide guidance and instruction to assist with clean-up activities with Solid Waste and Neighborhood Service Centers.
- Homeless Outreach will properly handle, temporary store and/or dispose of property belonging to homeless persons in accordance with Administrative Policy - Treatment of Homeless Property dated 1/14/2019.
- Homeless Outreach's task force around mental health/substance abuse will work with providers. Task force will continue weekly meetings to discuss cases and patrol every morning.

City of Miami Code Compliance

- City of Miami Code Compliance will inspect identified areas in residential and commercial properties throughout the City of Miami.
- City of Miami Code Compliance will issue violations to property owners as needed.

City of Miami – Solid Waste

- The Solid Waste Department will provide an initial clean up per location using heavy equipment.
- Department of Solid Waste will also pressure wash. The Department will also work at night due to traffic safety concerns.
- The Department will consider additional cleanup events on Saturdays. This is with the goal of monitoring if the area remains clean as needed.
- The goal for the department is to address public health and sanitary concerns including but not limited to fecal matter, issues relating to the homelessness population, and litter.
- City of Miami Sanitation Code Enforcement Inspectors will educate local property owners to use environmentally safe chemicals that can be recommended to property owners for the maintenance of adjoining Public Right of Way (PROW) areas.

City of Miami – Police Department

- Police will accompany the clean-up detail.
- Police will patrol areas post clean up. When debris of encampments are beginning to form, Police will contact Homeless Outreach and Clean Up Coordinator to deploy appropriate teams.
- Police will take law enforcement action when appropriate.
- Police will address individuals found in a state of crisis through the Baker Act or Marchman Act when appropriate.

City of Miami Neighborhood Service Centers

- Neighborhood Service Centers will work with scheduling clean ups and be present at clean ups.
- All Centers with Pick-up Trucks and Waste Collectors will be deployed during clean-ups all over the City where homeless clean ups are scheduled.

City of Miami Office of Communications

- Communications will assist in public relations efforts through a joint Communication Plan.

City of Miami Department of Innovation and Technology

- The Department of Innovation and Technology will explore using 311 as a reporting mechanism for residents and business owners to report any concerns.
- The Department will also explore using 311 for homeless individuals who are seeking shelter.
- The Department, with DHS, will explore contractual services for a call center to assist our homeless population.

PROPOSED BUDGET**Twelve (12) month Budget**

Department	Description	Amount
Homeless Outreach	Two (2) Case Managers Salaries (Licensed Clinical Social Worker) Assists in providing counseling services to mental health and substance abuse affected parties to decrease undesirable influences and outcomes. Assists in altering attitudes and behaviors of clients and makes recommendations for effective remedies. Works with assessment, placement, and case management staff along with clients and external resources to assist in developing Individual Service Strategies as appropriate.	\$99,800.00 (Salaries)
Homeless Outreach & Solid Waste	10 cameras Installation, Surveillance & Software	\$5,826.00 (Surveillance & Software \$4,326.00 Installation \$1,500.00)
Solid Waste	Six (6) Designated Sanitizing Staff and all PPE and equipment Staff will be equipped with chemical resistant safety suits and equipment to sanitize streets. They will oversee removing of human waste, as well as eliminating odor from the streets and sidewalks through sanitation efforts.	\$211,551.11 (Salaries \$206,000.00 PPE & Equipment \$5,551.11)
Solid Waste	Three (3) Equipment Operators Overtime Salaries	\$87,328.80
Solid Waste	Equipment Costs (Water Truck, Rear Loader, Street Sweeper, Hawk)	\$174,454.80
Solid Waste	Six (6) Waste Collectors Dedicated to Homeless Encampment Clean-ups and deployed throughout the entire City to only Homeless Encampment Sites	\$206,000.00 (Salaries)
Solid Waste	Supervisor Dedicated to Homeless Encampment Clean-ups	\$48,531.60 (Salaries)
		\$833,492.31

Homeless Clean Up Log

Location

Initial Cleanup Date

Yes / No

Heavy Equipment/Machinery Needed

Start Time

End Time

Please check organization and list contact:

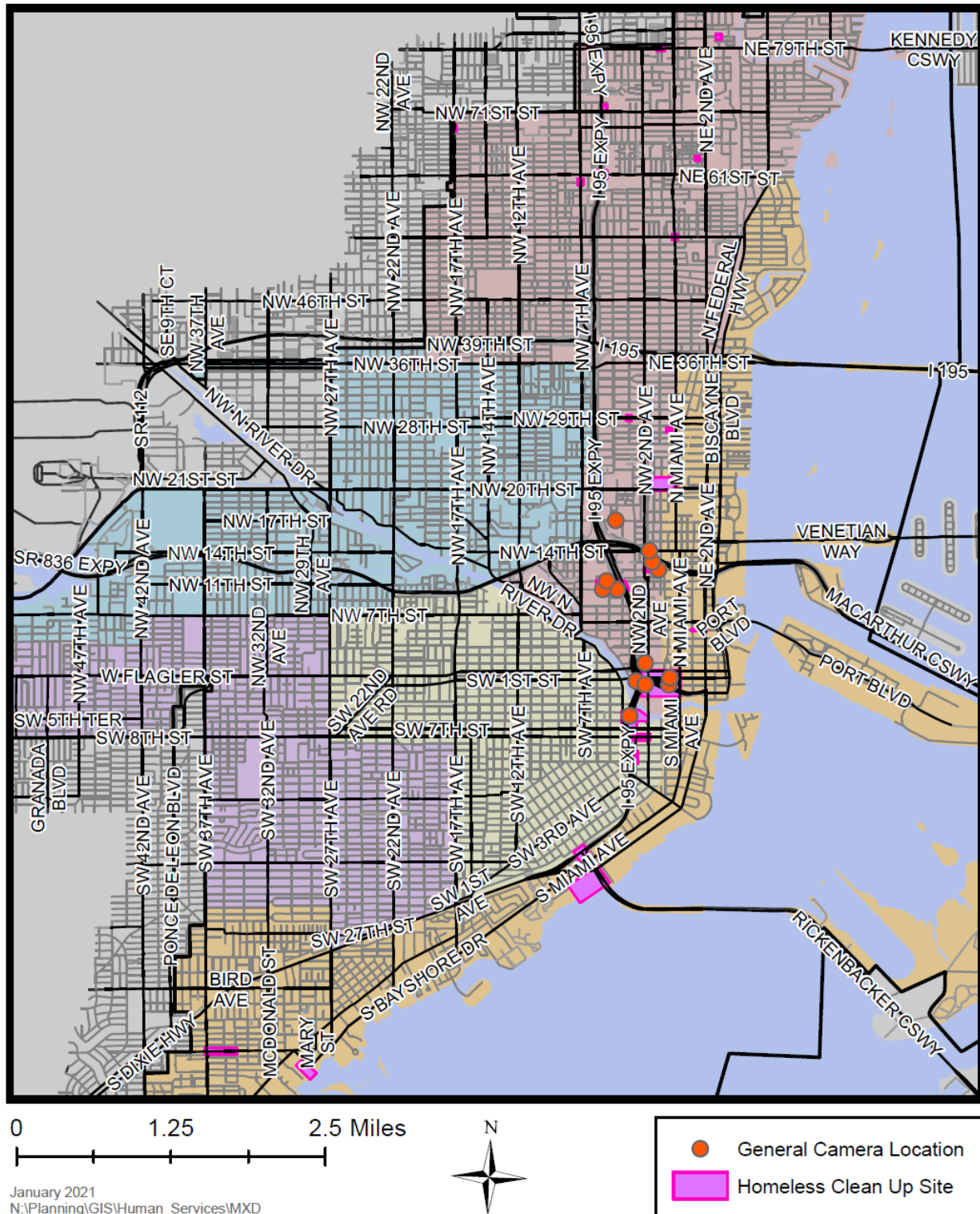
- ☐ City of Miami Homeless Outreach
- ☐ City of Miami Neighborhood Service Centers
- ☐ City of Miami Department of Solid Waste
- ☐ City of Miami Police
- ☐ City of Miami Code Compliance
- ☐ City of Miami Commissioners Offices (District and Contact)
- ☐ Other City of Miami Departments
- ☐ Miami-Dade Homeless Trust
- ☐ Downtown Development Authority
- ☐ Miami-Dade Florida Department of Health
- ☐ Providers (Organization and Contact)

Date of Follow Up Cleanup #1

Date of Follow Up Cleanup #2

APPENDIX A**DHS Neighborhood Service Center Homeless Locations**

OVERTOWN	
N.W. 10-11 th Streets between N.W. 4 th Avenue-6 th Avenue	
N.W. 17 th Street starting at N.W. 5 th Avenue	
N.W. 13 th Street and N.W. 1 st Court	
Residential location N.W. 12 th Street and along areas between N.W. 1 st Court and 2 nd Avenue	
N. Miami Avenue between N.W. 20-22 Streets	
LITTLE HAITI	
551 NW 71 st (Nu-Way Building)	
80 th and NE 3 rd Avenue	
79 th St and NW 1 st Pl (next to the laundromat)	
NE 54 th St and N. Miami Avenue/3 NE 54 th Street (Rear of Family Dollar)	
7848 NW 1 st Avenue (Empty Lot)	
NW 79 th St and I95 (Under the overpass)	
180 NE 64 th Street (Empty lot)	
WYNWOOD	
300 NW 29 th Street	
2010 NW 1 st Avenue/2010 NW 1 st Ct./2101 NW Miami Ct./2101 NW 1 st Avenue/2100 NW Miami Ct.	
2136 NW 1 st Avenue	
2145 NW 2 nd Avenue	
80 NW 20 th Street	
301 NW 37 th Street	
51 NW 27 th Street	
MODEL CITY	
I-95 NW 62nd Street (Underpass)	
Corner of NW 61 st Street and NW 7 th Avenue (Carver Theater)	
6820 NW 17 th Avenue	
COCONUT GROVE	
Alice Wainwright Park (2845 Brickell Avenue)	
Peacock Park (2820 McFarlane Road)	
Grand Avenue between Hibiscus Street thru Douglas Road (SW 37 Ave)	
DOWNTOWN	
SW 1 st Ct and SW 2 nd Street	
SW 2 nd Avenue and SW 2 nd Street	
SW 2 nd St and N. River Drive	
North Miami Avenue and SW 1 st and 2 nd Street	
SW 1 st Court and S. Miami Avenue and SW 1 st Street	
South Miami Avenue and SW 3 rd Street	
BRICKELL	
SW 2 nd to 4 th Avenue and 6 th Street (location goes up to the SW 2 nd Avenue bridge) & entrance to SW 7 th St.	
SW 3 rd to 4 th Avenue and 5 th St/SW 3 rd to 4 th Avenue and 7 th Street/SW 3 rd Avenue and 10 th to 11 th Street	
SW 2 nd to SW 3 rd Avenue and SW 8 th Street	
SW S. Miami Court and SW 26 th Road	



PATROL

**Departmental Order 11
Chapter 10**

HOMELESS

Section

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibility
- 10.4 Mission
- 10.5 Definitions
- 10.6 Procedures
- 10.7 Property

10.1 POLICY: It is the policy of the City of Miami Police Department to ensure that personnel are sensitive to the needs and rights of our Homeless population, as well as knowledgeable of the department's arrest policies concerning such persons.

10.2 ORGANIZATION: The City of Miami has a policy that we shall not arrest visibly homeless persons who live in public for performing acts, criminalized as misdemeanors, such as sleeping, eating, lying down, or sitting in public, when there is no available shelter. It is not a crime to be homeless. This policy should not be construed as protecting persons (whether homeless or not) from arrest for engaging in any other type of criminal activity.

10.3 RESPONSIBILITY: It is the responsibility of all City of Miami Police Officers, whether working in an on-duty or off-duty capacity, to abide by this Departmental Order.

10.4 MISSION STATEMENT: We must continue to vigorously do our job and enforce the law's which were enacted to ensure a safer community, while extending compassion for homeless persons.

10.5 DEFINITIONS:

10.5.1 A "homeless person". An individual is considered a "homeless person" if he or she " lacks a fixed, regular and adequate night time residence and has a primary night time residency that is: (a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. The term "homeless person" does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a state law". The term "homeless person" does not include any person identified as a registered sex offender under section 775.21 Fla. Stat., as amended, or sexual predator under section 775.215 Fla. Stat., as amended, or sections 21-277 to 21-2185 Miami-Dade County Code. An officer is allowed to make reasonable inquiry to make this determination.

10.5.1.2 An "available shelter" means a shelter for a period of at least, with a bed, or a mat at least (3) inches thick, at no cost to the homeless person, within the territorial boundaries of the City or within one mile thereof, or if agreed to by the homeless person, within Miami-Dade County, that treats homeless persons with dignity and respect, imposes no religious requirements, and unless agreed to

by the homeless person, does not impose involuntary substance abuse or mental health treatment as a condition for shelter.

10.5.1.3 "PUBLIC PROPERTY": "Public Property" includes all property owned by any governmental entity (federal, state or local). "Public Property" shall not include property which has become subject to

10.5.1.4 A leasehold interest, management agreement or other possessory interest of a nongovernmental lessee, licensee or manager, which is operated as a private business. A public park shall always be public property within the meaning of this definition.

10.5.1.3.1 "EXEMPT PUBLIC PROPERTY": The following are "exempt public properties" (1) City of Miami, City Hall, 3500 Pan American Drive; (2) Miami Riverside Center, 444 SW 2nd Avenue; (3) City of Miami Fire Stations; (4) City of Miami Police Stations and (5) City of Miami NET (Neighborhood Enhancement Team) Offices. A homeless person's presence in the interior of an "exempt public property" is not a trespass within the meaning of 10.6.2.3.3 (11) where the homeless person's activities are reasonably related to the governmental business activities normally performed within these physical structures.

10.6 PROCEDURES:

10.6.1 An officer always has the right to approach any individual including a homeless person to allay any suspicions an officer may have about the individual, and ascertain that no criminal activity is occurring.

10.6.2 At any time, and for any reason a law enforcement officer may approach a homeless person, who has not been observed engaging in any criminal conduct, to advise him or her of shelters, services, or assistance which are currently available. The officer may also call for the assistance of an outreach worker. The homeless person may or may not accept the advice or referral or he/she may even walk away from the area prior to the outreach worker/arriving. The rationale is to pro-actively have an outreach worker address the homeless person with referrals. If such an approach and advice occurs by a law enforcement officer, that officer shall complete a Field Information Card, or its electronic equivalent, with the facts of the incident, the referral and indicate at the top of the card "Homeless". The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the Field Information Card for completeness, sign the top right hand corner with his name and IBM number and deliver to the Records Unit daily. In the case of a homeless person who refuses and who has refused assistance in the past thirty (30) days, a new Field Information Card, or its electronic equivalent, is not required to be completed for each encounter as long as the prior-filed Field Information Card, or its electronic equivalent, is update with the new date of contact with the homeless person. The pink Field Information Card, or its electronic equivalent, shall be filed with the Records Unit within the Miami Police Department.

10.6.2.1 When a homeless person meets the criteria for involuntary examination under Florida Law (§394.463, Fla. Stat., as amended) "Baker Act" a law enforcement officer may, in his discretion, take the homeless person to the nearest receiving facility for involuntary examination. If the homeless person is taken to such a receiving facility for involuntary examination, a copy of the "Baker Act Forms" shall be filed with the nearest receiving facility. In addition, the officer shall complete an Field Information Card, or its electronic equivalent, The officer will turn the pink Field Information, or its electronic equivalent, card in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card to the Records Unit daily.

10.6.2.2 If a homeless person is observed violating a "Life Sustaining Conduct" misdemeanor, (as listed under 10.6.2.3.3) the law enforcement officer may exercise the following courses of conduct.

10.6.2.3 If an officer determines that an individual is a homeless person and through his observation determines that a "Life Sustaining Conduct" misdemeanor (as listed under 10.6.2.3.3) is occurring in his presence, he must first check to see if there is an available shelter. The officer will contact the communications unit to ascertain if there is an available shelter. If there is an available shelter, the officer will offer the shelter to the homeless person, if the homeless person chooses shelter rather than arrest. An Outreach Team will respond to transport the homeless person to the shelter. If the Outreach Team (if available) is unavailable the law enforcement officer will transport the homeless person. If the homeless person is transported to a shelter, the officer will complete a Field Information Card, or its electronic equivalent, with the facts of the incident and indicate at the top of the card "Homeless". The officer will turn the pink Field Information Card in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily.

10.6.2.3.1 If the officer has probable cause to arrest the homeless person for a "Life Sustaining Conduct Misdemeanor," (as they are listed under 10.6.2.3.3) and there is an "available shelter" and the homeless person refuses the shelter, or if the sole available shelter at the time is a shelter from which the homeless person is barred from because of his own purposeful misconduct, criminal or otherwise, which occurred at that shelter, the officer may arrest the homeless person. The officer must document on the A form, beyond the probable cause for the arrest, the offer of shelter, the refusal by the homeless person to accept the "available shelter," the name of the shelter, and the word "Homeless" should be written at the top of the Arrest Affidavit. A copy of the Arrest Affidavit will be forwarded to the Miami Police Records Unit in conjunction with a pink Field Information Card, or its electronic equivalent.

10.6.2.3.2 If the officer has probable cause to arrest the homeless person for a "Life Sustaining Conduct Misdemeanor" (as they are listed under 10.6.2.3.3), and there is no "available shelter," the officer shall not make an arrest nor take any other police action (warnings, etc). The officer will complete a Field Information Card, or its electronic equivalent, explaining the circumstances of the initial contact with the homeless person, the fact that there was no "available shelter," the fact that no arrest was made and the word "Homeless" should be written at the top of the card. The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the Field Information Card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily. However, if the homeless person described above is observed committing one of the below listed "life sustaining conduct" misdemeanors, and the life sustaining conduct misdemeanor causes imminent threat of physical injury to the homeless person or other person(s), the law enforcement officer must warn the homeless person to stop and if they refuse to do so, may arrest them regardless of whether there is an available shelter.

10.6.2.3.3 "Life Sustaining Conduct Misdemeanors" are the following:

1. Being in park after hours. Current Provisions (38-3 1-13, F.S. 162.22)
2. Public nudity where necessary to carry on the daily necessities of life, such as bathing or responding to a call of nature. If the public nudity is done intentionally in plain view of others and the exposure or exhibition of the sexual organs, or nakedness was in a vulgar, indecent, lewd or lascivious manner, the law enforcement officer may arrest the person regardless of whether there is an available shelter. Moreover, in no circumstance shall public nudity be allowed for a call of nature if there

Departmental Order 11
Chapter 10

exists an open public restroom within one-quarter of a mile (1.320 feet) of the homeless person performing a call of nature. Current Provisions (F.S. 800.03, 37-1, 38-62)

3. Reserved
4. Obstructing passage on sidewalks, except that after one warning, no person or persons may lie on the sidewalk in a perpendicular fashion blocking the sidewalk, or may obstruct a sidewalk in such a way as to endanger other persons by requiring them to walk onto a street where but for the obstruction, such persons would otherwise have been able to safely walk on the sidewalk. Obstructing a street, road, or highway shall not be construed to be a "Life Sustaining Conduct Misdemeanor" within the meaning of this departmental order. Current Provisions 54-1 to 54-3, 37-3, FS 316.2045)
5. Vehicles, living or sleeping in. Current Provision (37-4)
6. Loitering in Restrooms. Current Provision (38-68)
7. Littering, except if within 300 feet of a usable trash receptacle, a law enforcement officer must warn the homeless person to stop and if they refuse to do so, may cite them regardless of whether there is an available shelter. Current Provision (FSS 403.314, 22-6, 38-17, 38-63)
8. Camping in parks. Current Provision. (38-71)
9. Use of facilities for other than intended purpose (e.g. sleeping on park bench). Current Provisions (38-54).
10. Reserved
11. Trespass on "public property" other than structure or conveyance. Current Provision. (F.S. 810.09 (1). Trespass on private property or in an "exempt public property" is not a "Life Sustaining Conduct Misdemeanor" within the meaning of this departmental order.

10.6.2.3.4 Nothing in 10.6.2.3.3 listing the "Life Sustaining Conduct Misdemeanors" shall prevent an immediate arrest under 800.04 FS entitled "Lewd, lascivious, or indecent assault or act upon or in presence of a child" if the officer has probable cause to make such an arrest.

10.6.2.3.5 Homeless Persons observed violating a misdemeanor, which is not classified above as "Life Sustaining Conduct Misdemeanors". Under this category the existence of an available shelter will not dictate whether an arrest is effected. However, officers can still refer homeless persons to the Outreach Team. A referral to an appropriate shelter rather than an arrest might be a better solution to minor misdemeanor arrests. In lieu of arrest the officer may warn the homeless person to stop the unlawful conduct, and refer the person to a shelter, or if the officer deems it appropriate, the officer may detain or arrest the homeless person. If the homeless person is arrested, the word "Homeless", should be printed on the top of the "A" form. A copy of which shall be filed with the Records Unit within the Miami Police Department. If the officer makes a decision not to make an arrest, and a referral is made, the officer shall complete a Field Information Card, or its electronic equivalent, with the facts of the incident, the referral and indicate at the top, "Homeless". The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily.

10.7 PROPERTY:

10.7.1 The City shall respect the personal property of all homeless persons. Officers shall follow existing policies for taking custody of personal property. In no event shall any officer destroy any

personal property known to belong to a homeless person, or readily recognizable as property of a homeless person unless it is contaminated or otherwise poses a health hazard to an officer or to members of the public. Officers are not responsible for taking custody of mattresses.

10.7.2 The disposition of personal property shall never prevent an officer from effectuating an arrest. However, the following safeguards shall be undertaken by the arresting officer to preserve the property of a homeless person, to the extent feasible:

10.7.2.1 The arresting officer shall always attempt to secure personal items such as identification, medicines and eyeglasses and other small items of importance identified by the arrestee, which are not large or bulky, in accordance with the police department's existing procedures;

10.7.2.2 The arresting officer shall ensure that large or bulky items (which are not contaminated or otherwise pose a health hazard to the officers or to members of the public) are not abandoned at the point of arrest, but rather secured by an outreach worker and maintained by existing outreach procedures. If an outreach worker is unavailable, then it must be secured by the arresting officer until an outreach worker becomes available to assume its maintenance in accordance with existing outreach procedures;

10.7.3 In no event shall any law enforcement officer destroy any personal property known to belong to a homeless person, or readily recognizable as property of a homeless person (i.e. clothing and other belongings organized or packaged together in a way indicating it has been abandoned) except as permissible by law (in accordance with the department's operating procedures), or if the property is contaminated or otherwise poses a health hazard to officers or to members of the public.

10.7.4 When a homeless person is placed in a shelter, large and bulky items, which are not contaminated or otherwise pose a health hazard or obvious safety issue, and that are not abandoned, shall be secured by an outreach worker and maintained in accordance with existing outreach procedures.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 22-cv-21939-BLOOM/Otazo-Reyes

LATOYLA YASHEEN COOPER-LEVY,
et al.,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**ORDER SETTING TRIAL AND PRE-TRIAL SCHEDULE, REQUIRING
MEDIATION, AND REFERRING CERTAIN MATTERS TO MAGISTRATE JUDGE**

THIS CAUSE is set for trial during the Court's two-week trial calendar beginning on **July 3, 2023, at 9:00 a.m.** Calendar call will be held at **1:45 p.m. on Tuesday, June 27, 2023.** No pre-trial conference will be held unless a party requests one at a later date and the Court determines that one is necessary. Unless instructed otherwise by subsequent order, the trial and all other proceedings in this case shall be conducted in **Courtroom 10-2 at the Wilkie D. Ferguson, Jr. United States Courthouse, 400 North Miami Avenue, Miami, FL 33128.** The parties shall adhere to the following schedule:

August 30, 2022 Parties exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1). The parties are reminded that pursuant to S.D. Fla. L.R. 26.1(b), initial disclosures shall not be filed with the Court unless an exception noted in the Local Rules applies.

September 6, 2022 The parties shall select a mediator pursuant to Local Rule 16.2, shall **schedule a time, date, and place for mediation**, and shall jointly **file a notice, and proposed order scheduling mediation** via CM/ECF in the form specified on the Court's website, <http://www.flsd.uscourts.gov>. If the parties cannot agree on a mediator, they shall notify the Clerk in writing as soon as possible, and the Clerk shall designate a certified mediator on a blind rotation basis. Counsel for all parties shall familiarize themselves with and adhere to all provisions of Local Rule 16.2. Within

three (3) days of mediation, the parties are required to file a mediation report with the Court. Pursuant to the procedures outlined in the CM/ECF Administrative Procedures, **the proposed order is also to be emailed to bloom@flsd.uscourts.gov in Word format.**

October 17, 2022	All motions to amend pleadings or join parties are filed.
February 7, 2023	Parties disclose experts and exchange expert witness summaries or reports.
February 21, 2023	Parties exchange rebuttal expert witness summaries or reports.
March 7, 2023	All discovery, including expert discovery, is completed.
March 21, 2023	Parties must have completed mediation and filed a mediation report.
March 29, 2023	All pre-trial motions, motions <i>in limine</i> , and <i>Daubert</i> motions (which include motions to strike experts) are filed. This deadline includes all <u>dispositive motions</u>.
June 19, 2023	Parties submit joint pre-trial stipulation in accordance with Local Rule 16.1(e), proposed jury instructions and verdict form, or proposed findings of fact and conclusions of law, as applicable.

Motions in limine. Each party is limited to filing one motion *in limine*. If all evidentiary issues cannot be addressed in a 20-page memorandum, leave to exceed the page limit will be granted. **The parties are reminded that motions *in limine* must contain the Local Rule 7.1(a)(3) certification.**

Daubert Motions. Each party is limited to filing one *Daubert* motion. If all evidentiary issues cannot be addressed in a 20-page memorandum, leave to exceed the page limit will be granted. **The parties are reminded that *Daubert* motions must contain the Local Rule 7.1(a)(3) certification.**

Summary Judgment Motions. The parties are reminded that strict compliance with Local Rule 56.1 is mandated. Pursuant to Local Rule 56.1(b), a statement of material facts must be supported by *specific* references to pleadings, depositions, answers to interrogatories, admissions, and affidavits on file with the Court. In the event a responding party fails to controvert a movant's

supported material facts in an opposing statement of material facts, the movant's material facts will be deemed admitted. Local Rule 56.1(c). In the interest of judicial economy, in the interest of proper and careful consideration of each party's statement of material facts, and in the interest of determining matters on summary judgment on the merits, the Court orders as follows:

1. Each exhibit referenced in the motion for summary judgment and/or in the statement of material facts must be filed on the docket. Exhibits which have already been filed on the docket *need not be refiled*. If a deposition transcript is referenced, a complete copy must be filed **which includes all exhibits**. Within twenty-four (24) hours of filing a motion for summary judgment, the movant shall separately file an index of the cited exhibits which names each exhibit and references the docket entry at which that exhibit may be found.
2. Each exhibit referenced in the response to the motion for summary judgment and/or in the opposing statement of material facts must be filed on the docket. Exhibits which have already been filed on the docket *need not be refiled*. If a deposition transcript is relied upon, a complete copy must be filed **which includes all exhibits**. Within twenty-four (24) hours of filing a response to the motion for summary judgment, the responding party shall separately file an index of the cited exhibits which names each exhibit and references the docket entry at which that exhibit may be found.
3. In the event that cross motions for summary judgment are filed, the Court may order the parties to submit a consolidated statement of material facts and responses as appropriate. If cross motions are anticipated, the parties may jointly move for an

order to file consolidated statements prior to filing the motions for summary judgment.

Jury Instructions and Verdict Form (if applicable). The parties shall submit their proposed jury instructions and verdict form jointly, although they need not agree on each proposed instruction. Where the parties do not agree on a proposed instruction, that instruction shall be set forth in bold type. Instructions proposed only by a plaintiff shall be underlined. Instructions proposed only by a defendant shall be italicized. Every instruction must be supported by citation to authority. The parties shall use as a guide the Eleventh Circuit Pattern Jury Instructions for Civil Cases, including the directions to counsel contained therein. Proposed jury instructions and verdict form, in typed form, including substantive charges and defenses, shall be submitted to the Court prior to calendar call, in Word format, via e-mail to bloom@flsd.uscourts.gov. Instructions for filing proposed documents may be viewed at <http://www.flsd.uscourts.gov>.

Referral to Magistrate Judge. Pursuant to 28 U.S.C. § 636 and this District's Magistrate Judge Rules, all discovery matters are referred to **Judge Alicia M. Otazo-Reyes**. Furthermore, pursuant to 28 U.S.C. § 636(c)(1), the parties may consent to trial and final disposition by Judge Otazo-Reyes. **The deadline for submitting consent is March 29, 2023.**

Discovery. The parties may stipulate to extend the time to answer interrogatories, produce documents, and answer requests for admissions. The parties shall not file with the Court notices or motions memorializing any such stipulation unless the stipulation interferes with the deadlines set forth above. Stipulations that would so interfere may be made only with the Court's approval. *See* Fed. R. Civ. P. 29. To the extent not abrogated or contradicted by this Order, all agreements and stipulations entered into between the parties prior to this Order continue to bind the parties. The Court reminds the parties that under the Local Rules, initial and expert disclosures; deposition

transcripts; interrogatories; requests for documents, electronically stored information or things, or to permit entry upon land; requests for admission; notices of taking depositions or notices of serving subpoenas; and associated responses, objections, notices or any associated proof of service, **shall not be filed until they are used in the proceeding or the court orders their filing.** S.D. Fla. L.R. 26.1(b). Improper filings will be stricken from the record. In addition to the documents enumerated in Local Rule 26.1(b), the parties shall not file notices of deposition with the Court. The parties must make every effort to resolve discovery disputes without requiring Court intervention. Strict compliance with the Local Rules is expected.

Discovery Disputes. If parties are unable to resolve their discovery disputes without Court intervention, Magistrate Judge Otazo-Reyes will set the matter for hearing without the need for filing a motion. The moving party must seek relief within fifteen (15) days after the occurrence of the grounds for relief by contacting Judge Otazo-Reyes' Chambers and requesting a hearing. Magistrate Judge Otazo-Reyes' telephone number is (305) 523-5740 and her Chambers are located at 301 N. Miami Avenue, 10th Floor, Miami, Florida. Once a hearing date is obtained, the movant shall provide notice to all relevant parties by filing a Notice of Hearing. The Notice of Hearing shall briefly specify the substance of the discovery matter to be heard and include a certification that the parties have complied with the pre-filing conference required by Southern District of Florida Local Rule 7.1(a)(3). No written discovery motions, including motions to compel and motions for protective order, shall be filed unless requested by Magistrate Judge Otazo-Reyes. It is the intent of this procedure to minimize the necessity of motions.

The Court expects all parties to act courteously and professionally in the resolution of their discovery disputes and to confer in an attempt to resolve the discovery issue prior to requesting

the hearing. The Court may impose sanctions, monetary or otherwise, if the Court determines discovery is being improperly sought or is not being provided in good faith.

Civility and Professionalism. Members of the bar and the Court are proud of the long tradition of courteous practice in the Southern District of Florida. Indeed, it is a fundamental tenet of this Court that attorneys in this District be governed at all times by a spirit of cooperation, professionalism, and civility. For example, and without limiting the foregoing, it remains the Court's expectation that counsel will seek to accommodate their fellow practitioners, including in matters of scheduling, whenever reasonably possible and that counsel will work to eliminate disputes by reasonable agreement to the fullest extent permitted by the bounds of zealous representation and ethical practice.

To that end, the Court advises the parties that strict compliance with the requirements of Local Rule 7.1(a)(3) is expected. In addition, if a motion for extension of time is opposed, this Court requires that the certificate of conferral state briefly the reason(s) for opposing counsel's objection to the requested extension.

The parties are further advised that the failure to comply with any of the procedures contained in this Order or the Local Rules may result in the imposition of appropriate sanctions, including, but not limited to, the dismissal of this action or entry of default.

DONE AND ORDERED in Chambers at Miami, Florida, on August 16, 2022.

A handwritten signature in black ink, appearing to be 'JB' with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-21939-BLOOM/Otazo-Reyes

LATOYLA YASHEEN COOPER-LEVY.,
et al.,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

_____ /

ORDER ON MOTION TO DISMISS

THIS CAUSE is before the Court upon Defendant City of Miami’s (“City”) Motion to Dismiss, ECF No. [16] (the “Motion”). Plaintiffs Latoyla Cooper-Levy (“Cooper-Levy”), Phillip Sylverin (“Sylverin”), Sherman Rivers (“Rivers”), and Joseph Simmons (“Simmons”), filed a Response, ECF No. [17], to which the City filed a Reply, ECF No. [22]. The Court has carefully reviewed the Motion, all supporting and opposing filings, the record in this case, the applicable law, and is otherwise fully advised. For the reasons set forth below, the Motion is denied.

I. BACKGROUND

This case arises as a result of the City’s alleged violations of certain individuals’ constitutional rights. Plaintiffs, all of whom are homeless individuals, filed their Complaint asserting two claims, pursuant to 42 U.S.C. § 1983, for violating their Fourth and Fourteenth Amendment rights. *See generally* ECF No. [1]. Plaintiffs allege that the City engages in a practice and custom of unlawfully seizing and destroying personal property belonging to homeless individuals like Plaintiffs by conducting sweeps of homeless encampments with insufficient notice. *Id.*

This is not the first time the City of Miami has been sued for allegedly violating the Fourth Amendment rights of homeless individuals. In 1992, Michael A. Pottinger, as representative of a class of homeless persons, filed a lawsuit against the City of Miami under 42 U.S.C. § 1983, alleging that the City’s police department had “a custom, practice and policy of arresting, harassing and otherwise interfering with homeless people for engaging in basic activities of daily life . . . in the public places where they are forced to live.” *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1554 (S.D. Fla. 1992) (“*Pottinger I*”). The plaintiff in *Pottinger* sought to enjoin the City from arresting homeless individuals engaging in “life-sustaining conduct” in public spaces and from seizing or destroying their property in violation of the Fourth Amendment. *See id.* After the City and police were found to have violated the rights of homeless individuals, the parties ultimately reached a settlement and entered into a consent decree, which remained in effect from 1998 to 2019, and prohibited “the arrest of the homeless for being homeless and the seizure of their property.” *Pottinger v. City of Miami*, 359 F. Supp. 3d 1177, 1179 (S.D. Fla. 2019) (“*Pottinger II*”). Three years ago, in *Pottinger II*, the district court granted the City’s motion to terminate the consent decree, and the decision was affirmed by the Eleventh Circuit. *See id.*, *aff’d sub nom. Peery v. City of Miami*, 977 F.3d 1061 (11th Cir. 2020).

Against this backdrop, the Complaint alleges that in 2019, the City adopted Administrative Policy regarding the Treatment of Homeless Persons’ Property (APM-1-19), which “establish[ed] a standard practice for the handling, temporary storage, and disposition of property belonging to homeless persons.” ECF No. [1] at 17-21 (“Policy”). The Policy also requires City personnel to “attempt to secure personal items such as identification, medicines, and eyeglasses and other small items of importance . . . readily identifiable as intimate personal property.” *Id.* at 18, section I.1. Even so, the Policy provides that homeless individuals’ property may be disposed of by the City

if the property is determined to be “contaminated” or otherwise poses a health or safety concern to City personnel or members of the public. *Id.*, section I.2.a.

According to the Complaint, in 2021, as a part of a continued effort to address homelessness in Miami, the City drafted a “Street Clean up and Encampment Resource Plan” in an attempt to facilitate the cleaning of homeless encampments by conducting ongoing “sweeps.” ECF No. [1] ¶ 23. As Plaintiffs allege, City staff during these sweeps arrive at homeless encampments with dump trucks and instruct homeless individuals to move their belongings before the City removes and disposes of all remaining personal property at the encampment. *Id.* ¶ 31. Plaintiffs further allege that the City does not sort the personal property or attempt to secure important personal items before disposal. *Id.* ¶ 36.

According to the Complaint, the City conducted two such sweeps affecting Plaintiffs: the first occurring in May, 2021 at NW 17th Street and 7th Avenue; and the second in August, 2021 under the bridge on NW 11th Street between NW 5th Avenue and NW 3rd Avenue. *Id.* ¶¶ 45-46, 59, 61, 70, 82. Each of the four Plaintiffs alleges that during these incidents, the City disposed of personal property that was not abandoned or contaminated and failed to provide adequate notice of when and where the City’s sweeps would occur. *Id.* ¶¶ 51, 66, 77, 87.

The incident in May, 2021 involved Cooper-Levy. The Complaint alleges that while away from the encampment attending a job orientation, the City removed and disposed of her “U.S. passport, birth certificate, Social Security card, identification, telephone, clothing, work uniform, shoes, sleeping tent, and an urn containing her mother’s ashes.” *Id.* ¶ 52. Cooper-Levy alleges that her personal property, was not abandoned, contaminated, and did not pose a health hazard or safety issue. *Id.* ¶ 51. According to the Complaint, upon her return to the encampment, Cooper-Levy discovered a notice left by the City under a brick which contained information about how to

retrieve stored property. *Id.* ¶ 54. However, upon following the instructions on the notice, City staff told Cooper-Levy that they did not have any of her belongings. *Id.* ¶ 55. The City made no attempt to save items that belonged to her, made no attempt to determine if her property was contaminated or contained dangerous items, and made no offer to store her property. Instead, the City irrevocably seized and destroyed her property. *Id.* ¶ 56.

The second incident alleged involves Simmons, Sylverin, and Rivers. Plaintiffs allege that the City arrived to conduct a sweep on or about the morning of August 2. *Id.* ¶ 61. According to the Complaint, City personnel arrived at the encampment around 9:00 a.m. with a crane and dump truck, giving those present a few minutes to move their property before disposal. *Id.* ¶ 62. Sylverin alleges that the City disposed of his property that was not abandoned or contaminated, including his tent,¹ identification, furniture, and family photos. *Id.* ¶ 64. Rivers and Simmons similarly allege that the City disposed of their personal property that was not abandoned or contaminated, including tents, identification documents, prescription medication, new clothing, a bike, toiletries, and sixty dollars in change. *Id.* ¶ 76.

As a result, Plaintiffs seek damages, injunctive, and declaratory relief. In the Motion, the City requests dismissal of the Complaint for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

II. LEGAL STANDARD

A pleading must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). While a complaint “does not need detailed factual allegations,” it must provide “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007);

¹ Sylverin further alleges that his pet cat was inside the tent when a crane was used to load it into the dump truck, presumably killing it. ECF No. [1] ¶ 64.

see *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that Rule 8(a)(2)’s pleading standard “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation”). Nor can a complaint rest on “‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 557 (alteration in original)).

When reviewing a motion under Rule 12(b)(6), a court, as a general rule, must accept the plaintiff’s allegations as true and evaluate all possible inferences derived from those facts in favor of the plaintiff. See *Miccosukee Tribe of Indians of Fla. v. S. Everglades Restoration All.*, 304 F.3d 1076, 1084 (11th Cir. 2002); *AXA Equitable Life Ins. Co. v. Infinity Fin. Grp., LLC*, 608 F. Supp. 2d 1349, 1353 (S.D. Fla. 2009). However, this tenet does not apply to legal conclusions, and courts “are not bound to accept as true a legal conclusion couched as a factual allegation.” *Twombly*, 550 U.S. at 555; see *Iqbal*, 556 U.S. at 678; *Thaeter v. Palm Beach Cnty. Sheriff’s Office*, 449 F.3d 1342, 1352 (11th Cir. 2006).

III. DISCUSSION

In the Motion, the City urges the Court to take judicial notice of the procedure and relevant facts in the *Pottinger* litigation. The City argues that the allegations in the Complaint are insufficient to state a claim for municipal liability, that Plaintiffs lack standing for declaratory and injunctive relief, and that declaratory and injunctive relief is improper. The Court considers each argument in turn.

A. Relevance of *Pottinger* Litigation

As a preliminary matter, the Court considers the significance of *Pottinger* since the parties devote a significant amount of the briefing to it. The City argues that the Court should take judicial notice of facts arising out of the *Pottinger* litigation. Plaintiffs respond that *Pottinger* was factually

different from the allegations contained in Plaintiffs' Complaint, and therefore *Pottinger* is not relevant other than to provide context. The Court agrees.

Significantly, both parties agree that, irrespective of *Pottinger*, homeless individuals remain entitled to "seek relief in an individual action" under § 1983 to vindicate violations of their constitutional rights. *Peery*, 977 F.3d at 1072. In addition, neither party is claiming that *Pottinger* is controlling; rather the City argues that the Court should take judicial notice of facts noted by the *Pottinger* court that it deems to be relevant. However, as Plaintiffs correctly point out, the Complaint is premised upon conduct occurring after the termination of the *Pottinger* consent decree and its attendant litigation. Even if the Court were to grant the City's request and take judicial notice of the *Pottinger* facts, *Pottinger* is not binding or particularly helpful in resolving the issues raised in the Motion. Accordingly, the Court turns to the merits of the Motion.

B. Municipal Liability Under Section 1983

In order to state a claim under 42 U.S.C. § 1983, a plaintiff must plead that he was (1) deprived of a right; (2) secured by the Constitution or laws of the United States; and (3) that the alleged deprivation was committed under color of state law. *See Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999); *Rayburn v. Hogue*, 241 F.3d 1341, 1348 (11th Cir. 2001). In addition, a plaintiff that seeks to establish liability against a municipality must show that the deprivation of his federal right was attributable to the enforcement of a municipal custom or policy. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978); *Buckner v. Toro*, 116 F.3d 450, 452 (11th Cir. 1997).

Importantly, a municipality is not liable under § 1983 on the basis of *respondeat superior*. *See Monell*, 436 U.S. at 691; *Bd. of Cnty. Comm'rs of Bryan Cnty., Okla. v. Brown*, 520 U.S. 397, 403 (1997) ("a municipality may not be held liable under § 1983 solely because it employs a

tortfeasor.”). Instead, as explained by the Supreme Court, a municipality is only liable under § 1983 “when execution of a government’s policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible under § 1983.” *Monell*, 436 U.S. at 694. This requires that “a plaintiff seeking to impose liability on a municipality under § 1983 . . . identify a municipal ‘policy’ or ‘custom’ that caused the plaintiff’s injury.” *Bd. of Cnty. Comm’rs of Bryan Cnty., Okla.*, 520 U.S. at 403.

Indeed, “the requirement of a municipal policy or custom constitutes an essential element of a § 1983 claim that a plaintiff must prove in order to establish municipal liability.” *Buckner*, 116 F.3d at 453; *see Flowers v. Patrick*, 869 F. Supp. 2d 1331, 1334-35 (M.D. Ala. 2012) (“a plaintiff’s complaint against a municipality [must] ‘contain either direct or inferential allegations respecting all the material elements necessary to sustain a recovery under some viable legal theory.’” (quoting *Randall v. Scott*, 610 F.3d 701, 707 n.2 (11th Cir. 2010))). A policy or custom “can be either a written custom or policy, such as an ordinance, or an unwritten practice that is so widespread and ‘so permanent and well settled as to constitute a custom or use with the force of law.’” *Flowers*, 869 F. Supp. 2d at 1334-35 (quoting *City of St. Louis v. Praprotnik*, 485 U.S. 112, 127 (1988)).

i. Plaintiff’s Custom or Practice Claim

The City argues that Plaintiffs fail to plead sufficient facts of a widespread custom or practice necessary to establish municipal liability. Specifically, the City contends that the incidents alleged involving Cooper-Levy’s property in May, 2021 and the property owned by Simmons, Rivers, and Sylverin in August, 2021 are insufficient to constitute a custom or practice. The City argues that four instances, three of which happened at the same clean-up location and date, are

insufficient to be characterized as “widespread” or “persistent” in order to plausibly plead municipal liability. Plaintiffs respond that the incidents alleged are sufficient. The Court agrees with Plaintiffs.

Plaintiffs rely on *Hoefling v. City of Miami*, 811 F.3d 1271 (11th Cir. 2016) in support of their argument. In *Hoefling*, the plaintiff asserted claims for violations of his Fourth and Fourteenth Amendment rights against the City after City’s marine patrol officers seized his sailboat, on which he lived, and destroyed it. In determining that his claims were adequately pleaded, the Eleventh Circuit noted that

[i]n addition to what he pled concerning the seizure and destruction of his own sailboat, Mr. Hoefling also alleged the following. First, on August 20, 2010, while out of town, Mr. Hoefling received a call from a friend “notifying him that the police were taking boats.” And, in fact, on his return, he discovered that his own sailboat had been “unlawfully seized.” Second, Mr. Hoefling alleged that “local mariners” told him, and that he was “independently aware, that others have fallen victim to similar conduct as a result of the City[’s] and [the marine patrol officers’] failure to adhere to law and appropriate procedures regarding the investigation and destruction of potentially derelict vessels.” Third, Mr. Hoefling alleged that the City refers to this “systematic roundup and destruction of ugly boats in its waters” as a “cleanup” program. Based on these allegations, Mr. Hoefling alleged that the City had a “policy, custom, and/or practice” of “failing to abide by” the state laws, regulations, and procedures governing the “investigation and . . . removal of derelict vessels located in state waters.” Furthermore, he alleged that the defendants did “not follow established law and procedures intended to safeguard against the unlawful destruction of private property[,] . . . instead choosing to remove and destroy [his] property without due process. In sum, the City and its marine patrol officers, “as a matter of policy, custom, and/or practice, ignored [his] fundamental rights, as well as the fundamental rights of other vessel owners.”

811 F.3d at 1280. The Eleventh Circuit determined that these allegations were not the sort of “naked allegations” which are insufficient to state a plausible claim for relief because the facts alleged permitted “the reasonable inference that [the City] is liable for the misconduct alleged.” *Id.* at 1281. The City does not acknowledge or address *Hoefling* in either its Motion or Reply. Moreover, upon review, the cases the City relies upon to support its argument for dismissal are

procedurally distinguishable and not helpful to the Court's analysis at this juncture. *See Brown v. Crawford*, 906 F.2d 667, 671 (11th Cir. 1990) (affirming summary judgment finding facts insufficient to establish widespread abuse on the part of county jail); *Denno v. Sch. Bd. of Volusia Cnty., Fla.*, 218 F.3d 1267, 1277-78 (11th Cir. 2000) (affirming entry of summary judgment in favor of school board because evidence was insufficient to create a genuine issue of fact as to "a pervasive and well-settled custom"); *Gold v. City of Miami*, 151 F.3d 1346, 1350-51 (11th Cir. 1998) (setting aside judgment following jury verdict because plaintiff presented no evidence to establish municipal policy or custom); *Adams v. Custer*, No. 14-CV-80403-CIV-HURLEY, 2016 WL 155081, at *19 (S.D. Fla. Jan. 12, 2016) (finding upon summary judgment that evidence presented was insufficient to sustain a custom or practice claim); *Mercado v. City of Orlando*, 407 F.3d 1152, 1162 (11th Cir. 2005) (affirming summary judgment in favor of City of Orlando based upon the plaintiff's inability to show that previous incidents were substantially similar factually to his case); *Brooks v. Sheib*, 813 F.2d 1191, 1193-94 (11th Cir. 1987) (finding on appeal following jury verdict that evidence was insufficient to establish that deficient procedures were sufficient to establish municipal liability); *McDowell v. Brown*, 392 F.3d 1283, 1290-91 (11th Cir. 2004) (affirming determination upon summary judgment that evidence was insufficient to establish custom or policy).

The only case at the dismissal stage relied upon by the City, *Lordeus v. Miami-Dade County*, 263 F. Supp. 3d 1307 (S.D. Fla. 2017), is also distinguishable. In *Lordeus*, the plaintiff alleged that police officers kicked him and yelled expletives at him during an arrest while he was handcuffed, and as a result, claimed § 1983 violations for excessive force against the county and the officers. 263 F. Supp. 3d at 1309. In concluding that his excessive force claim was insufficiently pleaded, the court noted that the plaintiff alleged in conclusory fashion only that the

county “had a policy, custom or practice of allowing its police officers to use excessive force and was on notice of the propensity for excessive force and failed to properly investigate complaints.” *Id.* at 1311. In contrast, Plaintiffs here allege four instances on two separate occasions during which the City seized and destroyed their personal property without providing adequate notice or an opportunity for the owners to recovery their property.² Although the City seeks to narrow the Complaint’s allegations in arguing that they are insufficient to meet the requirement that a custom or practice be persistent and widespread, the Court finds the allegations to be sufficient. The specific sweeps alleged are separated in time by several months and they occurred at different geographical locations.

In addition, the Complaint alleges the City’s practice and explains how that practice differs from the City’s Policy. The Complaint describes how the City fails to sort or secure specific items and makes no attempt to determine whether unattended property belongs to a homeless individual. ECF No. [1] ¶¶ 36-37). The City’s Policy, which is attached to the Complaint, requires City staff to complete a form and attempt to notify the owner when it stores property belonging to the homeless individual. *Id.* at 18, section I.1. Plaintiffs allege that between January 1, 2021 and April 2022, City staff completed only two inventory invoices and made just one attempt to notify someone that the City was holding their property while cleanup operations were taking place two or three times per week, giving rise to the reasonable inference that homeless individuals’ due process rights to notice are not being observed. *Id.* ¶ 41. Plaintiffs allege further context to support

² Rivers and Simmons also allege that the City improperly seized and destroyed their property on other additional occasions. *Id.* ¶¶ 79, 89. The City contends that these allegations are conclusory because the Complaint does not provide dates, locations, or other details about what was destroyed, or how Plaintiffs know the City was ultimately responsible. However, it is well-settled that there is no heightened pleading standard in § 1983 case. *See Hoefling*, 811 F.3d at 1276 (acknowledging that the Eleventh Circuit has “got[ten] rid of heightened pleading altogether in § 1983 cases.”).

the inference that there is a persistent and widespread practice that differs from the City's Policy by describing the City's plan to clear homeless encampments through sweeps. *Id.* ¶¶ 22-23.

The Complaint also sufficiently alleges that the City fails to provide adequate notice of sweeps, the City fails to sort or secure specific items, and fails to determine whether unattended property belongs to a particular homeless individual. *Id.* ¶ 33; ¶¶ 36-37. Each of the Plaintiffs allege he received no notice of an impending sweep occurring at the locations detailed in the Complaint. Plaintiffs also allege that they each had a clearly established possessory interest in his personal property, and that property was contained in their tents at the time of disposal. The City, as Plaintiffs allege, makes no effort to sort through the property (even if it is not abandoned or contaminated) and secure items such as identification, medicines, or other items identified by the homeless person or readily identifiable as vital or significant personal property. Plaintiffs allege that vital documents, including birth certificates, social security cards, public benefits cards, medication, and an urn containing Cooper-Levy's mother's ashes, were all destroyed with no attempt by City officials to adhere to the Policy. *See id.* ¶¶ 52, 64, 76, 84. Plaintiffs further allege that their property was not abandoned or contaminated. *Id.* ¶¶ 51, 66, 77, 87. And although the City argues that these allegations are merely conclusory, the Court disagrees. At the pleading stage, the Court accepts the allegations that Plaintiffs' property was not abandoned or contaminated. Moreover, whether or not the property was in fact abandoned or contaminated is an issue of fact, and is not appropriately resolved at the dismissal stage.

C. Claims for Injunctive and Declaratory Relief

Defendant argues next that Plaintiffs lack standing to seek claims for injunctive and declaratory relief because Plaintiffs have not sufficiently alleged a substantial likelihood of future

injury, and declaratory and injunctive relief are inappropriate for past conduct. Plaintiffs respond that the Complaint sufficiently alleges an entitlement to injunctive and declaratory relief.

i. Standing

The City argues that Plaintiffs have not alleged more than a speculative threat of future injury, noting that they have not identified any violation since August, 2021 or harms of a continuing nature. However, to accept the City's contention, the Court would have to read the Complaint too narrowly and impose a heightened pleading standard that, as the Court previously notes, simply does not apply in this case. *See supra* at 10 n.2.

Because injunctions regulate future conduct, a party has standing to seek injunctive relief only if the party alleges, and ultimately proves, a real and immediate—as opposed to a merely conjectural or hypothetical—threat of future injury. *City of Los Angeles v. Lyons*, 461 U.S. 95, 101-02 (1983). Similarly, injuries sustained from “past conduct” will not support a claim for declaratory relief absent a showing “that such conduct has continued or will be repeated in the future.” *Emory v. Peeler*, 756 F.2d 1547, 1552 (11th Cir. 1985); *see also Regency of Palm Beach, Inc. QBE Ins. Corp.*, No. 08-81442-CIV, 2009 WL 2729954, at *4 (S.D. Fla. 2009); *Am. Ins. Co. v. Evercare Co.*, 699 F. Supp. 2d 1355, 1359 (N.D. Ga. 2010) (“The Declaratory Judgment Act is inappropriate to adjudicate past conduct.”).

As alleged, Plaintiffs are homeless individuals, and the reasonable inference to be drawn from the Complaint is that they continue to be exposed to the City's practice of conducting sweeps, and improperly depriving them of their personal property without notice. While the City attempts to characterize the alleged threat of future injury as a mere “fear” that the Plaintiffs' property will again be unconstitutionally seized and destroyed, the fear is more than speculative. Accepting the allegations as true, the challenged actions are a result of the City's custom or policy and Plaintiffs

are involuntary members of a specific group subject to that custom or policy. As a result, Plaintiffs “cannot avoid exposure to [Defendant’s] challenged conduct” and the alleged practice “presents a substantial likelihood that the alleged injury will occur.” 31 *Foster Children v. Bush*, 329 F.3d 1255, 1266 (11th Cir. 2003); *see also Church v. City of Huntsville*, 30 F.3d 1332, 1338 (11th Cir. 1994) (noting that plaintiffs “are homeless involuntarily,” and concluding that because of the “involuntary nature of their condition, the plaintiffs cannot avoid future exposure to the challenged course of conduct” (internal quotations omitted)). Moreover, it is reasonable to infer from the allegations that Plaintiffs will continue to be exposed to the City’s cleanup sweeps of homeless encampments, such that the threat of future injury is more than “conjectural, hypothetical, or contingent” *Malowney v. Fed. Collection Deposit Grp.*, 193 F.3d 1342, 1347 (11th Cir. 1999).

ii. Suitability of Injunctive and Declaratory Relief

The City also argues that injunctive and declaratory relief are improper here. With respect to injunctive relief, the City contends that Plaintiffs cannot make the necessary showing because they allege prior injuries, their claimed anticipated injuries are not actual or imminent, and the requests for injunctive relief and monetary damages are inconsistent as pleaded. Plaintiffs respond that the Complaint sufficiently alleges future injuries, and the availability of other remedies does not render the request for injunctive relief inconsistent with their request for damages.

The City relies on *Lary v. Trinity Physician Financial and Insurance Services*, 780 F.3d 1101 (11th Cir. 2015) and *Swain v. Junior*, 961 F.3d 1276 (11th Cir. 2020) in support of its argument. However, both cases are procedurally and factually distinguishable, and does not support the outcome the City urges. In *Lary*, the plaintiff asserted violations of the Telephone Consumer Protection Act against the defendants, seeking statutory damages and a permanent injunction. 780 F.3d at 1104. The defendants did not defend the case and instead informed the

court that they would accept a default judgment. *Id.* Under those circumstances, the Eleventh Circuit determined that the district court did not err in declining the request for a permanent injunction, because the plaintiff did not establish either a likelihood of future injury or the inadequacy of the legal remedy. *Id.* Here, there is no default, and § 1983 does not provide statutory damages. In *Swain*, the plaintiffs were a group of medically vulnerable inmates who sued the County and director of the correctional department for violating their constitutional rights for their inadequate response to the COVID-19 outbreak. 961 F.3d at 1280. Upon a motion for preliminary injunction, the district court enjoined the defendants to take precautionary measures to halt the spread of COVID and provide regular status reports. *Id.* On appeal, the Eleventh Circuit reversed the preliminary injunction, finding that the plaintiffs’ showing as to their Fourteenth Amendment claim did not support a finding of deliberate indifference. *Id.* at 1289. Importantly, however, Plaintiffs here have not requested a preliminary injunction, and although the City invites the Court to engage in an analysis of the merits of an injunction, it would be improper to do so. As the Court previously explained, Plaintiffs sufficiently allege a threat of future harm, and Plaintiffs need do no more at this juncture for their claim for relief to stand. Plaintiffs are not required to prove their claims at the dismissal stage.

Regarding Plaintiffs’ request for declaratory relief, the City argues that such relief is improper based upon the Complaint’s allegations that seek a “[d]eclaratory judgment that Defendant’s policies, practices and conduct *violated* Plaintiffs rights” ECF No. [1] at 14 (emphasis added). Thus, the City contends that Plaintiffs improperly seek declaratory relief for past conduct only. Plaintiffs respond that the allegations in the Complaint support a continuing practice and conduct by the City, violating Plaintiffs’ rights under the Fourth and Fourteenth Amendment, and supports their request for declaratory relief. Upon review, the Court agrees with

Plaintiffs. Even though the request for relief contains the word “violated” instead of “violates,” the Complaint alleges facts of a real and continuing dispute. *See Malowney*, 193 F.3d at 1347 (“The plaintiff must allege facts from which the continuation of the dispute may be reasonably inferred. Additionally, the continuing controversy may not be conjectural, hypothetical, or contingent; it must be real and immediate, and create a definite, rather than speculative threat of future injury.”) (citation omitted). Thus, the Court will not dismiss the request under the circumstances.

IV. CONCLUSION

It is therefore **ORDERED AND ADJUDGED** that Defendant’s Motion to Dismiss, ECF No. [16], is **DENIED**. The City shall file its Answer **no later than December 16, 2022**.

DONE AND ORDERED in Chambers at Miami, Florida, on December 6, 2022.

A handwritten signature in black ink, appearing to read 'JB' or similar, with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-21939-BLOOM/Torres

LATOYLA YASHEEN COOPER-LEVY,
et al.,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

/

OMNIBUS ORDER ON MOTIONS FOR SUMMARY JUDGMENT

THIS CAUSE is before the Court upon Defendant City of Miami, Florida’s (“City” or “Defendant”) Motion for Summary Judgment, ECF No. [82], and Plaintiffs Latoyla Cooper-Levy (“Cooper-Levy”), Phillip Sylverin (“Sylverin”), Sherman Rivers (“Rivers”), and Joseph Simmons (“Simmons”) Motion for Partial Summary Judgment, ECF No. [79]. Plaintiffs filed a Response in Opposition to the City’s Motion, ECF No. [106], to which the City filed a reply, ECF No. [110]. The City filed a Response in opposition to Plaintiffs’ Motion, ECF No. [104], to which Plaintiffs filed a Reply, ECF No. [112].¹ The Court has considered the Motions, all supporting and opposing submissions, the record in this case, the applicable law, and is otherwise fully advised. For the reasons that follow, the Motions are denied.

¹ In addition, Plaintiffs submitted a Statement of Material Facts in Support of their Motion, ECF No. [78] (“Pls.’ SMF”), a Counterstatement of Material Facts in their Response to Defendant’s Motion, ECF No. [105] (“Pls.’ CSMF”), and a Reply Statement of Material Facts in Support of their Motion, ECF No. [111] (“Pls.’ RSMF”). The City submitted a Statement of Material Facts in Support of their Motion, ECF No. [82] (“Def.’s SMF”), a Counterstatement of Material Facts in their Response to Defendant’s Motion, ECF No. [103] (“Def.’s CSMF”), and a Reply Statement of Material Facts in Support of their Motion, ECF No. [109] (“Def.’s RSMF”).

I. BACKGROUND

The Court assumes the parties' familiarity with the facts of this case but provides a summary of the material and background facts.² This case arises from the City's alleged violations of homeless individuals' constitutional rights. Plaintiffs, all of whom are or have been homeless individuals, commenced this case by filing their Complaint pursuant to 42 U.S.C. § 1983, asserting two claims for violations of their Fourth and Fourteenth Amendment rights. *See generally* ECF No. [1].

A. Material Facts

The following facts are undisputed unless otherwise noted.

i. APM

The City has an administrative policy, APM 1-19 ("the APM"), that governs the treatment by City personnel of homeless persons' property. Pls.' SMF ¶ 4 (citing ECF No. [74-1] Ex. 3); Def.'s CSMF ¶ 4. All City personnel, including police officers, are required to follow the APM. Pls.' SMF ¶ 10; Def.'s CSMF ¶ 10. The purpose of the APM is to establish a standard practice for the handling, temporary storage, and disposition of property belonging to homeless persons. Pls.' SMF ¶ 5; Def.'s CSMF ¶ 5.

a. Definitions

The APM defines "Homeless Person's Property", or "Homeless Property" as personal property known to belong to a homeless person, or readily recognizable as property of a "Homeless Person",³ such as bedding, clothing or other belongings organized or packaged

² The Court previously set forth the history of this action, which stems from the litigation in *Pottinger v. City of Miami*, 359 F. Supp. 3d 1177, 1179 (S.D. Fla. 2019), and the factual allegations in the Complaint, in its Order on the City's Motion to Dismiss. *See generally* ECF No. [23].

³ The Court adopts the parties' appellation for individuals who are "homeless." According to the APM, a homeless person is a person who lacks a fixed, regular, and adequate night-time residence and has a primary night-time residency that is: (a) supervised publicly or privately operated shelter designed to

together in a way indicating it has not been abandoned. Pls.’ SMF ¶ 6; Def.’s CSMF ¶ 6. The APM does not define abandoned property, specify how abandoned property is identified, or set forth procedures concerning such property. Homeless Property includes “personal items”, which include items such as “identification, medicines and eyeglasses and other small items of importance identified by the Homeless Person or readily identifiable as intimate personal property.” ECF No. [74-1] at 197. The APM requires that all homeless persons who wish to identify their personal property place a tag or label with their name and contact information on the outside of any such property. *Id.* The APM further defines “Contaminated or Dangerous Items” as those items that present a hazard to the health and safety of City Personnel or the public. APM-1-19 at 1, ECF No. [80-1]. Contaminated or Dangerous Items include “hazardous materials, flammable materials . . . , fabric contaminated with human or animal waste, fabric contaminated with flammable substances . . . [and] wet fabric (mold hazard)[.]” *Id.* The APM sets forth procedures for “City personnel” during “Cleanup operations”. *Id.* § IV.⁴

b. APM Procedures

The APM requires City personnel to place notices of Cleanup operations prior to the Cleanup date. Pls.’ SMF ¶ 86; Def.’s CSMF ¶ 86. An August 2021 amendment reduced the APM’s requirement that there be seven (7) days’ notice given before a Cleanup operation to seventy-two (72) hours. Pls.’ SMF ¶ 9 (ECF No. [74-1] Ex. 3); Def.’s CSMF ¶ 9. The APM

provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

APM-1-19 at 1. The APM excludes from its definition of homeless persons those who are imprisoned or otherwise detained pursuant to an Act of Congress or a state law. *Id.*

⁴ In addition, the Miami Police Department (MPD) has a Departmental Order (“PDO”) which states that it is the MPD’s policy to “ensure that personnel are sensitive to the needs and rights of our Homeless population, as well as knowledgeable of the department’s arrest policies concerning such persons.” ECF No. [74-1] at 261-65. The APM provides that in case of any conflict between the provisions of the APM and the PDO, police officers are to follow the latter. Pls.’ SMF ¶ 12; Def.’s CSMF ¶ 12.

requires that the notices provide the date of the Cleanup operation and the phone number and address of the Veterans Affairs/Homeless Assistance Program Division in the Department of Human Services (DHS) where any collected Homeless Property can be retrieved. Pls.' SMF ¶ 87; Def.'s CSMF ¶ 87.

During a Cleanup operation, the APM provides procedures for when a homeless individual is present and when Homeless Property appears to be unattended. In the former case, City personnel will inform the Homeless Person that the Cleanup operation is about to commence and request they relocate themselves with their Homeless Property. ECF No. [74-1] at 199. City personnel will ask if the Homeless Person would agree to voluntarily discard property, requesting that they sign a Waiver for Voluntary Disposal of Property Form. *Id.* For any Homeless Property that the Homeless Person does not move, "cannot be left on the site," and is not a Contaminated or Dangerous item, such property shall be "documented, secured, and stored by City personnel" for a period of ninety (90) days, after which unclaimed property will be disposed. *Id.* When Homeless Property is secured and stored, the Homeless Person is asked to sign an Inventory Storage Form. *Id.*

In the latter case, City personnel are to collect Homeless Property that is not contaminated or dangerous for a period of 90 days, after which the property is discarded if unclaimed. *Id.* Prior to storing Homeless Property, City personnel must complete an Inventory Storage Form. *Id.* If the unattended Homeless Property does not have a tag or label indicating its owner, the City will post a notice at the location where the property was discarded or stored. *Id.*

The APM states that any items that are contaminated or otherwise pose a health hazard or obvious safety issue will be disposed of according to this policy. *Id.*

David Rosemond fulfills a role at the City which provides “strategic coordination” to the Homeless Empowerment Assistance Team (HEAT), testified that City personnel “leave property at [a] location” in a manner that is consistent with “the spirit of the APM”. Tr. of Jan. 11, 2023 Dep. of David Rosemond (“Rosemond Dep.”) at 10:22-11:2, 67:13-21. None of the City’s personnel has been warned, disciplined, or fired for violating the APM. Pls.’ SMF ¶ 130; Def.’s CSMF ¶ 130.

ii. The HEAT

To implement the APM’s procedures, the City created the Homeless Empowerment Assistance Team (HEAT), which conducts Cleanup operations at homeless encampments, defined as “ten . . . or more unsheltered homeless individuals living in relatively close proximity to one another.” Pls.’ SMF ¶¶ 18, 20; Def.’s CSMF ¶¶ 18, 20; Tr. of Nov. 14, 2022 Dep. of Conrad Chin-Quee at 360, ECF No. [74-3].

The HEAT is comprised of the members of the MPD, DHS, and the Solid Waste department. Pls.’ SMF ¶ 19; Def.’s CSMF ¶ 19. The HEAT was staffed with four MPD officers and one MPD sergeant at its inception, but the number of police officers in the HEAT increased to eight (8) MPD officers and two (2) sergeants. Pls.’ SMF ¶¶ 28, 29; Def.’s SMF ¶ 28, 29. During Cleanup operations, MPD officers provide security, traffic control, enforcement, and conduct background checks to determine eligibility for shelter. Pls.’ SMF ¶ 21; Def.’s CSMF ¶ 21. The City does not obtain warrants prior to conducting Cleanup operations. Pls.’ SMF ¶ 22; Def.’s CSMF ¶ 22. MPD officers in the HEAT may arrest homeless persons during Cleanup operations if that person has an outstanding arrest warrant. Pls.’ SMF ¶¶ 24-25; Def.’s CSMF ¶¶ 24-25. The parties dispute whether the MPD is responsible for organizing and determining the location of Cleanup operations and for documenting activity at Cleanup operations, including by taking “before” and “after” photographs and preparing reports. Pls.’ SMF ¶¶ 26-27; Def.’s

CSMF ¶¶ 26-27. The parties agree that DHS coordinates the dissemination of notices of Cleanup operations, provides outreach, “wrap around” services, and shelter placement to homeless persons. Pls.’ SMF ¶ 30; Def.’s CSMF ¶ 30.

In addition, the HEAT includes personnel identified as Green Shirts, whose main role is to engage Homeless Persons that are at an encampment during a Cleanup operation, “offer assistance,” and go through ostensibly abandoned property to look for personal belongings that should be stored. Tr. of Nov. 9, 2022 Dep. of Lazaro Trueba (“Trueba Dep.”) at 124:24-125:6, ECF No. [74-16].

As part of Cleanup operations, the members of the HEAT from Solid Waste operate a street sweeper, combination cranes, front loaders, water trucks and garbage trucks. Pls.’ SMF ¶¶ 35, 123; Def.’s CSMF ¶¶ 35, 123. The activities that occur during Cleanup operations include picking up debris, garbage, sweeping the streets, and spraying Homeless encampments with water and disinfectant. *See* Pls.’ SMF ¶¶ 35-37; Def.’s CSMF ¶¶ 35-37.

iii. Evidence of the City’s Policy, Custom or Practice

a. Notices Prior to Cleanup Operations

The City has used various forms of notices of Cleanup operations over time. Pls.’ SMF ¶ 88; Def.’s CSMF ¶ 88. The first version of the notice was a yellow vinyl with adhesive; the parties dispute whether the ink on the notices, and the notices themselves, can withstand the elements. *See* Pls.’ SMF ¶ 89; CSMF ¶ 89. The first version of the notice in the English language states in part as follows:

NOTICE
BE ADVISED THAT THIS AREA WILL BE CLEANED ON
...
PLEASE REMOVE ANY PERSONAL BELONGINGS FROM THE SITE.

IF YOU WOULD LIKE TO RELOCATE TO EMERGENCY HOUSING,
PLEASE CALL 305.960.4980 (HELP) OR CONTACT THE OUTREACH
WORKERS WHOM *[sic]* WILL BE VISITING THE AREA FREQUENTLY

THANK YOU

ECF No. [74-11] at 267. The record supports that the City has posted those yellow vinyl notices on signs, concrete walls, and chain-link fences in the vicinity of homeless encampments, in some cases multiple times. *See* ECF No. [74-11] at 266-278. There are occasions when the City posts a notice of a Cleanup operation for a certain day but does not conduct a Cleanup operation that day. Pls.’ SMF ¶ 95; Def.’s CSMF ¶ 95. The City started using a new version of the notice in November 2021. Pls.’ SMF ¶ 90; Def.’s CSMF ¶ 90. The City’s notices of upcoming Cleanup operations do not provide the address where the City stores property. Pls.’ SMF ¶ 92; Def.’s CSMF ¶ 92.

b. Contaminated Property

City personnel use the definition of “Contaminated or Dangerous Items” in the APM when determining whether property is contaminated. Pls.’ SMF ¶ 100; Def.’s CSMF ¶ 100. In practice, members of the HEAT may determine if property is contaminated. Pls.’ SMF ¶ 102; Def.’s CSMF ¶ 102. The parties dispute whether contaminated property is discarded once it is identified. Pls.’ SMF ¶ 105 (citing ECF No. [74-1] at 66:15-18; ECF No. [74-15] at 67:24-5, 69:12-16; ECF No. [74-2], ECF No. [74-2] at 51:22-52:25; Trueba Dep. at 50:5-7, 91:5-7; Rosemond Dep. at 57:23-6; ECF No. [74-6] at 122:4-11; ECF No. [74-17] at 83:23-84:1, 85:21-23, 95:4-13; ECF No. [74-8] at 62:12-16; ECF No. [74-18] at 90:1-15; McLean Dep. at 82:3-12); Def.’s CSMF ¶ 105 (citing ECF No. [74-4] at 115:15-116:1-17; Trueba Dep. at 53:1-5, 62:24-63:2; ECF No. [74-2] at 51:11-54:15; McLean Dep. at 87:6-16; ECF No. [74-8] at 70:17-72:12, 73:11-74:15; Rosemond Dep. at 216:21-217:3, 218:17-219:5; ECF No. [74-17] at 174:1-176:5). However, the testimony by Christian Candalier, a Homeless Outreach Specialist, indicates that

property that contains mold, “has an unknown liquid, human or animal waste”, “flammable stuff, detergent, [and] whatever . . . could be . . . considered contaminated”, and therefore may be discarded. Tr. of Mar. 24, 2023 Dep. of Christian Candales (“Candales Dep.”) at 52:12-19, ECF No. [74-2].

c. Abandoned Property

Sergio Torres, a Homeless Program Administrator, testified that the determination of whether Homeless Property is abandoned is one based on “common sense.” Tr. of Dec. 13, 2022 Dep. of Sergio Torres (“Torres Dep.”) at 44:5-19, 45:9-46:20, ECF No. [74-15]. Christian Candaler, a Homeless Outreach Specialist, testified that City personnel look for “clear signs” that property is abandoned. For example, City personnel will ask Homeless Persons in the vicinity of unattended property to whom the property belongs; if Homeless Persons in the vicinity indicate, in sum and substance, that the property has “been [at the location] for days[,] [a]nd nobody has touched it[,]” that is a “clear sign” of abandonment. Candales Dep. at 52:9-25. In addition, if the HEAT observe that unattended property has been at a location for two days, the HEAT will not disturb the property; but if the property is unattended on the third day, that is also “a clear indication that it’s abandoned.” *Id.* On the other hand, Rosemond testified that even if property “appears to be abandoned,” or is unattended “for days,” the City’s default is not to seize the property. Rosemond Dep. at 218:25-219:2.

In practice, property that is determined to be abandoned may be disposed of. Pls.’ SMF ¶ 117; Def.’s CSMF ¶ 117.

d. Storage of Homeless Property

Green Shirts store property and fill out Inventory Storage Forms. Pls.’ SMF ¶ 138; Def.’s CSMF ¶ 138. There are sixty-five (65) Storage Inventory Forms in the record. Pls.’ SMF ¶ 145; Def.’s CSMF ¶ 145. Twelve (12) of the completed Storage Inventory Forms are illegible. Pls.’

SMF ¶ 146; Def.'s CSMF ¶ 146. Thirty-six (36) of the Storage Inventory Forms list the location where the property listed on the Forms was found. Pls.' SMF ¶ 147; Def.'s CSMF ¶ 147. The date on which property that is listed on the Forms was stored is missing on twenty (20) of those Forms. Pls.' SMF ¶ 148; Def.'s CSMF ¶ 148. Of the Inventory Storage Forms for which the dates are legible, one Form is from 2018, ten are from 2019, three are from 2021, three are from 2022, and thirteen are from 2023. Pls.' SMF ¶ 149; Def.'s CSMF ¶ 149. The record also contains thirty-seven (37) handwritten notes that list property. Pls.' SMF ¶ 150; Def.'s CSMF ¶ 150. Of those notes, eighteen (18) only list property without identifying information, such as the owner's name, a location in which the property was secured, or a date. Pls.' SMF ¶ 153; Def.'s CSMF ¶ 153. Eight other lists identify only the property and a date. Pls.' SMF ¶ 154; Def.'s CSMF ¶ 154. One of the handwritten notes has only a first name listed on it and no location or date. Pls. SMF ¶ 155; Def.'s CSMF ¶ 155. None of the handwritten notes identifies the City employee who secured the property. Pls.' SMF ¶ 156; Def.'s CSMF ¶ 156.

Items that are wet are not stored. Pls.' SMF ¶ 140; Def.'s CSMF ¶ 140. Officer Leighton McLean testified that there's a limit to the amount of Homeless Persons' property that the City can store. *See* Tr. of June 21, 2023 Dep. of Officer Leighton McLean ("McLean Dep.") at 116:3-9, ECF No. [74-7].

e. Disposal of Homeless Property

Solid Waste collects property to be disposed of at Cleanup operations and afterward takes the property to a county facility. Pls.' SMF ¶ 124; Def.'s CSMF ¶ 124. The parties dispute whether the City notifies Homeless Persons of the property it stores or discards after Cleanup operations. Pls.' SMF ¶ 126; Def.'s CSMF ¶ 126. Rosemond testified that he did not know what steps the City takes to provide notice to an owner of property that his or her property was disposed of. Rosemond Dep. at 68:1-69:3. But Rosemond's testimony also indicates that

property that is unattended, versus abandoned, is not treated as abandoned property. *See id.* at 69:4-70:2. Moreover, the record indicates that the City has stored—as opposed to discarded—unattended Homeless Property; in at least one instance involving a shopping cart that contained several items, the City has posted a notice that states in part: “[t]his shopping cart has been removed from the premises. To claim it[,] please go to 450 SW 5 Street or call at 1 877 994 4357.” ECF No. [74-11] at 293.

f. Voluntary Disposal of Homeless Property

The City does not use the Waiver for Voluntary Disposal of Property Form. Pls.’ SMF ¶ 159; Def.’s CSMF ¶ 159. The City does not maintain a filing system of a homeless person’s written consent to voluntarily dispose of their property that is searchable by that person’s name Pls.’ SMF ¶ 160; Def.’s CSMF ¶ 160. The Waiver for Voluntary Disposal of Property Forms are not used because “to spend time documenting something to say that we are throwing away garbage seems to be contrary to the objective of this mission, which is to try to get people off the street.” Rosemond Dep. at 80:2-25.

iv. Evidence of Plaintiffs’ Property Loss During Cleanup Operations

a. Cooper-Levy

Cooper-Levy is a thirty-five (35) year old woman who was homeless until at least July 27, 2023. Pls.’ SMF ¶ 40; Def.’s CSMF ¶ 40. The parties dispute whether the City discarded Cooper-Levy’s property while she was at work in May 2021. Pls.’ SMF ¶ 42; Def.’s CSMF ¶ 42. In May 2021, Cooper-Levy was homeless, residing in an encampment outside a shelter in the vicinity of “Sister Teresa” “off 27 and something” in the Overtown neighborhood. Tr. of July 27, 2023 Dep. of Latoyla Yasheen Cooper-Levy (“Cooper-Levy Dep.”) at 40:10-41:4, ECF No. [74-5]. Cooper-Levy testified that a homeless man called her on the phone while she was at her place of employment, explaining that the City was “throwing [out] people[’s] property [and] that [she]

should hurry up and come off where [she's] at and come and get [her] stuff before [the City] . . . disposed [of] it.” *Id.* at 54:21-55:12. Cooper-Levy requested of her manager to leave her work to get her property; however, by the time she returned to the vicinity of Sister Teresa, her property “was all gone.” *Id.* at 55:12-18. Prior to her property disappearing, Cooper-Levy did not see a notice of the Cleanup operation, but afterward she saw a notice on the ground in the vicinity of the encampment. *Id.* at 81:8-22. Cooper-Levy testified that she had never experienced a Cleanup operation like the one that occurred in May 2021 before. *See* Cooper-Levy Dep. at 63:22-64:17.

Cooper-Levy further testified her missing property included an urn with her mother’s ashes, U.S. passport, birth certificate, Social Security card, identification, work uniform, non-slippery shoes, and a tent. Cooper-Levy Dep. at 65:25-70:20. The City did not store an urn with ashes in its storage unit. Pls.’ SMF ¶ 49, Def.’s CSMF ¶ 49.

b. Simmons

Simmons is sixty-three (63) years old and has been homeless in Miami for unspecified periods of time for twenty-one (21) years. Pls.’ SMF ¶ 50; Def.’s CSMF ¶ 50. Simmons testified that the MPD threw away his property in 2021 that was in the vicinity of “11th Street” when he was living “near 7 and 10” “under the bridge.” Tr. of Dep. of Joseph Simmons (“Simmons Dep.”) at 17:24-25, 18:15-16. ECF No. [74-13]. The parties dispute whether the City seized Simmons’s property on the August 2, 2021 Cleanup operation. Pls.’ SMF ¶¶ 51-53; Def.’s CSMF ¶¶ 51-53. Simmons believes that MPD disposed of his property because the individuals who threw away his property had City of Miami badges. *Id.* at 18:22-25. However, Simmons later admitted that he had not seen the MPD throwing away his property. *Id.* at 42:3-7. Rather, a third person told Simmons his property had been discarded. *Id.* at 42:19-23.

Simmons testified his property was not “contaminated” or wet. Pls.’ SMF ¶ 56; Def.’s CSMF ¶ 56. He also testified that he kept all his property “together.” Simmons Dep. at 51:10-18.

Simmons testified that he is familiar with the City's notices, which are pieces of paper notifying that the City would conduct a Cleanup operation on a particular day. Simmons Dep. at 45:21-25. Simmons recalls seeing twenty (20) notices on the day that his property disappeared but did not see any notices in the week prior to his property's disappearance. *Id.* at 46:23-47:11. Simmons claims the following property was destroyed: one tent, clothes, furniture, medication, glasses, dentures, identification documents, a coin and stamp collection, and jewelry. ECF No. [74-13] at 74. The City did not store Simmons's dentures or his coin and stamp collection in a storage unit. Pls.' SMF ¶¶ 60-61; Def.'s CSMF ¶¶ 60-61. The parties dispute whether the City had discarded Simmons' property "on other occasions." Pls.' SMF ¶ 62; Def.'s CSMF ¶ 62. Simmons' testimony indicates that the August 2, 2021 Cleanup was the first time his property had been discarded. *See* Simmons Dep. at 39:11-43:8.

c. Rivers

Rivers is sixty-two (62) years old and homeless. Pls.' SMF ¶ 63; Def.'s CSMF ¶ 64. At the relevant time, Rivers resided in a homeless encampment on "10th Street and 3rd Avenue." Tr. of Dep. of July 11, 2023 Sherman Rivers ("Rivers Dep.") at 7:24-8:7, ECF No. [74-10]. Rivers testified that, on August 2, 2021 at lunchtime, he observed a crane picking up his belongings, including his tent and the contents therein, and putting those belongings in a truck and/or "in the garbage." *Id.* at 40:1-41:3, 48:12-21. However, Rivers testified that his tent was "[m]issing" when he returned to his encampment. *Id.* at 77:12-14. The parties dispute whether Rivers' property was within the area designated by the City for a Cleanup operation on August 2, 2021. Pls.' SMF ¶¶ 65-66; Def.'s CSMF ¶¶ 65-66. Rivers' testimony also indicates that City officials said his belongings were contaminated. Rivers Dep. at 41:4-10. However, Rivers asserted that his property did not stink or have mildew. *Id.* at 117:20-118:3. Rivers testified that he kept his property neat and clean, and cleaned the area around his tent. *Id.* at 105:21-106:7.

The City did not store \$60.00 in coins belonging to Rivers in its storage unit. Pls.’ SMF ¶ 71; Def.’s CSMF ¶ 71.

d. Sylverin

Sylverin is forty-four (44) years old and was homeless as late as 2021. Pls.’ SMF ¶ 74; Def.’s CSMF ¶ 74. Sylverin testified that in 2021 he lived somewhere “between 11th or 10th” by the “Brightline area” near Overtown. Tr. of July 13, 2023 Dep. of Philip Sylverin (“Sylverin Dep.”) at 24:22-25:25, ECF No. [74-14]. On August 2, 2021 at 9:00 a.m., an MPD officer woke Sylverin to effectuate a Cleanup operation and instructed him to grab what he could carry. Tr. of July 13, 2023 Dep. of Philip Sylverin (“Sylverin Dep.”) at 82:11-14, ECF No. [74-14]. At the time, Sylverin used a wheelchair for mobility. Pls.’ SMF ¶ 77; Def.’s CSMF ¶ 77. Sylverin testified that the August 2, 2021 Cleanup was unlike any prior Cleanup operation that he had experienced. Sylverin Dep. at 90:17-91:9; 93:4-25, 98:20-99:1.

Sylverin testified he did not know the City was coming to his encampment to conduct a Cleanup on August 2, 2021. Pls.’ SMF ¶ 78; Def.’s CSMF ¶ 78. Sylverin did not see Cleanup notices the week of August 2, 2021. Pls.’ SMF ¶ 79; Def.’s CSMF ¶ 79. Sylverin testified that his property was discarded during the August 2, 2021 Cleanup. Sylverin testified that he owned four cats; and that a cat died during a Cleanup operation, though the parties dispute whether the cat belonged to Sylverin. Pls.’ SMF ¶ 83; Def.’s CSMF ¶ 83. Sylverin testified that he kept the area around his property clean. Pls.’ SMF ¶ 81; Def.’s CSMF ¶ 81. The parties dispute whether the City disposed of Sylverin’s mattress, couch, table, and chairs. Pls.’ SMF ¶ 121; Def.’s CSMF ¶ 121. Sylverin testified that property was taken from him within the six months prior to July 13, 2023. Pls.’ SMF ¶ 84; Def.’s CSMF ¶ 84.

II. LEGAL STANDARD

A court may grant a motion for summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). The parties may support their positions by citations to materials in the record, including depositions, documents, affidavits, or declarations. *See* Fed. R. Civ. P. 56(c). “A factual dispute is ‘material’ if it would affect the outcome of the suit under the governing law, and ‘genuine’ if a reasonable trier of fact could return judgment for the non-moving party.” *Miccosukee Tribe of Indians of Fla. v. United States*, 516 F.3d 1235, 1243 (11th Cir. 2008) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986)).

A court views the facts in the light most favorable to the non-moving party, draws “all reasonable inferences in favor of the nonmovant and may not weigh evidence or make credibility determinations[.]” *Lewis v. City of Union City, Ga.*, 934 F.3d 1169, 1179 (11th Cir. 2019); *see also Crocker v. Beatty*, 886 F.3d 1132, 1134 (11th Cir. 2018) (“[W]e accept [the non-moving party’s] version of the facts as true and draw all reasonable inferences in the light most favorable to him as the non-movant.” (citation omitted)). “The mere existence of a scintilla of evidence in support of the [non-moving party’s] position will be insufficient; there must be evidence on which a jury could reasonably find for the [non-moving party].” *Anderson*, 477 U.S. at 252. “If more than one inference could be construed from the facts by a reasonable fact finder, and that inference introduces a genuine issue of material fact, then the district court should not grant summary judgment.” *Bannum, Inc. v. City of Fort Lauderdale*, 901 F.2d 989, 996 (11th Cir. 1990) (citation omitted).

III. DISCUSSION

A. Defendant's Motion

The City contends “[t]here are serious doubts regarding the Plaintiffs’ averments that a widespread and pervasive custom exists, on whether the incidents were isolated occurrences, and whether a constitutional violation actually transpired.” ECF No. [82] at 2 n.2. Nevertheless, the City maintains that summary judgment on all Counts is warranted because the record is devoid of evidence that the City had either a custom or policy of seizing and destroying the property of homeless people. Specifically, the City submits there is no factual dispute that the City Manager was involved with or had knowledge of the Cleanup operation’s practices, except to issue the APM. ECF No. [82] at 7. To sustain a finding of the City’s liability under Section 1983, the City submits that Plaintiffs must prove that the City was the “moving force” behind the deprivation of Plaintiffs’ rights that caused their injuries. *Id.* at 4. The City argues that Plaintiffs cannot do so because they cannot show that a final decisionmaker caused their injuries through repeated acts perpetrated with deliberate indifference to the acts’ known and obvious consequences. *Id.* at 3-7.

Plaintiffs respond that there are several other ways for Plaintiffs to establish a municipal government’s liability under Section 1983: a municipality may be the “moving force” behind a deprivation of constitutional rights based on (1) an official policy—such as a rule or regulation—that is enacted by its legislative body, (2) the municipality’s informal practices (or course of conduct) that are so widespread and pervasive as to carry the force of law, or (3) ratification by a final policymaker of a subordinate’s decision or policy statement. *See* ECF No. [106] at 3-4.

More specifically, Plaintiffs first assert that the City’s promulgation, via the City Manager, of APM-1-19, and the City’s legislative body’s enactment of three resolutions in April 2021 and September 2021, are official policies that expose the City to liability for Fourth

Amendment violations. *Id.* at 4-7. Second, Plaintiffs maintain that evidence supports the City has a policy—the APM—and customs that violate the Due Process Clause of the Fourteenth Amendment. *Id.* at 7-11. Plaintiffs further respond that they are not required to show that a final decisionmaker acted with deliberate indifference because that requirement applies only where a plaintiff claims a municipality’s failure to train staff or negligently hire them. *Id.* at 11-12. Finally, Plaintiffs state that there are factual disputes that undermine the City’s arguments: (1) whether the City has a widespread custom of failing to store property, (2) whether the City posts notices in a manner reasonably calculated to notify homeless individuals that the City will store or dispose of property after a sweep, (3) whether the City provides notice that it has seized property, and (4) whether the City unreasonably discards property it deems to be contaminated or abandoned. *Id.* at 13-14.⁵

The City first replies that Plaintiffs are improperly attempting to amend their Complaint because the Complaint only alleges that the City engaged in practices that violate Section 1983, not that the City’s written policies give rise to Section 1983 liability. ECF No. [110] at 4. Second, the City contends that summary judgment should be awarded to the extent Plaintiffs’ arguments in its Response are not supported within its Counterstatement of Material Facts because it is procedurally improper for Plaintiffs to rely on their other submissions. *Id.* at 5.

⁵ Plaintiffs contend that the City has “an officially-adopted policy of permitting a particular constitutional violation” that is “inherent” in the APM and “amplified” by City resolutions, citing *Grech v. Clayton County, Georgia*, 335 F.3d 1326, 1330 (11th Cir. 2003) (*en banc*). ECF No. [106] at 4-5, 8. But *Grech* does not support this contention. *Grech* concerned whether a particular municipal official was a policymaker. *Grech v. Clayton Cnty., Ga.*, 335 F.3d 1326, 1330 (11th Cir. 2003). The court found the official was not a policymaker. *Id.* at 1344-48. Plaintiffs identify no legal authority that a municipal policy concerning homeless encampments is *per se* violative of the constitutional rights of the homeless, or that the language of the APM is unlawful. To the contrary, the case law cited in the briefing supports that a City may implement health and safety measures concerning homeless property like those set forth in the APM, including measures to destroy personal property that is contaminated or otherwise poses a health hazard or obvious safety issue to City workers or members of the public. *Peery v. City of Miami*, 977 F.3d 1061, 1070 (11th Cir. 2020). As such, Plaintiffs’ argument on this point is conclusory, not meritorious, and unpersuasive.

Third, the City replies to the arguments in Plaintiffs' response *seriatim*. See generally *id.* at 5-16. Relevant to Plaintiffs' argument that the City has a widespread custom that violates Section 1983, the City points out that Plaintiffs' Counterstatement of Material Facts contains no facts, undisputed or otherwise, that describe the City's sweep protocols, the dates of the City's practices, or whether those protocols adhere to or are contrary to the APM. *Id.* at 9. Moreover, the evidence undermines the existence of an unofficial widespread custom because the evidence suggests the City's approach in its sweeps were inconsistent. *Id.* at 10.

Further, the City maintains the deliberate indifference standard applies even in cases where a plaintiff alleges a deliberate action in violation of section 1983. ECF No. [110] at 11-12. The City argues that liability for an official written policy requires a showing that a municipality's legislative body or authorized decisionmaker intentionally deprived a plaintiff of a federal protective right but submits that Plaintiffs have adduced no evidence of such intent. *Id.* at 12. The City adds that Plaintiffs have offered no evidence that the City's written policies have caused their injuries either. *Id.*

i. The City's Procedural Arguments

As a preliminary matter, the Court disagrees with the City that Plaintiffs are improperly attempting to amend their Complaint through their Response. In the City's view, Plaintiffs' contention that the City's written policies are the root problem in this action was not "a theory they advanced in their Complaint" and may not be advanced at this stage. ECF No. [110] at 2. However, "under the Federal Rules of Civil Procedure, a complaint need not pin a plaintiff's claim for relief to a precise legal theory." *Gregory v. Quality Removal, Inc.*, No. 14-21480-CIV, 2014 WL 5494448, at *4 (S.D. Fla. Oct. 30, 2014) (quoting *Skinner v. Switzer*, 562 U.S. 521, 530 (2011) (citing Fed. R. Civ. P. 8(a)(2))). Rather, the issue is whether Plaintiffs' Complaint sufficiently notified the City of a plausible section 1983 claim. The Complaint does so. As the

Court stated in its Order on the City's Motion to Dismiss, the instant action asserts claims under Section 1983 for violations of Plaintiffs' rights under the Fourth Amendment and the Due Process Clause that are predicated, in part, on four separate incidents during which the City discarded their property. *See generally* ECF No. [23]. As such, to the extent Plaintiffs have developed theories of liability based on the discovery in this case, that development is proper. *Gilmour v. Gates, McDonald and Co.*, 382 F.3d at 1312 (11th Cir. 2004), a case on which the City relies, is not to the contrary. There, the court held that a new claim could not be raised in response to a summary judgment motion. *Gilmour v. Gates, McDonald & Co.*, 382 F.3d 1312, 1315 (11th Cir. 2004). Such is not the case here.

The Court also rejects the City's argument that summary judgment is warranted because Plaintiffs failed to point to record evidence in its Counterstatement of Material facts. On a summary judgment motion, a non-movant must support his or her assertions by citing to particular parts of materials in the record. Fed. R. Civ. P. 56(c)(1). Although Plaintiffs incorporate by reference their own motion, that is not a violation of the SDFL Local Rules, *see generally* S.D. Fla. L.R. 56.1, and this is not a case where the Court had to "scour" the record since the Court was able to review Plaintiffs' Statement of Material Facts for material facts. *Cf. Joseph v. Napolitano*, 839 F. Supp. 2d 1324, 1329 (S.D. Fla. 2012) (explaining that Local Rule 56.1 reflects "a clear policy that it is **not** the court's obligation to scour the record for a factual dispute that precludes summary judgment") (emphasis in original).

Thus, the Court will first address whether action by a final policymaker is necessary to a finding of liability under Section 1983. The Court will then determine whether record evidence supports the existence of a municipal policy or custom. The Court then considers whether the deliberate indifference requirement applies in this case.

ii. Municipal Custom or Policy

To prove a claim under 42 U.S.C. § 1983, a plaintiff must show that he was (1) deprived of a right (2) secured by the Constitution or laws of the United States and (3) that the alleged deprivation was committed under color of state law. *See Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 50 (1999) (“*Brown*”); *Rayburn v. Hogue*, 241 F.3d 1341, 1348 (11th Cir. 2001). A plaintiff must also show that (4) the deprivation of his federal right was attributable to the enforcement of a municipal custom or policy. *See Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658, 694 (1978); *Buckner v. Toro*, 116 F.3d 450, 452 (11th Cir. 1997).

Importantly, a municipality is not liable under § 1983 based on *respondeat superior*. *See Monell*, 436 U.S. at 691; *Brown*, 520 U.S. 397, 403 (1997) (“a municipality may not be held liable under § 1983 solely because it employs a tortfeasor.”). Instead, a municipality is only liable under § 1983 “when execution of a government’s policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible under § 1983.” *Monell*, 436 U.S. at 694. This requires that “a plaintiff seeking to impose liability on a municipality under § 1983 . . . identify a municipal ‘policy’ or ‘custom’ that caused the plaintiff’s injury.” *Brown*, 520 U.S. at 403.

Indeed, “the requirement of a municipal policy or custom constitutes an essential element of a § 1983 claim that a plaintiff must prove in order to establish municipal liability.” *Buckner*, 116 F.3d at 453; *see Flowers v. Patrick*, 869 F. Supp. 2d 1331, 1334-35 (M.D. Ala. 2012) (“a plaintiff’s complaint against a municipality [must] ‘contain either direct or inferential allegations respecting all the material elements necessary to sustain a recovery under some viable legal theory.’” (quoting *Randall v. Scott*, 610 F.3d 701, 707 n.2 (11th Cir. 2010))). A policy or custom “can be either a written custom or policy, such as an ordinance, or an unwritten practice that is so

widespread and ‘so permanent and well settled as to constitute a custom or use with the force of law.’” *Flowers*, 869 F. Supp. 2d at 1334-35 (quoting *City of St. Louis v. Praprotnik*, 485 U.S. 112, 127 (1988)).

a. Final Policymaker

The City’s opening memorandum misconstrues the governing law; as Plaintiffs correctly observe and the City concedes in its Reply, the Eleventh Circuit has stated that “not all theories of municipal liability under § 1983 require (or depend on) a single final policymaker.” *Hoefling v. City of Miami*, 811 F.3d 1271, 1279 (11th Cir. 2016). For instance, a municipality may be held liable if a plaintiff can show that the municipality’s officials acted pursuant to a widespread municipal practice, regardless of a final policymaker’s decision. *See Brown v. Neumann*, 188 F.3d 1289, 1290 (11th Cir. 1999) (“an entity can be held monetarily liable only through a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body’s officers, **or** for constitutional deprivations visited pursuant to governmental custom even though such a custom has not received formal approval through the body’s official decisionmaking body.”) (emphasis added; cleaned up). As such, if the record supports that the City is liable based on one or more of the City’s customs, summary judgment is not warranted. *See, e.g., Godby v. Montgomery Cnty. Bd. of Educ.*, 996 F. Supp. 1390, 1407 (M.D. Ala. 1998) (denying summary judgment where evidence supported school board had long-standing and widespread practice violative of § 1983).⁶

⁶ Plaintiffs contend that the City violated § 1983 for many reasons, including on account of the acts of a decisionmaker. *See generally* ECF No. [106] at 6. As noted, however, Plaintiffs elected to incorporate their arguments and citations to the record from their submissions in support of their Motion. However, unless the Court grants summary judgment on Defendant’s Motion, the better approach would be for the Court to consider Plaintiffs’ arguments to the extent it is necessary to do so when addressing their Motion, rather than considering those arguments in deciding the Defendant’s Motion.

In its Order on Defendant’s Motion to Dismiss, the Court found the Complaint adequately alleged that Plaintiffs’ rights in their property were deprived due to the City’s widespread practice of seizing and destroying personal property without providing adequate notice—whether before or after a seizure—or an opportunity for the owners to recover their property. ECF No. [23] at 10. Those allegations include that the City has a practice that stems from, but is inconsistent with, the APM in several ways. *See* Compl. ¶ 32 (“The City’s practice and custom of how it treats the personal property of homeless individuals differs from the written policy outlined in APM-1-19 and PDO 11, Ch. 10.”). In making that determination, the Court relied on *Hoefling*, a case where the Eleventh Circuit held a plaintiff, who alleged that his sailboat was unlawfully seized and destroyed, adequately alleged the City had a policy, custom and/or practice of failing to abide by the state laws, regulations, and procedures governing the investigation and removal of derelict vessels located in state waters. *Hoefling*, 811 F.3d at 1280. In support, the plaintiff’s complaint alleged a “systematic roundup and destruction of ugly boats in [the City’s] waters” as part of a “Cleanup” operation. *Id.* The plaintiff alleged that the “Cleanup” program was inconsistent with “established law and procedures intended to safeguard against the unlawful destruction of private property[.]” *Id.* *Hoefling* thus held that the plaintiff sufficiently pled municipal liability under a § 1983 claim for procedural due process and Fourth Amendment violations.

In reliance on *Hoefling*, the Court concluded the Complaint adequately stated a claim for relief. As the Court explained,

Plaintiffs here allege four instances on two separate occasions during which the City seized and destroyed their personal property without providing adequate notice or an opportunity for the owners to recover their property [t]he specific sweeps alleged are separated in time by several months . . . and occurred at different geographical locations.

ECF No. [23] at 10. In the City’s Motion, the City does not genuinely dispute that Plaintiffs have a property interest in their discarded property—at least not with argument supported by legal authorities. *See* ECF No. [82] at 2 n.2. In line with *Hoefling*, to the extent there are factual disputes concerning the four instances alleged in the Complaint, and the existence of a custom relating to those instances, summary judgment is not warranted in this case. For that reason, the Court turns to the record to determine whether there are genuine and material factual disputes.

b. The City’s Custom

As the following demonstrates, the record evidence indeed raises a factual dispute as to whether the City has a practice for handling Homeless Property, particularly a practice of discarding property that Homeless Persons do not voluntarily part with, either by unreasonably categorizing the property either as contaminated or abandoned, or by failing to take steps to ensure that Homeless Property that the City stores can be returned to Homeless Persons. In Plaintiffs’ framing, the record shows that the City “unreasonably disposes of property it deems to be ‘contaminated’ or abandoned.” ECF No. [106] at 14.

As described in the material facts, the APM requires City personnel to place notices of Cleanup operations prior to the date on which the Cleanup operation will occur, with at least 72 hours of notice. Pls.’ SMF ¶¶ 9, 86; Def.’s CSMF ¶¶ 9, 86. According to the APM, the HEAT arrives at a homeless encampment that is designated for a Cleanup operation, requests that Homeless Persons there relocate their property, offers to voluntarily discard their unwanted property, and—for those individuals who elected to part with property—requires them to sign a Voluntary Disposal of Property Form prior to disposing the property. ECF No. [74-2] at 199. For any Homeless Property that the owner cannot move and that cannot be left on the site, City personnel must document, secure, and store the property for a period of ninety days, after which

unclaimed property will be disposed of. *Id.* City personnel must request that the Homeless Person sign an Inventory Storage Form. *Id.*

Where Homeless Property is unattended, the APM provides that City personnel must collect that property, including personal items, inventory the property on an Inventory Storage Form, and store the property for a ninety-day period, after which the City may discard the Homeless Property. *Id.* When the City stores unattended property, the APM requires that the City complete an Inventory Storage Form and hold the property for ninety days. ECF No. [74-1] at 199.

Turning specifically to the evidence of the City's Cleanup operations, the record shows the HEAT has posted yellow vinyl notices near homeless encampment sites, though the record is not clear as to when those notices were posted. *See* ECF No. [74-11] at 266-278. Moreover, the parties dispute the effectiveness of those notices. The Court's review indicates that, at least in some instances, multiple vinyl yellow notices were posted over each other, which indicates that Cleanup operations occur in some areas with such frequency that it may not be evident when the next Cleanup operation will occur. In any event, Cooper-Levy testified she did not see a notice of a Cleanup operation on the day she claims she lost her personal items—including an urn with her mother's ashes—in the vicinity of Sister Theresa in Overtown; however, she noticed notices of a Cleanup operation on the ground after she lost her property. Cooper-Levy Dep. at 81:8-22. Similarly, Simmons testified that he saw twenty (20) notices on the day his property disappeared but not in the week prior to his property's disappearance. Simmons Dep. at 46:23-47:11. Likewise, Sylverin testified that he did not see Cleanup notices the week of August 2, 2021. Pls.' SMF ¶ 79; Def.'s CSMF ¶ 79.

When the City stores Homeless Property, the evidence indicates that the City completes Inventory Storage Forms and there exist sixty-five (65) Storage Inventory Forms, and thirty-seven (37) handwritten notes with lists of property. Pls.’ 145; Def.’s ¶ 145. However, many of those Forms and notes are illegible, incomplete, and do not provide sufficient information to connect inventoried property to their owner. Pls.’ SMF ¶¶ 146-56; Def.’s CSMF ¶¶ 146-56.

The parties dispute whether the HEAT discards Homeless Property that the HEAT identifies as Contaminated or Dangerous items during Cleanup operations, but the record indicates that such items are discarded, at least in certain instances. Pls.’ SMF ¶ 105; Def.’s CSMF ¶ 105; Candales Dep. at 52:12-19. For example, River’s testimony indicates that the City has at least in one instance discarded property which belonged to Rivers, on the grounds the property was contaminated. Rivers Dep. at 41:4-10. However, Rivers testified his property did not stink, did not have mildew, he kept his property neat and clean, and he cleaned the area around his tent. *Id.* at 105:21-106:7. Similarly, the record does not support that the property belonging to any other Plaintiff was contaminated. *E.g.*, Simmons Dep. at 50:8-19 (testifying that his property was not contaminated or wet).

The parties also dispute the circumstances under which the City would identify Homeless Property as abandoned property. According to Candales, the City looks for “clear signs of abandonment” before considering Homeless Property abandoned. Candales Dep. at 52:9-25. However, Candales’s testimony indicates that the City considers abandoned any Homeless Property (1) that is unattended, (2) for which no homeless persons in its vicinity can identify the location of the owner, and (3) where the property has been observably unattended for three days. *Id.* at 52:9-25. Moreover, Rosemond’s testimony indicates that the City’s default is not to disturb ostensibly abandoned property. Rosemond Dep. at 218:25-219:2. However, when considering

the provisions of the APM, such unattended property cannot be undisturbed without impeding the cleaning of a homeless encampment during a Cleanup operation. That means either the City does not follow the APM in this respect or Rosemond's testimony is incorrect.

Moreover, Plaintiffs' testimony indicates that the City has discarded Homeless Property that its owners had not abandoned. For instance, a homeless man called Cooper-Levy on May 2021 while she was at work to let her know the City was discarding homeless persons' property and advised her to "come and get [her] stuff" at the encampment because the City was "throwing [out] people['s] property[.]" Cooper-Levy Dep. at 54:21-55:12. That testimony supports that Cooper-Levy had not intended to abandon her property, and her property did not exhibit "clear signs" of abandonment. Likewise, although the parties dispute whether Rivers' property was located at the Cleanup location, Rivers testified he observed a crane picking up and throwing his tent, with the property that was contained therein, into a garbage truck during his lunch break from work on August 2, 2021. Rivers Dep. at 40:1-41:3, 48:12-21. Moreover, Simmons testified he observed City personnel throwing away his property in 2021 in the vicinity of "11th Street", though his testimony appears to be inconsistent on this point and indicates that he heard from a third party that MPD officers threw away his property. *See* Simmons Dep. 18:22-25, 42:3-7, 42:19-23. The HEAT discarded his property even though he kept all his property "together", indicating that it was not abandoned. *Id.* at 45:21-25. Moreover, Sylverin testified that his property was discarded *while he was present* at a Cleanup on August 2, 2021 while living somewhere "between 11th and 10th", and that he kept the area around his property clean. *See* Sylverin Dep. at 24:22-25, 63:22-25, 63:1-3, 80:11-25, 81:1-6, 97:12-18; Pls.' SMF ¶ 121; Def.'s CSMF ¶ 121.

Further, the parties dispute whether the City provides notice to Homeless Persons when it stores or discards Homeless Property. Pls.’ SMF ¶ 126; Def.’s CSMF ¶ 126.

In the light most favorable to Plaintiffs, those facts support that the City has a practice of discarding Homeless Property that is not contaminated, dangerous to public health and safety, or abandoned. Those facts also support that the City stores Homeless Property that eventually becomes discarded because the City’s Inventory Storage Forms fail to provide sufficient information to allow the City or Homeless Persons to retrieve stored property. The objective of that practice is to “try to get people off the street.” Rosemond Dep. at 80:2-25.

The above-described practice is inconsistent with or extrinsic to the APM in that the practice entails discarding items that are not contaminated, dangerous to public health or safety, or abandoned; and inadequately notifying Homeless Persons of the City’s storage of Homeless Property and inventorying that property for the purposes of retrieval. As the Court pointed out in its Order on the City’s Motion to Dismiss, this practice is sufficiently pervasive and widespread as the City discarded Homeless Property not abandoned or contaminated during different periods and occurring at different geographical locations. ECF No. [23] at 10. Although those circumstances may indicate the incidents are isolated, those circumstances also point to a widespread practice under the summary judgment standard. The Court’s conclusion is bolstered by the fact that none of the City’s personnel have been warned or disciplined for violating the APM, even though the incidents involving Plaintiffs support that Cleanup operations have been conducted at variance with the APM’s provisions, suggesting that the practice is entrenched and tolerated. Pls.’ SMF ¶ 130; Def.’s CSMF ¶ 130.

c. Plaintiffs’ Injuries

The facts further support that the City discarded Plaintiffs’ property pursuant to the City’s property discarding practice causing injury. The record does not indicate that Plaintiffs’ property

was stolen by others or lost on their own account. Rather, as described above, each Plaintiff has testified that the City disposed of his or her property. Moreover, each Plaintiff has testified that he or she no longer has possession of certain property. Cooper-Levy lost her tent, various forms of identification, clothes, and an urn with her mother's ashes. Cooper-Levy Dep. at 65:25-70:20. Simmons lost a tent, clothes, furniture, personal items, including jewelry and a coin stamp collection. ECF No. [74-13] at 74. Rivers lost his tent and a \$60.00 coin collection. Rivers Dep. at 40:1-41:3, 48:12-21; Pls.' SMF ¶ 71; Def.'s CSMF ¶ 71. Finally, the evidence supports that Sylverin lost furniture and his pet cats. Pls.' SMF ¶¶ 83, 121; Def.'s CSMF ¶¶ 83, 121.

The foregoing disputes are relevant to the proof of each element of a Section 1983 claim. Thus, summary judgment is not warranted unless Plaintiffs are required to make a showing that the City acted with deliberate indifference. The Court next turns to that issue.

iii. Deliberate Indifference

As another threshold matter, the Court disagrees with Plaintiffs that the deliberate indifference standard is only applicable to negligent hiring or failure to train employees claims. The Supreme Court has spoken on this issue: "a plaintiff seeking to establish municipal liability on the theory that a facially *lawful* municipal action has led an employee to violate a plaintiff's rights must demonstrate that the municipal action was taken with 'deliberate indifference' as to its known or obvious consequences." *Brown*, 520 U.S. at 407 (emphasis added). Where a plaintiff alleges that the deprivation of his or her federal right is attributable to a facially lawful municipal action, that plaintiff must meet the stringent "deliberate indifference" standard. Otherwise, a section 1983 action would impermissibly subject a municipal government to liability on showing of mere negligence. For that reason, Plaintiffs' reliance on *Brown* and *Connick v. Thompson*, 563 U.S. 51 (2011) is misplaced. Those cases, although concerning the

hiring and training of municipal employees, respectively, are not by their own terms limited to those situations.

However, the Court also disagrees with the City that a showing of deliberate indifference is required in every circumstance. Where the municipal action *itself* violates federal law, questions of fault and causation are straightforward. *Brown*, 520 U.S. at 404. As *Brown* states, “the conclusion that *the action taken or directed by the municipality* or its authorized decisionmaker itself violates federal law will also determine that the municipal action was the moving force behind the injury of which the plaintiff complains.” *Id.* at 405 (emphasis added). Because the action taken by the municipality here is the practice of taking and destroying property that is not abandoned, contaminated, or dangerous, without notice or an opportunity to be heard, the City has not met its burden on summary judgment.

Accordingly, the City’s Motion is due to be denied.

B. Plaintiffs’ Motion

In their Motion, Plaintiffs raise three interrelated arguments to support partial summary judgment. First, Plaintiffs contend that the City violated Plaintiffs’ constitutional rights through the APM and through the City personnel’s implementation of the policy in practice during Cleanup operations. ECF No. [79] at 4. Specifically, Plaintiffs maintain there is no genuine dispute as to whether the City deprived Plaintiffs of their property during a Cleanup operation, or that the City was following a custom or practice in depriving Plaintiffs of their property rights. *Id.* at 6. Second, Plaintiffs argue that the deprivation of their property was a violation of the Fourth Amendment. *Id.* at 9-10. Third, Plaintiffs contend that the deprivation was also violative of procedural due process. *Id.* at 10-23. On those grounds, Plaintiffs assert they are entitled to declaratory and injunctive relief. *Id.* at 23-26.

i. The Existence of a Municipal Policy or Custom, and Causation

As another preliminary matter, the Court notes that Plaintiffs argue in their Response to the City's Motion that "there are additional facts which are in dispute which could allow a reasonable juror to determine that the City's unconstitutional custom and practice caused Plaintiffs to lose their property." ECF No. [106] at 13. In particular, Plaintiffs contend there is a dispute as to whether the City has a widespread custom of failing to store property. *Id.* at 13. Plaintiffs also contend it is disputed whether the City provides reasonable notice of when it intends to conduct a Cleanup operation and when it disposes of property. *Id.* Plaintiffs also state that "[i]t remains disputed whether the City unreasonably disposes of property it deems to be 'contaminated' or abandoned." *Id.* at 14.

Plaintiffs argue at cross purposes in their Motion and their Response. Recognizing that tension, Plaintiffs submit that "[t]he Court does not need to resolve [the disputes identified in their Response] if the Court agrees with the arguments put forth in" Plaintiffs' Motion. *Id.* However, those factual disputes are central to a determination of whether Plaintiffs can meet their burden to demonstrate the City's liability. As Plaintiffs recognize, a plaintiff must establish that he or she suffered a constitutional violation caused by an official municipal policy or custom. *See Monell*, 436 U.S. at 690; *see also McDowell v. Brown*, 392 F.3d 1283, 1289 (11th Cir. 2004) ("It is only when the 'execution of the government's policy or custom . . . inflicts the injury' that the municipality may be held liable." (citing *City of Canton v. Harris*, 489 U.S. 378, 385, 109 S. Ct. 1197, 103 L. Ed. 2d 412 (1989))).

Accordingly, for Plaintiffs to be entitled to summary judgment on the City's liability, the undisputed factual record must demonstrate that Plaintiffs suffered a constitutional violation that is attributable to a municipal policy or custom. However, as the Court set forth in reciting the

material facts in this case and in its discussion regarding the City's Motion, the record demonstrates the presence of genuine and material factual disputes.

First, there is a dispute as to whether Plaintiffs received adequate notice regarding the Cleanup operations. For example, the parties dispute whether the City notifies Homeless Persons of the property it stores or discards after Cleanup operations. Pls.' SMF ¶ 124; Def.'s CSMF ¶ 124. That dispute is material because it applies to whether Plaintiffs were deprived of procedural due process. Although the record indicates that, in at least one instance, the City provided notice that it stored a Homeless Person's shopping cart, that scintilla of evidence does not establish that the City has a practice of doing so in every instance. *See* ECF No. [74-11] at 293. There is also a question about whether the notice the City provides to Homeless Persons is adequate. *See, e.g.,* Cooper-Levy Dep. at 81:8-22 (describing how notices of Cleanup operation were on the ground after the May 2021 Cleanup operation).

Second, there are factual disputes concerning whether the deprivation of Plaintiffs' property was pursuant to a municipal policy or custom. As to Simmons's property, there is a dispute as to whether his property was taken by City officials during Cleanup operations. Pls.' SMF ¶¶ 51-53; Def.'s CSMF ¶¶ 51-53. That dispute is material because the taking of his property during that Cleanup operation is necessary to establish that it was pursuant to an alleged City custom. If City officials took Simmons's property outside of a Cleanup operation, then Simmons cannot argue the City's taking was pursuant to one of the City's customs. Stated another way, the dispute as to whether Simmon's property was taken during a Cleanup operation substantiates a reasonable inference that the loss of his property may have been attributable to an isolated occurrence. Similarly, as to Rivers's property, there is a dispute as to whether that

property was taken during the August 2, 2021 Cleanup operation. Pls.’ SMF ¶¶ 65-66; Def.’s CSMF ¶¶ 65-66.

Third, there are factual disputes concerning the existence of a municipal custom or policy. There is a dispute whether the City disposes of abandoned property and a dispute on whether the City discards contaminated property. Rosemond Dep. at 218:25-219:2. Pls.’ SMF ¶ 105; Def.’s CSMF ¶ 105. It is also disputed whether the City disposes of Homeless Property once stored. *See* McLean Dep. at 116:3-9 (testifying that there is a limit to the amount of Homeless Persons’ property that the City can store).

Importantly, there is evidence that calls into question whether the May 2021 and August 2, 2021 Cleanups were implemented pursuant to a municipal policy or custom. For example, Cooper-Levy and Rivers testified that they had never experienced a Cleanup like the ones at issue, indicating that those Cleanups were unusual or outside the norm for the City’s Cleanup operations; i.e., the incidents that gave rise to this action are isolated occurrences. *See* Cooper-Levy Dep. at 63:22-64:17; Sylverin Dep. at 90:17-91:9; 93:4-25, 98:20-99:1.

The Court’s review of the record does not support that Plaintiffs’ property was abandoned or contaminated, and the City does not contend that property was abandoned or contaminated. Nevertheless, given the other factual disputes that exist, summary judgment is improper as to the City’s Section 1983 liability.

ii. Declaratory and Injunctive Relief

Because there are factual disputes concerning the City’s Section 1983 liability, it is premature for the Court to consider Plaintiffs’ arguments concerning equitable relief.

iii. Request for a Hearing

Because the Court has been able to adjudicate Plaintiffs’ Motion without the benefit of a hearing, Plaintiffs’ request for a hearing is not necessary.

IV. CONCLUSION

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The City's Motion for Summary Judgment, **ECF No. [82]**, is **DENIED**.
2. Plaintiffs' Motion for Partial Summary Judgment, **ECF No. [79]**, is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, on December 11, 2023.

A handwritten signature in black ink, appearing to read 'JB', written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-CV-21939-BLOOM/TORRES

LATOYLA YASHEEN COOPER-LEVY,
PHILLIP SYLVERIN, SHERMAN RIVERS,
and JOSEPH SIMMONS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

_____ /

SETTLEMENT AGREEMENT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-cv-21939-BLOOM/Torres

LATOYLA YASHEEN COOPER-LEVY,
et al.,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

_____ /

ORDER OF DISMISSAL WITH PREJUDICE

THIS CAUSE is before the Court upon the parties' Stipulation for Dismissal with Prejudice, ECF No. [214] ("Stipulation"), filed on March 6, 2024. The Court has carefully reviewed the Stipulation, the record in this case, and is otherwise fully advised.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Stipulation, **ECF No. [214]**, is **APPROVED**;
2. The above-styled case is **DISMISSED WITH PREJUDICE**;
3. The Court shall retain jurisdiction for the sole purpose of enforcing the terms of the settlement between the parties;
4. To the extent not otherwise disposed of, all pending motions are **DENIED AS MOOT** and all deadlines are **TERMINATED**;
5. The Clerk of Court is directed to **CLOSE** this case.

DONE AND ORDERED in Chambers at Miami, Florida, on March 6, 2024.

A handwritten signature in black ink, appearing to be 'JB' or similar, with a long horizontal stroke extending to the right.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record

POLICY NUMBER:**APM- 1- 19**

DATE:

5/2/24

ISSUED BY:

Arthur Noriega, V.
City Manager/Designee
SIGNATURE**CITY OF
MIAMI****ADMINISTRATIVE
POLICY****REVISIONS****REVISED
SECTION**Created
Revised
Revised**DATE OF
REVISION**01/11/2019
08/30/2021
03/18/2024**SUBJECT: TREATMENT OF HOMELESS PERSONS' PROPERTY****Purpose**

The purpose of this policy is to establish a standard practice for the handling, temporary storage, and disposition of property belonging to homeless persons.

Scope

This Administrative Policy shall apply to all City employees, whether probationary, classified, unclassified, executive, temporary, or part-time, except employees of the Miami Police Department shall be bound by and follow the procedures set forth in Departmental Order 11 Chapter 10, or any existing Departmental Order addressing the treatment of homeless persons' property, to the extent there is any conflict between this Administrative Policy and any Departmental Order.

Definitions

- A. "Dangerous Items" are those items that present a hazard to the health and safety of City Personnel or the public. These items include, but are not limited to, hazardous materials, flammable materials (e.g., propane tanks), fabric contaminated with human or animal waste, or fabric contaminated with flammable substances (e.g., oil or petroleum products)
- B. "Contaminated Items" are those items that could be a potential risk to City Personnel or the public, but do not require immediate disposal. These items include fabric with mold or urine that is detectable by sight or odor.
- C. "Homeless Person" shall mean a person who lacks a fixed, regular, and adequate night-time residence and has a primary night-time residency

that is: (a) supervised publicly or privately operated shelter designed to provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless person" does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a state law. 42 U.S.C. §11301, et seq. (1994).

- D. "Homeless Person's Property" or "Homeless Property" shall mean personal property known to belong to a homeless person, or readily recognizable as property of a homeless person (i.e., bedding or clothing and other belongings organized or packaged together in a way indicating it has not been abandoned).
 - E. "Durable Medical Equipment" shall mean equipment customarily used for medical purposes, able to withstand repeated use, and generally not useful to a person in the absence of disability, illness, or injury. Non-exclusive examples of such equipment include wheelchairs, walkers, canes, crutches, and portable oxygen tanks.
 - F. "Abandoned", or "Abandoned Property" means items that:
 - 1. do not have an identifiable owner on site, and
 - 2. that City personnel can reasonably conclude that,
 - (a.) the items were discarded or dumped at the site,
 - (b.) the items have no apparent intrinsic value to a potential owner,
 - (c.) the items have been kept in a wrecked or dismantled condition,
 - (d.) the items are associated with a person who is unlikely to return to the site due to information gathered during a cleanup (e.g., incarceration, no longer homeless, etc.), or
 - (e.) items with a Notice of Removal which remain in the same location and have been unclaimed or unmoved. Items with a Notice of Removal which remain in the same location and have been unclaimed or unmoved will be deemed to be abandoned property and do not constitute Homeless Property.
-

Procedures**1. General Procedures**

- a. City Personnel will attempt to secure personal items such as identification, medicines and eyeglasses and other small items of importance identified by the Homeless Person or readily identifiable as personal property.
- b. Notwithstanding anything herein:
 - i. Homeless Property that is Dangerous may be disposed of without regard to the Notice of Removal requirement in Section IV.3
 - ii. City Personnel is not required to sort through and secure personal property when it is comingled with Dangerous Items and presents a significant health hazard to City Personnel.
 - iii. The City is not responsible for taking custody of mattresses, upholstered furniture, or other bulky items on public property, and may dispose of those items. Bulky items do not include tents, bicycles, or durable medical equipment. Bulky items which are Homeless Property may be disposed of by the City if deemed contaminated or abandoned and after the City complies with the Notice of Removal requirement in Section IV.3.
 - iv. Nothing herein prevents the disposal of items reasonably believed to be refuse or trash.
 - v. The City may prohibit the presence of unattended property in specified areas where the presence of such unattended property poses a threat or risk to the public health or safety.

2. Owner Tagged/Labeled Homeless Persons' Property:

- a. In order to aid the City in its ability to readily identify and handle the property of homeless persons, the City requires that all homeless individuals who wish to identify their personal property place a tag or label with their name and contact information (telephone and/or email) on the outside of any such property, such that City employees can easily identify the property as belonging to a specific individual and will have a means of contacting that individual with regard to any actions taken as to that property.
- b. Whenever City Personnel encounter unattended but owner tagged/labeled homeless persons' property, the

City Personnel will follow the procedures in Section VI of the APM. In addition:

- i. Following the storage or removal of owner tagged or labeled property, the City Personnel will attempt to contact the homeless individual identified on that tag/label to inform them of the storage or removal of their property and, if stored, the method through which the homeless person can claim that property. Three (3) attempts at contact will be made. The City shall document any such attempts. In addition, a written Notice of Collection (described in Section VI, 6.) will be left at the location where the homeless property was collected.

3. When a Homeless Person Accepts Voluntary Placement in Shelter:

- a. When a Homeless Person accepts placement in a shelter, City personnel will request the Homeless Person to secure the personal items that they wish to take to shelter with them. These items should include, at a minimum, any identification, medication, eyeglasses, and electronics (e.g., cellphone, tablet, etc.) in the homeless person's possession. When a Homeless Person accepts shelter placement, City personnel will inform the Homeless Person about the opportunity for the City to store non-contaminated and non-bulky items.
- b. When a Homeless Person accepts shelter placement, City Personnel will inform the Homeless Person that anything left behind that is deemed dangerous or contaminated or that the Homeless Person does not want will be disposed of. When a homeless person voluntarily agrees to the disposal of their property, they will be asked to sign a Waiver for Voluntary Disposal of Property Form. These forms will be maintained by the City in a searchable format by date, location, and name.
- c. Any remaining Homeless Property that cannot be taken to the shelter, which the owner wants stored and is not dangerous or contaminated, will be documented, photographed, secured, and stored by City personnel. The Homeless Person who has accepted shelter will be required to sign an Inventory Storage Form, and a copy of that form will be provided to the Homeless Person. Any such stored property will be held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed.

- d. City personnel must photograph Homeless Property prior to taking action to store or dispose of Homeless Property. The Department of Human Services will retain the photographs from a cleanup in a manner which is searchable by cleanup date and location.

4. Cleanup operations:

- a. All Cleanup operation will be coordinated by the Department of Human Services' Homeless Outreach Team.
- b. City personnel will place notices of cleanup operation, at least seventy-two (72) hours prior to the cleaning date. Notices must be placed in a conspicuous manner within the area that is being scheduled for an upcoming cleanup. Notices must be in English, Spanish, and Haitian Creole. The notice must:
 - i. State the date and appropriate time of the cleanup operation;
 - ii. State that unattended property may be removed and stored;
 - iii. State that dangerous, contaminated, or abandoned property will be removed and the City will dispose of it;
 - iv. Provide a City phone number and email address people can use to recover potentially collected items;
 - v. Provide the address of the Department of Human Services; and
 - vi. Instruct people to include tags with names and contact information on all property.
- c. City personnel will attach a Notice of Removal on all tents, bicycles, suitcases, durable medical equipment, backpacks, and bags containing property such as clothes and bedding, they believe to be contaminated or abandoned. The Notice of Removal must contain the following: Explain that the City intends to dispose of the Property for being abandoned or contaminated. The date and time by which the property must be removed (but it cannot be less than 72 hours from when the City posts the notice); Explain that the City will dispose of the Property if it not removed; and The date and time the notice was posted.
- d. City personnel must photograph the notices posted prior to a Cleanup operation. The Department of Human Services will retain the photographs from a cleanup in a manner which is searchable by cleanup date and location.

5. Cleanup operation when the Homeless Person is present:

- a. City Personnel will inform the Homeless Person that the Cleanup is about to commence and request that they relocate themselves with their Homeless Property. These items should include, at a minimum, any identification, medication, eyeglasses, and electronics in the homeless person's possession. City Personnel will inform the Homeless Person that the City provides storage for non-contaminated and non-bulky Homeless Persons' Property.
- b. City personnel will request that the Homeless Person identify any of their Homeless Property that they are willing to voluntarily discard. When a homeless person voluntarily agrees to discard property, they will be asked to sign a Waiver for Voluntary Disposal of Property Form.
- c. Any Homeless Property which is not dangerous or contaminated or does not otherwise pose a health hazard or obvious safety issue and the owner wants stored, will be documented, photographed, secured, and stored by City personnel. The Homeless Person will be required to sign an Inventory Storage Form, and a copy of that form will be provided to the Homeless Person. Any such stored property will be held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed.

6. Cleanup operation when the Homeless Person is not present:

- a. Any personal items such as identification, medicines and eyeglasses and other small items of importance readily identifiable as intimate personal property may be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed, and City Personnel will post a Notice of Collection as required in Section VI. 6. If these items are not collected and stored, City Personnel will leave the items at the cleanup location.
- b. Any unattended Homeless Property that is not dangerous or contaminated, such as identification, tents, clothing, bedding, bicycles, durable medical equipment, photographs, personal papers, and keepsakes, may be collected by City personnel for storage. If collected, it will be held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel if collected. If these items are not collected and stored, they will be left at the cleanup location. Any items that are dangerous, contaminated, abandoned, or is an obstruction to the public right of way such that it acts as an obstacle to the entire public right of way will be

disposed of according to this policy. However, City personnel cannot dispose of abandoned or contaminated property that did not receive a Notice of Removal attached to it as required by Section IV. 3

- c. When personal items are comingled with other contaminated homeless property and when it can be done safely, City personnel will attempt to identify personal items which can be stored pursuant to this policy.
- d. If homeless property is tagged/labeled by its owner, the City will follow the procedures set forth in section II, above.
- e. When City personnel store any unattended Homeless Property, they will post a written Notice of Collection at the location of the unattended property which provides:
 1. A general description of the property to be removed (such description may refer to an attached photograph of the items or site in question or listing of some of the items contained in a bag);
 2. A City phone number and email address the owner can use to recover their property;
 3. The address of the Department of Human Services;
 4. Notice that the property must be claimed from the City within 90 days or the City may destroy or dispose of the property; and
 5. The date the notice of collection was posted and the name of the City Personnel posting the Notice of Collection.
- f. City Personnel will photograph any Notices of Collection posted, and the Department of Human Services will retain the photographs in a manner which is searchable by cleanup date and location.

7. Storage Procedures:

1. The City homeless property storage site will be accessible by public transit or other means accessible to persons with low income.
2. When Homeless Property is collected by City personnel it must be photographed and catalogued with a general description of the property, the date of its removal, the location from which it was removed, and the name of City personnel who stored the item. This

information must be kept by the Department of Human Services in a searchable manner which allows the property owner to reclaim it. Bags may be used to keep items collected from the same sites together. Notices of such collection need only list a general description of the items that have been collected, not all.

Sec. 1-13. - General penalty.

Any person violating the provisions of any section of this Code or any other ordinance, where no other penalty is prescribed, shall, upon conviction, be fined not more than \$500.00, or be imprisoned at hard labor on the streets or other works of the city for not more than 60 days, or shall be both fined and imprisoned. Each day that such violation shall continue (or, in the case of shows and exhibitions illegally conducted, each performance) shall constitute a separate offense.

(Code 1967, § 1-6; Code 1980, § 1-6)

Charter reference— Authority to impose penalties for ordinance violations, limitation on penalties, § 3(z).

State Law reference— Penalty for violation of ordinances, F.S. § 162.22; fines and forfeitures collected in county court for violations of municipal ordinances payable to municipality, F.S. § 34.191; punishment for misdemeanors, F.S. §§ 775.082, 775.083.

Sec. 22-1. - Definitions.

For the purpose of this chapter, the definitions contained in this section shall apply unless otherwise specifically stated.

Additional leased garbage container(s). The words "additional leased garbage container(s)" shall mean one or more additional garbage container(s) leased by an assessed property owner pursuant to sections 22-2 and 22-12 of the City Code.

Annual franchise fee. The words "annual franchise fee" shall mean the yearly fee charged by the City of Miami ("city") to each franchisee who operates within the city limits and collects garbage and trash. See subsection 22-50(b) of the City Code.

Annual specialized waste handling fee. The words "annual specialized waste handling fee" shall mean the yearly fee charged by the city to each franchisee which operates within the city limits and collects trash, excluding garbage. See subsection 22-50(c) of the City Code.

Biological waste. The words "biological waste" shall mean solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under F.S. ch. 470.

Biological waste collector. The words "biological waste collector" shall mean any private solid waste contractor who collects, transports or disposes of biological waste.

Biomedical waste. The words "biomedical waste" shall mean any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, nonliquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded

disposable sharps; human blood, and human blood products and body fluids; and other materials which in the opinion of the department of health and rehabilitative services of the state represent a significant risk of infection to persons outside the generating facility.

Biomedical waste collector. The words "biomedical waste collector" shall mean any private solid waste contractor who collects, transports or disposes of biomedical waste.

Bulky waste. The words "bulky waste" shall mean, but not be limited to, large items of household refuse such as appliances, furniture, accumulations from major tree cutbacks (exceeding ten inches in diameter and four feet in length and weighing more than 50 pounds), large crates and like articles which shall be placed out for city collection by residential unit owners paying for city service on a weekly basis.

Certified recovered materials dealer. The words "certified recovered materials dealer" shall mean a dealer certified under F.S. § 403.7046, who handles, purchases, receives, recovers, sells or is an end user of recovered materials as defined herein.

Collection area. The words "collection area" shall mean the entire boundary of the city at all times.

Commercial business. The words "commercial business" shall mean and include all retail, professional, wholesale, and industrial facilities and any other commercial enterprises, for profit or not for profit, offering goods or services to the public.

Commercial hauler. The words "commercial hauler" shall mean a licensed city franchisee that operates within the city limits and provides certain services to multi-family and commercial businesses including but not limited to garbage, trash, recycling, roll-off, and specialized waste handling service.

Commercial landscaper. The words "commercial landscaper" shall mean an individual or organization registered with the city (see section 22-10 of the City Code) to provide grounds and landscaping services to residences and/or commercial properties within the city for grounds up-keep and maintenance.

Commercial property. The words "commercial property" shall mean any hotel, motel, roominghouse, tourist court, trailer park, bungalow court, apartment building with rental apartments, cooperative apartments, and/or multiple-story condominium buildings and any other business or establishment of any nature or kind whatsoever other than a residential unit as defined in this section.

Commercial solid waste. The words "commercial solid waste" shall mean every waste accumulation, including but not limited to, dust, paper, paper cartons, cardboard cartons, excelsior, rags, garbage, plastics, metal containers, recyclable material, garden and yard clippings and cuttings, bulky waste and other waste which is usually attendant to the operations of commercial businesses or multifamily residences.

Commercial solid waste and recycling advisory committee. The words "commercial solid waste and recycling advisory committee" shall be defined as an elected/appointed/selected body created for the purpose of providing advice and recommendations on commercial solid waste issues within the city in

conjunction and cooperation with the department of solid waste.

Commercial solid waste service. The words "commercial solid waste service" shall mean the collection and disposal of garbage, trash, recycling, solid and processable waste for all business, commercial, industrial, religious, health, educational, governmental and quasi-governmental establishments, including the collection and disposal of construction and demolition debris.

Condominiums. The words "condominiums" or "condominium buildings" shall be deemed to mean any building or structure that evidences that form of ownership of real property which is created pursuant to the State of Florida Condominium Act, which is comprised of units that may be owned by one or more persons, and in which there is appurtenant to each unit an undivided share in common elements, except for properties excluded by City Resolution No. 11807, adopted on June 22, 1999. Any condominiums with three or more dwelling units therein shall be classified as commercial establishments for purposes of this chapter.

Construction and demolition debris. The words "construction and demolition debris" shall mean materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. Mixing of construction and demolition debris with other types of solid waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than construction and demolition debris. The term also includes:

- (1) Clean cardboard, paper, plastic, wood, and metal scraps from a construction project;
- (2) Except as provided in F.S. § 403.707(12)(j), unpainted, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted; non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and
- (3) De minimis amounts of other nonhazardous wastes that are generated at construction or destruction projects, provided such amounts are consistent with best management practices of the industry.

Construction and demolition debris collector. The words "construction and demolition debris collector" shall mean any commercial solid waste franchisee who collects, transports or disposes of construction and demolition debris and shall be subject to a registration fee as provided for F.S. § 403.7046.

Construction dumpster or roll-off. The words "construction dumpster or roll-off" shall mean an approved open metal container without wheels, with capacity up to 40 cubic yards, used at construction sites for the purpose of removing construction and demolition debris, which includes rock, metal and other materials which are heavy in weight or substantial in size, used in connection with a construction and/or demolition project.

Container-on-wheels. The words "container-on-wheels" shall refer to the 96-gallon containers issued to residences by the city for automated garbage collection and are required to be used, once issued.

Containerized waste. The words "containerized waste" shall mean and include refuse, not to include garbage as defined herein, which is placed in containers, plastic bags, and/or bulk containers not exceeding three feet in length or weighing more than 50 pounds.

Curbside. The word "curbside" shall mean the area between the sidewalk and the street edge or, in areas without sidewalks, the area between the edge of the traveled portion of any public or private street and the property line.

Department. The word "department" shall mean the city department of solid waste.

Director. The word "director" shall mean the director of the department of solid waste.

Dumping. The word "dumping" shall mean to throw, discard, place, deposit or bury any litter and/or refuse except where permitted.

Dumpster. The word "dumpster" shall mean an approved metal container on wheels with a tightfitting solid top and a minimum capacity of one cubic yard or 202 gallons.

Enforcement officer. The words "enforcement officer" shall mean designated agents of the city manager, acting by and through him/her, including but not limited to, sanitation inspectors, code enforcement inspectors, police officers, NET Administrators and NET inspectors.

Fiscal year. The words "fiscal year" shall mean the 12-month period beginning October 1.

Franchisee. The word "franchisee" shall mean a private commercial solid waste/firm that is granted a nonexclusive franchise by the city, to remove and dispose of solid waste from commercial properties, which is required to pay a percentage of its gross monthly earnings to the city pursuant to the provisions of this chapter.

Franchise agreement. The words "franchise agreement" shall mean a non-exclusive agreement between the city and a qualified firm to provide commercial solid waste services, as defined in this chapter, within the city.

Franchise fees. The words "franchise fees" shall mean the monthly percentage of gross receipts remitted to the city by each franchisee. See section 22-56 and section 22-50 of the City Code, as amended.

Garbage. The word "garbage" shall mean every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of edibles, and any other matter, of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

Garbage container. The words "garbage container" shall mean a galvanized metal, durable plastic or other suitable material container of the type commonly sold as a garbage container, including wheeled containers, of a capacity not less than 20 gallons and not to exceed 96 gallons, sufficiently strong to be emptied conveniently, or a bail by which it may be lifted, and a tightfitting metal or plastic top with handle, and so constructed as to permit the free discharge of its contents. The container must not have any inside structures such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents. The container shall be free of jagged or sharp edges.

Gross receipts. The words "gross receipts" shall mean all monies, whether paid by cash, check, debit, credit, or any other legal form of payment, resulting from all transactions and activities in the franchisee's regular course of business and trade including administrative fees, garbage, industrial, solid waste, used cooking oil waste, environmental charges and fees, containerized waste services, fuel surcharge, construction and demolition debris, roofing materials, trash, litter, maintenance, compactors, refuse and/or rubbish collection removal and disposal services rendered, hand bag collection, recycling (excluding recovered materials at commercial establishments as defined by F.S. § 403.703), or from any other source related directly or indirectly from waste collection services, including, but not limited to, all income derived from the use of dump trucks, grappling trucks, roll-off trucks, trailers, roll-offs, boxed in, framed, fenced in, or otherwise designated storage areas, etc., containers, bagsters, chutes, and any other vehicles and equipment used for collection and disposal of any debris by the franchisee, exclusive of Franchise Fees herein and taxes as provided by law, whether wholly or partially collected within the city, less bad debts. Gross receipts shall not include income derived from the transportation, storage, treatment, collection, and removal of biomedical, biological, or hazardous waste as herein defined.

Hazardous waste. The words "hazardous waste" shall mean solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Hazardous waste collector. The words "hazardous waste collector" shall mean any private solid waste contractor who collects, transports or disposes of hazardous waste and shall be subject to a registration fee as provided for in F.S. § 403.7046.

Health and safety concern. The words "health and safety concern", for purposes of this chapter, shall mean any inefficient and improper method of managing solid waste collection which creates a hazard to the public health, causes pollution of air and water resources, constitutes a waste of natural resources, has an adverse effect on land values and creates public nuisances.

Industrial wastes. The words "industrial wastes" shall mean the waste products of canneries, slaughterhouses or packing plants; condemned food products; wastes and debris from brick, concrete block, roofing shingle or tile plants; debris and wastes accumulated from land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, or parkways; and any waste materials which, because of their volume or nature, do not lend themselves to collection and incineration commingled with ordinary garbage and trash, or which, because of their nature or surrounding circumstances, should be, for reasons of safety or health disposed of more often than the city collection service schedule provided for in this chapter.

Industrial waste collector. The words "industrial waste collector" shall mean any private solid waste contractor who collects, transports or disposes of industrial waste and shall be subject to a registration fee as provided for in F.S. § 403.7046.

In-kind services. The words "in-kind services" shall mean those services for which no fees or charges are assessed, including service to city facilities and neighborhood cleanups as defined by the director.

Landscape firm. The words "landscape firm" shall mean landscape architects, landscape contractors, landscape maintenance firms and all others doing work similar to that performed by landscape architects, landscape contractors and landscape maintenance firms doing business within the city.

Large residential trash. The words "large residential trash" shall mean yard and garden trash weighing more than 50 pounds, bulky and noncombustible materials which cannot be containerized and weigh over 50 pounds, and other non-hazardous, non-construction, non-demolition, non-biomedical or non-industrial material too large to be bagged, bundled or containerized and weighing over 50 pounds. Large trash shall be placed out along with bulky waste for once per week collection.

Litter. The word "litter" shall mean any garbage, rubbish, can, bottle, box, container, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, trash, refuse and paper.

Local government registration fee. The words "local government registration fee" shall mean the annual, October 1st through September 30th, charge assessed by the city to recovered materials dealers and other businesses deemed as being required to register with the City as a service provider in the designated category, commensurate with and no greater than the cost incurred to establish and operate a registration and reporting process limited to the regulations, reporting format and reporting frequency pursuant to F.S. § 403.7046, with regard to recovered materials, and other businesses of a designated category, their collection and disposal of same from commercial properties within the city.

Minidump. The word "minidump" shall mean a disposal site, maintained by the department, where householders of the city may deposit trash and small trash.

Modified recycling program. The words "modified recycling program" shall mean an operation approved by the department which provides for the recycling of recyclable material by a method varying from the requirements of section 22-19 or section 22-20 of the City Code.

Mow. The word "mow" shall mean to cut down grass or similar growth with a mechanical device such as lawn mower.

Multifamily residence. The words "multifamily residence" shall mean and include any building or structure containing four or more contiguous living units and intended exclusively for residential purposes.

NET. The word "NET" shall mean the Neighborhood Enhancement Team.

Neighborhood cleanups. The words "neighborhood cleanups" shall mean periodic intensive removal of litter, debris and other solid waste material from a designated area of the city, initiated or approved by the city, its NET offices and/or recognized community based organizations or associations including special event activities citywide.

Noncombustible refuse. The words "noncombustible refuse" shall mean refuse materials that are unburnable at ordinary incinerator temperatures (800 degrees to 1,800 degrees Fahrenheit) such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to the operation of stores or offices.

Nonexclusive franchise. The words "nonexclusive franchise" shall mean a non-exclusive right and privilege granted to a qualified firm to contract to provide solid waste, construction and demolition material, and recyclable collection and disposal services to commercial and non-residential properties, as defined in this chapter, in, upon, over and across the present and future streets, alleys, easements and other public places of the city.

Organic waste. The words "organic waste" shall mean a type of waste material which can be broken down into its base compounds by micro-organisms and other living things, regardless of what those compounds may be, and can be commonly found in municipal solid waste such as green waste, food waste, paper waste, and biodegradable plastics. The words "organic waste" specifically do not include waste as defined by the recoverable materials definition and the associated exemption under F.S. § 403.7046.

Permit per account fee. The words "permit per account fee" shall mean the charge assessed by the city to a franchisee, for every account with whom it acquires or maintains an agreement during the fiscal year for purposes of providing commercial solid waste services.

Plastic bag. The words "plastic bag" shall mean a polyethylene or other heavy-duty plastic bag meeting the National Sanitation Foundation standard of one and one-half mils and not exceeding a 32-gallon capacity with a securing twist tie.

Portable container. The words "portable container" shall mean dumpster, roll-away or other similar container designed for mechanized collection.

Posting. The word "posting" shall mean to display by putting up on property in a public place of view.

Produce market. The words "produce market" shall mean the area in which produce vendors congregate and sell their products bounded by NW 10th Avenue to the east, NW 22nd Avenue to the west, NW 23rd Street to the north, and NW 20th Street to the south.

Public nuisance. The words "public nuisance," for purposes of this chapter, shall mean a container or roll-off/container which appears to be utilized for commercial solid waste collection with or without a city franchise agreement and poses a threat to the health and safety of the community.

Recovered materials. The words "recovered materials" shall mean metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recyclable material. The words "recyclable material" shall mean those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling. The word "recycling" shall mean any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

State Law reference— F.S. Ch. 403, Environmental Control Part IV—Resource Recovery and Management, as may be amended from time to time.

Refuse. The word "refuse" shall mean any garbage, garden trash, industrial waste, noncombustible refuse, rubbish, waste, bulk waste, containerized waste and/or solid waste.

Residential unit. The words "residential unit" shall mean any structure used or constructed or modified or adopted for use as a single-family dwelling, duplex, cluster housing, townhouse or multiple-family apartment building or other similar structure containing three or fewer residential units, and which is located on a single lot, parcel or tract of land. Each dwelling unit of a duplex, cluster housing, townhouse, or multiple-family building or other similar structure shall be deemed a separate residence.

Roll-off/container. The words "roll-off/container" shall mean a metal container, compacted or open, with or without wheels, designed and used by nonexclusive commercial solid waste haulers and/or other companies for the collection and disposal of construction debris, demolition debris and/or large quantities of trash and/or bulky waste, but not garbage or commercial refuse.

Roominghouses/boardingshouses. The word "roominghouse" shall mean any legal nonconforming residential building used, or intended to be used, as a place where sleeping or housekeeping accommodations are furnished or provided for pay to transient or permanent guests or tenants which does not maintain a public dining room or cafe in the same building or in any building in connection therewith. The word "boardinghouse" shall mean an establishment where meals are regularly prepared and served for compensation for five or more persons, and where most of the food is placed upon the table family style without service or ordering of individual portions from a menu. Boardinghouses may also provide lodging for compensation. The proprietor of a roominghouse or boardinghouse may receive or reject whom he wishes and usually makes special oral or written contracts with each of his lodgers concerning compensation and length of stay.

Rubbish. The word "rubbish" shall mean refuse accumulation of paper, excelsior, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, and also any bottles, cans or other containers which, due to their ability to retain water may serve as breeding places for mosquitoes or other water breeding insects; rubbish shall not include noncombustible refuse, as defined above.

Safety inspection fee. The words "safety inspection fee" shall mean a regulatory fee pursuant to F.S. § 166.221, imposed by the solid waste director upon a franchisee for inspection of substandard, unsafe, or inoperable vehicles and/or equipment.

Screening. The word "screening" shall mean a landscaped area with shrubs three feet in height at time of planting to form a continuous, unbroken solid buffer, or a five-foot-high fence or C.B.S. wall finished and painted on both sides to provide a visual barrier.

Service unit. The words "service unit" shall mean four sleeping rooms or a fraction thereof, where no cooking privileges are provided, located in any commercial establishment.

Small trash. The words "small trash" shall mean bundled and clean yard and garden trash, including shrubbery, vines, and branches capable of being gathered into bundles and tied securely so that each bundle does not exceed three feet in length or weigh more than 50 pounds; all accumulations of lawn, grass or shrubbery cuttings or clippings and leaf rakings, free of dirt, rock, large branches and bulky or noncombustible materials which can be containerized and not weigh over 50 pounds, per container; and accumulations of tree branches, tree limbs, parts of trees, bushes and shrubbery which are up to three inches in diameter and do not exceed four feet in length, do not weigh over 50 pounds, are too large to be

containerized, but require and can be bundled and tied, and other non-hazardous, non-construction, non-demolition, non-biomedical material small enough to be bagged, bundled, or containerized or does not exceed three feet in length or weigh more than 50 pounds. Small trash shall be placed out along with garbage for twice per week collection.

Solid waste. The words "solid waste" shall mean garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

Solid waste disposal and resource recovery facility. The words "solid waste disposal and resource recovery facility" shall mean any solid waste disposal area, volume reduction plant, transfer station or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, transfer or storage of solid waste.

Source separated. The words "source separated" shall mean the recovered materials are separated from solid waste where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a commercial collection container located where the materials are generated and such materials contain more than ten percent solid waste by volume or weight. For purposes of this subsection, the term "various types of recovered materials" means metals, paper, glass, plastic, textiles, and rubber.

Special events. The words "special events" shall mean events as delineated in subsection 22-171(a)(7) of the City Code and any other designated event designated as a special event by the city commission, city manager and/or designee.

Special non-residential trash collection. The words "special non-residential trash collection" shall mean yard and garden trash weighing more than 50 pounds, too large to be containerized for commercial collection, clean and free of dirt, rocks, trash and any other debris. It includes accumulations from major tree cutbacks (exceeding ten inches in diameter and four feet in length and weighing more than 50 pounds). Collection by the city must be approved and scheduled by department prior to set out or fines will be incurred.

Special residential collection. The words "special residential collection" shall mean a collection of non-hazardous, non-industrial, waste beyond the normal city garbage, trash, and recycling, including bulky waste and large trash, for which residents or property owners will be charged the cost of collection, disposal and the appropriate administrative fees. Such collection excludes asbestos, whole or used tires, oil, lead-acid batteries, mercury lights, combustible, hazardous, biomedical and biological waste.

Specialized waste handler. The words "specialized waste handler" shall mean those companies whose primary business is limited to collecting and disposing of solid waste that requires special handling and management, including, but not limited to white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue and biomedical and biological waste.

Specialized waste. The words "specialized waste" shall mean solid waste that requires special handling and management, including, but not limited to white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, biomedical and biological waste.

Specialized waste handling nonexclusive fee. The words "specialized waste handling nonexclusive fee" shall mean the annual fee paid to the city for the right to conduct specialized waste handling services in the city.

Swale area. The words "swale area" shall mean the paved or unpaved area between the edge of the sidewalk or property line and the edge of the street.

Temporary roll-off/container permit fee. The words "temporary roll-off/container permit fee" shall mean the charge paid every 90 days the account remains active, per account to the city for each large container and/or roll-off utilized by franchisees to provide contracted removal and disposal of waste from commercial constructions and demolition, renovation and other similar accounts which are of a temporary nature.

Trash. The word "trash" shall mean garden, tree and shrubbery trash that is too large to be bagged, bundled or containerized, wooden or paper boxes or containers, and other accumulations of a nature other than garbage and bulky waste as defined herein which cannot be bagged, bundled or containerized for weekly collection.

Waste-to-energy facility. The words "waste-to-energy facility" shall mean a facility which uses conversion technology such as thermal, biological or biochemical processes to breakdown raw feedstock to produce a beneficial by-product and/or digestate. In general, the primary objective of the conversion technologies is to convert waste into useful energy products that can include synthetic or synthesis gas (syngas), biogas, petroleum, commodity chemicals, or compost in order to support waste diversion from landfills and to reduce carbon emissions.

(Ord. No. 10128, § 1, 7-10-86; Ord. No. 10232, § 1, 3-13-87; Ord. No. 10371, § 1, 1-14-88; Ord. No. 10887, § 1, 6-20-91; Ord. No. 11184, § 2, 10-27-94; Code 1980, § 22-1; Ord. No. 11352, § 2, 4-25-96; Ord. No. 11444, § 1, 2-20-97; Ord. No. 11703, § 1, 9-28-98; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12258, § 2, 7-25-02; Ord. No. 12599, § 2, 10-14-04; Ord. No. 13194, § 2, 9-27-10; Ord. No. 13316, § 2, 3-8-12; Ord. No. 13531, § 2, 7-9-15; Ord. No. 13693, § 2, 7-13-17)

Sec. 22-6. - Littering and dumping prohibited; dumping or burying waste without proper authorization; illegal dumping in area bulky waste transfer stations; engaging in business of solid waste collection without franchise; declared public nuisance; presumption.

- (a) Intent. It is the intent of the city commission to prevent, in whatever way possible, the abuse of the environment of the city through acts of any persons that are generally classified under the headings of "dumping" and "littering," which acts severely burden the taxpayers of the city and adversely affect the attractiveness, public health, safety and welfare of the community for its residents and visitors.
- (b) The city will provide sufficient litter containers to be placed in strategic locations throughout the city, with special consideration to be given to high density populations and heavily traveled areas, to be used for the deposit of litter by pedestrians only and not by abutting store owners or vendors.
- (c) Prohibited act(s). The following shall be unlawful:
 - (1) Dumping litter and/or refuse in any manner or amount whatsoever in or on any public highway, road, street, alley, thoroughfare or any other public lands, except in containers or areas lawfully provided therefor. The provisions of F.S. § 403.413, as amended, shall apply to all public rights-of-way within the city.
 - (2) Dumping litter and/or refuse in or on any freshwater lakes, canals, rivers or streams or tidal or coastal waters of the city.
 - (3) Dumping litter and/or refuse and burying waste in any manner or amount whatsoever on any private property, unless prior written consent of the owner has been given, and such disposal has been authorized via permit by the county health department, provided said litter and/or refuse will not cause a public nuisance or be in violation of any other state or local laws or regulations.
 - (4) Sweeping, blowing by mechanical means or dumping litter and/or refuse including stagnant water or dead animals into, upon or along the drain, gutter, alley, lane, sidewalk, street or vacant lot, or in any public or private premises within the municipal limits of the city.
 - (5) Causing, maintaining, permitting or allowing the accumulation of any litter or refuse on any construction or building site before, during or after completion of said construction or building. It shall be the duty of the owner, or the owner's agent, of the property in question to make adequate provisions for the disposing of debris and litter and to have on the construction or building site adequate facilities for the disposing of said litter and refuse and to make appropriate arrangements for the collection thereof. Said arrangements and/or methods for disposing litter and debris shall be approved by the director prior to the issuance of a building permit.
 - (6) Disposing of the carcass of any dead animal, domestic or otherwise, by the throwing,

discarding, placing or depositing of said carcass in or on any of the locations noted in subsections (c)(1) through (3) of this section.

- (7) Discarding of garbage, fruit, or other matter subject to putrefaction, rotting or decay at minidumps shall constitute a violation of this chapter. Minidumps are restricted to use by residents of the city for the deposit of bulky waste from residential properties. The method of transporting this waste shall be as prescribed in section 22-7 herein.
- (8) Obstructing use of public facility, salvaging or vandalism by any person on the premises at which minidumps are located constitutes a violation of this chapter.
- (d) It shall be unlawful for any owner, occupant, lessee, employee, franchisee or other person from any commercial property to dump or cause to be dumped any material whatsoever from such commercial property at or upon any minidumps, public rights-of-way, city property or any unauthorized disposal location.
- (e) It shall be unlawful for any person, franchisee, firm, corporation or other legal entity to collect, remove or transport any solid waste material for compensation from any location or premises within the city without first having been granted a nonexclusive franchise by the city.
- (f) It shall be unlawful for any person, firm, corporation or other legal entity to utilize the services of any commercial solid waste collector who does not have a valid city solid waste nonexclusive franchise.
- (g) Declared public nuisance. In addition to, and not in limitation upon any enforcement action for violation of this section, it is the intent of the city commission to declare the dumping of litter and/or refuse in the city, as hereinbefore described and prohibited, a public nuisance and to subject violators of this section to the provisions of this chapter calling for removal of such a public nuisance through notice, hearing and a lien enforcement procedure if the city so chooses to remedy the prohibited condition. Any action taken pursuant to this section in enforcing the provisions of this chapter shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this chapter.
- (h) Applicability of state and county laws. In addition to, and not in limitation of the provisions of this section, the provisions of F.S. § 403.413, also known as the "Florida Litter Law," and chapter 15 of the Code of Metropolitan Dade County, as amended from time to time, are hereby added to this Code of Ordinances and incorporated by reference herein. The city commission also respectfully suggests to any court finding persons guilty of violations of the "Florida Litter Law" that the provisions of F.S. ch. 948, "Probation," be utilized liberally in order to require such persons to expend appropriate amounts of time and effort gathering up litter and refuse at places within the city as may be designated by the court.
- (i) Noncompliance with any section shall be punishable in a manner as provided in sections 22-6 and 22-93. Noncompliance may result in the city's taking such action as it deems appropriate under the circumstances, and a lien shall be imposed against the property for recovery of all

costs involved.

- (j) A civil fine of \$500.00 per occurrence shall be imposed for littering and for illegal dumping by individuals and a fine of \$1,050.00 per occurrence for littering and for illegal dumping when being done using a private vehicle.
- (k) Pursuant to the provisions of § 403.413, Fla. Stat., the Florida Litter Law, the sanitation inspectors are designated as litter enforcement officers of the city, for the purposes of enforcing F.S. § 403.413, and section 22-6 herein. Such employees are designated and appointed as litter enforcement officers.

(Ord. No. 10128, § 1, 7-10-86; Code 1980, § 22-6; Ord. No. 11703, § 6, 9-28-98; Ord. No. 11837, § 2, 9-28-99; Ord. No. 12258, § 2, 7-25-02; Ord. No. 12835, § 2, 10-12-06; Ord. No. 13194, § 2, 9-27-10; Ord. No. 13693, § 2, 7-13-17)

Sec. 37-1. - Reserved.

Editor's note— Ord. No. 12884, § 1, adopted February 8, 2007, repealed § 37-1 in its entirety, which pertained to state misdemeanors adopted by reference, and derived from the Code of 1967, § 38-50, and the Code of 1980, § 37-1.

Sec. 37-3. - Sleeping on streets, sidewalks, etc.

It shall be unlawful for any person to sleep on any of the streets, sidewalks, public places or upon the private property of another without the consent of the owner thereof.

(Code 1967, § 38-49; Code 1980, § 37-63)

State Law reference— Trespass, F.S. § 810.08 et seq.

Sec. 37-4. - Living or sleeping in vehicles.

Other than the area at the Marine Stadium designated for use by self-contained camper trailers, it shall be unlawful for any person within the city to park any vehicle on public rights-of-way, public properties or private parking lots, for the purposes of:

- (1) Living;
- (2) Sleeping;
- (3) Cooking;
- (4) Bathing; or
- (5) Housekeeping.

(Code 1967, § 38-54.1; Code 1980, § 37-69)

City Code cross reference— Marine Stadium, § 53-51 et seq.**Sec. 37-6. - Aggressive or obstructive panhandling prohibited.**

- (a) *Definitions.* As used in this section, the following words and terms shall have the following meanings:

Aggressively beg means to beg with the intent to intimidate another person into giving money or goods.

Beg means to ask or solicit for money or goods as a charity, whether by word, bodily gestures, signs, or other means.

Intimidate means to engage in conduct which would make a reasonable person fearful or feel compelled to react. Among the circumstances which may be considered in determining whether the conduct is intended to intimidate another person into giving money or goods are:

- (1) Touching the person solicited;
- (2) Following the person solicited, or persisting in begging after the person solicited has declined the request;
- (3) Using profane or abusive language toward the person solicited; or
- (4) Using violent or threatening gestures toward the person solicited.

Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take unreasonable evasive action to avoid physical contact.

Public place means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Unreasonable evasive action means causing a vehicle to depart from the lane of traffic in which it is traveling to change lanes, to straddle lanes, or to enter onto a swale to obtain passage; it also means causing a pedestrian to leave the sidewalk or to make contact with a wall or fence bordering the sidewalk.

- (b) *Prohibited acts.* It shall be unlawful for a person to intentionally:
- (1) Aggressively beg; or
 - (2) Obstruct pedestrian or vehicular traffic while begging.
- (c) *Permitted activities.* Acts authorized as an exercise of one's constitutional rights include picketing, legal protest, and acts authorized by a permit duly issued by a lawful authority which do not constitute obstruction of pedestrian or vehicular traffic.
- (d) *Penalties.* The first violation of this provision shall be punishable by a fine of not more than

\$100.00 and 30 days imprisonment; second and subsequent violations shall be punishable by a fine of not more than \$200.00 and 60 days imprisonment.

- (e) *Alternative programs.* Nothing herein shall limit the discretion of the police, court personnel, and judges from referring individuals suspected, charged, or convicted of a violation of this provision to treatment programs or facilities as an alternative to prosecution or imprisonment, provided that the individual freely consents. For homeless individuals, such alternative programs shall include, but not be limited to, the Miami-Dade County Homeless Assistance Project.

(Ord. No. 12006, § 2, 12-14-00)

Sec. 37-7. - Sex offenders and sexual predators.

- (a) Findings and intent.
 - (1) This section is to be known as "Lauren's Law."
 - (2) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
 - (3) It is the intent of this article to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly gather and can be stalked or observed in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.
- (b) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Permanent residence means a place where the person abides, lodges, or resides for 14 or more consecutive days.

Temporary residence means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

- (c) Sexual offender and sexual predator residence prohibition, penalties, exceptions.
 - (1) It is unlawful for any person who has been convicted of a violation of F.S. §§ 794.011,

800.04, 827.071, or 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to establish a permanent residence or temporary residence within 2,500 feet of any school, designated public school bus stop, day care center, park, or playground.

- (2) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, designated public school bus stop, day care center, park, or playground.

(d) Penalties.

- (1) A person who violates this section and whose conviction under F.S. §§ 794.011, 800.04, 827.071, or 847.0145, was classified as a felony of the third degree, second degree, first degree, or higher, shall be punished by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed 60 days, or by both such fine and imprisonment.

- (e) This section applies to any person convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, for offenses that occur on or after October 1, 2004.

Exceptions. A person residing within 2,500 feet of any school, designated public school bus stop, day care center, park, or playground does not commit a violation of this section if any of the following apply:

- (1) The person established the permanent residence prior to July 1, 2005.
- (2) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (3) The person is a minor.
- (4) The school, designated public school bus stop or day care center within 2,500 feet of the persons permanent residence was opened after the person established the permanent residence.

(Ord. No. 12691, § 2, 6-9-05; Ord. No. 12713, § 2, 7-7-05)

Sec. 37-8. - Panhandling prohibited in certain areas.

- (a) *Purpose.* The purpose of this section is to regulate and punish acts of panhandling or solicitation that occur at locations specified herein. The purpose of this section is not to punish the status or condition of any person. Regulation is required because panhandling in certain areas threatens the economic vitality of those areas, impairing the city's long term goals of attracting citizens, businesses and tourist to these certain areas and, consequently, the city overall. The city has substantial interests in protecting the city's investment in certain areas, protecting tourism, encouraging expansion of the city's economic base, and protecting the city's economy. The regulations in this section further these substantial interests: This

section is not intended to proscribe any demand for payment for services rendered or goods delivered. Nor is this section intended to prohibit acts authorized as an exercise of a person's constitutional right to legally picket, protest or speak.

- (b) *Definitions.* For purposes of this section, Downtown business district means the area generally described as follows:

N. Bayshore Drive from NE 13th Street to NE 15th Street

Biscayne Boulevard from Biscayne Boulevard Way to NE 15th Street

SE/NE 3rd Avenue from Biscayne Boulevard Way to NE 1st Street

SE/NE 2nd Avenue from Biscayne Boulevard Way to NE 15th Street

NE 1st Court from NE 12th Street to NE 14th Street

SE/NE 1st Avenue from SE 3rd Street to NE 14th Street

South/North Miami Avenue from Broadway to NE/NW 1st Street

North Miami Avenue from NE/NW 7th Street to NE/NW 8th Street

North Miami Avenue from NE/NW 10th Street to NE/NW 14th Street

NW Miami Court from Flagler Street to NE 1st Street, East half only

NW 1st Avenue from NW 1st Street to NW 3rd Street

NW 2nd Avenue from Flagler Street to NW 1st Street

Brickell Avenue from SE 8th Street to the South side of the Miami River Bridge

SE/SW 10th Street from Brickell Avenue to SW 1st Avenue

SE/SW 9th Street from Brickell Plaza to SW 1st Avenue

Biscayne Boulevard Way from Biscayne Boulevard to SE 2nd Avenue

SE 3rd Street from Biscayne Boulevard to SE 2nd Avenue

SE/SW 2nd Street from Biscayne Boulevard to SE 1st Avenue

SE/SW 1st Street from Biscayne Boulevard to SW 1st Avenue

Flagler Street from Biscayne Boulevard to NW Miami Court

Flagler Street from NW Miami Court to NW 1st Avenue, South half only

Flagler Street from NW 1st Avenue to NW 2nd Avenue

NE 1st Street from Biscayne Boulevard to NW Miami Court

NE 1st Street from NW Miami Court to NW 1st Avenue, North half only

NE 1st Street from NW 1st Avenue to NW 2nd Avenue

NE 2nd Street from Biscayne Boulevard to NE 1st Avenue

NE 3rd Street from Biscayne Boulevard to NE 1st Avenue

NE 4th Street from Biscayne Boulevard to NE 2nd Avenue

NE 5th Street from Biscayne Boulevard to NE 1st Avenue

NE 6th Street from Biscayne Boulevard to NE 1st Avenue

NE 7th Street from Biscayne Boulevard to North Miami Avenue

NE 8th Street from Biscayne Boulevard to North Miami Avenue

NE 9th Street from Biscayne Boulevard to NE 1st Avenue

NE 10th Street from Biscayne Boulevard to North Miami Avenue

NE 11th Street from Biscayne Boulevard to North Miami Avenue

NE 12th Street from Biscayne Boulevard to NE 1st Avenue

NE 13th Street from the Macarthur Causeway to NE 1st Avenue

NE 14th Street from N Bayshore Drive to North Miami Avenue

NE 14th Terrace from N Bayshore Drive to Biscayne Boulevard

NE 15th Street from N Bayshore Drive to NE 2nd Avenue

All public streets indicated in this boundary shall include the entire width of the public right-of-way unless otherwise specified.

- (c) *Prohibitions.* Soliciting, begging or panhandling is prohibited within the downtown business district.
- (d) *Penalties.* The first violation of this provision shall be punishable by a fine of not more than \$100.00 and 30 days imprisonment; second and subsequent violations shall be punishable by a fine of not more than \$200.00 and 60 days imprisonment.
- (e) *Alternative programs.* Nothing herein shall limit the discretion of the police, court personnel, and judges from referring individuals suspected, charged, or convicted of a violation of this provision to treatment programs or facilities as an alternative to prosecution or

imprisonment, provided that the individual freely consents. For homeless individuals, such alternative programs shall include, but not be limited to, the Miami-Dade County Homeless Assistance Project.

(Ord. No. 12997, § 2, 5-22-08; Ord. No. 13232, § 2, 11-18-10)

Sec. 37-11. - Public urination or defecation prohibited; exceptions; penalties.

- (a) *Purpose.* Public urination and/or defecation is found to be a public nuisance and detrimental to the health, safety, and welfare of the city and its inhabitants. It is the intent of this section to protect and preserve the health, safety, and welfare of the citizens of the city by prohibiting urination and/or defecation by any person in any public place as defined herein.
- (b) *Definitions.* For purposes of this section, the following words shall be defined as provided herein:

Defecate or defecation, as used in this section, means to excrete waste from the body from a person's bowels.

Persons with impairments means a disability, unrelated to the ingestion of alcohol, illegal substances, or substances not prescribed to the particular person ingesting them, which renders a person unable to control his or her bodily functions of urination and/or defecation.

Public place means any street, highway, right-of-way, alley, parking lot, driveway, sidewalk, boulevard, park, beach, wharf, pier, bridge, or other place, whether public or private, which is open to the public. As used in this section, "public place" does not include a place designated for use as a urinal or a toilet such as, but not limited to, a restroom or portable toilet.

Urinate or urination, as used in this section, means to pass or discharge urine excreted by the kidneys from the body.

- (c) *Prohibited acts.* It is unlawful for any person:
 - (1) To urinate in any public place that has not been designated for use as a urinal or toilet.
 - (2) To defecate in any public place that has not been designated for use as a toilet.
 - (3) Exceptions. Subsections (c)(1) and (c)(2) shall not apply to children under five years old or to persons with impairments as defined in this section.
- (d) *Penalty.* Any person violating any of the provisions of this section shall be subject to the penalty as provided in section 1-13 of the City Code.

(Ord. No. 13495, § 2, 2-12-15)

Sec. 38-3. - Closing hours for parks and playgrounds—Generally.

- (a) Except as otherwise provided in this chapter, all municipally owned parks and playgrounds of

the city and all similar real property owned by the city, not directly engaged in the operation of facilities which require that the general public have access to such premises during the hours hereinafter recited, shall be closed to the general public from 10:00 p.m. until 7:00 a.m., daily, except when kept open for special events sponsored by, or operated by, the city. Any person found in, on or about such premises during the hours herein set forth, unless such person is actually engaged at such time in official business for the city, the county, the state or the United States, shall be deemed to have violated this section. The prohibition herein contained shall not extend to any public meeting, exercise or exhibition held upon any such municipal properties which shall extend beyond 10:00 p.m., unless the person attending such public meeting, exercise or exhibition shall have been allowed a reasonable time in which to leave the premises, and nothing contained in this section shall interfere with the closing hours of any city department or division thereof and the use of its own facilities in the public interest, but this section is designed to prevent persons entering or loitering upon municipally owned real estate referred to herein during the prohibited hours when such entering or loitering is not connected with official business.

- (b) The city manager may in his discretion change hours of closing in any park where he deems it necessary.

(Code 1967, § 39-11; Code 1980, § 38-3)

Sec. 38-17. - Throwing or depositing substances, etc., within stadiums, parks and adjacent grounds.

It shall be unlawful for any person to throw, drop or deposit any substance or tangible thing or matter within or upon any municipal stadium or park or grounds adjacent thereto and composing a part thereof so as to soil or damage any property or endanger, injure or harm any person within such area.

(Code 1967, § 39-16; Code 1980, § 37-64)

State Law reference— Florida litter law, F.S. § 403.413.

Sec. 38-53. - Fires.

No fires are permitted in the parks, except in the grills provided. Charcoal is the only fuel permitted for use in the grills, and use of any other fuel is prohibited. Special rules for fires at the Robert King High Park group camping facility are listed on the permit to use that facility.

(Code 1967, § 39-45; Code 1980, § 38-33)

Sec. 38-54. - Use of facilities generally.

- (a) It is intended that all facilities be on a first come, first served basis. It is also intended that no group or organization be permitted to monopolize any area or facilities to the exclusion of all

others. Whenever the situation warrants, use of a facility will be regulated by use of permits. Terms and forms of permits will be formulated and regulated by the director of the department of parks and recreation to obtain the results intended as expressed above. Those activities which require permits are listed in section 38-74.

- (b) In general, the facilities and equipment are to be used for the purposes for which they were designed: benches to sit on, picnic tables to eat on, tennis courts to play tennis on, etc.
- (c) Use of facilities and equipment for purposes other than for which they were designed is prohibited.

(Code 1967, § 39-46; Ord. No. 10125, § 1, 7-10-86; Code 1980, § 38-34)

Sec. 38-62. - Water fountains.

Fountains are provided to provide drinking water. Use of water fountains for bathing, washing or cleaning cooking utensils is prohibited.

(Code 1967, § 39-54; Code 1980, § 38-42)

Sec. 38-63. - Disposal of trash.

Trash is to be deposited in trash containers. Nothing herein, including penalties for violation, shall be construed to be in conflict with the provisions of F.S. § 403.413, as may be amended or revised from time to time, pertaining to the Florida Litter Law.

(Code 1967, § 39-55; Code 1980, § 38-43; Ord. No. 11815, § 2, 7-13-99)

Sec. 38-68. - Restrooms.

No person shall loiter in or around any restroom facility. Children over five years of age shall not go into restrooms designated for the opposite sex.

(Code 1967, § 39-60; Code 1980, § 38-48)

Sec. 38-71. - Camping.

The city has no facility for trailers, campers and similar wheeled vehicles in any city park. Facilities for overnight camping in tents or on the ground are available for groups, such as scout troops, at Robert King High Park. A permit is required in order to use these facilities.

(Code 1967, § 39-62; Code 1980, § 38-50)

Sec. 54-1. - Definitions.

The following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this Code, except where the context clearly indicates a different meaning:

Assembly means any organized: (i) company of persons that is collected together in one place, or (ii) demonstration or rally of persons that does not meet the definition of "parade" set forth herein. The term "assembly" does not include:

- (1) A special event as defined in this section.
- (2) Still photography, motion picture photography, or electronic (television) photography for commercial purposes, on any public roadway, sidewalk, street, park, causeway, beach, lagoon, or on any city-owned property or facility in the city for which a commercial photographic permit is required under section 41-26 of this Code.

Assembly permit means a permit as required by sections 54-6.2 or 38-74 of this Code.

Benefactor means the owner of the business advertised in the sign whose agent, employee, contractor, promoter, or other representative did or caused the posting, placing or affixing of any sign.

Business means any commercial or industrial activity, entity, or event in or for which any goods or services are made, sold or offered for sale or other consideration, pecuniary or otherwise.

Engineering standards means the minimum standards pertaining to the design and construction of all public works constructed in the right-of-way. These standards are in book form entitled "Engineering Standards for Design and Construction" and present the latest engineering standards as an aid to both design and construction and are deemed as being incorporated by reference herein.

Governmental applicants means the City of Miami or its agencies or instrumentality thereof, or as identified by the city manager or designee.

Law means all duly enacted and applicable federal, state, county and city laws, ordinances, codes, rules, regulations and orders.

Maintenance means the upkeep or preservation and acts of repair and other acts to prevent a decline, lapse or cessation from an existing state or condition; to keep from falling, declining or ceasing; to keep in good order; keep in proper condition; keep in repair, as it pertains to the private property and public right-of-way, as applicable, and as are encompassed by the provisions of this chapter.

Maintenance costs means any cost incurred for the purpose of performing maintenance within the public right-of-way. This includes costs of labor, materials, equipment and other public works operational costs.

Non-governmental applicants means any applicant who is not a governmental applicant as defined by this section.

One day means a 24-hour period from noon to noon.

Parade means any organized moving:

- (i) March,
- (ii) Ceremony,
- (iii) Show,
- (iv) Exhibition,
- (v) Pageant,
- (vi) Footrace,
- (vii) Bicycle race,
- (viii) Motorcade,
- (ix) Procession of any kind, or
- (x) Similar display.

A "parade" does not include:

- (1) Funeral processions.
- (2) Students going to and from school classes or participating in educational activities, provided this conduct is under the immediate direction and supervision of the proper school authorities.
- (3) Any governmental agency acting within the scope of its functions.
- (4) A "special event" as defined herein;
- (5) A motor vehicle or motor vehicles operating in compliance with all applicable traffic laws, ordinances and regulations; and
- (6) A pedestrian or pedestrians merely crossing a street, or traversing a sidewalk, while obeying all applicable traffic and pedestrian laws, ordinances and regulations, and which crossing or traversing does not obstruct other pedestrian traffic on a sidewalk.

Parade permit means a permit as required by sections 54-6 or 38-74 of this Code.

Person means any individual, corporation, partnership, limited liability company, association, joint venture, for-profit organization, contractor, subcontractor, affiliate, agent, representative, governmental institution, not-for-profit organization, or other legal entity of any kind, any lawful trustee, successor, assignee, transferee, heir, or personal representative thereof, but shall not mean the city.

Public right-of-way as used in this article shall mean any dedicated or undedicated public street, highway, sidewalk, parkway or alley, public ways, public space(s) and other public places within the city.

Sign means any poster, card, cardboard, advertisement, or paper device or any identification, description, illustration, or other device located on any portion of the public right-of-way, street, or side walk surface which directs attention to a product, place, activity, person, institution, business, message or solicitation.

Special event means an outdoor public celebration or gathering which involves:

- (1) Either:
 - a. The use of public parks;
 - b. Public rights-of-way; or
 - c. Privately-owned property.
- (2) When it is reasonably expected that more than 300 people will gather for seven or fewer contiguous days;
- (3) Which includes entertainment, dancing, music, dramatic productions, art exhibitions, parades or the sale of merchandise, food or alcohol, or any combination of the foregoing;
- (4) Which requires the erection of stages, utility poles, booths, tents, or other temporary structures, or the use of parked vehicles or of permanent structures; and
- (5) Which of necessity requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the city routinely provides under ordinary everyday circumstances.

Special event permit means a permit as required by sections 54-6.3 or 38-74 of this Code.

Street or *streets* means the surface, the air space above the surface and the area below the surface of any public street, highway, road, boulevard, concourse, driveway, freeway, thoroughfare, parkway, sidewalk, bridge, tunnel, park, waterway, dock, bulkhead, wharf, pier, court, lane, path, alley, way, drive, circle, easement, or any other public right-of-way or public place, including public utility easements dedicated for compatible uses, or any other property in which the city holds any kinds of property interest or over which the city exercises any type of lawful control, and any temporary or permanent fixtures or improvements located thereon, as may be ordinarily necessary and pertinent to a permit for construction in or excavation of or use of the public right-of-way, but shall not include city-owned buildings or city private property.

Visibility triangle means an area on private property and within the public right-of-way where any material obstruction to visibility is prohibited which would result in concealment of a child over two and one-half feet in height approaching an intersection, or would conceal an approaching automotive vehicle or cyclist from such a child. The visibility triangle shall be measured in accordance with section 3.8.4 of the Miami 21 zoning code and shall include the area bounded by the extension of the diagonal vision clearance

line to the center line of the intersecting streets at all street intersections and the area perpendicular to the diagonal vision clearance line from the base building line to the centerline of the intersecting streets at all applicable intersections of driveways with streets.

(Ord. No. 12505, § 3, 3-25-04; Ord. No. 12545, § 2, 6-10-04; Ord. No. 12584, § 2, 9-9-04; Ord. No. 12639, § 2, 1-13-05; Ord. No. 12711, § 2, 7-7-05; Ord. No. 12928, § 3, 6-28-07; Ord. No. 12971, § 2, 2-14-08; Ord. No. 13087, § 2, 9-10-09; Ord. No. 13467, § 2, 6-12-14)

Sec. 54-2. - Obstruction of free passage on sidewalks, etc.

- (a) *Purpose.* It is the intent of this section to eliminate the obstruction of free passage over, on or along a street, sidewalk, or public right-of-way, whether such obstruction results from the manner in which a person or number of persons shall stand, loiter, walk, sit, lie or camp on said street, sidewalk or public right-of-way.
- (b) *Definitions.* For purposes of this section, the following words shall be defined as provided herein:
 - (1) An "obstruction" within the meaning of this section shall be construed to mean to so occupy the sidewalk, street or public right-of-way that the free use and enjoyment thereof by the public is, in any way interrupted or interfered with, or the free ingress or egress to or from any building fronting on any public right-of-way is impaired.
 - (2) The term "camp" or "camping" shall mean the use of a street, sidewalk or public right-of-way, including a public transit stop, bench or other public property on any street, sidewalk or public right-of-way, as a temporary or permanent place of dwelling, lodging, or residence, or as a living accommodation at anytime. Indicia of camping may include, but are not limited to, storage of personal belongings, using tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping).
- (c) *Prohibited behavior.* It is unlawful for any person or any number of persons:
 - (1) To so stand, loiter, walk, sit, lie, or camp upon any street, sidewalk or public right-of-way in the city so as to obstruct free passage over, on or along said street, sidewalk or public right-of-way, after a request by a law enforcement officer to move on so as to cease blocking or obstructing free passage thereon.
 - (2) By placing an object or objects on a street, sidewalk or public right-of-way in the city, to cause a condition of obstruction or blockage of a street, sidewalk or public right-of-way so as to obstruct free passage over, on or along said street, sidewalk or public right-of-way.
- (d) *Applicability.* The provisions of subsection (c)(1) hereof apply only when a person or number

of persons shall stand, loiter, walk, sit, lie, or camp on a street, sidewalk or public right-of-way so as to obstruct free passage thereon and shall refuse to obey a request by a law enforcement officer to move on; mere refusal to move on is not enough to support the offense - there must be an actual blocking of free passage over, on or along said street, sidewalk or public right-of-way. This section shall not apply to "assemblies" or "parades" as defined in section 54-1, taking place on a street, sidewalk or public right-of-way, unless any such assembly or parade creates and/or causes a hazardous condition or threatens public safety.

(Ord. No. 13392, § 1, 6-13-13)

Editor's note— Prior to the reenactment of section 54-2 by Ord. No. 13392, § 1, adopted June 13, 2013, Ord. No. 12505, § 2, adopted March 25, 2004, repealed § 54-2 in its entirety, which pertained to obstructions of free passage on sidewalks, etc., and derived from Ord. No. 9241, §§ 1, 2, adopted February 11, 1981, and the Code of 1980, § 37-53.1.

Sec. 54-3. - Permit required for work that obstructs or closes a street, or sidewalk or impedes traffic; fees; waiver of fees.

- (a) *Scope.* No person shall perform or conduct work in the public right-of-way, such as digging, drilling, repaving, etc., which obstructs, closes, or causes to be obstructed or closed, any street, sidewalk, or any other part of the public right-of-way in this city, or which impedes the general movement of vehicular or pedestrian traffic, without first having obtained a permit approved by the police department, the public works department, the off-street parking department, the risk management department, the neighborhood enhancement team department, and the transportation office. After approval by the departments of police, public works, off-street parking, risk management, neighborhood enhancement team and the transportation office, the city manager, or designee, shall issue a permit. No person shall apply for a permit to perform or conduct work in the public right-of-way without disclosing in writing on the permit application form the person(s) on whose behalf such work in the public right-of-way is being performed or conducted. If such work is being performed by one or more person(s) on behalf of any other person(s) for using, constructing in, excavation of, maintenance of, owning and/or operating any type or manner of system, equipment, or device within the public rights-of-way, then all persons must comply with all application and permitting requirements of the city. Failure of any person(s) to fully disclose his/her/their interest/participation/representation in the permit application and/or to fulfill all city requirements for issuance of the permit shall result in (1) immediate revocation by the city, without the necessity of any further action, hearing, or proceeding, of any permit previously granted resulting in such permit becoming null and void, or (2) issuance by the city of a

written notice that such permit will not be granted, as the case may be, due to violation of this provision by the person(s) who applied for such permit. The city shall have the right to take all legal measures and seek all available remedies to enforce this disclosure provision.

- (b) *Conditions.* Such permit shall set forth minimal reasonable conditions, as permitted by Law, necessary for the protection of property and personal safety, the restoration of the public right-of-way to a condition satisfactory to the city, and any on-going maintenance or reparations for un-repaired conditions or damages that may be required of the person(s) under the circumstances and extent of the work to be performed or conducted by such person(s) under such permit. Any violation of the conditions set forth and/or any violations under applicable law shall render such permit null and void, without the necessity of any further action, hearing, or proceeding. Such permit shall cover the length of time necessary and reasonable according to the type of activity involved.
- (c) *Indemnity, hold harmless and insurance.* It shall be a condition precedent to the issuance of any such permit that the applicant shall assume all civil liability for applicant's acts of omission or commission from all claims, suits or actions of any kind whatsoever arising out of or resulting from the obstruction or closure, the issuance of the permit, or the operations or activities of the permittee and shall, further, hold the city, its officials, and employees harmless for any injuries, losses, or damages arising or resulting from the permitted work including any injuries, losses, or damages resulting from alleged negligent acts or omissions on the part of the city. The permittee shall be solely responsible for all activities and the installation and maintenance of traffic-control devices. The applicant shall ensure that adequate safety precautions are in effect at all times during the term of the permit. It shall be a further condition precedent to the issuance of any such permit for work to be performed in the public right-of-way that the permit holder(s) is/are jointly and severally responsible, at each permit holder's expense, for any damages regarding restoring the public right-of-way to its original condition before installation of facilities.
 - (1) *Non-governmental applicant(s).* Prior to the issuance of any such permit, the non-governmental applicant(s) shall submit to the city a certificate of insurance for each non-governmental applicant in an amount not less than \$1,000,000.00 per occurrence, \$2,000,000.00 aggregate, and any endorsements thereto, including, but not limited to, premises and operations liability, contingent and contractual exposures, personal and advertising injury, products and completed operations, and host liquor liability, if applicable. In addition, the applicant hereby agrees to provide additional insurance requirements, including but not limited to umbrella liability, or any additional requirements or endorsements as may be applicable, in connection with the scope of services contemplated by the permit. The certificate must reflect primary and noncontributory language and list the city as an additional insured. The certificate must also include coverage for all owned, hired, and non-owned vehicles with a combined

single limit of \$1,000,000.00, also listing the city as an additional insured, and must further afford coverage for worker's compensation as required by Florida statute. The insurance herein required shall remain in full force and effect during the entire term of the permit. Additionally, all such insurance for non-governmental applicant(s) shall be subject to annual review by the city's risk management department and the applicant shall be required to update as necessary to protect the city as set forth in this section.

- (2) *Government applicant(s)*. Prior to the issuance of any such permit, the governmental applicant(s) shall submit to the city a certificate of insurance or letter of self-insurance for each governmental applicant in accordance with and subject to the limitations as set forth in F.S. § 768.28.

(d) *Temporary obstruction of streets and sidewalks.*

- (1) Any permit issued pursuant to this chapter under this section may be revoked at any time for violation of the terms of the permit. The city manager or his designee may revoke this permit with justification.
- (2) The permit holder shall not locate a temporary office, trailer, portable toilets, equipment or storage of materials and supplies within the temporary obstructed right-of-way. Such temporary office, trailer, portable toilets, equipment or storage of materials and supplies may be allowed by the public works department subject to a separate fee subsection (e)(4) in addition to the fee for a permit for the partial or full obstruction or closure listed in subsection (e)(3). A violation of this section shall result in a fine of \$262.50 per day for each violation.
- (3) If the dimensions of the obstruction exceed the dimensions allowed by the permit, the permittee and the building owner shall jointly be assessed a fine equal to \$262.50 per day for each violation, plus any appropriate additional fees for the obstruction.
- (4) The permittee must provide a construction staging plan showing the location of lifting equipments, if applicable, ingress and exit points, and a signed and sealed statement from a registered professional engineer in the state that no suitable onsite alternative exists.
- (5) For purposes of this section, the following definitions shall apply:

Construction fence screen is a light, flexible fabric bearing printed text and pictures to give information and with edge grommets to facilitate attachment to a rigid frame.

Construction windscreen is a visual/dust barrier composed of a flexible, woven fabric with edge grommets to facilitate attachment to a rigid frame.

Temporary construction fence is used when contracting or planning to construct improvements on the premises and which facilitates temporary security and surety for the premises.

- (6) Subject to compliance by the permit holder with applicable provisions of the sign codes

of Miami-Dade County and the city, the permit holder may affix a construction fence screen or construction windscreen containing onsite advertising to the temporary construction fence abutting or located in the public right-of-way subject to an additional fee listed in subsection (e)(5). The dimensions of the construction fence screen or construction windscreen shall not exceed the dimensions of the temporary construction fence, and shall comply with section 33-99 of the Miami-Dade County Code. The content of the onsite advertising shall be limited to pictorial and text information advertising the sale or rental of the premises, construction actually being done on the premises, or future construction to be done on the premises on which the onsite advertising is located. For purposes of this section, such advertising described in the preceding sentence shall only be onsite advertising. No advertising is allowed for goods, off-site products or services, alcoholic beverages, tobacco products or adult entertainment as defined by the city zoning code. Nothing in this section shall be interpreted to permit a sign where the sign copy does not pertain to the use of the property, units sold, or the sale or lease of the property on which sign is displayed and which does not identify the place of business as purveyor of the units advertised on the sign.

(e) *Fees.*

- (1) A fee of \$120.00 shall accompany each permit application to the police department, to be retained by the city regardless of action taken in the grant or denial of the permit.
- (2) An initial inspection fee of \$25.00 shall accompany each permit application to the public works department.
- (3) A non-refundable fee for a permit issued under this article for the partial or full obstruction by construction related activities exceeding five days in duration shall be as follows.

- a. \$0.20 per linear foot per day of sidewalk/curb usage.
- b. \$0.30 per linear foot per day of parking lane usage.*

*This fee is in addition to fees payable under chapter 35 of this Code, as amended.

- c. \$0.35 per linear foot per day of lane closure or partial lane closure of traffic and auxiliary lane usage.

The fees shall accompany each permit application to the department of public works for the use of the public right-of-way.

- (4) A non-refundable fee for a temporary office, trailer, portable toilets, equipment or storage of materials or supplies within the partial or full obstruction area shall be as follows:
 - a. \$0.10 per linear foot per day of sidewalk/curb/swale usage.

- b. \$0.15 per linear foot per day of parking lane usage.
- c. \$0.20 per linear foot per day of lane closure or partial lane closure usage.

The fees shall accompany each permit application to the department of public works for the use of the public right-of-way.

- (5) A non-refundable fee of \$0.06 per square foot per day of construction fence screen or construction windscreen containing advertising affixed to temporary construction fence located abutting the public right-of-way or in the public right-of-way. The fee shall accompany each permit application.
- (6) All fees collected by the public works department in accordance with subsection (e)(3), (e)(4) and (e)(5) shall be deposited in a rollover account to be known as the lane closure fund. This account shall be used for the inspection of lane closures, advertising construction fence screens and construction windscreens, and maintenance of the public right-of-way.
- (7) Waiver of fees. The fees described in subsection (e)(3), (e)(4) and (e)(5) shall not apply to the city or any other federal, state, county, city, school district entity, or for construction, excavation, and repair within the public right-of-way. The fees described in subsection (e)(1), (e)(3), (e)(4) and (e)(5) herein above may be waived or reduced by the city commission if the commission determines that such a waiver or reduction is in the city's best interest.
- (8) After the fact permit fee. For any public street or alley closure described in section 54-3, performed without the required permits and inspection, quadruple the application and inspection fee described in subsection (e)(1) and (2) herein.
- (f) *[Special revenue fund.]* The revenues received will be placed in a special revenue fund. Ninety percent of this revenue will be used for public right-of-way improvements and repairs. Ten percent of special revenue will be used for public works department training, materials and equipment related to road closures. Expending these funds will be at the discretion of the city manager by recommendation of the public works or capital improvement directors.
- (g) *Public gatherings.* This section shall not prevent any person or persons from assembling on the streets or sidewalks, or in any park, or on private property, for the purpose of making any speech, engaging in spontaneous expression, or conveying any message to the public or government without holding a permit pursuant to this section. In addition, this section shall not apply either to an "assembly," to a "parade" or to a "special event," as they are defined in section 54-1.

(Code 1967, § 54-3; Ord. No. 8995, 1, 10-17-79; Ord. No. 9532, § 1, 12-9-82; Ord. No. 10658, § 3, 10-12-89; Ord. No. 11045, § 4, 3-11-93; Code 1980, § 54-3; Ord. No. 11276, § 3, 7-13-95; Ord. No. 12505, § 3, 3-25-04; Ord. No. 12545, § 2, 6-10-04; Ord. No. 12584, § 2, 9-9-04; Ord. No. 12639, § 2, 1-13-05; Ord. No. 12919, § 1, 5-

10-07; Ord. No. 12928, § 4, 6-28-07; Ord. No. 13087, § 2, 9-10-09; Ord. No. 13142, § 14, 2-11-10; Ord. No. 13195, § 5, 9-27-10; Ord. No. 13276, § 2, 7-28-11; Ord. No. 13467, § 2, 6-12-14; Ord. No. 13519, § 2, 5-14-15)

Editor's note— Ord. No. 12584, § 2, adopted September 9, 2004, changed the title of § 54-3 from "Permit required for work or special events that obstruct or close street or sidewalk or impede traffic; fees; waiver of fees" to "Permit required for work that obstructs or closes a street, or sidewalk or impedes traffic; fees; waiver of fees."

http://miamifl.ig2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2398&MediaPosition=&ID=7440&CssClass=

ARTICLE II. - PUBLIC FEEDING

Sec. 25-25. - Regulations for large group feedings.

- (a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

Director means the director of the city's department of human services including his/her designee.

Large group feeding means an event intended to attract, attracting, or likely to attract 25 or more people, including distributors and servers for the delivery or service of food in a public space. Excluded from this definition are activities of city permitted, licensed, or contracted concessionaires, lessees, or licensees.

Public space means any dedicated or undedicated public street, highway, sidewalk, park, parkway, right-of-way, alley, public ways, or any other public places within the city, including city-owned buildings or city-property. Public space shall also include the buildings of any governmental agency within the city including federal, state, and county owned buildings.

Street or *streets* means the surface, the air space above the surface, and the area below the surface of any public street, highway, road, boulevard, concourse, driveway, freeway, thoroughfare, parkway, sidewalk, bridge, tunnel, park, waterway, dock, bulkhead, wharf, pier, court, lane, path, alley, way, drive, circle, easement, or any other public right-of-way or public place, including public utility easements dedicated for compatible uses, or any other property in which the city holds any kind of property interest or over which the city exercises any type of lawful control, and any temporary or permanent fixtures or improvements located thereon including city-owned buildings or city-property.

- (b) Except for activities of a governmental agency within the scope of its governmental authority or unless specifically permitted to do so by a permit or approval issued pursuant to this section by the city commission or the city manager, as applicable, it shall be unlawful to undertake large group feedings in public spaces unless the person(s) serving the food:

- (1) Obtains a large group feeding permit issued by the director. The director shall issue a large group feeding permit based upon the following criteria:
 - a. The application must be submitted at least two business days prior to the planned large group feeding event.
 - b. The application must contain the following information:
 1. The name of the individual(s) or organization that will be serving or distributing food;
 2. The date(s) when food is anticipated to be served or distributed;
 3. The times of day when food service and distribution is anticipated to be served or distributed on each date listed in the notice;
 4. Identification of one of the permitted large group feeding locations designated by the city manager, as specified herein, at which the applicant desires to serve or distribute food; and
 5. The approximate or expected number of food preparers and servers on the site where the food is anticipated to be served or distributed and the approximate or expected number of individuals that will be served.

- c. Large group feeding permits will be limited to one per day for any given designated feeding location and permits will be issued on a first come, first served basis, based on the availability of the desired designated feeding location.
 - d. Any individual or organization is permitted a maximum of one large group feeding permit per week regardless of which designated feeding location is utilized. Individuals associated with an organization must indicate such association on any application for a large group feeding permit and this limitation will apply to the organization even if multiple individuals may desire to apply for a permit on behalf of the organization.
 - e. Organizations who submit applications for a large group feeding permit through individuals without those individuals disclosing their association with the organization will be subject to being precluded from receiving large group feeding permits for a period of up to 12 months.
- (2) The permit holder shall remove or cause the removal of substantially all trash or debris from the feeding site that was generated by the service or distribution of food and deposit the trash or debris in the provided public trash receptacle(s) or in a private trash receptacle if permission from the receptacle owner was obtained.

The city will use its best efforts to provide support services at designated feeding locations for any permitted large group feeding, including, but not limited to containers or receptacles for disposal of waste; restroom facilities; handwashing stations; and the availability of city staff to assist with outreach to the homeless.

- (c) Designated feeding locations. The city manager shall identify at least five designated feeding locations within the city at which large group feedings are permitted to take place that have the following characteristics:
- (1) Within easy walking distance to locations where large groups of homeless are known to congregate;
 - (2) Paved;
 - (3) Adequate parking for those conducting the large group feedings; and
 - (4) Adequate lighting for the large group feeding activities.

The city manager is authorized to amend the designated feeding locations from time to time and as needed, within the city manager's sole discretion, to best balance the needs of all parties involved in large group feedings.

- (d) Penalties. A violation of this section shall be enforced against the individual or organization by the issuance of a civil code enforcement fine in the amount of \$250.00 for a first occurrence and a civil fine in the amount of \$500.00 for each subsequent occurrence in accordance with chapter 2, article X of the City Code. Repeat violations in any one calendar year may also subject the repeat violator to being precluded from receiving large group feeding permits for a period of up to 12 months.

(Ord. No. 13907, § 2, 6-25-20)

MIAMI PARKING AUTHORITY

DOWNTOWN PARKING LOCATOR



MPA SURFACE LOTS

- Lot 11** NW 3 Ave. & NW 3 Ct. bet. NW 1-2 St.
- Lot 12** NW 3 Ave. & NW 3 Ct. bet. NW 2-3 St.
- Lot 13** NW 3 Ave. & NW 3 Ct. bet. W 3-4 St.
- Lot 14** NW 3 Ave. bet. Flagler St. & SW 1 St.
- Lot 15** Under I-95, SW 2 Ave. & River Dr. bet. SW 1-2 St.
- Lot 16** Under I-95, SW River Dr. bet. SW 2-3 St.
- Lot 17** Under I-95, SW River Dr., SW 3 St.
- Lot 19-1** Biscayne Blvd. bet. NE 4-5 St.
- Lot 19-2** Biscayne Blvd. bet. NE 3-4 St.
- Lot 19-3** Biscayne Blvd. bet. NE 2-3 St.
- Lot 19-4** Biscayne Blvd. bet. NE 1-2 St.
- Lot 19-5** Biscayne Blvd. bet. NE 1 & E. Flagler St.
- Lot 19-6** Biscayne Blvd. bet. SE 1 & E. Flagler St.
- Lot 20** SE 2 St. & S. Biscayne Blvd.
- Lot 32** Under I-95, NW 3 Ave. bet. Flagler St. & 1 St.
- Lot 33** Under I-95, SW 2 Ave. & 1 Ct. bet. SW 1-2 St.
- Lot 34** Under Metrorail, SW 1 Ave. bet. 2-3 St.
- Lot 36** Under I-95, SW 2 St. & SW 1 Ct. (S. Side)
- Lot 37** SW 2 St. bet. SW 1 Ave. & S Miami Ave.
- Lot 38** Under I-95, SW 1 Ave. bet. SW 2-3 St.
- Lot 41** 120 NE 2 St.
- Lot 42** SE 1 Ave. bet. SE 3-4 St.
- Lot 43** 56 SW 1 St.
- Lot 49** Biscayne Blvd. & NE 2 Ave. bet. NE 11-12 St.
- Lot 51** NE 1-2 Ave. bet. NE 11-12 St.
- Lot 58** NW 1 Ct. bet. NW 8-9 St.
- Lot 59** NW 2 Ave. & 1 Ct. bet. NW 7-8 St.
- Lot 60** NW 1 Ct. bet. NW 6-7 St.
- Lot 76** Under I-395, N Miami Ave. & NE 1 Av. bet. NE 11-12 St.
- Lot 77** Under I-395, NW 1 Ave. & N. Miami Ct. bet. NW 12-13 St.
- Lot 78** Under I-395, N Miami Ave. & N Miami Ct. bet. NW 12-13 St.
- Lot C-ARSHT** NE 2 Ave. & NE 12 St.

MPA GARAGE LOCATIONS

- G1** Courthouse Center
40 NW 3rd Street, Downtown
- G2** Cultural Center Garage
90 SW 1st Street, Downtown
- G3** College Station Garage
190 NE 3rd Street, Downtown
- G4** Convention Center Garage
100 SE 2nd Street, Downtown

METROMOVER STATIONS

- MA** School Board
- MB** Omni
- MC** Eleventh Street
- MD** Park West
- ME** Freedom Tower
- MF** College North
- MG** Arena/State Plaza
- MH** Government Center
- MI** Miami Avenue
- MJ** Third Street
- MK** Knight Center
- ML** Bayfront Park
- MM** First Street
- MN** College/Bayside
- MO** Riverwalk
- MP** Fifth Street

For more information visit: www.miamiparking.com

MIAMI PARKING AUTHORITY

CITY OF MIAMI PARKING LOCATOR



MPA SURFACE LOTS

- Lot 1** US 1 & SW 27 Ave.
- Lot 6** 3500 Main Highway, Coc. Grove
- Lot 7** 6116 NW 7 Ave.
- Lot 18** 1320 NW 12 St.
- Lot 22** Under Rickenbacker Flyover/26 Rd. bet. I-95 NB & S. Miami Ave.
- Lot 23** Under Rickenbacker Flyover/26 Rd. bet. Brickell Ave. & S. Miami Ave.
- Lot 26** Civic Center/N. Side 1355 NW 12 St. bet. NW 13-14 Ave.
- Lot 28** Under I-95, SW 4 Ave. bet. 6-7 St.
- Lot 29** Under I-95, SW 4 Ave. bet. SW 7-8 St.
- Lot 30** SW 3 Ave. & Coral Way
- Lot 40** NW 17-18 Ave. bet. NW 35-36 St.
- Lot 43** 56 SW 1st St.
- Lot 44** SW 16 Ave. & SE 17 Ave. bet. SW 6 St. & SE 7 St.
- Lot 45** SW 17 Ave. bet. SW 3 St. & SE 4 St.
- Lot 46** SW 17 Ave. bet. SW 2-3 St.
- Lot 48** US1, SW 27 Ave. & SE 28 Lane
- Lot 52** Under I-95, NE 1 Ct. bet. NE 36-37 St.

- Lot 53** Under I-95, NE 1 Ct. bet. NE 36-37 St.
- Lot 54** Under I-95, NE 2 Ave. bet. 37-38 St.
- Lot 55** Under I-95, NE 1 & 2 Ave. bet. NE 36-37 St.
- Lot 67** 3349-3351 Pan Am Dr. Coc. Grove
- Lot 68** Watson Island, S. Side Lot, 1050 McArthur Cswy.
- Lot 70** Watson Island Boat Ramp, 1050 McArthur Cswy.
- Lot 71** 2710 S. Bayshore Dr.
- Lot 72** 2600 S. Bayshore Dr.
- Lot 79-A** 5601 NW 17 Ave.
- Lot 79-B** 1630 NW 58 Terr.
- Lot 79-C** 5901-5923 NW 17 Ave.
- Lot 79-D** 1700 NW 58 St.
- Lot 82** 901 SW 15 Ave.
- Lot 85** 3191 Grand Ave.
- Lot 89** 474 NW 4 St.
- MARLINS** 1402 NW 7 St.

MPA GARAGE LOCATIONS

- G8** Oak Avenue Parking Plaza
2850 Oak Avenue, Coconut Grove
- G9** Allapattah Parking Plaza
2090 NW 21st Terrace, Allapattah



**Miami
FL**

**Ordinance
14032**

ADOPTED WITH
MODIFICATION(S)
Oct 28, 2021 9:00 AM

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "OFFENSES-MISCELLANEOUS;" MORE PARTICULARLY BY ADDING A NEW SECTION TO PROHIBIT ENCAMPMENTS ON PUBLIC PROPERTY; PROVIDING FOR DEFINITIONS AND PENALTIES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Information

Department: Commissioners and Mayor **Sponsors:** Vice Chair, District Three
Joe Carollo
Category: Elected Official Item

Attachments

[Agenda Summary and Legislation](#)
[10623 Submittal-Constance Collins-Letter About Anti-Encampment Ordinance](#)
[10623 Submittal-Commissioner Joe Carollo-Flagler District BID Letter of Support](#)

Financial Impact

Body/Legislation

WHEREAS, the City of Miami ("City") owns or maintains public properties that have associated outdoor areas including but not limited to parking areas, greenspaces, lawns, landscaping, terraces, outdoor walkways, courtyards, and similar facilities which are generally open to the public but are not suitable for overnight use or camping ("Properties"); and

WHEREAS, the Properties exist for the purpose of facilitating ingress and egress to all buildings and facilities and maintaining attractive and welcoming exteriors to be enjoyed by all members of the public; and

WHEREAS, the unauthorized use of the Properties for camping where the Properties are neither intended for nor designed as a camp site, campground, or site for temporary human habitation tends to impair, obstruct, or otherwise detract from the use for the Properties' intended purpose; and

WHEREAS, the act of unauthorized camping on the Properties tends to endanger the health, safety, and wellbeing of those engaged in such camping as well as the public at large;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings found in the Preamble of this Ordinance are adopted by reference and incorporated as fully set forth in this Section.

Section 2. Chapter 37 of the Code of the City of Miami, Florida as amended, titled "Offenses-Miscellaneous," is further amended in the following particulars:[1]

"CHAPTER 37

OFFENSES-MISCELLANEOUS

* * * *

Sec. 37-16.

(a) Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this Section shall govern the construction, meaning, and application of words and phrases used in this Chapter.

Code Inspector means the authorized agent or employee of the City so designated in Chapter 2, Article X of the City Code whose duty it is to ensure Code compliance.

Encampment means any one or more of the following:

1. The unauthorized use of fabric, metal, cardboard, or other materials as a tent or other temporary structure for living accommodation purposes or human habitation;
2. The unauthorized use of a Heating Device in an area; or
3. The unauthorized accumulation of personal property (other than Durable Medical Equipment) that would not fit in a container three feet (3') high, three feet (3') wide, and three feet (3') deep.

Department means the Department of Human Services.

Durable Medical Equipment means equipment customarily used for medical purposes, able to withstand repeated use, and generally not useful to a person in the absence of illness or injury. Non-exclusive examples of such equipment include wheelchairs, canes, crutches, and portable oxygen tanks.

Heating Device means a camp stove, grill, heater, or other container or device capable of generating or containing an open flame.

Police Officer means a law enforcement officer as defined in Section 943.10(1), Florida Statutes, as amended.

Public Place means an outdoor area owned, managed or controlled by the City to which the public has access, including but not limited to public rights-of-way, parks, streets, sidewalks, hiking and biking trails, transit facilities, underpasses, and parking lots.

(b) Prohibitions:

1. Encampment in a Public Place in the City is unlawful.
2. Any person who violates this Section shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-13 of the City Code or as a civil violation as set forth in Chapter 2, Article X of the City Code.

(c) Procedure for Enforcement.

- (1) A Police Officer or Code Inspector may issue a citation for a violation of this Article if prior to issuing the citation:

(i) The Police Officer or Code Inspector has tendered a written warning to the person stating that a failure to comply with the City's prohibition against Encampment may result in the issuance of a citation to the person or in the person's arrest; and

(ii) The Police Officer or Code Inspector has provided a reasonable time (two [2] hours) for the person to pick up his or her belongings and comply with the prohibition, yet the person has not complied.

The written warning required by Subsection (c)(1)(i) may be accompanied by written information regarding the availability of medical treatment (including mental health treatment) or social services (including temporary shelter or drug or alcohol rehabilitation).

- (2) A Police Officer may arrest a person for a violation of this Article if prior to the arrest:

(i) The Police Officer has tendered the written warning required by Subsection (c)(1)(i) of and has provided a reasonable time (two [2] hours) for the person to pick up his or her belongings and comply with the prohibition, yet the person has not complied;

(ii) The Police Officer has verified that there is an available shelter bed for the person and the person has refused the offer of shelter; and
(iii) In the event of an arrest pursuant to this Section, the Police Officer will follow the established City policies for the handling and storage of the person's property.

* * * **

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance will not be enforced until Resolution No. R-21-0373 adopted September 13, 2021 directing the City Manager to designate an area or areas in the City providing for permitted temporary encampment sites or other shelter options for homeless individuals is realized pursuant to the parameters discussed by the City Commission on Second Reading of this Ordinance.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.
[2]

[1] Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

[2] This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

Meeting History

Sep 13, 2021 9:00 AM	City Commission	City Commission Meeting	 Draft
RESULT:	PASSED ON FIRST READING [4 TO 1]		<i>Next: 10/14/2021 9:00 AM</i>
MOVER:	Joe Carollo, Commissioner, District Three		
SECONDER:	Jeffrey Watson, Commissioner, District Five		
AYES:	Alex Diaz de la Portilla, Joe Carollo, Manolo Reyes, Jeffrey Watson		
NAYS:	Ken Russell		
Oct 14, 2021 9:00 AM	City Commission	City Commission Meeting	 Draft
Note for the Record: Item SR.2 was deferred to the October 28, 2021, City Commission Meeting.			
RESULT:	DEFERRED [UNANIMOUS]		<i>Next: 10/28/2021 9:00 AM</i>
MOVER:	Manolo Reyes, Commissioner, District Four		
SECONDER:	Ken Russell, Vice Chair, District Two		
AYES:	Ken Russell, Joe Carollo, Manolo Reyes, Jeffrey Watson		
ABSENT:	Alex Diaz de la Portilla		
Oct 28, 2021 9:00 AM	City Commission	City Commission Meeting	 Draft
RESULT:	ADOPTED WITH MODIFICATION(S) [4 TO 1]		
MOVER:	Joe Carollo, Jeffrey Watson		
SECONDER:	Manolo Reyes, Commissioner, District Four		
AYES:	Alex Diaz de la Portilla, Joe Carollo, Manolo Reyes, Jeffrey Watson		
NAYS:	Ken Russell		

Miami Dade County Code

ARTICLE XVIII. - PROHIBITION ON OVERNIGHT CAMPING

Sec. 21-286. - Prohibition on overnight camping.

- (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.
- (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.
- (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 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 predator or sexual offender, as defined in section 21-280 of the Code, or to any person that is otherwise ineligible to stay at a homeless shelter.

(Ord. No. 12-114, § 1, 12-18-12; Ord. No. 18-1, § 1, 1-23-18)



City of Miami

Legislation

Ordinance

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 15-00058

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "OFFENSES-MISCELLANEOUS," MORE PARTICULARLY BY ADDING A NEW SECTION TO PROHIBIT CAMPING ON PUBLIC PROPERTY; PROVIDING FOR DEFINITIONS AND PENALTIES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami ("City") owns and maintains multiple properties that have associated outdoor areas including parking areas, greenspaces, lawns, landscaping, terraces, outdoor walkways, courtyards, and similar facilities which are generally open to the public but are not suitable for overnight use or camping; and

WHEREAS, such outdoor areas exist for the purpose of facilitating ingress and egress from City buildings and facilities, and maintaining attractive and welcoming exteriors to City facilities to be enjoyed by all members of the public; and

WHEREAS, the unauthorized use of public property for camping where the property in question is neither intended for nor designed as a camp site, campground, or site for temporary human habitation tends to impair, obstruct, or otherwise detract from the use of the property for its intended purpose; and

WHEREAS, the act of unauthorized camping on public property tends to endanger the health, safety, and wellbeing of those engaged in such camping as well as the public at large;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings found in the Preamble of this Ordinance are adopted by reference and incorporated as fully set forth in this Section.

Section 2. Chapter 37 of the Code of the City of Miami, Florida as amended, entitled "Offenses-Miscellaneous," is amended in the following particulars: {1}

"CHAPTER 37

OFFENSES-MISCELLANEOUS

* * * *

Sec. 37-11. Camping Prohibited Upon Public Property and Public Rights-of-Way.

(a) Definitions:

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this Chapter.

"Camp" or "Camping" means to place, pitch, or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use Camp Paraphernalia.

"Camp Facilities" means tents, shacks, huts, temporary shelters, or like facilities.

"Camp Paraphernalia" means bedrolls, tarpaulins, cots, bedding, blankets, mattresses, pillows, sleeping bags, hammocks, cooking facilities, and similar equipment.

"Establish" means setting up or moving equipment, supplies, or materials on to Public Property or Private Property to Camp or operate Camp Facilities.

"Maintain" or "Maintaining" means keeping or permitting equipment, supplies, or materials to remain on Public Property or Private Property in order to Camp or operate Camp Facilities.

"Private Property" means all private property including, but not limited to, improved or unimproved lands.

"Public Property" means all public property including, but not limited to, Streets, sidewalks, alleys, improved or unimproved lands, greenspace, parks, and public right-of-way as defined in Section 54-1 of this Code.

"Store" or "Storing" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

"Street" means the same as defined in Section 54-1 of this Code.

(b) Prohibitions:

1. It is unlawful and a public nuisance for any person to Camp, occupy Camp Facilities, or use Camp Paraphernalia upon any Public Property, unless specifically authorized by this Code. The person shall not be charged with a violation of this Section if, after being warned by a law enforcement officer, the person immediately removes or causes to be removed all Camp Paraphernalia from any Camp Facility.

2. It is unlawful and a public nuisance for any person to Establish or Maintain Camp Facilities or to Store Camp Paraphernalia upon any Public Property, unless specifically authorized by this Code.

(c) Removal of prohibited items:

1. If any Camp Paraphernalia is found on Public Property by a law enforcement officer and there is no person present who claims ownership of it, the officer may cause it to be removed to a secure indoor or outdoor location where it will be held for a period of 90 days. Upon removal of such items, a notice shall be affixed to the site where the removed items were located. The notice shall provide a telephone number and a location where information concerning the retrieval of such items can be obtained. Such notice may be removed after five (5) days. If the items are not claimed by the person supplying sufficient proof of ownership within the 90 days of removal, they shall be deemed

abandoned property and may be disposed of accordingly.

(d) Penalties:

Any person who violates any provision of this section commits a municipal ordinance violation and may be punished as provided in Section 1-13 of the Code of the City of Miami, Florida, as amended.

* * * **

Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof. {2}

APPROVED AS TO FORM AND CORRECTNESS:



VICTORIA MÉNDEZ
CITY ATTORNEY

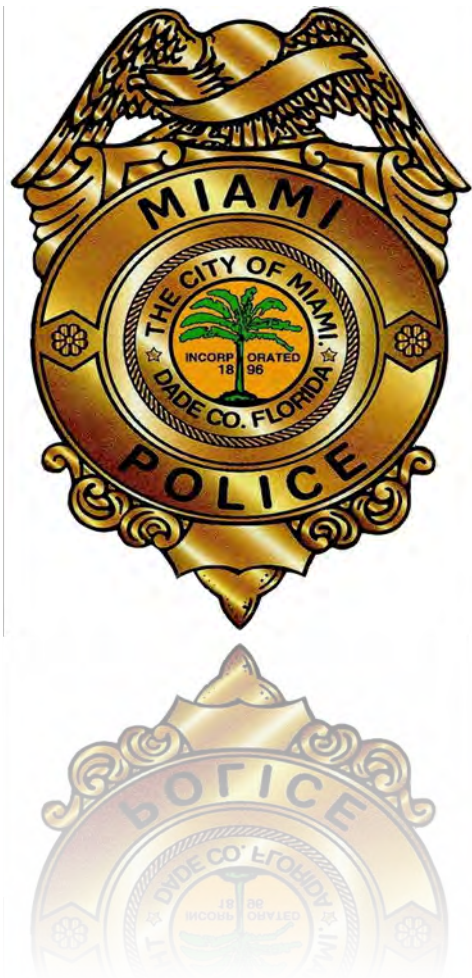
Footnotes:

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission.

MIAMI POLICE DEPARTMENT

DEPARTMENTAL ORDERS



Jorge R. Colina
Chief of Police

City of Miami



ARTHUR NORIEGA, V
City Manager

MIAMI POLICE DEPARTMENT

DEPARTMENTAL ORDERS

FOREWORD

The purpose of the City of Miami Police Departmental Orders is to provide policy and procedural guidelines for members in the performance of their duties.

All sworn and civilian employees are able to access the departmental orders via the Miami Police Department Intranet. In addition, all employees can download an eBook version of the departmental orders. The new eBook provides access from any mobile device, immediate search, highlighting, notetaking, and read aloud capabilities.

All employees of the Miami Police Department shall become familiar with these orders and will be governed by them.

Jorge R. Colina, Chief of Police
City of Miami Police Department

Date: 01.10.20



TABLE OF CONTENTS

COVER PAGE

FOREWORD

TABLE OF CONTENTS

DEPARTMENTAL ORDER 1: OFFICE OF THE CHIEF

- 1.1. DEPARTMENTAL ORDERS
- 1.2. DEPARTMENTAL MISSION
- 1.3. PUBLIC INFORMATION OFFICE (PIO)
- 1.4. SOCIAL MEDIA PLATFORM
- 1.5. COLLECTIVE BARGAINING
- 1.6. STAFF DUTY OFFICER
- 1.7. DIRECTIVE SYSTEM
- 1.8. CORRESPONDENCE
- 1.9. POLICE LEGAL ADVISOR
- 1.10. DEPARTMENTAL ADMINISTRATIVE FILING SYSTEM
- 1.11. RULES AND REGULATIONS
- 1.12. POLICE FUNERALS
- 1.13. CIVILIAN FUNERALS DEATH BENEFITS ASSISTANCE
- 1.14. LIMITATIONS ON ASSOCIATIONS (CITY MANAGER)
- 1.15. VIDEO RECORDING OF POLICE ACTIVITY
- 1.16. PROFESSIONAL COMPLIANCE SECTION
- 1.17. LESBIAN, GAY, BI-SEXUAL, TRANSGENDER DISCRIMINATION PREVENTION
- 1.18. AWARDS

DEPARTMENTAL ORDER 2: INTERNAL AFFAIRS SECTION

- 2.1. INTERNAL AFFAIRS SECTION
- 2.2. INTERNAL INVESTIGATIONS
- 2.3. CODE OF ETHICS
- 2.4. POLICE STANDARDS CERTIFICATION AND DECERTIFICATION
- 2.5. EARLY INTERVENTION - INCIDENT TRACKING SYSTEM (EI-ITS)

DEPARTMENTAL ORDER 3: SPECIAL INVESTIGATIONS SECTION

- 3.1. SPECIAL INVESTIGATIONS SECTION
- 3.2. INTELLIGENCE AND TERRORISM UNIT
- 3.3. NARCOTICS UNIT
- 3.4. JOINT INTERDICTION UNIT

DEPARTMENTAL ORDER 4: COMMUNICATIONS SECTION

- 4.1. TELEPHONE COMMUNICATIONS
- 4.2. RADIO COMMUNICATIONS
- 4.3. 24-HOUR INCIDENT LOG
- 4.4. DISPATCH PROCEDURES
- 4.5. RESERVED
- 4.6. RESERVED
- 4.7. RESERVED
- 4.8. RESERVED
- 4.9. RESERVED
- 4.10. VALIDATIONS AND 24-HOUR DESK

DEPARTMENTAL ORDER 5: SUPPORT SERVICES SECTION

- 5.1. RESERVED
- 5.2. BUILDING MAINTENANCE
- 5.3. RECORDS UNIT
- 5.4. COURT PROCEDURES
- 5.5. STRATEGIC PLANNING AND PERFORMANCE UNIT
- 5.6. ADMINISTRATIVE REPORTS

DEPARTMENTAL ORDER 6: PERSONNEL RESOURCE MANAGEMENT SECTION

- 6.1. PERSONNEL AND PAYROLL
- 6.2. PERSONNEL, EVALUATIONS, COMMENDATIONS AND REPRIMANDS
- 6.3. HEALTH SERVICES DETAIL
- 6.4. HEALTH HAZARDS
- 6.5. ANNUAL RANDOM SUBSTANCE ABUSE EXAMINATION PROGRAM
- 6.6. COMPREHENSIVE PSYCHOLOGICAL SERVICES PROGRAM
- 6.7. ANNUAL PHYSICAL EXAMINATION PROGRAM
- 6.8. SWORN PERSONNEL PROMOTIONS
- 6.9. MILITARY LEAVE
- 6.10. HARASSMENT (INCLUDING SEXUAL HARASSMENT)
- 6.11. EEO / DISCRIMINATION
- 6.12. RECRUITMENT AND SELECTION
- 6.13. PEER SUPPORT PROGRAM
- 6.14. RESERVED
- 6.15. DEPARTMENTAL STAFFING DETAIL
- 6.16. GRIEVANCE PROCEDURES
- 6.17. RESERVED
- 6.18. RESERVED
- 6.19. RESERVED
- 6.20. RESERVED
- 6.21. RESERVED
- 6.22. DEPARTMENTAL DISCIPLINARY REVIEW BOARD

DEPARTMENTAL ORDER 7: COMMUNITY RELATIONS SECTION

- 7.1. COMMUNITY RELATIONS SECTION
- 7.2. POLICE RESERVE AND AUXILIARY VOLUNTEER OFFICER DETAIL
- 7.3. TOURS OF THE POLICE FACILITY
- 7.4. POLICE ATHLETIC LEAGUE
- 7.5. CITIZENS ON PATROL
- 7.6. CITIZENS POLICE ACADEMY
- 7.7. POLICE EXPLORERS
- 7.8. CITIZEN VOLUNTEER PROGRAM
- 7.9. SCHOOL RESOURCE OFFICER

DEPARTMENTAL ORDER 8: BUSINESS MANAGEMENT SECTION

- 8.1. BUDGET
- 8.2. ACCOUNTING
- 8.3. FORFEITURE
- 8.4. LAW ENFORCEMENT TRUST FUND
- 8.5. INVESTIGATIVE FUNDS
- 8.6. ALARM ORDINANCE UNIT
- 8.7. CELLULAR TELEPHONE MANAGEMENT
- 8.8. CELLULAR TELEPHONE USAGE
- 8.9. GRANTS COORDINATOR
- 8.10. TRAVEL ON CITY BUSINESS
- 8.11. RESERVED
- 8.12. RENTAL VEHICLE EXCHANGE POLICY
- 8.13. PETTY CASH FUNDS POLICY

DEPARTMENTAL ORDER 9: CRIMINAL INVESTIGATIONS SECTION

- 9.1. HOMICIDE UNIT
- 9.2. SPECIAL VICTIMS UNIT
- 9.3. CRIMINAL INVESTIGATION PROCEDURES
- 9.4. DOMESTIC VIOLENCE UNIT
- 9.5. SEARCH AND ARREST WARRANTS
- 9.6. VICTIMS' RIGHTS
- 9.7. CRASH INVESTIGATIONS
- 9.8. TRAFFIC HOMICIDE INVESTIGATION
- 9.9. POLICE VEHICLE CRASH INVESTIGATION
- 9.10. CRIME SCENE PROCEDURES
- 9.11. VICTIMS ADVOCATE SERVICES
- 9.12. CONFIDENTIAL INFORMANTS
- 9.13. GENERAL INVESTIGATIONS UNIT
- 9.14. ROBBERY UNIT
- 9.15. ASSAULT UNIT
- 9.16. EYEWITNESS IDENTIFICATION / SHOW UPS

- 9.17. PHOTOGRAPH VIEWING SYSTEM
- 9.18. SQUATTER DETAIL

DEPARTMENTAL ORDER 10: OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY

- 10.1. EMERGENCY MOBILIZATION
- 10.2. AIRCRAFT CRASHES
- 10.3. HURRICANE AND SEVERE WEATHER
- 10.4. CIVIL DISORDER
- 10.5. FIRE
- 10.6. POLICE BUILDING EVACUATION
- 10.7. DISTURBANCES AT CONFINEMENT FACILITIES
- 10.8. INCIDENT COMMAND SYSTEM
- 10.9. LOCAL SUPPORT SERVICES

DEPARTMENTAL ORDER 11: PATROL

- 11.1. PATROL
- 11.2. PATROL NET SERVICE AREA
- 11.3. PERIMETERS
- 11.4. STATION SECURITY
- 11.5. PRISONER INTERVIEW AREAS
- 11.6. F.T.O. PROGRAM
- 11.7. VEHICLE PURSUIT DRIVING AND POLICE VEHICLE OPERATION POLICY
- 11.8. REPORTING PROCEDURES
- 11.9. DEALING WITH FOREIGN NATIONALS
- 11.10. HOMELESS
- 11.11. CRISIS INTERVENTION TEAM
- 11.12. FLORIDA MENTAL HEALTH ACT (BAKER ACT)
- 11.13. SUBSTANCE ABUSE SERVICES (MARCHMAN SERVICES ACT)
- 11.14. UNDOCUMENTED PERSONS (ILLEGAL ALIENS)
- 11.15. PARKING ENFORCEMENT
- 11.16. ARREST PROCEDURES
- 11.17. PERSONNEL ASSIGNMENT PROCEDURES
- 11.18. LIMITED ENGLISH PROFICIENCY (LEP)
- 11.19. VEHICLE IMPOUNDMENT PROGRAM DETAIL
- 11.20. PUBLIC SERVICE AIDES
- 11.21. COMMUNICATING WITH THE DEAF OR HARD OF HEARING
- 11.22. FOOT PURSUIT
- 11.23. DETENTION OFFICERS
- 11.24. RAPID RESPONSE TO AN ACTIVE SHOOTER
- 11.25. JUVENILE PROCEDURES
- 11.26. BODY WORN CAMERA (BWC)
- 11.27. SHOTSPOTTER

DEPARTMENTAL ORDER 12: SPECIALIZED OPERATIONS SECTION

- 12.1. SPECIAL EVENTS
- 12.2. TRAFFIC ENFORCEMENT
- 12.3. CANINE
- 12.4. RESERVED
- 12.5. RESERVED
- 12.6. SPECIAL THREAT RESPONSE UNIT
- 12.7. MARINE PATROL
- 12.8. MOUNTED PATROL
- 12.9. SCHOOL CROSSING GUARD DETAIL
- 12.10. WRECKER DETAIL
- 12.11. AVIATION
- 12.12. RESERVED
- 12.13. ACCIDENT REVIEW BOARD (ARB)
- 12.14. SPEED ENFORCEMENT
- 12.15. UNDER 21 IMPAIRED DRIVING ENFORCEMENT
- 12.16. IMPAIRED DRIVER ARREST AND PROCESSING
- 12.17. MANUAL TRAFFIC CONTROL
- 12.18. SEATBELT ENFORCEMENT DATA COLLECTION
- 12.19. DIRECTED TRAFFIC ENFORCEMENT STANDARD
- 12.20. TRAFFIC ENGINEERING AND ROADWAY HAZARDS
- 12.21. STAGED CRASH DETAIL
- 12.22. BOMBS, BOMB THREATS, EXPLOSIVES, AND HAZARDOUS MATERIALS EMERGENCIES

DEPARTMENTAL ORDER 13: INFORMATION TECHNOLOGY SUPPORT SECTION

- 13.1. COMPSTAT SUPPORT UNIT
- 13.2. COMPUTER SUPPORT UNIT
- 13.3. COMPUTER USE POLICY
- 13.4. SOCIAL MEDIA / SOCIAL NETWORKING
- 13.5. GLOBAL POSITIONING SYSTEM (GPS)

DEPARTMENTAL ORDER 14: PROPERTY & EVIDENCE MANAGEMENT SECTION

- 14.1. UNIFORM, EQUIPMENT, AND DRESS
- 14.2. FLEET LIAISON
- 14.3. PROPERTY AND EVIDENCE MANAGEMENT SECTION
- 14.4. IMPOUNDING VEHICLES / VESSELS
- 14.5. BODY ARMOR

DEPARTMENTAL ORDER 15: TRAINING AND PERSONNEL DEVELOPMENT SECTION

- 15.1. TRAINING
- 15.2. FIREARMS PROCEDURES
- 15.3. SCENARIO BASED TRAINING
- 15.4. BIAS BASED PROFILING
- 15.5. BATON PR-24

- 15.6. EXPANDABLE BATON
- 15.7. OC SPRAY
- 15.8. ELECTRONIC CONTROL DEVICES
- 15.9. LEG RESTRAINT
- 15.10. DOJ AGREEMENT AND STANDARDS TRAINING
- 15.11. EXCITED DELIRIUM
- 15.12. TOURNIQUET
- 15.13. BREACHING TOOLS

DEPARTMENTAL ORDER 16: INVESTIGATIVE SUPPORT SECTION

- 16.1. INVESTIGATIVE INTELLIGENCE SUPPORT UNIT
- 16.2. CRIME SCENE INVESTIGATION UNIT
- 16.3. TACTICAL INVESTIGATIONS UNIT
- 16.4. FACIAL RECOGNITION TECHNOLOGY
- 16.5. CLOSED CIRCUIT TELEVISION (CCTV)
- 16.6. MOBILE AND FIXED LICENSE PLATE RECOGNITION (LPR)

DEPARTMENTAL ORDER 17: RESPONSE TO RESISTANCE

- 17.1. USE OF FORCE AND ADMINISTRATIVE PROCEDURES

HOMELESSSection

- 10.1 Policy
- 10.2 Organization
- 10.3 Responsibility
- 10.4 Mission
- 10.5 Definitions
- 10.6 Procedures
- 10.7 Property

10.1 POLICY: It is the policy of the City of Miami Police Department to ensure that personnel are sensitive to the needs and rights of our Homeless population, as well as knowledgeable of the department's arrest policies concerning such persons.

10.2 ORGANIZATION: The City of Miami has a policy that we shall not arrest visibly homeless persons who live in public for performing acts, criminalized as misdemeanors, such as sleeping, eating, lying down, or sitting in public, when there is no available shelter. It is not a crime to be homeless. This policy should not be construed as protecting persons (whether homeless or not) from arrest for engaging in any other type of criminal activity.

10.3 RESPONSIBILITY: It is the responsibility of all City of Miami Police Officers, whether working in an on-duty or off-duty capacity, to abide by this Departmental Order.

10.4 MISSION STATEMENT: We must continue to vigorously do our job and enforce the law's which were enacted to ensure a safer community, while extending compassion for homeless persons.

10.5 DEFINITIONS:

10.5.1 A "homeless person". An individual is considered a "homeless person" if he or she " lacks a fixed, regular and adequate night time residence and has a primary night time residency that is: (a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. The term "homeless person" does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a state law". The term "homeless person" does not include any person identified as a registered sex offender under section 775.21 Fla. Stat., as amended, or sexual predator under section 775.215 Fla. Stat., as amended, or sections 21-277 to 21-2185 Miami-Dade County Code. An officer is allowed to make reasonable inquiry to make this determination.

10.5.1.2 An "available shelter" means a shelter for a period of at least, with a bed, or a mat at least (3) inches thick, at no cost to the homeless person, within the territorial boundaries of the City or within one mile thereof, or if agreed to by the homeless person, within Miami-Dade County, that treats homeless persons with dignity and respect, imposes no religious requirements, and unless agreed to

by the homeless person, does not impose involuntary substance abuse or mental health treatment as a condition for shelter.

10.5.1.3 "PUBLIC PROPERTY": "Public Property" includes all property owned by any governmental entity (federal, state or local). "Public Property" shall not include property which has become subject to

10.5.1.4 A leasehold interest, management agreement or other possessory interest of a nongovernmental lessee, licensee or manager, which is operated as a private business. A public park shall always be public property within the meaning of this definition.

10.5.1.3.1 "EXEMPT PUBLIC PROPERTY": The following are "exempt public properties" (1) City of Miami, City Hall, 3500 Pan American Drive; (2) Miami Riverside Center, 444 SW 2nd Avenue; (3) City of Miami Fire Stations; (4) City of Miami Police Stations and (5) City of Miami NET (Neighborhood Enhancement Team) Offices. A homeless person's presence in the interior of an "exempt public property" is not a trespass within the meaning of 10.6.2.3.3 (11) where the homeless person's activities are reasonably related to the governmental business activities normally performed within these physical structures.

10.6 PROCEDURES:

10.6.1 An officer always has the right to approach any individual including a homeless person to allay any suspicions an officer may have about the individual, and ascertain that no criminal activity is occurring.

10.6.2 At any time, and for any reason a law enforcement officer may approach a homeless person, who has not been observed engaging in any criminal conduct, to advise him or her of shelters, services, or assistance which are currently available. The officer may also call for the assistance of an outreach worker. The homeless person may or may not accept the advice or referral or he/she may even walk away from the area prior to the outreach worker/arriving. The rationale is to pro-actively have an outreach worker address the homeless person with referrals. If such an approach and advice occurs by a law enforcement officer, that officer shall complete a Field Information Card, or its electronic equivalent, with the facts of the incident, the referral and indicate at the top of the card "Homeless". The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the Field Information Card for completeness, sign the top right hand corner with his name and IBM number and deliver to the Records Unit daily. In the case of a homeless person who refuses and who has refused assistance in the past thirty (30) days, a new Field Information Card, or its electronic equivalent, is not required to be completed for each encounter as long as the prior-filed Field Information Card, or its electronic equivalent, is update with the new date of contact with the homeless person. The pink Field Information Card, or its electronic equivalent, shall be filed with the Records Unit within the Miami Police Department.

10.6.2.1 When a homeless person meets the criteria for involuntary examination under Florida Law (§394.463, Fla. Stat., as amended) "Baker Act" a law enforcement officer may, in his discretion, take the homeless person to the nearest receiving facility for involuntary examination. If the homeless person is taken to such a receiving facility for involuntary examination, a copy of the "Baker Act Forms" shall be filed with the nearest receiving facility. In addition, the officer shall complete an Field Information Card, or its electronic equivalent, The officer will turn the pink Field Information, or its electronic equivalent, card in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card to the Records Unit daily.

10.6.2.2 If a homeless person is observed violating a "Life Sustaining Conduct" misdemeanor, (as listed under 10.6.2.3.3) the law enforcement officer may exercise the following courses of conduct.

10.6.2.3 If an officer determines that an individual is a homeless person and through his observation determines that a "Life Sustaining Conduct" misdemeanor (as listed under 10.6.2.3.3) is occurring in his presence, he must first check to see if there is an available shelter. The officer will contact the communications unit to ascertain if there is an available shelter. If there is an available shelter, the officer will offer the shelter to the homeless person, if the homeless person chooses shelter rather than arrest. An Outreach Team will respond to transport the homeless person to the shelter. If the Outreach Team (if available) is unavailable the law enforcement officer will transport the homeless person. If the homeless person is transported to a shelter, the officer will complete a Field Information Card, or its electronic equivalent, with the facts of the incident and indicate at the top of the card "Homeless". The officer will turn the pink Field Information Card in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily.

10.6.2.3.1 If the officer has probable cause to arrest the homeless person for a "Life Sustaining Conduct Misdemeanor," (as they are listed under 10.6.2.3.3) and there is an "available shelter" and the homeless person refuses the shelter, or if the sole available shelter at the time is a shelter from which the homeless person is barred from because of his own purposeful misconduct, criminal or otherwise, which occurred at that shelter, the officer may arrest the homeless person. The officer must document on the A form, beyond the probable cause for the arrest, the offer of shelter, the refusal by the homeless person to accept the "available shelter," the name of the shelter, and the word "Homeless" should be written at the top of the Arrest Affidavit. A copy of the Arrest Affidavit will be forwarded to the Miami Police Records Unit in conjunction with a pink Field Information Card, or its electronic equivalent.

10.6.2.3.2 If the officer has probable cause to arrest the homeless person for a "Life Sustaining Conduct Misdemeanor" (as they are listed under 10.6.2.3.3), and there is no "available shelter," the officer shall not make an arrest nor take any other police action (warnings, etc). The officer will complete a Field Information Card, or its electronic equivalent, explaining the circumstances of the initial contact with the homeless person, the fact that there was no "available shelter," the fact that no arrest was made and the word "Homeless" should be written at the top of the card. The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the Field Information Card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily. However, if the homeless person described above is observed committing one of the below listed "life sustaining conduct" misdemeanors, and the life sustaining conduct misdemeanor causes imminent threat of physical injury to the homeless person or other person(s), the law enforcement officer must warn the homeless person to stop and if they refuse to do so, may arrest them regardless of whether there is an available shelter.

10.6.2.3.3 "Life Sustaining Conduct Misdemeanors" are the following:

1. Being in park after hours. Current Provisions (38-3 1-13, F.S. 162.22)
2. Public nudity where necessary to carry on the daily necessities of life, such as bathing or responding to a call of nature. If the public nudity is done intentionally in plain view of others and the exposure or exhibition of the sexual organs, or nakedness was in a vulgar, indecent, lewd or lascivious manner, the law enforcement officer may arrest the person regardless of whether there is an available shelter. Moreover, in no circumstance shall public nudity be allowed for a call of nature if there

exists an open public restroom within one-quarter of a mile (1.320 feet) of the homeless person performing a call of nature. Current Provisions (F.S. 800.03, 37-1, 38-62)

3. Reserved
4. Obstructing passage on sidewalks, except that after one warning, no person or persons may lie on the sidewalk in a perpendicular fashion blocking the sidewalk, or may obstruct a sidewalk in such a way as to endanger other persons by requiring them to walk onto a street where but for the obstruction, such persons would otherwise have been able to safely walk on the sidewalk. Obstructing a street, road, or highway shall not be construed to be a "Life Sustaining Conduct Misdemeanor" within the meaning of this departmental order. Current Provisions 54-1 to 54-3, 37-3, FS 316.2045)
5. Vehicles, living or sleeping in. Current Provision (37-4)
6. Loitering in Restrooms. Current Provision (38-68)
7. Littering, except if within 300 feet of a usable trash receptacle, a law enforcement officer must warn the homeless person to stop and if they refuse to do so, may cite them regardless of whether there is an available shelter. Current Provision (FSS 403.314, 22-6, 38-17, 38-63)
8. Camping in parks. Current Provision. (38-71)
9. Use of facilities for other than intended purpose (e.g. sleeping on park bench). Current Provisions (38-54).
10. Reserved
11. Trespass on "public property" other than structure or conveyance. Current Provision. (F.S. 810.09 (1). Trespass on private property or in an "exempt public property" is not a "Life Sustaining Conduct Misdemeanor" within the meaning of this departmental order.

10.6.2.3.4 Nothing in 10.6.2.3.3 listing the "Life Sustaining Conduct Misdemeanors" shall prevent an immediate arrest under 800.04 FS entitled "Lewd, lascivious, or indecent assault or act upon or in presence of a child" if the officer has probable cause to make such an arrest.

10.6.2.3.5 Homeless Persons observed violating a misdemeanor, which is not classified above as "Life Sustaining Conduct Misdemeanors". Under this category the existence of an available shelter will not dictate whether an arrest is effected. However, officers can still refer homeless persons to the Outreach Team. A referral to an appropriate shelter rather than an arrest might be a better solution to minor misdemeanor arrests. In lieu of arrest the officer may warn the homeless person to stop the unlawful conduct, and refer the person to a shelter, or if the officer deems it appropriate, the officer may detain or arrest the homeless person. If the homeless person is arrested, the word "Homeless", should be printed on the top of the "A" form. A copy of which shall be filed with the Records Unit within the Miami Police Department. If the officer makes a decision not to make an arrest, and a referral is made, the officer shall complete a Field Information Card, or its electronic equivalent, with the facts of the incident, the referral and indicate at the top, "Homeless". The officer will turn the pink Field Information Card, or its electronic equivalent, in to his supervisor. The supervisor will check the card for completeness, sign the top right hand corner with his name and IBM number and deliver the Field Information Card, or its electronic equivalent, to the Records Unit daily.

10.7 PROPERTY:

10.7.1 The City shall respect the personal property of all homeless persons. Officers shall follow existing policies for taking custody of personal property. In no event shall any officer destroy any

personal property known to belong to a homeless person, or readily recognizable as property of a homeless person unless it is contaminated or otherwise poses a health hazard to an officer or to members of the public. Officers are not responsible for taking custody of mattresses.

10.7.2 The disposition of personal property shall never prevent an officer from effectuating an arrest. However, the following safeguards shall be undertaken by the arresting officer to preserve the property of a homeless person, to the extent feasible:

10.7.2.1 The arresting officer shall always attempt to secure personal items such as identification, medicines and eyeglasses and other small items of importance identified by the arrestee, which are not large or bulky, in accordance with the police department's existing procedures;

10.7.2.2 The arresting officer shall ensure that large or bulky items (which are not contaminated or otherwise pose a health hazard to the officers or to members of the public) are not abandoned at the point of arrest, but rather secured by an outreach worker and maintained by existing outreach procedures. If an outreach worker is unavailable, then it must be secured by the arresting officer until an outreach worker becomes available to assume its maintenance in accordance with existing outreach procedures;

10.7.3 In no event shall any law enforcement officer destroy any personal property known to belong to a homeless person, or readily recognizable as property of a homeless person (i.e. clothing and other belongings organized or packaged together in a way indicating it has been abandoned) except as permissible by law (in accordance with the department's operating procedures), or if the property is contaminated or otherwise poses a health hazard to officers or to members of the public.

10.7.4 When a homeless person is placed in a shelter, large and bulky items, which are not contaminated or otherwise pose a health hazard or obvious safety issue, and that are not abandoned, shall be secured by an outreach worker and maintained in accordance with existing outreach procedures.

BODY WORN CAMERA (BWC)

Section

- 26.1 Policy
- 26.2 Organization
- 26.3 Responsibilities
- 26.4 Procedures

26.1 POLICY: The use of a body worn camera (BWC) system will provide documentation of the interactions between City of Miami Police and Detention Officers and the public by video recording evidence of actions, conditions and statements that may be used by judicial, internal review, or by the public through a formal public records request. The primary use of the BWC is to enhance officer safety, public safety, and promote accountability and transparency. The equipment will allow the Department to document statements and events during the course of an incident, enhance the police officer's ability to document and review statements and actions for internal reporting and preserve visual and audio information. The Department recognizes that the BWC will not capture exactly what an officer sees and/or hears or what an officer senses or experiences. Footage captured by BWCs is only a portion of the encounters between officer and individuals. The Department acknowledges that an officer's recollection of specific details may be different from what is captured by the BWC. Although the BWCs do not capture an officer's full knowledge of any particular situation, they are a valuable officer tool to capture and preserve data. **(CALEA 41.3.8 a)**

26.2 ORGANIZATION: This policy shall be applicable to all police and detention officers. The Chief of Police will decide which member will be issued a BWC. The issuance of BWC equipment, data access, and maintenance will be handled by the Body Worn Camera Detail.

26.3 RESPONSIBILITIES: Any officers utilizing BWC equipment shall ensure the device is in working order prior to starting their tour of duty and shall activate the BWC at all times when they become involved in any official action, enforcement action, are in the custody of or transporting a detainee, or engage in any self-initiated interactions with citizens. In addition to the officer, Supervisors will be held strictly accountable, and subject to disciplinary action, for any failure on a subordinate's part to adhere to this policy. Violation of this policy will be addressed in accordance with progressive discipline. **(CALEA 41.3.8 b)**

26.4 PROCEDURES:

26.4.1 PRE-SHIFT INSPECTION: Prior to each shift, officers assigned a BWC will ensure the BWC is adequately charged. Furthermore, officers will inspect their BWC equipment to ensure the device is in good working order, has no visible damage and is their assigned BWC. Any visible damage or concerns about the functionality of any BWC equipment will be brought to the attention of the officer's immediate supervisor without delay. If an officer's BWC is lost or discovered to be missing from its last docked location, the officer shall notify their supervisor and the Body Worn Camera Detail immediately. **(CALEA 41.3.8 e)**

26.4.2 AUDIO / VIDEO RECORDING:

26.4.2.1 Wearing Position and Use of the BWC: BWCs shall be worn on the chest using the mounting equipment issued from the Body Worn Camera Detail. BWCs shall not be mounted on another object or another position on the officer's body. Officers shall only wear and operate their assigned BWCs.

26.4.2.2 Use of and Recording with the BWC: (CALEA 41.3.8 b)

- a) An officer assigned a BWC must wear it in the On/Standby Mode at all times when on duty while in uniform and operating a police vehicle to or from work/home or court, while performing or likely to perform enforcement duties, or while performing an extra-duty detail/ special event. Officers shall be in uniform while operating a marked police vehicle to and from work, extra-duty detail/special event, or other function where the officer would otherwise be expected to report in police uniform or is travelling from a function where the officer had worked in uniform. Officers shall turn off BWC equipment while in bathrooms, however, will resume On/Standby Mode upon exiting bathroom facilities
- b) BWCs are considered a tool in the performance of law enforcement duties. Officers assigned a BWC shall not erase, alter, modify, destroy, abuse, tamper with, or intentionally interfere with the capabilities of the BWC equipment, including any audio/video recordings or the device.
- c) The Department recognizes that officer safety is paramount. Officers are directed to activate their BWC immediately upon being dispatched to a call for service or engaging in a self-initiated call for service. In the event that an Officer cannot safely begin recording at the time of dispatch or upon initiating a self-directed call for service the Officer must start recording as soon as it is safe and practical to do so. If multiple officers are on scene with a BWC, all officers with a BWC will record. Likewise, if multiple Detention Officers are transporting detainees, all Detention Officers will activate the record mode during this task.
- d) Officers with a BWC shall activate their BWC for all investigative or enforcement contacts including, but not limited to:
 - 1. Responding to calls for service in an emergency mode
 - 2. All vehicle pursuits, or foot pursuits
 - 3. All traffic stops including the investigation of a vehicle and vehicle occupants
 - 4. All searches including, but not limited to, people, vehicles, and buildings
 - 5. All requests for a consent to search without a warrant, including searches of persons, buildings, or vehicles
 - 6. All requests for searches and deployments of drug detection canines involving vehicles, when practical
 - 7. All arrests and/or citations.

8. While in custody of a detainee
 9. Statements from victims/witnesses
 10. Any incident upon the direction of a supervisor, at the request of another police officer, or on any incident where the officer deems it appropriate to activate the body camera
 11. Officers shall only use the Department issued BWC equipment to record official Departmental activities
 12. Any other legitimate law enforcement contacts, including contacts made while working the front desk at any departmental facilities.
- e) Officers assigned a BWC and with a detainee will record until all paperwork associated with the arrest/incident is completed and the detainee is placed inside of a Prisoner Interview Area in the custody of detention officers, or if a detention officer in the field takes custody of the detainee and the completed paperwork associated with the arrest and the officer proceeds to clear the location. Detention Officers shall initiate recording immediately upon taking custody of a detainee in the field, or immediately prior to leaving the Prisoner Interview Area with a detainee and shall continue recording until arrival at the Miami Dade Corrections facilities, or other destination where detainee(s) are delivered into the custody of another authority.
- f) Officers will continue to record while at the Miami Dade Correctional facility unless directed by a Miami Police supervisor to cease recording.
- g) Officers will cease recording upon entering any court facility unless the officer is responding to a call for service at the facility, or law enforcement action becomes necessary while at the facility. In the event that the officer is responding to a call for service at the facility the BWC recording shall continue until the officer concludes the call, or the officer is directed by a Miami Police supervisor to cease recording.
- h) Once a BWC is recording, officers must continue to record until their involvement in the event ceases and they leave the scene.
- i) While **not required** by policy or state law, officers assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation and has been shown to reduce incidents of use of force.
- j) A BWC is not specifically designed to log evidence or to be used for any situation where fine detail and resolution is necessary. Officers are encouraged, however, to use their assigned BWC to record crime scenes prior to the arrival of crime scene technicians or forensic investigators, especially if the scene may change or be compromised.
- k) For efficiency, officers assigned a BWC will have the ability to properly ID, title, categorize and view via the smartphone application "Axon View", or an assigned iPod, prior to uploading to the evidence management system (EMS). Officers that are unable to properly ID, title, categorize, or view videos will have the ability to do so via the Evidence.com after uploading videos into the EMS.

- l) Officers will activate or deactivate the BWC pursuant to this Department Order and not upon the request of a citizen.
- m) **EXTRA-DUTY DETAILS** (Extra-Duty Details/Special Events): An officer assigned a BWC must wear it in the On/Standby Mode at all times when working an extra duty detail or special event. Officers are to initiate recording while working extra-duty/special event assignments and take any action(s) that would otherwise require the activation of the BWC as if the officer was on-duty. When the BWC activation becomes necessary, the officer is to ID, title and categorize the incident immediately upon the completion of the incident if the officer is assigned an iPod. Officers not assigned an iPod shall dock the BWC upon their next regular scheduled work day and ID, title and categorize the incident at that time. The officer must notify a supervisor working the same extra duty detail or special event if one is assigned (to include Special Events Supervisors) if the officer is involved in an arrest, response to resistance, injury to an officer or other, including arrestee/detainee, vehicle pursuit (even if it was cancelled/concluded), a complaint against the officer is made, or any serious incident. The supervisor will determine if there is a need for the officer to dock and upload the BWC prior to the officer's next regular scheduled work day. If the officer is working an extra-duty detail/special event assignment where there is no supervisor assigned, the officer must notify Communications and request that an on-duty supervisor be notified. The supervisor will determine if there is an immediate need for the officer to dock and upload the BWC prior to the officer's next regular scheduled work day. Officer(s) that are directed by a supervisor to immediately dock the BWC will be compensated accordingly. Officers shall be in uniform while operating a marked police vehicle to and from an extra-duty detail/special event assignment.
- n) **PORTAL to PORTAL TRAVEL:** An officer operating a city vehicle and who is assigned a BWC must wear it in the On/Standby Mode when traveling portal to portal in uniform and is to initiate recording if they take any action(s) that would otherwise require the activation of the BWC if the officer was on-duty. When the BWC activation becomes necessary, the officer is to dock the BWC, ID, title, and categorize the video upon returning to their next regular scheduled work day. The officer must notify Communications and request that an on-duty supervisor be notified if the officer becomes involved in an arrest, response to resistance, injury to an officer or other including arrestee/detainee, vehicle pursuit (even if it was cancelled/concluded), a complaint against the officer is made, or is involved in a serious incident. The supervisor will determine if there is an immediate need for the officer to dock and upload the BWC prior to the officer's next regular scheduled work day. Officer(s) that are directed by a supervisor to immediately dock the BWC will be compensated accordingly. Officers shall be in uniform while operating a marked police vehicle to and from work, extra-duty detail/special event, or other function where the officer would otherwise be expected to report in police uniform or is traveling from a function where the officer had worked in uniform.

26.4.3 EXCEPTIONS TO RECORDING: While it is the intent of this policy to require the BWC recording of any incident, interaction, investigation or enforcement contact not be interrupted prior to its conclusion and the officer clears the scene, or has completed the transport of a detainee, the Department recognizes that there will be times when private conversation prior to the conclusion of the incident may be necessary. An example of such instances when private conversation may be necessary is during strategy discussions with a supervisor or other officer. Prior to such discussion Officers may activate the Mute function on the BWC. Prior to activating the Mute function on the BWC the officer is to indicate the reason for muting the video. Officers shall not activate the Mute function while actively engaged or interacting with a member of the

public, suspect or detainee. Officers shall not deactivate the recording unless specifically directed to do so by a supervisor. In such instance the officer is to indicate the supervisor's name who authorized deactivating the recording prior to doing so.

26.4.3.1 Supervisors may authorize an officer to deactivate BWCs during non-enforcement activities such as:

(CALEA 41.3.8 b)

- a) Traffic control at fires, crime scenes, or crash scenes when the officer's likelihood of being involved in enforcement activities is low.
- b) Lengthy hospital stays awaiting medical clearance (unless enforcement actions are likely, the likelihood of additional criminal activity or escape attempt is high, the suspect is making voluntary statements, or the officer is gathering additional evidence, e.g., DUI blood draws).
- c) Officers shall make a verbal notation on the recording anytime they are directed by a supervisor to stop a recording. The verbal notation must include the reason why the officer is stopping the recording and the name of the supervisor who authorized the halting of the recording. Officers shall note on their worksheet the number of videos associated with each case due to the stops and restarts during a call. (e.g., Officer is directed by a supervisor to stop the BWC and restarts the BWC prior to clearing the call. In this particular circumstance the officer will generate two videos on the one call, therefore, the worksheet entry for the call shall reflect "2 BWC Videos".)
- d) When in close proximity to a suspected explosive device or package. Officers assigned to a perimeter will have their BWC active and recording unless directed by a supervisor to stop recording.

26.4.3.2 PROHIBITED RECORDINGS: In keeping with the Department's core values of respect and integrity, officers assigned a BWC will adhere to the following guidelines: **(CALEA 41.3.8 b)**.

- 1. BWCs will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms unless while handling a legitimate call in one of these locations.
- 2. BWCs shall not be used to record a strip search or a body cavity search conducted in accordance with Florida Statutes 901.211.
- 3. BWCs will not be intentionally activated to record conversations of fellow officers without their knowledge during routine and non-enforcement activities.
- 4. BWCs will not be utilized to surreptitiously record conversations of the public and/or other members of the Department.
- 5. Officers utilizing a BWC will not knowingly record undercover officers or confidential informants.
- 6. BWCs will not be utilized to record any personal activity.

7. BWCs will not be utilized to record roll call activities.
8. BWCs will not be utilized in DUI processing rooms where a Breath Testing Instrument is located. (Due to radio frequency interference)

26.4.4 CRITICAL INCIDENT PROTOCOL:

26.4.4.1 A critical incident for the purpose of this departmental order is any police action or activity that directly or indirectly results in serious bodily injury or death to an officer and/or a citizen.

26.4.4.2 In the event of a critical incident, an officer assigned a BWC shall refrain from viewing the recorded data until the investigative entity responsible for the investigation arrives on scene and authorizes the officer to do so. This section does not prohibit officers in critical incidents with ongoing exigency from viewing BWC recordings that may aid the present investigation (e.g., suspect descriptions, suspect vehicles, direction of travel). **(CALEA 41.3.8 c)**

26.4.4.3 If there are BWCs in use during a critical incident, a police supervisor or an investigator assigned to the Internal Affairs Section and not involved in the actual critical incident will immediately take physical custody of any BWC's that may have captured the incident. The investigator will contact the Body Worn Camera Detail to have an officer respond and facilitate with the video uploaded from the BWC into the evidence management system (EMS) without delay and provide copies as authorized.

26.4.4.4 Officers will be able to review video before giving any statements. **(CALEA 41.3.8 c)**

26.4.5 DATA UPLOADING AND VIDEO CATEGORIZATION:

26.4.5.1 Prior to docking their BWC, officers on an FTO rotational phase shall use the smart phone application, issued iPod, or computer program to assign the appropriate ID, title, and category to each individual recording. For efficiency, officers are to ID and categorize their videos throughout their shift using the mobile application, "Axon View", iPod, or computer program. Instructions for identifying "ID", titling and categorizing each individual recording follow: **(CALEA 41.3.8 d)**

a) ID field: Enter the CAD number (when applicable).

1. Officers shall use the following formats in the ID field:
170103123456

b) Title field:

1. Provide final signal and FTOs IBM (e.g., signal 55, with FTO's IBM).

c) Category fields:

There are 20 category choices for each individual recording. If multiple categories apply to an event, officers shall select the category with the highest retention period available to them.

1. Recording Management Categories

a. The following recording categories are to be used.

Categories	Retention Duration
1 Baker Act	180 Days
2 Crime Stoppers Tip	90 Days
3 Damage to MPD-City Property	1 Year
4 Death Investigations	100 anniversary years after crime was committed
5 Detention Officer Transport (Incident)	1 Year
6 Detention Officer Transport (No Incident)	90 Days
7 DUI Investigation	3 Years
8 Felony Investigation	5 Years
9 Field Contact /Traffic Stop (No Citation)	90 Days
10 Homeless Encounter	1 Year
11 IA Case (Closed)	5 years after complaint disposition
12 IA Case (Open Pending)	100 Years (BWC access restricted)
13 Misdemeanor Investigation	3 Years
14 Police Involved Shooting	100 anniversary years after date of incident
15 Response to Resistance	5 Years
16 Test/ Training Videos	90 Days
17 Traffic Crash Investigations	5 Years
18 Traffic Stops (Citation Issued)	180 Days
19 Uncategorized	180 Days
20 Vehicle Pursuits	5 Years

2. At the end of each shift, all officers assigned a BWC will dock their camera and retrieve the camera previously left charging in the dock before heading home. All officers are responsible for ensuring all video evidence that is uploaded has the proper ID, title, and category before the end of their workday. Officers working an extra-duty detail, or special events detail will dock their camera on their next regular work day, **unless ordered by a supervisor to do so sooner due to an incident that occurred during the officers extra-duty detail or portal to portal travel.** Any evidence recorded by a back-up officer shall be ID'd and categorized the same as the primary officer, to include signal, case number, disposition, etc. **(CALEA 41.3.8 g)**

3. Upon upload to the EMS, the BWC will be cleared of existing data and ready for use during the officer's next shift.

26.4.5.2 Officers on Solo 1 phase and beyond are not required to categorize or ID each video prior to docking their BWCs if docking occurs within 8 hours from the end of their scheduled shift as CAD information will be automatically uploaded and used to categorize and ID the individual

videos recorded during that shift. However, officers in this status are to afterwards review the entries in Evidence.com and validate that each of the videos previously uploaded were correctly categorized and ID'd by the system. In the event that the information on any given video is not correct, officers must manually make the necessary corrections. Officers are encouraged to use the Title field to enter brief descriptions of the incident recorded, including final signal and outcome as this information as it will serve as a reminder and assist officer in locating a particular video in the future. Any officer in Solo 1 phase and beyond who docks the BWC after 8 hours from the end of their scheduled shift shall manually input the information as required in 6.4.5.1.

26.4.6 REPORTING / DOCUMENTATION (Self-Reporting and Supervisor Compliance Audit Forms):

26.4.6.1 The use of a BWC will be documented at the end of the paragraph of an incident or supplemental report.

26.4.6.2 When a BWC records an incident resulting in either an arrest or citation, the use of the BWC will be documented in the citation and/or the arrest report narrative. If a citation is issued, the words "BWC utilized." will be written in the lower right hand corner of a paper citation or typed in the arrest form. The officer's worksheet will also reflect "BWC utilized."

26.4.6.3 Any officer who fails to activate their BWC and or record an incident as directed by this policy is to complete and submit a BWC Self-Reporting Form to their immediate supervisor explaining the circumstances prior to the officer's end of shift. The supervisor will review the report and determine if the failure to record was warranted. In the event that the supervisor determines that the failure to activate the BWC in accordance with policy is not justified, the supervisor shall initiate the appropriate disciplinary action in accordance with progressive discipline and document action taken on the form. The form shall be submitted through channels to the Field Operations Division Chief with a copy submitted to the Body Worn Camera Detail.

26.4.7 DEPARTMENT REVIEW / TRAINING:

26.4.7.1 All recordings made with a BWC are the property of the Miami Police Department.

26.4.7.2 Recordings may be reviewed: **(CALEA 41.3.8 c)**

- a) By a Department officer to ensure a BWC system is working properly.
- b) By a police officer viewing their individually assigned recordings to assist with writing a report, supplement, citation, memorandum or court case preparation.
- c) By authorized persons for the purpose of reviewing evidence and processing records requests.

- d) By a supervisor to investigate a specific act or allegation by another officer or by a member of the public. However, recorded data shall not be randomly viewed by supervisors for the sole purpose of enforcing policy violations, except as directed in 6.5.2 Audits.
- e) The Chief of Police or designee may order periodic integrity inspections of recordings to be conducted by the Internal Affairs Section.
- f) By authorized Department personnel participating in an official investigation, such as a citizen complaint, administrative inquiry or criminal investigation.
- g) By others with permission of a supervisor if they are participating in an official investigation.

26.4.7.3 BWC recordings may be used for the purposes of training. Officers aware of BWC recordings that may serve as a training aid for other officers should notify a supervisor who will review the recording to determine its feasibility as a training aid.

26.4.7.4 BWC recordings will never be used with the intent of belittling, ridiculing or embarrassing any officer of the Department, notwithstanding the potential use of BWC recordings in disciplinary matters.

26.4.7.5 Supervisory personnel shall review all BWC video relevant to a serious incident involving an officer, including any response to resistance, vehicle pursuit, officer involved crash, firearm discharge, complaint against officer(s), injury to officer or others, etc., prior to completing any supervisory report of the incident.

26.4.7.6 Discovery of Potential Misconduct during Authorized Review:

1. Members reviewing recordings should remain focused on the incident captured in the BWC and should review only those recordings relevant to the investigative scope. If a member discovers potential misconduct during any review of the BWC, the member shall report the potential misconduct to a superior officer. The superior officer shall adhere to the provisions of Departmental Order 2. Nothing in this procedure prohibits addressing Department Order violations.

26.4.8 DATA PRIVACY / RETENTION OF RECORDINGS / RECORDS REQUESTS:

26.4.8.1 All digital media that is captured with a BWC is the property of and will be retained by the Miami Police Department for a minimum of 90 days following the date it is recorded. Captured video may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc. **(CALEA 41.3.8 d)**

26.4.8.2 Unauthorized accessing, copying, or releasing captured video without the approval of the Chief of Police or designee is strictly prohibited. Officers are prohibited from making copies of a BWC audio/video recording by using another recording device such as a cell phone.

26.4.8.3 With the proper EMS permission level, recordings may be duplicated or shared with criminal justice agencies or when otherwise authorized by the Chief of Police or designee.

26.4.8.4 Officers will not allow citizens to review video captured by a BWC unless there is an investigative reason to do so and such viewing has been approved by a supervisor. Officers shall advise citizens that they may request a copy of the recording through the public records process.

26.4.8.5 The release of video requested through a public records request will be handled in accordance with existing policy. The City of Miami Police Department will follow the Public Records Law Chapter 119. Reproduction fees for duplication of recordings will be established by the City of Miami Records Unit.

26.4.8.6 Prior to the release of any BWC recording to the public, the Body Worn Camera Detail will ensure that proper redactions have been made in accordance with state law.

26.4.8.7 Accidental recordings may be deleted prior to the standard 90-day retention period only after a Redline Memorandum is submitted through the officer's chain of command and approved by the officer's Division Chief. Approved Redline Memorandum will then be forwarded to the Body Worn Camera Detail for deletion.

26.4.8.7.1 If a BWC accidentally or inadvertently makes a prohibited recording as described above, the member will submit a memorandum through the chain of command specifying the date, time, location and a summary of the unintentionally recorded event. This memorandum, once approved by the officer's Division Chief shall be forwarded to the Commanding Officer of the Body Worn Camera Detail for appropriate action.

26.5 GENERAL GUIDELINES:

26.5.1 TRAINING: Officers will receive prescribed training prior to being assigned a BWC. Officers will also go through a refresher course for BWC as needed to cover any new changes, affecting the use of the BWC. **(CALEA 41.3.8 f)**

26.5.2 AUDITS: First-line supervisors will be responsible for conducting at a minimum one compliance audit of one full incident a month per subordinate officer to verify officer compliance with policy, BWC performance and usage. Compliance audit efforts, including any violations detected and disciplinary action taken shall be documented on BWC Supervisor Compliance Audit Form located in SharePoint (see 26.4.6) and submitted for the Lieutenant's approval via SharePoint. Additionally, the Body Worn Camera Detail will conduct compliance audits as determined by the Field Operations Division Chief. **(CALEA 41.3.8 g)**

26.5.3 POLICY REVIEW: BWC policies will be reviewed yearly or when a major change is made related to BWC.

26.5.4 CARE AND EQUIPMENT:

- a) The only BWCs authorized by the City of Miami Police Department is the Department-issued BWC. Personal video recording devices are prohibited.
- b) All BWC's and related equipment will be issued to individual officers by the Body Worn Camera Detail.
- c) A record of inventory will be maintained by the Body Worn Camera Detail.

- d) Only officers who have received the prescribed training will be assigned or permitted to wear a BWC.
- e) Officers assigned a BWC are responsible for the proper care of the equipment.
- f) Officers will not deface or alter BWC. This includes, but is not limited to painting, engraving, and any other permanent markings.
- g) Officers are responsible for turning in BWCs to the Body Worn Camera Detail when transferring to a unit not requiring a BWC.

26.6 REPAIR / REPLACEMENT: (CALEA 41.3.8 e)

26.6.1 Replacement BWC equipment will be available in the Body Worn Camera Detail.

26.6.2 Any BWC equipment, including mounts, cameras, cords, iPods, etc., that is lost, stolen, or damaged will be immediately reported to the officer's supervisor and a Request for Replacement of Lost or Damaged Equipment Form will be generated and sent through the officer's chain of command detailing the circumstances leading to the damage in a Lost or Damage Form per D.O.'s. A copy of the lost or damaged equipment form with a lieutenant's or command staff member's signature will be taken to the Body Worn Camera Detail for equipment replacement. Officers shall be financially responsible for replacing equipment lost or damaged as a result of the officer's carelessness.

26.6.3 BWC replacement parts and/or systems are available by contacting the Body Worn Camera Detail, Monday thru Friday from 0600 hours to 1600 hours. The proper documentation, outlined above, must have been submitted along with a copy made available for review by the Body Worn Camera Detail Commander or designee before replacement parts or systems will be issued.



**CITY OF MIAMI
DOCUMENT ROUTING FORM**

1183

ORIGINATING DEPARTMENT: Human Services
DEPT. CONTACT PERSON: William Porro **EXT.** _____
NAME OF OTHER CONTRACTUAL PARTY/ENTITY: APM 1-19

IS THIS AGREEMENT A RESULT OF A COMPETITIVE PROCUREMENT PROCESS? ☐ YES ☐ NO
TOTAL CONTRACT AMOUNT: \$ _____ **FUNDING INVOLVED?** ☐ YES ☐ NO

TYPE OF AGREEMENT:

- | | |
|--|---|
| <input checked="" type="checkbox"/> MANAGEMENT AGREEMENT | <input type="checkbox"/> PUBLIC WORKS AGREEMENT |
| <input type="checkbox"/> PROFESSIONAL SERVICES AGREEMENT | <input type="checkbox"/> MAINTENANCE AGREEMENT |
| <input type="checkbox"/> GRANT AGREEMENT | <input type="checkbox"/> INTER-LOCAL AGREEMENT |
| <input type="checkbox"/> EXPERT CONSULTANT AGREEMENT | <input type="checkbox"/> LEASE AGREEMENT |
| <input type="checkbox"/> LICENSE AGREEMENT | <input type="checkbox"/> PURCHASE OR SALE AGREEMENT |

OTHER: (PLEASE SPECIFY) _____

PURPOSE OF ITEM (BRIEF SUMMARY): _____

COMMISSION APPROVAL DATE: ____/____/____ **FILE ID:** _____ **ENACTMENT NO.:** _____

IF THIS DOES NOT REQUIRE COMMISSION APPROVAL, PLEASE EXPLAIN: _____

ROUTING INFORMATION	Date	PLEASE PRINT AND SIGN
APPROVAL BY DEPARTMENTAL DIRECTOR		PRINT: William Porro SIGNATURE: <i>William Porro</i>
SUBMITTED TO RISK MANAGEMENT		PRINT: ANN-MARIE SHARPE SIGNATURE: <i>N/A</i>
SUBMITTED TO CITY ATTORNEY Matter ID: 21-1818 Approved as to legal form: <i>Domini J. Gibbs</i>	8/26/2021	PRINT: VICTORIA MENDEZ SIGNATURE: <i>N/A</i>
APPROVAL BY ASSISTANT CITY MANAGER	<i>8/27/21</i>	PRINT: <i>Natasha Colebrook</i> SIGNATURE: <i>Williams</i>
RECEIVED BY CITY MANAGER	<i>8/30/21</i>	PRINT: ART NORIEGA SIGNATURE: <i>[Signature]</i>
1) ONE ORIGINAL TO CITY CLERK, 2) ONE COPY TO CITY ATTORNEY'S OFFICE, 3) REMAINING ORIGINAL(S) TO ORIGINATING DEPARTMENT		PRINT: SIGNATURE: PRINT: SIGNATURE: PRINT: SIGNATURE:

**PLEASE ATTACH THIS ROUTING FORM TO ALL DOCUMENTS THAT REQUIRE
EXECUTION BY THE CITY MANAGER**

POLICY NUMBER:

APM- 1-19

DATE:

ISSUED BY:

Arthur Noriega, V.
City Manager/Designee


SIGNATURE

CITY OF MIAMI



ADMINISTRATIVE POLICY

REVISIONS

REVISED
SECTION
Created
Revised

DATE OF
REVISION

SUBJECT: TREATMENT OF HOMELESS PERSONS' PROPERTY

Purpose

The purpose of this policy is to establish a standard practice for the handling, temporary storage, and disposition of property belonging to homeless persons.

Scope

This Administrative Policy shall apply to all City employees, whether probationary, classified, unclassified, executive, temporary, or part-time, except employees of the Miami Police Department shall be bound by and follow the procedures set forth in Departmental Order 11 Chapter 10, or any existing Departmental Order addressing the treatment of homeless persons' property, to the extent there is any conflict between this Administrative Policy and any Departmental Order.

Definitions

- A. "Contaminated or Dangerous Items" are those items that present a hazard to the health and safety of City Personnel or the public. These items include, but are not limited to, hazardous materials, flammable materials (e.g., propane tanks), fabric contaminated with human or animal waste, fabric contaminated with flammable substances (e.g., oil or petroleum products, wet fabric (mold hazard), etc.
- B. "Homeless Person" shall mean a person who lacks a fixed, regular, and adequate night-time residence and has a primary night-time residency that is: (a) supervised publicly or privately operated shelter designed to provide a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless person" does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a state law. 42 U.S.C. §11301, et seq. (1994).

- C. "Homeless Person's Property" or "Homeless Property" shall mean personal property known to belong to a homeless person, or readily recognizable as property of a homeless person (i.e., bedding or clothing and other belongings organized or packaged together in a way indicating it has not been abandoned).

Procedures

I. General Procedures

1. City Personnel will attempt to secure personal items such as identification, medicines and eyeglasses and other small items of importance identified by the Homeless Person or readily identifiable as intimate personal property.
2. Notwithstanding anything herein:
 - a. Homeless Property that is contaminated or otherwise poses a health or safety concern to City Personnel or to members of the public may be disposed of.
 - b. The City is not responsible for taking custody of mattresses, upholstered furniture, or other bulky items on public property, and may dispose of those items.
 - c. Nothing herein prevents the disposal of items reasonably believed to be refuse.
 - d. The City may prohibit the presence of unattended property in specified areas where the presence of such unattended property poses a threat or risk to the public health or safety.

II. Tagged/Labeled Homeless Persons' Property:

1. In order to aid the City in its ability to readily identify and handle the property of homeless persons, the City requires that all homeless individuals who wish to identify their personal property place a tag or label with their name and contact information (telephone and/or email) on the outside of any such property, such that City employees can easily identify the property as belonging to a specific individual and will have a means of contacting that individual with regard to any actions taken as to that property.
2. Whenever a City employee encounters unattended but tagged/labeled homeless persons' property, the following procedure shall be employed:
 - a. Any personal items such as identification, medicines, eyeglasses, and other small items of importance readily identifiable as intimate personal property will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel, and a copy of that form will be provided to the Homeless Person by e-mail (if provided/available).

- b. Any items that are contaminated or otherwise pose a health hazard or obvious safety issue will be disposed of according to this policy.
- c. Any Homeless Property that does not appear to be contaminated or otherwise pose a health hazard or obvious safety issue, such as identification, clothing, bedding, photographs, personal papers, and keepsakes, will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel, and a copy of that form will be provided to the Homeless Person by e-mail (if provided/available).
- d. Whenever possible, City personnel will photograph the homeless property prior to taking action.
- e. Following any such action described above, the City will attempt to contact the homeless individual identified on that tag/label to inform them of the disposition of their unattended property, and to notify them of any stored property and the method through which the homeless person can claim that property. Three (3) attempts at contact will be made. The City shall document any such attempts.

III. When a Homeless Person Accepts Voluntary Placement in Shelter:

1. When a Homeless Person accepts placement in a shelter, City personnel will request the Homeless Person to secure the personal items that they wish to take to shelter with them. These items should include, at a minimum, any identification, medication, eyeglasses, and electronics in the homeless person's possession.
2. City personnel will request that the Homeless Person identify any of their remaining Homeless Property that they are willing to voluntarily discard. When a homeless person voluntarily agrees to discard property, they will be asked to sign a Waiver for Voluntary Disposal of Property Form.
3. Any remaining Homeless Property that cannot be taken to the shelter, which is not contaminated or does not otherwise pose a health hazard or obvious safety issue, will be documented, secured, and stored by City personnel. The Homeless Person will be required to sign an Inventory Storage Form, and a copy of that form will be provided to the Homeless Person. Any such stored property will be held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed.
4. Whenever possible, City personnel will photograph the homeless property prior to taking action.

IV. During a Cleanup Operation:

1. All Cleanup operation will be coordinated by the Department of Human Services' Homeless Outreach Team.
2. City personnel will place notices of Cleanup operation, at least seventy-two (72) hours prior to the cleaning date. The notice will inform individuals of the date of cleaning and will provide the phone number

and address of the Veterans Affairs/Homeless Assistance Program Division in the Department of Human Services, where any collected Homeless Property can be retrieved.

3. Whenever possible, City personnel will photograph the Homeless Property prior to the Cleanup operation.
4. Cleanup operation when the Homeless Person is presented:
 - a. City Personnel will inform the Homeless Person that the Cleanup is about to commence and request that they relocate themselves with their Homeless Property. These items should include, at a minimum, any identification, medication, eyeglasses, and electronics in the homeless person's possession.
 - b. City personnel will request that the Homeless Person identify any of their remaining Homeless Property that they are willing to voluntarily discard. When a homeless person voluntarily agrees to discard property, they will be asked to sign a Waiver for Voluntary Disposal of Property Form.
 - c. Any remaining Homeless Property that cannot be left on the site, which is not contaminated or does not otherwise pose a health hazard or obvious safety issue, shall be documented, secured, and stored by City personnel. The Homeless Person will be required to sign an Inventory Storage Form, and a copy of that form will be provided to the Homeless Person. Any such property will be held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed.
5. Cleanup operation when the Homeless Person is not present:
 - a. Any personal items such as identification, medicines, eyeglasses, and other small items of importance readily identifiable as intimate personal property will be collected and held for a period of ninety (90) days, after which the City will dispose of the property unclaimed. An inventory Storage Form will be completed by City personnel.
 - b. Any items that are contaminated or otherwise pose a health hazard or obvious safety issue will be disposed of according to this policy.
 - c. Any Homeless Property that does not appear to be contaminated or otherwise pose a health hazard or obvious safety issue, such as identification, clothing, bedding, photographs, personal papers, and keepsakes, will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel.
 - d. If the property was tagged/labeled, the City will attempt to contact the individual identified as the property owner in the manner set forth in section II, above. If the property was not tagged/labelled, the City will post a notice at the location of the property that their property was either discarded or stored, and informing the reader of how to contact the City to discuss that property.

V. Procedures for Unattended and Unidentified (Untagged/Unlabeled) Homeless Property:

1. The Department of Human Service specifically the City's Homeless Outreach Team shall be contacted prior to City personnel taking action with respect to Homeless Property.
2. Any personal items such as identification, medicines, eyeglasses, and other small items of importance readily identifiable as intimate personal property will be collected and held for a period of ninety (90) days, after which the City will dispose of the property if unclaimed. An Inventory Storage Form will be completed by City personnel.
3. Any items that are contaminated or otherwise pose a health hazard or obvious safety issue will be disposed of according to this policy.
4. Any Homeless Property that does not appear to be contaminated or otherwise pose a health hazard or obvious safety issue, such as identification, clothing, bedding, photographs, personal papers, and keepsakes, will be collected and held for a period of ninety (90) days. An Inventory Storage Form will be completed by City personnel.

VI. Storage Procedures

1. The City homeless property storage site will be accessible by public transit or other means accessible to persons with low income.
 2. When Homeless Property is collected by City personnel it should be labeled with the date of its removal and location from which it was removed to assist with its being reclaimed by its owners. Bags may be used to keep items collected from the same sites together.
-

POLICY NUMBER:

APM- 2 - 92

DATE:
March 3, 2003

ISSUED BY:
Linda Haskins
City Manager/Designee

Linda Haskins

SIGNATURE

CITY OF MIAMI



ADMINISTRATIVE POLICY

REVISIONS

REVISED SECTION	DATE OF REVISION
Created	07/22/92
Revised	06/18/97
Revised	03/03/03

Page 1 of 1

SUBJECT: ESTABLISHING ADMINISTRATIVE POLICIES

PURPOSE: To amend the guidelines and procedures for creating new or revising prevailing administrative policies.

Effective this date, this administrative policy will supersede LMP-2-92 and all previous directives relating to the establishment and/or revision of administrative and/or labor/ management policies.

The Policy will be as Follows:

- I** All departments creating new or revising prevailing administrative policies shall submit the proposed policy draft to the Department of Employee Relations, Labor Relations Division.
- II** The Office of Labor Relations will review the administrative policy for language and content and recommend changes, if necessary. Upon completion of their review, the proposed policy shall then be forwarded to the City Manager/Designee for final approval. Assignment of appropriate indexing and implementation date will be the responsibility of the Department of Employee Relations, Labor Relations Division.
- III** The APM should include the following:
 - A** Subject
 - B** Purpose
 - C** Policy in detail
- IV** Form or exhibit, where applicable
- V** Any policy submitted for review shall not conflict with any labor agreement provision, Civil Service Rule or any other Administrative Policy in effect.
- VI** The Department of Employee Relations, Labor Relations Division will be responsible for dissemination of the approved APM to all departments.

Select Year:

2025 ▾

Go

The 2025 Florida Statutes

Title XL

REAL AND PERSONAL PROPERTY

Chapter 705

LOST OR ABANDONED PROPERTY

[View Entire Chapter](#)

CHAPTER 705

LOST OR ABANDONED PROPERTY

705.101 Definitions.

705.1015 County or municipal code inspectors or code enforcement officers; duties.

705.102 Reporting lost or abandoned property.

705.103 Procedure for abandoned or lost property.

705.104 Title to lost or abandoned property.

705.105 Procedure regarding unclaimed evidence.

705.106 Recovery from person wrongfully in possession.

705.17 Exceptions.

705.18 Disposal of personal property lost or abandoned on university or Florida College System institution campuses; disposition of proceeds from sale.

705.182 Disposal of personal property found on the premises of public-use airports.

705.183 Disposal of derelict or abandoned aircraft on the premises of public-use airports.

705.184 Derelict or abandoned motor vehicles on the premises of public-use airports.

705.185 Disposal of personal property lost or abandoned on the premises of certain facilities.

705.19 Abandonment of animals by owner; procedure for handling.

705.101 Definitions.—As used in this chapter:

(1) “Abandoned property” means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11 and vessels declared a public nuisance pursuant to s. 327.73(1)(aa).

(2) “Law enforcement officer” means any person who is elected, appointed, or employed full time by any sheriff, any municipality, or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

(3) “Local government” means the board of county commissioners of a county or the commission or council of any municipality in the county.

(4) “Lost property” means all tangible personal property which does not have an identifiable owner and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner.

(5) “Public property” means lands and improvements owned by the Federal Government, the state, the county, or a municipality and includes sovereignty submerged lands located adjacent to the county or municipality,

buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way, and other similar property.

(6) “Unclaimed evidence” means any tangible personal property, including cash, not included within the definition of “contraband article,” as provided in s. 932.701(2), which was seized by a law enforcement agency, was intended for use in a criminal or quasi-criminal proceeding, and is retained by the law enforcement agency or the clerk of the county or circuit court for 60 days after the final disposition of the proceeding and to which no claim of ownership has been made.

History.—s. 1, ch. 87-82; s. 15, ch. 89-268; s. 470, ch. 94-356; s. 70, ch. 99-248; s. 28, ch. 2000-197; s. 35, ch. 2002-46; s. 5, ch. 2004-39; s. 30, ch. 2004-344; s. 9, ch. 2006-309; s. 5, ch. 2014-143; s. 10, ch. 2022-142; s. 118, ch. 2023-8; s. 11, ch. 2025-147.

705.1015 County or municipal code inspectors or code enforcement officers; duties.—Employees of a county or municipality whose duty it is to ensure code compliance or enforce codes and ordinances may be designated by the governing body of the county or the municipality to administer the provisions of this chapter which pertain to lost or abandoned property. Designation of such employees shall not provide the employees with the authority to bear arms or make arrests.

History.—s. 16, ch. 89-268.

705.102 Reporting lost or abandoned property.—

(1) Whenever any person finds any lost or abandoned property, such person shall report the description and location of the property to a law enforcement officer.

(2) The law enforcement officer taking the report shall ascertain whether the person reporting the property wishes to make a claim to it if the rightful owner cannot be identified or located. If the person does wish to make such claim, he or she shall deposit with the law enforcement agency a reasonable sum sufficient to cover the agency’s cost for transportation, storage, and publication of notice. This sum shall be reimbursed to the finder by the rightful owner should he or she identify and reclaim the property.

(3) It is unlawful for any person who finds any lost or abandoned property to appropriate the same to his or her own use or to refuse to deliver the same when required.

(4) Any person who unlawfully appropriates such lost or abandoned property to his or her own use or refuses to deliver such property when required commits theft as defined in s. 812.014, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 2, ch. 87-82; s. 4, ch. 92-79; s. 790, ch. 97-102; s. 105, ch. 2019-167.

705.103 Procedure for abandoned or lost property.—

(1) Whenever a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and is of such nature that it can be easily removed, the officer shall take such article into custody and shall make a reasonable attempt to ascertain the rightful owner or lienholder pursuant to the provisions of this section. For the purposes of this section, the term “owner” includes a vessel owner as defined in s. 327.02.

(2)(a)1. Whenever a law enforcement officer ascertains that:

a. A migrant vessel or an article of lost or abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on public property and is of such nature that it cannot be easily removed, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit:

(setting forth brief description) is unlawfully upon public property known as _(setting forth brief description of location)_ and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice. Dated this:

(setting forth the date of posting of notice), signed: _(setting forth name, title, address, and telephone number of law enforcement officer)_.

b. A derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa) is present on the waters of this state, the officer shall cause a notice to be placed upon such vessel in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED VESSEL. This vessel, to wit: (setting forth brief description of location) has been determined to be (derelict or a public nuisance) and is unlawfully upon the waters of this state (setting forth brief description of location) and must be removed within 21 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner and other interested parties have the right to a hearing to challenge the determination that this vessel is derelict or otherwise in violation of the law. Please contact (contact information for person who can arrange for a hearing in accordance with this section). The owner of the vessel on the waters of this state in a derelict condition or as a public nuisance will be liable for the costs of removal, destruction, and disposal if this vessel is not removed by the owner. Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of law enforcement officer).

2. The notices required under subparagraph 1. may not be less than 8 inches by 10 inches and must be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If such is reasonably available to the officer, he or she must mail a copy of such notice to the owner on the date of posting or as soon thereafter as is practical. If the property is a motor vehicle as defined in s. 320.01(1) or a vessel as defined in s. 327.02, except a migrant vessel as defined in s. 823.11, the law enforcement agency must contact the Department of Highway Safety and Motor Vehicles in order to determine the name and address of the owner and any person who has filed a lien on the vehicle or vessel as provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lienholder, if any, except that a law enforcement officer who has issued a citation for a violation of s. 823.11 to the owner of a derelict vessel is not required to mail a copy of the notice by certified mail, return receipt requested, to the owner. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the mailed notice must inform the owner that he or she has a right to a hearing to dispute the determination that the vessel is derelict or otherwise in violation of the law. If a request for a hearing is made, a state agency must follow the processes as set forth in s. 120.569. Local governmental entities shall follow the processes set forth in s. 120.569, except that a local judge, magistrate, or code enforcement officer may be designated to conduct such a hearing. If, at the end of 5 days after posting the notice in sub-subparagraph 1.a., or at the end of 21 days after posting the notice in sub-subparagraph 1.b., and mailing such notice, if required, the owner or any person interested in the lost or abandoned article or articles described has not removed the article or articles from public property or shown reasonable cause for failure to do so, and, in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), has not requested a hearing in accordance with this section, the following applies:

a. For abandoned property other than a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency may retain any of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service.

b. For a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the law enforcement agency or its designee may:

(I) Remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so; or

(II) Authorize the vessel's use as an artificial reef in accordance with s. 379.249 if all necessary federal, state, and local authorizations are received.

A law enforcement agency or its designee may also take action as described in this sub-subparagraph if, following a hearing pursuant to this section, the judge, magistrate, administrative law judge, or hearing officer has determined the vessel to be derelict as provided in s. 823.11 or otherwise in violation of the law in accordance with s. 327.73(1)(aa) and a final order has been entered or the case is otherwise closed.

c. For a migrant vessel, as defined in s. 823.11, the law enforcement agency or its designee may remove the vessel from the waters of this state and destroy and dispose of the vessel or authorize another governmental entity or its designee to do so.

(b) For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period.

1. If the agency elects to retain the property for use by the unit of government, donate the property to a charitable organization, surrender such property to the finder, sell the property, or trade the property to another unit of local government or state agency, notice of such election shall be given by an advertisement published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the property was found if the value of the property is more than \$100. If the value of the property is \$100 or less, notice shall be given by posting a description of the property at the law enforcement agency where the property was turned in. The notice must be posted for not less than 2 consecutive weeks in a public place designated by the law enforcement agency. The notice must describe the property in a manner reasonably adequate to permit the rightful owner of the property to claim it.

2. If the agency elects to sell the property, it must do so at public sale by competitive bidding. Notice of the time and place of the sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The notice shall include a statement that the sale shall be subject to any and all liens. The sale must be held at the nearest suitable place to that where the lost or abandoned property is held or stored. The advertisement must include a description of the goods and the time and place of the sale. The sale may take place no earlier than 10 days after the final publication. If there is no newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to sale. Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

(3) If the property is sold at public sale pursuant to subparagraph (2)(b)2., the agency shall deduct from the proceeds the costs of transportation, storage, and publication of notice, and any balance of proceeds shall be deposited into an interest-bearing account not later than 30 days after the date of the sale and held there for 1 year. The agency shall provide a bill of sale clearly stating that the sale is subject to any and all liens. The rightful owner of the property may claim the balance of the proceeds within 1 year from the date of the above stated deposit by making application to the agency. If no rightful owner comes forward with a claim to the property within the designated year, the balance of the proceeds shall be deposited into the State School Fund.

(4) The owner of any abandoned or lost property, or in the case of a derelict vessel or a vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the owner of the vessel on the waters of this state in a derelict condition or as a public nuisance, who, after notice as provided in this section, does not remove such property within the specified period is liable to the law enforcement agency, other governmental entity, or the agency's or entity's designee for all costs of removal, storage, destruction, and disposal of such property, less any salvage value obtained by disposal of the property. Upon final disposition of the property, the law enforcement officer or representative of the law enforcement agency or other governmental entity shall notify the owner, or in the case of a derelict vessel or vessel declared a public nuisance pursuant to s. 327.73(1)(aa), the owner, if known, of the amount owed. In the case of an abandoned vessel or motor vehicle, a person who neglects or refuses to pay such amount is not entitled to be issued a certificate of registration for such vessel or motor vehicle, or any other vessel or motor vehicle, until such costs have been paid. A person who has neglected or refused to pay all costs of removal, storage, disposal, and destruction of a vessel or motor vehicle as provided in this section, after having been provided written notice via certified mail that such costs are owed, and who applies for and is issued a registration for a vessel or motor vehicle before such costs have been paid in full commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The law enforcement officer or representative of the law enforcement agency or other governmental entity shall supply the Department of Highway Safety and Motor Vehicles with a list of persons whose vessel registration privileges and motor vehicle privileges have been revoked under this subsection. The department or a person acting as an agent of the department may not issue a certificate of registration to a person whose vessel and motor vehicle registration privileges have been revoked, as provided by this subsection, until such costs have been paid.

(5) Whoever opposes, obstructs, or resists any law enforcement officer or any person authorized by the law enforcement officer in the discharge of her or his duties as provided in this section upon conviction is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any law enforcement officer or any person authorized by the law enforcement officer is immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this section.

(7) The rightful owner shall be liable for the law enforcement agency's costs for transportation and storage of lost or abandoned property and the agency's cost for publication of notice of disposition of lost property. If the rightful owner does not pay such costs within 30 days of making claim to the property, title to the property shall vest in the law enforcement agency.

History.—s. 3, ch. 87-82; s. 1, ch. 90-307; s. 12, ch. 94-241; s. 471, ch. 94-356; s. 1, ch. 97-51; s. 791, ch. 97-102; s. 29, ch. 2000-197; s. 10, ch. 2006-309; s. 15, ch. 2017-163; s. 29, ch. 2019-76; ss. 27, 28, ch. 2021-184; ss. 11, 12, ch. 2022-142; s. 1, ch. 2024-30; s. 2, ch. 2025-34; s. 6, ch. 2025-147.

705.104 Title to lost or abandoned property.—

(1) Title to lost or abandoned property is hereby vested in the finder upon the expiration of the 90-day custodial time period specified in s. 705.103(2)(b), provided the notice requirements of s. 705.103 have been met, unless the rightful owner or a lienholder claims the property within that time.

(2) Employees of any state, county, or municipal agency shall be deemed agents of such governmental entity, and lost or abandoned property found by them during the course of their official duties shall be turned in to the proper person or department designated to receive such property by the governmental entity. Such property shall be subject to the provisions of this chapter, after which, if unclaimed by the rightful owner, the title to such property shall be vested in the state, county, or municipality and not in the employee.

(3) Employees of public transportation systems shall be deemed agents of such transportation systems, and lost or abandoned property found on public conveyances, in depots, or in garages of a transportation system shall be turned in to the proper person or department designated to receive such property by the transportation systems. Such property shall be subject to the provisions of this section, after which, if unclaimed by the rightful owner, the title to such property shall be vested in the transportation system and not in the employee.

History.—s. 4, ch. 87-82; s. 2, ch. 90-307; s. 8, ch. 2024-30; s. 12, ch. 2025-147.

705.105 Procedure regarding unclaimed evidence.—

(1) Title to unclaimed evidence or unclaimed tangible personal property lawfully seized pursuant to a lawful investigation in the custody of the court or clerk of the court from a criminal proceeding or seized as evidence by and in the custody of a law enforcement agency shall vest permanently in the law enforcement agency 60 days after the conclusion of the proceeding.

(a) If the property is of appreciable value, the agency may elect to:

1. Retain the property for the agency's own use;
2. Transfer the property to another unit of state or local government;
3. Donate the property to a charitable organization;
4. Sell the property at public sale, pursuant to the provisions of s. 705.103.

(b) If the property is not of appreciable value, the law enforcement agency may elect to destroy it.

(2) Nothing in this section shall be construed to repeal or supersede the provisions of s. 790.08 relating to the disposition of weapons and firearms.

History.—s. 5, ch. 87-82; s. 5, ch. 90-113; s. 9, ch. 2024-30.

705.106 Recovery from person wrongfully in possession.—Whenever any property described in this chapter, chapter 706, or chapter 707 is ascertained to be wrongfully withheld and the person in possession refuses to give it up to the sheriff on demand, the county attorney of the county in which the property is situated, or the city attorney, if within a municipality, when required to do so by the sheriff, shall enter a suit for said property and

prosecute it to a final recovery. All moneys derived from these sources shall be paid by the sheriff into the State Treasury for the benefit of the State School Fund.

History.—ss. 4, 5, ch. 344, 1850; RS 2015; GS 2537; RGS 3892; CGL 5799; s. 4, ch. 63-267.

Note.—Former s. 705.06.

705.17 Exceptions.—

(1) Sections 705.101-705.106 do not apply to any personal property lost or abandoned on the campus of any institution in the State University System or on premises owned or controlled by the operator of a public-use airport having regularly scheduled international passenger service.

(2) Sections 705.1015-705.106 do not apply to any personal property lost or abandoned on premises located within a theme park or entertainment complex, as defined in s. 509.013(9), or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with s. 705.185.

History.—s. 1, ch. 71-75; s. 6, ch. 87-82; s. 22, ch. 91-110; s. 61, ch. 96-323; s. 1, ch. 2019-6.

705.18 Disposal of personal property lost or abandoned on university or Florida College System institution campuses; disposition of proceeds from sale.—Whenever any lost or abandoned personal property is found on a campus of an institution in the State University System or a campus of a Florida College System institution, the president of the institution or the president's designee shall take charge of the property and make a record of the date such property was found. If the property is not claimed by the owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the president, the president or his or her designee shall dispose of or make use of the property in accordance with established policies and procedures that best meet the needs of the university or the Florida College System institution and its students. The rightful owner of the property may reclaim the property at any time prior to the disposition, sale, or use of the property in accordance with this section and the established policies and procedures of the university or the Florida College System institution.

History.—s. 1, ch. 71-75; s. 1, ch. 77-131; s. 62, ch. 96-323; s. 1762, ch. 97-102; s. 44, ch. 2010-225; s. 2, ch. 2011-177.

705.182 Disposal of personal property found on the premises of public-use airports.—

(1) Whenever any personal property, other than an aircraft or motor vehicle, is found on premises owned or controlled by the operator of a public-use airport, the director of the airport or the director's designee shall take charge of the property and make a record of the date such property was found.

(2) If, within 30 calendar days after such property is found or for a longer period of time as may be deemed appropriate by the director or the director's designee under the circumstances, the property is not claimed by the owner, the director or the director's designee may:

- (a) Retain any or all of the property for use by the airport or for use by the state or the unit of local government owning or operating the airport;
- (b) Trade such property to another unit of local government or a state agency;
- (c) Donate the property to a charitable organization;
- (d) Sell the property; or
- (e) Dispose of the property through an appropriate refuse removal company or a company that provides salvage services for the type of personal property found or located on the airport premises.

(3) The airport shall notify the owner, if known, of the property found on the airport premises and that the airport intends to dispose of the property as provided in subsection (2).

(4) If the airport elects to sell the property under paragraph (2)(d), the property must be sold at a public auction either on the Internet or at a specified physical location after giving notice of the time and place of sale, at least 10 calendar days prior to the date of sale, in a publication of general circulation within the county where the airport is located and after written notice, via certified mail, return receipt requested, is provided to the owner, if known. Any such notice shall be sufficient if the notice refers to the airport's intention to sell all then-accumulated found property, and there is no requirement that the notice identify each item to be sold. The rightful

owner of such property may reclaim the property at any time prior to sale by presenting acceptable evidence of ownership to the airport director or the director's designee. All proceeds from the sale of the property shall be retained by the airport for use by the airport in any lawfully authorized manner.

(5) Nothing in this section shall preclude the airport from allowing a domestic or international air carrier or other tenant, on premises owned or controlled by the operator of a public-use airport, to establish its own lost and found procedures for personal property and to dispose of such personal property.

(6) A purchaser or recipient in good faith of personal property sold or obtained under this section shall take the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

History.—s. 45, ch. 2010-225.

705.183 Disposal of derelict or abandoned aircraft on the premises of public-use airports.—

(1)(a) Whenever any derelict or abandoned aircraft is found or located on premises owned or controlled by the operator of a public-use airport, whether or not such premises are under a lease or license to a third party, the director of the airport or the director's designee shall make a record of the date the aircraft was found or determined to be present on the airport premises.

(b) For purposes of this section, the term:

1. "Abandoned aircraft" means an aircraft that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.

2. "Derelict aircraft" means any aircraft that is not in a flyable condition, does not have a current certificate of air worthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired.

(2) The director or the director's designee shall contact the Federal Aviation Administration, Aircraft Registration Branch, to determine the name and address of the last registered owner of the aircraft and shall make a diligent personal search of the appropriate records, or contact an aircraft title search company, to determine the name and address of any person having an equitable or legal interest in the aircraft. Within 10 business days after receipt of the information, the director or the director's designee shall notify the owner and all persons having an equitable or legal interest in the aircraft by certified mail, return receipt requested, of the location of the derelict or abandoned aircraft on the airport premises, that fees and charges for the use of the airport by the aircraft have accrued and the amount thereof, that the aircraft is subject to a lien under subsection (5) for the accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, that the lien is subject to enforcement pursuant to law, and that the airport may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days after the date of receipt of such notice, the aircraft has not been removed from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft. Such notice may require removal of the aircraft in less than 30 calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the director or the director's designee.

(3) If the owner of the aircraft is unknown or cannot be found, the director or the director's designee shall cause a laminated notice to be placed upon such aircraft in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: _(setting forth brief description)_ is unlawfully upon public property known as _(setting forth brief description of location)_ and has accrued fees and charges for the use of the _(same description of location as above)_ and for the transportation, storage, and removal of the property. These accrued fees and charges must be paid in full and the property must be removed within 30 calendar days after the date of this notice; otherwise, the property will be removed and disposed of pursuant to chapter 705, Florida Statutes. The property is subject to a lien for all accrued fees and charges for the use of the public property known as _(same description of location as above)_ by such property and for all fees and charges incurred by the public property known as _(same description of location as above)_ for the transportation, storage, and removal of the property. This lien is subject to enforcement pursuant to law. The owner will be liable for such fees

and charges, as well as the cost for publication of this notice. Dated this: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of law enforcement officer).

Such notice shall be not less than 8 inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the weather. If, at the end of 30 calendar days after posting the notice, the owner or any person interested in the described derelict or abandoned aircraft has not removed the aircraft from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for failure to do so, the director or the director's designee may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e).

(4) Such aircraft shall be removed within the time period specified in the notice provided under subsection (2) or subsection (3). If, at the end of such period of time, the owner or any person interested in the described derelict or abandoned aircraft has not removed the aircraft from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so, the director or the director's designee may cause the use, trade, sale, or removal of the aircraft as described in s. 705.182(2)(a), (b), (d), or (e).

(a) If the airport elects to sell the aircraft in accordance with s. 705.182(2)(d), the aircraft must be sold at public auction after giving notice of the time and place of sale, at least 10 calendar days prior to the date of sale, in a publication of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft.

(b) If the airport elects to dispose of the aircraft in accordance with s. 705.182(2)(e), the airport shall be entitled to negotiate with the company for a price to be received from such company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to such company by the airport for the costs of disposing of the aircraft. All information pertaining to the establishment of such price and the justification for the amount of such price shall be prepared and maintained by the airport, and such negotiated price shall be deemed to be a commercially reasonable price.

(c) If the sale price or the negotiated price is less than the airport's then current charges and costs against the aircraft, or if the airport is required to pay the salvage company for its services, the owner of the aircraft shall remain liable to the airport for the airport's costs that are not offset by the sale price or negotiated price, in addition to the owner's liability for payment to the airport of the price the airport was required to pay any salvage company. All costs incurred by the airport in the removal, storage, and sale of any aircraft shall be recoverable against the owner of the aircraft.

(5) The airport shall have a lien on a derelict or abandoned aircraft for all fees and charges for the use of the airport by such aircraft and for all fees and charges incurred by the airport for the transportation, storage, and removal of the aircraft. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the last registered owner and all persons having an equitable or legal interest in the aircraft. Serving the notice does not dispense with recording the claim of lien.

(6)(a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which shall state:

1. The name and address of the airport.
2. The name of the last registered owner of the aircraft and all persons having a legal or equitable interest in the aircraft.
3. The fees and charges incurred by the aircraft for the use of the airport and the fees and charges for the transportation, storage, and removal of the aircraft.

4. A description of the aircraft sufficient for identification.

(b) The claim of lien shall be signed and sworn to or affirmed by the airport director or the director's designee.

(c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of
County of

Before me, the undersigned notary public, personally appeared , who was duly sworn and says that he/she is the
of , whose address is ; and that the following described aircraft:

(Description of aircraft)

owned by , whose address is , has accrued \$ in fees and charges for the use by the aircraft of and for the
transportation, storage, and removal of the aircraft from ; that the lienor served its notice to the last registered
owner and all persons having a legal or equitable interest in the aircraft on , (year), by .

(Signature)

Sworn to (or affirmed) and subscribed before me this day of , (year), by (name of person making statement).

(Signature of Notary Public) (Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the
last registered owner does not constitute a default that operates to defeat an otherwise valid lien.

(d) The claim of lien shall be served on the last registered owner of the aircraft and all persons having an
equitable or legal interest in the aircraft. The claim of lien shall be so served before recordation.

(e) The claim of lien shall be recorded with the clerk of court in the county where the airport is located. The
recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim.
The lien shall attach at the time of recordation and shall take priority as of that time.

(7) A purchaser or recipient in good faith of an aircraft sold or obtained under this section takes the property
free of the rights of persons then holding any legal or equitable interest to the aircraft, whether or not recorded.
The purchaser or recipient is required to notify the appropriate Federal Aviation Administration office of such
change in the registered owner of the aircraft.

(8) If the aircraft is sold at public sale, the airport shall deduct from the proceeds of sale the costs of
transportation, storage, publication of notice, and all other costs reasonably incurred by the airport, and any
balance of the proceeds shall be deposited into an interest-bearing account not later than 30 calendar days after
the airport's receipt of the proceeds and held there for 1 year. The rightful owner of the aircraft may claim the
balance of the proceeds within 1 year after the date of the deposit by making application to the airport and
presenting acceptable written evidence of ownership to the airport's director or the director's designee. If no
rightful owner claims the proceeds within the 1-year period, the balance of the proceeds shall be retained by the
airport to be used in any manner authorized by law.

(9) Any person acquiring a legal interest in an aircraft that is sold by an airport under this section or s. 705.182
shall be the lawful owner of such aircraft and all other legal or equitable interests in such aircraft shall be divested
and of no further force and effect, provided that the holder of any such legal or equitable interests was notified of
the intended disposal of the aircraft to the extent required in this section. The airport may issue documents of
disposition to the purchaser or recipient of an aircraft disposed of under this section.

History.—s. 46, ch. 2010-225.

705.184 Derelict or abandoned motor vehicles on the premises of public-use airports.—

(1)(a) Whenever any derelict or abandoned motor vehicle is found on premises owned or controlled by the
operator of a public-use airport, including airport premises leased to a third party, the director of the airport or the
director's designee may take charge of the motor vehicle and make a record of the date such motor vehicle was
found.

(b) For purposes of this section, the term:

1. "Abandoned motor vehicle" means a motor vehicle that has been disposed of on a public-use airport in a
wrecked, inoperative, or partially dismantled condition or a motor vehicle that has remained in an idle state on the
premises of a public-use airport for 45 consecutive calendar days.

2. "Derelict motor vehicle" means any motor vehicle that is not in a drivable condition.

(c) After the information relating to the abandoned or derelict motor vehicle is recorded in the airport's records, the director or the director's designee may cause the motor vehicle to be removed from airport premises by the airport's wrecker or by a licensed independent wrecker company to be stored at a suitable location on or off the airport premises. If the motor vehicle is to be removed from airport premises by the airport's wrecker, the airport must follow the procedures in subsections (2)-(8). The procedures in subsections (2)-(8) do not apply if the motor vehicle is removed from the airport premises by a licensed independent wrecker company, and the licensed wrecking company shall comply with s. 713.78.

(2) The airport director or the director's designee shall contact the Department of Highway Safety and Motor Vehicles to notify that department that the airport has possession of the abandoned or derelict motor vehicle and to determine the name and address of the owner of the motor vehicle, the insurance company insuring the motor vehicle, notwithstanding the provisions of s. 627.736, and any person who has filed a lien on the motor vehicle. Within 7 business days after receipt of the information, the director or the director's designee shall send notice by certified mail, return receipt requested, to the owner of the motor vehicle, the insurance company insuring the motor vehicle, notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. The notice shall state the fact of possession of the motor vehicle, that charges for reasonable towing, storage, and parking fees, if any, have accrued and the amount thereof, that a lien as provided in subsection (6) will be claimed, that the lien is subject to enforcement pursuant to law, that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, may be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(3) If attempts to notify the owner or lienholder pursuant to subsection (2) are not successful, the requirement of notice by mail shall be considered met and the director or the director's designee, in accordance with subsection (5), may cause the motor vehicle to be disposed of as provided in s. 705.182(2)(a), (b), (d), or (e), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

(4)(a) The owner of, or any person with a lien on, a motor vehicle removed pursuant to subsection (1), may, within 10 calendar days after the time he or she has knowledge of the location of the motor vehicle, file a complaint in the county court of the county in which the motor vehicle is stored to determine if his or her property was wrongfully taken or withheld.

(b) Upon filing a complaint, an owner or lienholder may have his or her motor vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the fees for towing, storage, and accrued parking, if any, to ensure the payment of such fees in the event he or she does not prevail. Upon the posting of the bond or other adequate security and the payment of any applicable fee, the clerk of the court shall issue a certificate notifying the airport of the posting of the bond or other adequate security and directing the airport to release the motor vehicle. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the airport reciting any claims he or she has for loss or damage to the motor vehicle or the contents of the motor vehicle.

(5) If, after 30 calendar days after receipt of the notice, the owner or any person claiming a lien has not removed the motor vehicle from its storage location upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, or shown reasonable cause for the failure to do so, the airport director or the director's designee may dispose of the motor vehicle as provided in s. 705.182(2)(a), (b), (d), or (e). If the airport elects to sell the motor vehicle pursuant to s. 705.182(2)(d), the motor vehicle may be sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on

the motor vehicle are 5 years of age or less. The sale shall be a public auction either on the Internet or at a specified physical location. If the date of the sale was not included in the notice required in subsection (2), notice of the sale, sent by certified mail, return receipt requested, shall be given to the owner of the motor vehicle and to all persons claiming a lien on the motor vehicle. Such notice shall be mailed not less than 10 calendar days before the date of the sale. In addition to the notice by mail, public notice of the time and place of the sale at auction shall be made by publishing a notice of the sale at auction one time, at least 10 calendar days prior to the date of sale, in a newspaper of general circulation in the county in which the sale is to be held. All costs incurred by the airport for the towing, storage, and sale of the motor vehicle, as well as all accrued parking fees, if any, shall be recovered by the airport from the proceeds of the sale, and any proceeds of the sale in excess of such costs shall be retained by the airport for use by the airport in any manner authorized by law.

(6) The airport pursuant to this section or, if used, a licensed independent wrecker company pursuant to s. 713.78 shall have a lien on an abandoned or derelict motor vehicle for all reasonable towing, storage, and accrued parking fees, if any, except that no storage fee shall be charged if the motor vehicle is stored less than 6 hours. As a prerequisite to perfecting a lien under this section, the airport director or the director's designee must serve a notice in accordance with subsection (2) on the owner of the motor vehicle, the insurance company insuring the motor vehicle, notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle, notwithstanding the provisions of s. 627.736, or lienholders are not successful, the requirement of notice by mail shall be considered met. Serving of the notice does not dispense with recording the claim of lien.

(7)(a) For the purpose of perfecting its lien under this section, the airport shall record a claim of lien which shall state:

1. The name and address of the airport.
 2. The name of the owner of the motor vehicle, the insurance company insuring the motor vehicle, notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle.
 3. The costs incurred from reasonable towing, storage, and parking fees, if any.
 4. A description of the motor vehicle sufficient for identification.
- (b) The claim of lien shall be signed and sworn to or affirmed by the airport director or the director's designee.
- (c) The claim of lien shall be sufficient if it is in substantially the following form:

CLAIM OF LIEN

State of _____
County of _____

Before me, the undersigned notary public, personally appeared _____, who was duly sworn and says that he/she is the _____ of _____, whose address is _____; and that the following described motor vehicle:

_____ (Description of motor vehicle) _____

owned by _____, whose address is _____, has accrued \$ _____ in fees for a reasonable tow, for storage, and for parking, if applicable; that the lienor served its notice to the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of s. 627.736, Florida Statutes, and all persons of record claiming a lien against the motor vehicle on _____, _____ (year), by _____.

_____ (Signature) _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, _____ (year), by _____ (name of person making statement) _____.

_____ (Signature of Notary Public) _____ (Print, Type, or Stamp Commissioned name of Notary Public) _____

Personally Known OR Produced as identification.

However, the negligent inclusion or omission of any information in this claim of lien which does not prejudice the owner does not constitute a default that operates to defeat an otherwise valid lien.

(d) The claim of lien shall be served on the owner of the motor vehicle, the insurance company insuring the motor vehicle, notwithstanding the provisions of s. 627.736, and all persons of record claiming a lien against the motor vehicle. If attempts to notify the owner, the insurance company insuring the motor vehicle notwithstanding

the provisions of s. 627.736, or lienholders are not successful, the requirement of notice by mail shall be considered met. The claim of lien shall be so served before recordation.

(e) The claim of lien shall be recorded with the clerk of court in the county where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of recordation and shall take priority as of that time.

(8) A purchaser or recipient in good faith of a motor vehicle sold or obtained under this section takes the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

History.—s. 47, ch. 2010-225.

705.185 Disposal of personal property lost or abandoned on the premises of certain facilities.—When any lost or abandoned personal property is found on premises located within a theme park or entertainment complex, as defined in s. 509.013(9), or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with this section, any lost or abandoned property must be delivered to such owner or operator, who must take charge of the property and make a record of the date such property was found. If the property is not claimed by its owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the owner or operator of the premises, the owner or operator of the premises may not sell and must dispose of the property or donate it to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for sale or other disposal as the charitable institution deems appropriate. The rightful owner of the property may reclaim the property from the owner or operator of the premises at any time before the disposal or donation of the property in accordance with this section and the established policies and procedures of the owner or operator of the premises. A charitable institution that accepts an electronic device, as defined in s. 815.03(9), access to which is not secured by a password or other personal identification technology, shall make a reasonable effort to delete all personal data from the electronic device before its sale or disposal.

History.—s. 2, ch. 2019-6.

705.19 Abandonment of animals by owner; procedure for handling.—

(1) Any animal placed in the custody of a licensed veterinarian or bona fide boarding kennel for treatment, boarding, or other care, which shall be abandoned by its owner or the owner's agent for a period of more than 10 days after written notice is given to the owner or the owner's agent at her or his last known address may be turned over to the custody of the nearest humane society or dog pound in the area for disposal as such custodian may deem proper.

(2) The giving of notice to the owner, or the agent of the owner, of such animal by the licensed veterinarian or kennel operator as provided in subsection (1) shall relieve the veterinarian or kennel operator and any custodian to whom such animal may be given of any further liability for disposal. Such procedure by a licensed veterinarian shall not constitute grounds for disciplinary procedure under chapter 474.

(3) For the purpose of this section, the term “abandonment” means to forsake entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner or the owner's agent. Such abandonment shall constitute the relinquishment of all rights and claim by the owner to such animal.

History.—ss. 1, 2, ch. 79-228; ss. 1, 2, ch. 81-157; s. 3, ch. 81-318; s. 792, ch. 97-102.



[Title XLVI](#)
[CRIMES](#)

[Chapter 800](#)
LEWDNESS; INDECENT EXPOSURE

[View Entire Chapter](#)

800.03 Exposure of sexual organs.—It is unlawful to expose or exhibit one’s sexual organs in public or on the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public except in any place provided or set apart for that purpose. Violation of this section is a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). A mother’s breastfeeding of her baby does not under any circumstance violate this section.

History.—s. 1, ch. 7360, 1917; RGS 5445; CGL 7588; s. 1, ch. 61-51; s. 779, ch. 71-136; s. 3, ch. 93-4.

Copyright © 1995-2018 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)

[Title XLVI](#)
CRIMES

[Chapter 810](#)
BURGLARY AND TRESPASS

[View Entire Chapter](#)

810.09 Trespass on property other than structure or conveyance. —

(1)(a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. [810.011](#); or
2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass,

commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term “unenclosed curtilage” means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(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](#).

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he or she is guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and that the person to be taken into custody and detained has committed or is committing the violation. If a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention in compliance with the requirements of this paragraph does not result in criminal or civil liability for false arrest, false imprisonment, or unlawful detention.

(d) The offender commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), if the property trespassed is a construction site that is:

1. Greater than 1 acre in area and is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”; or
2. One acre or less in area and is identified as such with a sign that appears prominently, in letters of not less than 2 inches in height, and reads in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.” The sign shall be placed at the location on the property where the permits for construction are located. For construction sites of 1

acre or less as provided in this subparagraph, it shall not be necessary to give notice by posting as defined in s. [810.011\(5\)](#).

(e) The offender commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: “THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(f) The offender commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(g) The offender commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), if the property trespassed upon is a domestic violence center certified under s. [39.905](#) which is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED RESTRICTED SITE AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(h) Any person who in taking or attempting to take any animal described in s. [379.101\(19\)](#) or (20), or in killing, attempting to kill, or endangering any animal described in s. [585.01\(13\)](#) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). For purposes of this paragraph, the term “potentially lethal projectile” includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section does not apply to any governmental agent or employee acting within the scope of his or her official duties.

(i) The offender commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#), if the property trespassed upon is an agricultural chemicals manufacturing facility that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(3) As used in this section, the term “authorized person” or “person authorized” means any owner, his or her agent, or a community association authorized as an agent for the owner, or any law enforcement officer whose department has received written authorization from the owner, his or her agent, or a community association authorized as an agent for the owner, to communicate an order to leave the property in the case of a threat to public safety or welfare.

History.—s. 35, ch. 74-383; s. 22, ch. 75-298; s. 3, ch. 76-46; s. 2, ch. 80-389; s. 34, ch. 88-381; s. 186, ch. 91-224; s. 2, ch. 94-263; s. 2, ch. 94-307; s. 48, ch. 96-388; s. 1818, ch. 97-102; s. 3, ch. 97-201; s. 5, ch. 2000-369; s. 2, ch. 2001-182; s. 47, ch. 2001-279; s. 36, ch. 2002-46; s. 14, ch. 2006-289; s. 1, ch. 2006-295; s. 2, ch. 2007-123; s. 205, ch. 2008-247.

CHAPTER 761
RELIGIOUS FREEDOM

- 761.01 Short title.
- 761.02 Definitions.
- 761.03 Free exercise of religion protected.
- 761.04 Attorney's fees and costs.
- 761.05 Applicability; construction.
- 761.061 Rights of certain churches or religious organizations or individuals.

761.01 Short title.—This act may be cited as the “Religious Freedom Restoration Act of 1998.”
History.—s. 1, ch. 98-412.

761.02 Definitions.—As used in this act:

(1) “Government” or “state” includes any branch, department, agency, instrumentality, or official or other person acting under color of law of the state, a county, special district, municipality, or any other subdivision of the state.

(2) “Demonstrates” means to meet the burden of going forward with the evidence and of persuasion.

(3) “Exercise of religion” means an act or refusal to act that is substantially motivated by a religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

History.—s. 2, ch. 98-412.

761.03 Free exercise of religion protected.—

(1) The government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person:

(a) Is in furtherance of a compelling governmental interest; and

(b) Is the least restrictive means of furthering that compelling governmental interest.

(2) A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief.

History.—s. 3, ch. 98-412.

761.04 Attorney's fees and costs.—The prevailing plaintiff in any action or proceeding to enforce a provision of this act is entitled to reasonable attorney's fees and costs to be paid by the government.

History.—s. 4, ch. 98-412.

761.05 Applicability; construction.—

(1) This act applies to all state law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this act.

(2) State law adopted after the date of the enactment of this act is subject to this act unless such law explicitly excludes such application by reference to this act.

- (3) Nothing in this act shall be construed to authorize the government to burden any religious belief.
- (4) Nothing in this act shall be construed to circumvent the provisions of chapter 893.
- (5) Nothing in this act shall be construed to affect, interpret, or in any way address that portion of s. 3, Art. I of the State Constitution prohibiting laws respecting the establishment of religion.
- (6) Nothing in this act shall create any rights by an employee against an employer if the employer is not a governmental agency.
- (7) Nothing in this act shall be construed to affect, interpret, or in any way address that portion of s. 3, Art. I of the State Constitution and the First Amendment to the Constitution of the United States respecting the establishment of religion. This act shall not be construed to permit any practice prohibited by those provisions.

History.—s. 5, ch. 98-412.

761.061 Rights of certain churches or religious organizations or individuals.—

- (1) The following individuals or entities may not be required to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if such an action would cause the individual or entity to violate a sincerely held religious belief of the individual or entity:
 - (a) A church;
 - (b) A religious organization;
 - (c) A religious corporation or association;
 - (d) A religious fraternal benefit society;
 - (e) A religious school or educational institution;
 - (f) An integrated auxiliary of a church;
 - (g) An individual employed by a church or religious organization while acting in the scope of that employment;
 - (h) A clergy member; or
 - (i) A minister.
- (2) A refusal to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges under subsection (1) may not serve as the basis for:
 - (a) A civil cause of action against any entity or individual protected under subsection (1); or
 - (b) A civil cause of action, criminal cause of action, or any other action by this state or a political subdivision to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any entity or individual protected under subsection (1).

History.—s. 1, ch. 2016-50.

Sec. 70-45. - Public camping and public sleeping prohibited.

- (1) *Definition.* For the purposes of this section, "public camping or sleeping" means:
 - (a) Lodging or residing in an outdoor space as evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, the storage of personal belongings, or lying, sitting, or resting upon or under any item or material; or
 - (b) Cooking over an open flame or fire out-of-doors; or
 - (c) Sleeping out-of-doors.
- (2) *Prohibition.* Public camping or sleeping is prohibited on all public property, except as may be specifically authorized by the appropriate governmental authority. However, an individual on a public beach during operational hours shall not be charged under this section unless a law enforcement officer identifies evidence that the beach is being used as a living space rather than for its intended purpose.
- (3) *Shelter.* If a law enforcement officer or other authorized official encounters a person engaged in public camping or sleeping who volunteers that he or she has no home or other permanent shelter, he or she must be given an opportunity to voluntarily enter a homeless shelter or similar facility within Miami-Dade County, or to accept other available government assistance that would result in housing, including, but not limited to, mutually consensual reunification with family or friends in any location, of consensual placement in any other appropriate facility that provides housing within Miami-Dade County. If no homeless shelter or other facility, or government assistance that would result in immediate housing is available, an arrest may not be made.

Notwithstanding the foregoing, nothing herein shall be construed to prevent or otherwise prohibit a law enforcement officer from arresting a person who is ineligible for shelter placement for any reason including, but not limited to: such person being under the influence of alcohol or drugs; such person having been previously banned from the available shelter; his or her status as a sexual offender, sexual predator, or domestic violence offender; or any other past or present conduct rendering such person ineligible for placement in a shelter.

- (4) *Property.* Upon arrest, evidence of camping (sleeping bags, bedroll, cardboard, newspapers, etc.), should not be destroyed, but should be seized and placed in property and evidence. Other personal property of the defendant, which is not evidence, should be taken to the appropriate Miami-Dade County jail with the defendant.
- (5) *Penalty.* Violation of this section shall be punished in accordance with section 1-14 of the City Code.

(Ord. No. 2002-3353, § 1, 3-20-02; Ord. No. 2023-4573, § 1, 10-18-23; Ord. No. 2024-4647, § 1, 9-11-24)

Sec. 70-46. - Obstructing of pedestrian and vehicular traffic prohibited.

- (a) *[Description of offense.]* Any person who, walks, stands, sits, lies, or places an object in such manner as to intentionally block or impair passage or movement by another person or by a vehicle, or to require another person or a vehicle to detour or to take other evasive action to avoid physical contact, and who, after being ordered by a law enforcement officer to move or to move the object, and such person or such object remains in or on any public sidewalk, street, alley, beach walk, or beach entrance in such a manner as to block or impair passage or movement by another person or by a vehicle, or to require another person or a vehicle to detour or take other evasive action to avoid physical contact, shall be guilty, pursuant to this section, of the offense of obstructing of pedestrian and vehicular traffic.
- (b) *Protected activities.* Acts authorized as an exercise of one's First Amendment right to demonstrate, picket or to legally protest shall not constitute obstructing of pedestrian and vehicular traffic unless a nearby adequate and available alternative forum is offered and provided, to which the subject or subjects refuse to move. As an illustration only, a person or persons blocking or impairing movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance while exercising their First Amendment right to protest demonstrate, picket or to legally protest should be offered access to an adjacent or nearby public park, if one exists and is available, where they can exercise their First Amendment rights without blocking or impairing movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance. Only if those person or persons refuse to move to such a park or other offered appropriate alternative forum where their activities will not block or impair movement of vehicles or pedestrians on any public sidewalk, street, alley, beach walk, or beach entrance may an arrest be made.
- (c) *Permitted activities.* Acts authorized by a permit duly issued by a lawful authority shall not constitute a violation of this section.
- (d) *Enforcement.* Violation of this section shall be enforced pursuant to section 1-14 of the Miami-Beach City Code. If a law enforcement officer or other authorized official encounters a person violating this section who volunteers that he or she has no home or other permanent shelter, he or she must be given an opportunity to voluntarily enter a homeless shelter or similar facility within Miami-Dade County, if available to that person, or to accept other available government assistance for which the person is eligible that would result in housing, including, but not limited to, mutually consensual reunification with family or friends in any location, or consensual placement in any other appropriate facility that provides housing within Miami-Dade County. If no homeless shelter or other facility, or government assistance, that would result in immediate housing, is available for which the person is eligible, an arrest may not be made.



1100764161

OBTS NUMBER 1302360858		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300103305					
SPECIAL OPERATION:		<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161299		PMHD NO		COURT CASE NO. F23023365	
IDS NO. 3518708		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.				MDPD RECORDS AND ID NO. 1272342				STUDENT ID NO.				GANG RELATED NO		FRAUD RELATED NO			
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:	
DOB (MM/DD/YYYY) [REDACTED]		AGE 23	RACE W	SEX M	HISPANIC: UNK ETHNICITY: ANG		HEIGHT 5'04	WEIGHT 150	HAIR COLOR BLK	HAIR LENGTH MID	HAIR STYLE DIR	EYES BRO	GLASSES NO	FACIAL HAIR FUZ	TEETH NOR						
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) FL US							
LOCAL ADDRESS												PHONE		CITIZENSHIP US							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI		(State) FL		(Country) US		PHONE		OCCUPATION	
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		PHONE		ADDRESS SOURCE VERBAL	
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.		WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence: N Drug Influence: N							
ARREST DATE 11/27/2023		ARREST TIME 23:07		ARREST LOCATION 16TH STREET AND THE BEACH MIAMI BEACH, FL 33139										GRID							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
JUV only	Relation	Name	Street										Zip	Phone	Contacted?						
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION								
1. F/3-CONTROLLED SUBSTANCE/POSSESSION:SUSPECTED THC OIL				F.S.	1	893.13(6)(A)					0011350A	N									
2. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N									
3. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N									
4.																					
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 27 day of NOVEMBER, 2023, at 23:07 at (16TH STREET AND THE BEACH) . MIAMI BEACH, FL, 33139 ON NOVEMBER 27TH 2023, I (2117) WAS ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH.																					
NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE... [Continued on Next Page]																					
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.													
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. 				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 28 DAY OF NOVEMBER, 2023 				[REDACTED]													
GUEITS, J: Court ID: 002-02117				ACEVEDO, Y: Court ID: 002-01156																	

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764161

OBTS NUMBER 1302360858	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103305
---------------------------	--	---------------------------------

JAIL NO. 230161299	COURT CASE NO. F23023365
-----------------------	-----------------------------

SPECIAL OPERATION:	<input checked="" type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161299	PMHD NO	COURT CASE NO. F23023365
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

BEACH TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH DEFENDANT [REDACTED] ON 16TH STREET AND THE BEACH. HE WAS SEEN LAYING ON A BEACH CHAIR FULLY COVERED WITH BLANKETS AND HAD HIS PERSONAL PROPERTY BY HIS SIDE. HE WAS NOT PASSING THROUGH OR MAKING HIS WAY TO THE MOST DIRECT EXIT POINT AND IT HAD BEEN MORE THAN AN HOUR SINCE THE BEACH WAS CLOSED.



ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

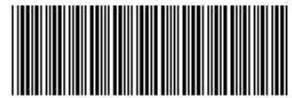
DURING OUR INTERACTION, I ASKED THE DEFENDANT IF HE WAS IN POSSESSION OF ANY NARCOTICS.

THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH HOLDING FACILITY, LATER TO TGK.

ALL EVIDENCE WAS IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT.

ALL... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  GUEITS, J: Court ID: 002-02117	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 28 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



1100764161

OBTS NUMBER 1302360858	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103305
---------------------------	--	---------------------------------

JAIL NO. 230161299	COURT CASE NO. F23023365
-----------------------	-----------------------------

SPECIAL OPERATION:	<input checked="" type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161299	PMHD NO	COURT CASE NO. F23023365
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME	DOB (MM/DD/YYYY)

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

OFFICERS ON SCENE USED BWC.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:

TIME:

CONTACT:



NOTES: ARREST MADE AFTER HOURS

OFFICERS USING BODY-WORN CAMERA:

CHUMBE, R: Court ID: 002-02113

PARADA, G: Court ID: 002-00994

CARBALLO PEREZ, J: Court ID: 002-02136

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  GUEITS, J: Court ID: 002-02117	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 28 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	

WARRANT



1100746732

OBTS NUMBER 1302360930		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300103655							
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161432		PMHD NO		COURT CASE NO. B23023812			
IDS NO. 3265852		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.				MDPD RECORDS AND ID NO. 0951594				STUDENT ID NO.				GANG RELATED NO		FRAUD RELATED NO					
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:			
DOB (MM/DD/YYYY) [REDACTED]		AGE 34	RACE W	SEX M	HISPANIC: NO ETHNICITY: ANG		HEIGHT 6'00	WEIGHT 140	HAIR COLOR BRO	HAIR LENGTH TTS	HAIR STYLE WAV	EYES BRO	GLASSES NO	FACIAL HAIR CLN	TEETH NOR								
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) IL US									
LOCAL ADDRESS												PHONE				CITIZENSHIP US							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI BEACH		(State) FL		(Country) US		(Zip) 33139		OCCUPATION			
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		(Zip)		ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence: N Drug Influence: N							
ARREST DATE 11/28/2023		ARREST TIME 23:37		ARREST LOCATION 21ST ST AND THE BEACH MIAMI BEACH, FL 33139										GRID									
CO-DEFENDANT NAME 1. JACKSON, FREDDIE LEE								DOB 08/30/1993				<input checked="" type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input checked="" type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
JUV only	Relation	Name	Street										Zip		Phone		Contacted?						
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION										
1. M/2-LEWD AND LASCIVIOUS BEHAVIOR				F.S.	1	798.02					90000079	N											
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N											
3. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N											
4. /-WARRANT TYPE: BENCH WARRANT BW													B23013340 BW										
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 28 day of NOVEMBER, 2023, at 23:33 at 21ST ST AND THE BEACH. MIAMI BEACH, FL, 33139 WARRANT #/COURT CASE#: B23013340 , WARRANT DATE: 09/27/2023, TOTAL BOND: \$10,002.00 VERIFIED BY: DARLING, REF CHARGE/BOND AMT: BATTERY/DISORDERLY/RESIST WITHOUT VIOLENCE/THREATS TO LEO																							
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearinging).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.															
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature]				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 29 DAY OF NOVEMBER, 2023 [Signature]				[REDACTED]															
CHUMBE, R: Court ID: 002-02113				ACEVEDO, Y: Court ID: 002-01156				223															

WARRANT



1100746732

OBTS NUMBER 1302360930	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103655
---------------------------	--	---------------------------------

JAIL NO. 230161432	COURT CASE NO. B23023812
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161432	PMHD NO	COURT CASE NO. B23023812
	<input checked="" type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD) [REDACTED]
--	---------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

ON NOVEMBER 28TH 2023, MYSELF (2113), OFFICER GUEITS (2117) AND OFFICER GOMEZ (2109) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH.

NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH CO-DEFENDANT [REDACTED] AND [REDACTED] (DEFENDANT) ON 21ST STREET AND THE BEACH. THEY WERE SEEN UNDER THE LIFEGUARD TOWER WITH THE SOUTH SIDE OF THE TOWER PARTIALLY COVERED WITH A TARP. THE DEFENDANTS ALSO HAD BLANKETS LAID OUT UNDER THEM ALONG WITH THEIR BELONGINGS PROPPED UP AROUND THEM. FROM WHAT I OBSERVED, THE DEFENDANTS HAD THE INTENTIONS TO SPEND THE NIGHT AT THE BEACH AND WERE PROTECTING THEMSELVES FROM THE ELEMENTS BY CAMPING.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

AS I APPROACHED TO INVESTIGATE, I WITNESSED THE DEFENDANT AND CODEFENDANT, NUDE AND ENGAGING IN SEXUAL INTERCOURSE. ALTHOUGH THE SOUTH SIDE OF THE LIFEGUARD TOWER WAS COVERED, EVERY OTHER ANGLE WAS OPEN AND EXPOSED TO THE PUBLIC. THERE WERE ALSO OTHER PEOPLE NEARBY AT THE TIME OF THEIR SEXUAL ACTIVITY.

WHEN ASKED WHY THEY HAD A TARP SET UP, THE DEFENDANT STATED
BOTH THE DEFENDANT AND CODEFENDANT ARE CURRENTLY TRANSIENTS IN THE MIAMI BEACH AREA.

IT IS IMPORTANT TO NOTE THAT THE DEFENDANT IS TRANSGENDER AND IDENTIFIES AS FEMALE. SHE FURTHER STATED THAT HER NAME IS [REDACTED] AND WAS ADDRESSED AS SUCH FOR THE REMAINDER OF POLICE INTERACTION.

BOTH THE DEFENDANT AND CODEFENDANT WERE ARRESTED AND TRANSPORTED TO THE MIAMI... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. 	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 29 DAY OF NOVEMBER, 2023 	
CHUMBE, R: Court ID: 002-02113	ACEVEDO, Y: Court ID: 002-01156	

WARRANT



1100746732

OBTS NUMBER 1302360930	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103655
---------------------------	--	---------------------------------

JAIL NO. 230161432	COURT CASE NO. B23023812
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161432	PMHD NO	COURT CASE NO. B23023812
	<input checked="" type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

BEACH POLICE DEPARTMENT, LATER TO TGK.

ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT. BWC WAS USED THROUGHOUT THIS INVESTIGATION.



AFTER CONDUCTING A RECORDS CHECK OF THE DEFENDANT, IT WAS DETERMINED THE DEFENDANT HAD AN ACTIVE WARRANT. THE WARRANT WAS UNDER COURT CASE NUMBER B23013340 WITH A BOND OF \$10,002.00. THIS INFORMATION WAS CONFIRMED BY MIAMI-DADE COUNTY OPERATOR DARLING.

SAO PRE-FILE CONFERENCE INFORMATION




DATE:
TIME:
CONTACT:
NOTES:

OFFICERS USING BODY-WORN CAMERA:

MEJIA, W: Court ID: 002-01166
CHUMBE, R: Court ID: 002-02113
GUEITS, J: Court ID: 002-02117

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  CHUMBE, R: Court ID: 002-02113	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 29 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



OBTS NUMBER 1307414458		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300103655													
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161434		PMHD NO		COURT CASE NO. B23023813									
IDS NO. 3538944		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.				MDPD RECORDS AND ID NO. 1277250				STUDENT ID NO.				GANG RELATED NO		FRAUD RELATED NO											
DEFENDANT'S NAME (LAST, FIRST										ALIAS and / or STREET NAME										SIGNAL:									
DOB (MM/DD/YYYY)		AGE 30		RACE B		SEX M		HISPANIC: UNK ETHNICITY: AFR		HEIGHT 5'11		WEIGHT 160		HAIR COLOR BLK		HAIR LENGTH TTS		HAIR STYLE DRE		EYES BRO		GLASSES NO		FACIAL HAIR FUZ		TEETH NOR			
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)																		PLACE OF BIRTH (City, State/Country) FL US											
LOCAL ADDRESS														PHONE				CITIZENSHIP US											
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS														(City) MIAMI		(State) FL		(Country) US		(Zip)		PHONE				OCCUPATION			
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)														(City)		(State)		(Country)		(Zip)		PHONE				ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE FL-				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Infuence: N Drug Infuence: N													
ARREST DATE 11/28/2023				ARREST TIME 23:37				ARREST LOCATION 21ST STREET AND THE BEACH MIAMI BEACH, FL 33139																GRID					
CO-DEFENDANT NAME										DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
CO-DEFENDANT NAME										DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
CO-DEFENDANT NAME										DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
JUV only		Relation		Name										Street				Zip				Phone		Contacted?					
CHARGES				CHARGE AS:		CNTS		FL STATUTE NUMBER		VIOL OF SECT.		CODE OF		UCR		DV		WARRANT TYPE OR TRAFFIC CITATION											
1. M/2-LEWD AND LASCIVIOUS BEHAVIOR				F.S.		1		798.02						90000072		N													
2. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD		1				82-2(MIABCH)		000		95000060		N													
3. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD		1				70-45		002		95000060		N													
4.																													
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 28 day of NOVEMBER, 2023, at 23:33 at (21ST STREET AND THE BEACH) . MIAMI BEACH, FL, 33139 ON NOVEMBER 28TH 2023, MYSELF (2117), OFFICER CHUMBE (2113) AND OFFICER GOMEZ (2109) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH ... [Continued on Next Page]																													
HOLD FOR OTHER AGENCY VERIFIED BY										<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).										<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.									
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  GUEITS, J: Court ID: 002-02117										SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 29 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156																			



1100764166

OBTS NUMBER 1307414458	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103655
---------------------------	--	---------------------------------

JAIL NO. 230161434	COURT CASE NO. B23023813
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161434	PMHD NO	COURT CASE NO. B23023813
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST	DOB (MM/DD/YYYY)

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH DEFENDANT [REDACTED] AND [REDACTED] (CODEFENDANT) ON 21ST STREET AND THE BEACH. THEY WERE SEEN UNDER THE LIFEGUARD TOWER WITH THE SOUTH SIDE OF THE TOWER PARTIALLY COVERED WITH A TARP. THE DEFENDANTS ALSO HAD BLANKETS LAID OUT UNDER THEM ALONG WITH THEIR BELONGINGS PROPPED UP AROUND THEM. FROM WHAT I OBSERVED, THE DEFENDANTS HAD THE INTENTIONS TO SPEND THE NIGHT AT THE BEACH AND WERE PROTECTING THEMSELVES FROM THE ELEMENTS BY CAMPING.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.



AS I APPROACHED TO INVESTIGATE, I WITNESSED THE DEFENDANT AND CODEFENDANT, NUDE AND ENGAGING IN SEXUAL INTERCOURSE. ALTHOUGH THE SOUTH SIDE OF THE LIFEGUARD TOWER WAS COVERED, EVERY OTHER ANGLE WAS OPEN AND EXPOSED TO THE PUBLIC. THERE WERE ALSO OTHER PEOPLE NEARBY AT THE TIME OF THEIR SEXUAL ACTIVITY.

WHEN ASKED WHY THEY HAD A TARP SET UP, THE CODEFENDANT STATED
. BOTH THE DEFENDANT AND CODEFENDANT ARE CURRENTLY TRANSIENTS IN THE MIAMI BEACH AREA.

IT IS IMPORTANT TO NOTE THAT THE CODEFENDANT IS TRANSGENDER AND IDENTIFIES AS FEMALE. SHE FURTHER STATED THAT HER NAME IS [REDACTED] AND WAS ADDRESSED AS SUCH FOR THE REMAINDER OF POLICE INTERACTION.

BOTH THE DEFENDANT AND CODEFENDANT WERE ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT, LATER TO TGK.

ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  GUEITS, J: Court ID: 002-02117	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 29 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



1100764166

OBTS NUMBER 1307414458	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103655
---------------------------	--	---------------------------------

JAIL NO. 230161434	COURT CASE NO. B23023813
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC FUGITIVE WARRANT:	<input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> In State	<input type="checkbox"/> CIV INF <input type="checkbox"/> Out State	JAIL NO. 230161434	PMHD NO	COURT CASE NO. B23023813
--------------------	---	---	--	--	-----------------------	------------	-----------------------------

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

PROPERTY AND EVIDENCE UNIT.

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:

TIME:

CONTACT:

NOTES:

OFFICERS USING BODY-WORN CAMERA:



MEJIA, W: Court ID: 002-01166

CHUMBE, R: Court ID: 002-02113

GUEITS, J: Court ID: 002-02117

GOMEZ, K: Court ID: 002-02109

PARADA, G: Court ID: 002-00994

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  GUEITS, J: Court ID: 002-02117	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 29 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



OBTS NUMBER 1314075254		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104014					
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161589		PMHD NO		COURT CASE NO. B23023889	
IDS NO. 3539174		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.				MDPD RECORDS AND ID NO. 1150655				STUDENT ID NO.				GANG RELATED NO		FRAUD RELATED NO			
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:	
DOB (MM/DD/YYYY) [REDACTED]		AGE 37	RACE W	SEX M	HISPANIC: YES ETHNICITY: UNK		HEIGHT 6'00	WEIGHT 170	HAIR COLOR BLK	HAIR LENGTH ATE	HAIR STYLE LOW	EYES BRO	GLASSES NO	FACIAL HAIR FUL	TEETH NOR						
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) FL US							
LOCAL ADDRESS												PHONE		CITIZENSHIP US							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS										(City) MIAMI		(State) (Country) (Zip) FL US		PHONE		OCCUPATION					
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)										(City)		(State) (Country) (Zip)		PHONE		ADDRESS SOURCE VERBAL					
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.		WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Intoxication: N Drug Intoxication: N							
ARREST DATE 11/29/2023		ARREST TIME 23:35		ARREST LOCATION 300 BLOCK/ BEACH SVRD MIAMI BEACH, FL 33139										GRID							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
JUV only	Relation	Name	Street										Zip	Phone	Contacted?						
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION								
1. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N									
2. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N									
3.																					
4.																					
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 29 day of NOVEMBER, 2023, at 23:35 at 300 BLOCK/ BEACH SVRD. MIAMI BEACH, FL, 33139 ON NOVEMBER 29, 2023, MYSELF (2138), OFFICER SAVINON (2152), AND OFFICER COSIC (2147) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS. THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH TO ADVISE OF THESE HOURS. DURING THIS DETAIL I MADE CONTACT WITH DEFENDANT LUIS JOSE CONTRERAS-FRANCO ON... [Continued on Next Page]																					
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.													
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature] ALVARENGA, R: Court ID: 002-02138				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023 [Signature] ACEVEDO, Y: Court ID: 002-01156				[REDACTED]													

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764172

OBTS NUMBER 1314075254	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104014
---------------------------	--	---------------------------------

JAIL NO. 230161589	COURT CASE NO. B23023889
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161589	PMHD NO	COURT CASE NO. B23023889
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

THE 300 BLOCK AND THE BEACH. I OBSERVED THE DEFENDANT ASLEEP WRAPPED IN A BLANKET INSIDE OF A SLEEPING BAG. THE DEFENDANT ALSO HAD A BLANKET LAID ON THE GROUND. FROM MY OBSERVATIONS THE DEFENDANT HAS INTENTIONS TO SPEND THE NIGHT AT THE BEACH AND WAS PROTECTING HIMSELF FROM THE ELEMENTS BY CAMPING.

MIAMI BEACH CITY ORDINANCE 70-45 STATES A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL THAT PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO A TENT, SLEEPING BAG, HAMMOCK, BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPER OR CARDBOARD.

THE DEFENDANT STATED

WHEN ASKED IF HE
WAS HOMELESS THE DEFENDANT STATED . OFFICERS ASKED THE DEFENDANT IF HE WOULD LIKE
ASSISTANCE FROM A HOMELESS RESOURCE OFFICER OR ASSISTANCE TO GET ACCESS TO A HOMELESS SHELTER. THE DEFENDANT
RESPONDED WITH NO AND DID NOT WANT ASSISTANCE.

THE DEFENDANT WAS ARRESTED AND TAKEN TO MIAMI BEACH HOLDING FACILITY FOR FURTHER PROCESSING AND LATER TRANSPORTED TO TGK.

ALL PERSONAL PROPERTY WAS IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SGT OZAETA (1114) AND SGT ACEVEDO (1156).

BWC WAS USED.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:

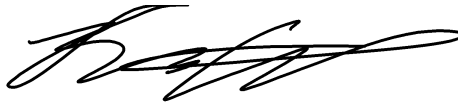

TIME:

CONTACT:

NOTES:

OFFICERS USING BODY-WORN CAMERA:

ALVARENGA, R: Court ID: 002-02138... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  ALVARENGA, R: Court ID: 002-02138	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



1100764172

OBTS NUMBER 1314075254	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104014
---------------------------	--	---------------------------------

JAIL NO. 230161589	COURT CASE NO. B23023889
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State	<input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161589	PMHD NO	COURT CASE NO. B23023889
--------------------	---	---	--	-----------------------	------------	-----------------------------

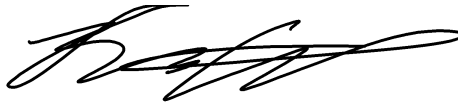

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

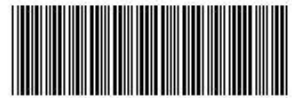
OZAETA, M: Court ID: 002-01114
SAVINON, R: Court ID: 002-02152
COSIC, E: Court ID: 002-02147
BRYANT, K: Court ID: 002-02098

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  ALVARENGA, R: Court ID: 002-02138	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



COMPLAINT/ARREST AFFIDAVIT CONT.

Officer Information

1.LEAD ALVARENGA, RICARDO	BWC? YES	Evid? NO	Dist 002	ID No. 02138	Phone	Shift 1
<input checked="" type="checkbox"/> (HT) DUI ONLY: <input type="checkbox"/> (W) <input type="checkbox"/> (RS) <input type="checkbox"/> (B) <input type="checkbox"/> (M) <input type="checkbox"/> (MW) <input type="checkbox"/> (IC) <input type="checkbox"/> (ICW) <input type="checkbox"/> (BAFF) <input type="checkbox"/> (BAFFW) <input type="checkbox"/> (DRE) <input type="checkbox"/> (20MINOBS)						
2.RESPONDING COSIC, ELVIS	BWC? YES	Evid? NO	Dist 002/00000	ID No. 02147	Phone	Shift 1
DUI ONLY: <input type="checkbox"/> (W) <input type="checkbox"/> (RS) <input type="checkbox"/> (B) <input type="checkbox"/> (M) <input type="checkbox"/> (MW) <input type="checkbox"/> (IC) <input type="checkbox"/> (ICW) <input type="checkbox"/> (BAFF) <input type="checkbox"/> (BAFFW) <input type="checkbox"/> (DRE) <input type="checkbox"/> (20MINOBS)						
3.RESPONDING SAVINON, RENDY	BWC? YES	Evid? NO	Dist 002/00000	ID No. 02152	Phone	Shift 1
DUI ONLY: <input type="checkbox"/> (W) <input type="checkbox"/> (RS) <input type="checkbox"/> (B) <input type="checkbox"/> (M) <input type="checkbox"/> (MW) <input type="checkbox"/> (IC) <input type="checkbox"/> (ICW) <input type="checkbox"/> (BAFF) <input type="checkbox"/> (BAFFW) <input type="checkbox"/> (DRE) <input type="checkbox"/> (20MINOBS)						
4.TRANSPORTING BRYANT, KARRIEM	BWC? YES	Evid? NO	Dist 002/00000	ID No. 02098	Phone (786) 256-6227 (CELL)	Shift 1
DUI ONLY: <input type="checkbox"/> (W) <input type="checkbox"/> (RS) <input type="checkbox"/> (B) <input type="checkbox"/> (M) <input type="checkbox"/> (MW) <input type="checkbox"/> (IC) <input type="checkbox"/> (ICW) <input type="checkbox"/> (BAFF) <input type="checkbox"/> (BAFFW) <input type="checkbox"/> (DRE) <input type="checkbox"/> (20MINOBS)						
5.RESPONDING OZAETA, MELANIE	BWC? YES	Evid? NO	Dist 002/00000	ID No. 01114	Phone (305) 548-5765 (CELL)	Shift 1
DUI ONLY: <input type="checkbox"/> (W) <input type="checkbox"/> (RS) <input type="checkbox"/> (B) <input type="checkbox"/> (M) <input type="checkbox"/> (MW) <input type="checkbox"/> (IC) <input type="checkbox"/> (ICW) <input type="checkbox"/> (BAFF) <input type="checkbox"/> (BAFFW) <input type="checkbox"/> (DRE) <input type="checkbox"/> (20MINOBS)						



1100764173

OBTS NUMBER 1301441320		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300103960					
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161592		PMHD NO		COURT CASE NO. B23023892	
IDS NO. 3400435		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.				MDPD RECORDS AND ID NO. 1242605				STUDENT ID NO.				GANG RELATED NO		FRAUD RELATED NO			
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:	
DOB (MM/DD/YYYY) [REDACTED]		AGE 40	RACE W	SEX M	HISPANIC: NO ETHNICITY: ANG		HEIGHT 5'10	WEIGHT 225	HAIR COLOR BLD	HAIR LENGTH BB1	HAIR STYLE BLD	EYES BRO	GLASSES NO	FACIAL HAIR FUL	TEETH NOR						
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) VINCENNES IN US							
LOCAL ADDRESS												PHONE		CITIZENSHIP US							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI		(State) FL		(Country) US		PHONE		OCCUPATION UNEMPLOYED	
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		PHONE		ADDRESS SOURCE VERBAL	
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.		WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT W-N/A				INDICATION OF: Alcohol Infuence: N Drug Infuence: N							
ARREST DATE 11/29/2023		ARREST TIME 22:26		ARREST LOCATION 3RD ST & BEACH MIAMI BEACH, FL 33139										GRID							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR							
JUV only	Relation	Name	Street										Zip	Phone	Contacted?						
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION								
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N									
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N									
3.																					
4.																					
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 29 day of NOVEMBER, 2023, at 22:26 at 3RD ST & BEACH. MIAMI BEACH, FL, 33139 ON NOVEMBER 29TH 2023, MYSELF (2152), OFFICER COSIC (2147) AND OFFICER ALVERANGA (2138) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH ... [Continued on Next Page]																					
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.													
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156				[REDACTED]													

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764173

OBTS NUMBER 1301441320	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103960
---------------------------	--	---------------------------------

JAIL NO. 230161592	COURT CASE NO. B23023892
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161592	PMHD NO	COURT CASE NO. B23023892
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT (TIMOTHY BURGESS) ON 3RD ST AND THE BEACH. THE DEFENDANT WAS OBSERVED LAYING DOWN ON BLANKET WHICH HE HAD PLACED ON THE SAND. HE WAS ALSO OBSERVED FULLY COVERED BY A COMFORTER AND RESTING HIS HEAD ON A PILLOW. ALONG SIDE OF HIM WAS HIS PERSONAL PROPERTY.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.



IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER. TO WHICH HE REPLIED, I AM HOMELESS NOT HELPLESS. THE DEFENDANT REFUSED POLICE ASSISTANCE AND WAS SUBSEQUENTLY ARRESTED FOR BEACH AFTER HOURS AND CAMPING ORDINANCE.

THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT, LATER TO TGK.

THE DEFENDANT'S PERSONAL PROPERTY WAS IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT.

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE CONFERENCE INFORMATION... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



1100764173

OBTS NUMBER 1301441320	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103960
---------------------------	--	---------------------------------

JAIL NO. 230161592	COURT CASE NO. B23023892
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> JUV	<input type="checkbox"/> DV	<input type="checkbox"/> MOVES FUGITIVE WARRANT: <input type="checkbox"/> In State	<input type="checkbox"/> CIV INF <input type="checkbox"/> Out State	JAIL NO. 230161592	PMHD NO	COURT CASE NO. B23023892
--------------------	---	--	----------------------------------	------------------------------	-----------------------------	---	--	-----------------------	------------	-----------------------------

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------



CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

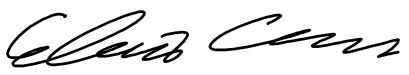

DATE:
TIME:
CONTACT:
NOTES:

OFFICERS USING BODY-WORN CAMERA:
QUINTERO, R: Court ID: 002-01140
ALVARENGA, R: Court ID: 002-02138
SAVINON, R: Court ID: 002-02152
COSIC, E: Court ID: 002-02147

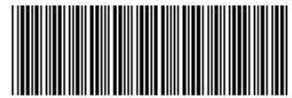
HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



1100764171

OBTS NUMBER	ARMED FORCES NO	BWC YES	COMPLAINT/ARREST AFFIDAVIT				POLICE CASE NO. 202300103991							
SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> JUV	<input type="checkbox"/> DV	<input type="checkbox"/> MOVES	<input type="checkbox"/> CIV INF	JAIL NO. 230161593	PMHD NO	COURT CASE NO. B23023893				
FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State														
IDS NO.	AGENCY CODE 002	MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO				
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]						ALIAS and / or STREET NAME				SIGNAL:				
DOB (MM/DD/YYYY) [REDACTED]	AGE 50	RACE W	SEX M	HISPANIC: NO ETHNICITY: ANG	HEIGHT 5'09	WEIGHT 170	HAIR COLOR SDY	HAIR LENGTH ATE	HAIR STYLE STR	EYES BRO	GLASSES NO	FACIAL HAIR FUL	TEETH NOR	
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)										PLACE OF BIRTH (City, State/Country) DALLAS TX US				
LOCAL ADDRESS								PHONE		CITIZENSHIP US				
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS				(City) MIAMI	(State) FL	(Country) US	(Zip)	PHONE		OCCUPATION				
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)				(City)	(State)	(Country)	(Zip)	PHONE		ADDRESS SOURCE VERBAL				
DRIVER'S LICENSE NUMBER/STATE		SOCIAL SECURITY NO.		WEAPON SEIZED NO		Defendant/CONCEALED WEAPON PERMIT NONE		INDICATION OF: Alcohol Infuence: N Drug Infuence: N						
ARREST DATE 11/29/2023		ARREST TIME 23:48		ARREST LOCATION 13TH ST & BEACH MIAMI BEACH, FL 33139						GRID				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
JUV only	Relation		Name		Street				Zip		Phone		Contacted?	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION	
1. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N		
2. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N		
3.														
4.														
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 29 day of NOVEMBER, 2023, at 23:46 at 13TH ST & BEACH. MIAMI BEACH, FL, 33139 ON NOVEMBER 29TH 2023, OFFICER SAVINON (2152), OFFICER ALVARENGA (2138) AND I WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH ... [Continued on Next Page]														
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.						
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156 236										

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764171

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103991
-------------	--	---------------------------------

JAIL NO. 230161593	COURT CASE NO. B23023893
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161593	PMHD NO	COURT CASE NO. B23023893
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT (MR. [REDACTED] ON 13TH ST AND THE BEACH. THE DEFENDANT WAS OBSERVED LAYING DOWN INSIDE OF A SLEEPING BAG AND WEARING A ONE-PIECE PAJAMA SUIT, ON THE EASTSIDE OF THE LIFEGUARD TOWER'S BALCONY AREA. ALONG SIDE OF HIM WAS A GYM-BAG CONTAINING HIS PERSONAL PROPERTY.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER. TO WHICH HE REPLIED THAT HE DID NOT. THE DEFENDANT REFUSED POLICE ASSISTANCE AND WAS SUBSEQUENTLY ARRESTED FOR BEACH AFTER HOURS AND MIAMI BEACH'S CAMPING ORDINANCE.

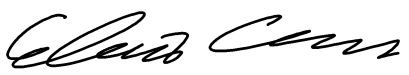

THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT, LATER TO TKG.

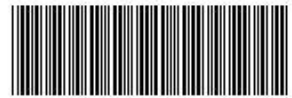
ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SERGEANT OZAETA (1114), SERGEANT ACEVEDO (1156).

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

NOTHING FURTHER.

SAO PRE-FILE CONFERENCE... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023  ACEVEDO, Y: Court ID: 002-01156	



1100764171

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300103991
-------------	--	---------------------------------

JAIL NO. 230161593	COURT CASE NO. B23023893
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State	<input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161593	PMHD NO	COURT CASE NO. B23023893
--------------------	---	---	--	-----------------------	------------	-----------------------------

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

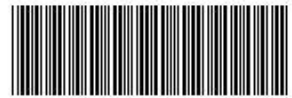
CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---



CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

INFORMATION DATE: TIME: CONTACT: NOTES: OFFICERS USING BODY-WORN CAMERA: ALVARENGA, R: Court ID: 002-02138 OZAETA, M: Court ID: 002-01114 ACEVEDO, Y: Court ID: 002-01156 SAVINON, R: Court ID: 002-02152 COSIC, E: Court ID: 002-02147 BRYANT, K: Court ID: 002-02098
--

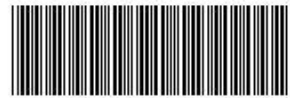
HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. COSIC, E: Court ID: 002-02147	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 30 DAY OF NOVEMBER, 2023 ACEVEDO, Y: Court ID: 002-01156	



1100764192

OBTS NUMBER		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104337									
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161751		PMHD NO		COURT CASE NO. B23023944					
IDS NO.		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO													
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:					
DOB (MM/DD/YYYY) [REDACTED]		AGE 44	RACE B	SEX F	HISPANIC: NO ETHNICITY: AFR		HEIGHT 5'00	WEIGHT 145	HAIR COLOR BRO	HAIR LENGTH MID	HAIR STYLE DIR	EYES BRO	GLASSES NO	FACIAL HAIR CLN	TEETH NOR										
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) MO US											
LOCAL ADDRESS														PHONE				CITIZENSHIP US							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS														(City) MIAMI		(State) FL		(Country) US		PHONE		OCCUPATION			
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)														(City)		(State)		(Country)		PHONE		ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence: N Drug Influence: N									
ARREST DATE 11/30/2023		ARREST TIME 22:23		ARREST LOCATION 23RD STREET AND BEACH SERVICE ROAD MIAMI BEACH, FL 33139												GRID									
CO-DEFENDANT NAME 1. PEARSON, RICHARD								DOB 07/13/1978				<input checked="" type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																			
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION														
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N															
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N															
3.																									
4.																									
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 30 day of NOVEMBER, 2023, at 22:20 at 23RD STREET AND BEACH SERVICE ROAD. MIAMI BEACH, FL, 33139 ON THE ABOVE DATE AND TIME MYSELF (2144), OFFICER SAVINON (2152), OFFICER MILLER (2142), OFFICER ALVERENGA (2138) AND OFFICER COSIC (2152) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE... [Continued on Next Page]																									
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.																	
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  RODRIGUEZ, M: Court ID: 002-02144				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114																					

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764192

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104337
-------------	--	---------------------------------

JAIL NO. 230161751	COURT CASE NO. B23023944
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161751	PMHD NO	COURT CASE NO. B23023944
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

BEACH TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, OFFICER COSIC OBSERVED A MALE, LATER IDENTIFIED AS [REDACTED] (CO-DEFENDANT) SLEEPING ON THE SAND IN THE BACK OF THE 24TH STREET AND THE BEACH LIFEGUARD STAND. AS OFFICER COSIC SPOKE TO [REDACTED], I OBSERVED A FEMALE SLEEPING ON THE EAST SIDE OF THE LIFEGUARD STAND BALCONY.

UPON INITIAL CONTACT WITH THE FEMALE, SHE WAS OBSERVED LYING DOWN ON MULTIPLE BLANKETS WHICH SHE HAD PLACED ON THE LIFEGUARD BALCONY. ALONGSIDE OF HER WAS ALL OF HER PERSONAL PROPERTY.

THE FEMALE WAS LATER IDENTIFIED THROUGH HER MISSOURI DRIVERS LICENSE AS, [REDACTED] (DEFENDANT).



THE DEFENDANT STATED

IT SHOULD BE NOTED THAT THE 24TH STREET LIFEGUARD STAND HAS MIAMI BEACH TRESPASS WARNING SIGNS POSTED WHICH SHE PASSED TO GET TO THE SECOND LEVEL WHERE SHE WAS LOCATED.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER. TO WHICH SHE REPLIED, I DO NOT WANT TO BE AROUND THOSE TYPE OF PEOPLE. THE DEFENDANT REFUSED POLICE ASSISTANCE AND WAS SUBSEQUENTLY ARRESTED FOR BEACH AFTER HOURS AND MIAMI BEACH'S CAMPING ORDINANCE.

THE DEFENDANT WAS ARRESTED, TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT HOLDING FACILITY AND, LATER TO TGK ...
[Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  RODRIGUEZ, M: Court ID: 002-02144	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764192

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104337
-------------	--	---------------------------------

JAIL NO. 230161751	COURT CASE NO. B23023944
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161751	PMHD NO	COURT CASE NO. B23023944
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

BY OFFICER BRYANT (2098).

ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SGT OZAETA (1114).

BWC WAS ACTIVATED.

NOTHING FURTHER.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:

TIME:

CONTACT:

NOTES:

OFFICERS USING BODY-WORN CAMERA:

OZAETA, M: Court ID: 002-01114

ALVARENGA, R: Court ID: 002-02138


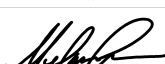
SAVINON, R: Court ID: 002-02152

COSIC, E: Court ID: 002-02147

MILLER, B: Court ID: 002-02142



BRYANT, K: Court ID: 002-02098

RODRIGUEZ, M: Court ID: 002-02144

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  RODRIGUEZ, M: Court ID: 002-02144	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764194

OBTS NUMBER		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104364							
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161754		PMHD NO		COURT CASE NO. B23023947			
IDS NO.		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO											
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:			
DOB (MM/DD/YYYY) [REDACTED]		AGE 61	RACE W	SEX M	HISPANIC: YES ETHNICITY: CUB		HEIGHT 5'08	WEIGHT 150	HAIR COLOR BLD	HAIR LENGTH ATE	HAIR STYLE BLD	EYES BRO	GLASSES NO	FACIAL HAIR FUL	TEETH NOR								
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) CC									
LOCAL ADDRESS												PHONE				CITIZENSHIP CC							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI		(State) FL		(Country) US		PHONE		OCCUPATION UNEMPLOYED			
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		PHONE		ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Infuence: N Drug Infuence: N							
ARREST DATE 11/30/2023		ARREST TIME 23:34		ARREST LOCATION 20TH ST & BEACH MIAMI BEACH, FL 33139												GRID							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION												
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N													
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N													
3.																							
4.																							
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 30 day of NOVEMBER, 2023, at 23:34 at 20TH ST & BEACH. MIAMI BEACH, FL, 33139 ON NOVEMBER 30TH 2023, MYSELF (2152), OFFICER COSIC (2147) AND OFFICER RODRIGUEZ (2144) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH ... [Continued on Next Page]																							
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.															
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114																			

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764194

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104364
-------------	--	---------------------------------

JAIL NO. 230161754	COURT CASE NO. B23023947
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161754	PMHD NO	COURT CASE NO. B23023947
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT [REDACTED] ON 20TH ST AND THE BEACH. THE DEFENDANT WAS OBSERVED LAYING DOWN ON A STACK OF BEACH CHAIRS COVERING HIMSELF WITH TWO TOWELS. ALONG SIDE OF HIM WAS HIS PERSONAL PROPERTY.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.



IT SHOULD BE NOTED THAT THE DEFENDANT SPOKE WITH MIAMI BEACH HOMELESS RESOURCE OFFICER ROSA 1147. HE WAS OFFERED HELP SEEKING PERMANENT SHELTER AND A BED FOR THE NIGHT. THE DEFENDANT WAS ADAMANT THAT HE DID NOT NEED HELP AND . DUE TO THE DEFENDANT REFUSING POLICE ASSISTANCE HE WAS ARRESTED FOR BEACH AFTER HOURS AND MIAMI BEACH'S CAMPING ORDINANCE.

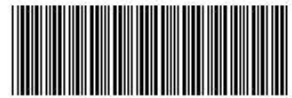
THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT, LATER TO TGK.

ALL PERSONAL PROPERTY WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT.

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE CONFERENCE INFORMATION... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764194

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104364
-------------	--	---------------------------------

JAIL NO. 230161754	COURT CASE NO. B23023947
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State	<input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161754	PMHD NO	COURT CASE NO. B23023947
--------------------	---	---	--	-----------------------	------------	-----------------------------

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------



CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

DATE:
TIME:
CONTACT:
NOTES:

OFFICERS USING BODY-WORN CAMERA:
OZAETA, M: Court ID: 002-01114
SAVINON, R: Court ID: 002-02152
MEJIA, W: Court ID: 002-01166
ROSA, M: Court ID: 002-01147
PARADA, G: Court ID: 002-00994
COSIC, E: Court ID: 002-02147
RODRIGUEZ, M: Court ID: 002-02144

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764179

OBTS NUMBER		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104347							
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161755		PMHD UNK		COURT CASE NO. B23023948			
IDS NO.		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO											
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:			
DOB (MM/DD/YYYY) [REDACTED]		AGE 31	RACE W	SEX M	HISPANIC: YES ETHNICITY: CUB		HEIGHT 5'03	WEIGHT 145	HAIR COLOR BRO	HAIR LENGTH BB1	HAIR STYLE LOW	EYES BRO	GLASSES NO	FACIAL HAIR FUL	TEETH NOR								
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description) TATTOO: LEFT BREAST, JESUS														PLACE OF BIRTH (City, State/Country) HAVANA CC									
LOCAL ADDRESS										PHONE				CITIZENSHIP CC									
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS										(City) MIAMI		(State) FL		(Country) US		PHONE		OCCUPATION UNEMPLOYED					
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)										(City)		(State)		(Country)		PHONE		ADDRESS SOURCE VERBAL					
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.		WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence: N Drug Influence: N									
ARREST DATE 11/30/2023		ARREST TIME 22:46		ARREST LOCATION 23RD ST & BEACH MIAMI BEACH, FL 33139												GRID							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION												
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N													
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N													
3.																							
4.																							
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 30 day of NOVEMBER, 2023, at 22:46 at 23RD ST & BEACH. MIAMI BEACH, FL, 33139 ON NOVEMBER 30TH 2023, MYSELF (2152), OFFICER ALVARENGA (2138), OFFICER MILLER (2142), OFFICER COSIC (2147) AND OFFICER RODRIGUEZ (2144) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE... [Continued on Next Page]																							
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.															
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature] SAVINON, R: Court ID: 002-02152				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023 [Signature] OZAETA, M: Court ID: 002-01114				[REDACTED]															

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764179

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104347
-------------	--	---------------------------------

JAIL NO. 230161755	COURT CASE NO. B23023948
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161755	PMHD UNK	COURT CASE NO. B23023948
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE)	DOB (MM/DD/YYYY)
[REDACTED]	[REDACTED]

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

BEACH TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT ([REDACTED]) ON 23RD ST AND THE BEACH. THE DEFENDANT WAS OBSERVED LAYING DOWN ON A STACK OF BEACH CHAIRS COVERING HIMSELF WITH A BLANKET. ALONG SIDE OF HIM WAS HIS PERSONAL PROPERTY.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.



IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER. TO WHICH HE REPLIED, NO. THE DEFENDANT REFUSED POLICE ASSISTANCE AND WAS SUBSEQUENTLY ARRESTED FOR BEACH AFTER HOURS AND MIAMI BEACH'S CAMPING ORDINANCE.

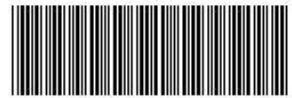
THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT, LATER TO TKG.

ALL PERSONAL PROPERTY WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SGT OZAETA (1114)

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE CONFERENCE INFORMATION... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764179

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104347
-------------	--	---------------------------------

JAIL NO. 230161755	COURT CASE NO. B23023948
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161755	PMHD UNK	COURT CASE NO. B23023948
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------



CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

DATE:
TIME:
CONTACT:
NOTES:

OFFICERS USING BODY-WORN CAMERA:
ALVARENGA, R: Court ID: 002-02138
OZAETA, M: Court ID: 002-01114
SAVINON, R: Court ID: 002-02152
COSIC, E: Court ID: 002-02147
MILLER, B: Court ID: 002-02142
BRYANT, K: Court ID: 002-02098
RODRIGUEZ, M: Court ID: 002-02144

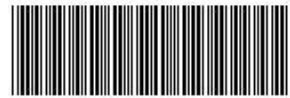
HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  SAVINON, R: Court ID: 002-02152	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764181

OBTS NUMBER		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104366									
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161756		PMHD UNK		COURT CASE NO. B23023949					
IDS NO.		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO													
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:					
DOB (MM/DD/YYYY) [REDACTED]		AGE 48	RACE W	SEX M	HISPANIC: YES ETHNICITY: CUB		HEIGHT 5'08	WEIGHT 160	HAIR COLOR BRO	HAIR LENGTH ATE	HAIR STYLE STR	EYES BRO	GLASSES NO	FACIAL HAIR UNS	TEETH NOR										
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) CC											
LOCAL ADDRESS												PHONE				CITIZENSHIP US									
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI		(State) FL		(Country) US		(Zip) (786) 754-0061		OCCUPATION					
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		(Zip)		PHONE		ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence: N Drug Influence: N									
ARREST DATE 11/30/2023		ARREST TIME 23:24		ARREST LOCATION 2000 BLOCK BEACH SVRD MIAMI BEACH, FL 33139												GRID									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																			
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION														
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N															
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N															
3.																									
4.																									
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 30 day of NOVEMBER, 2023, at 23:21 at 2000 BLOCK BEACH SVRD. MIAMI BEACH, FL, 33139 ON NOVEMBER 30TH 2023, MYSELF (2142), OFFICER COSIC (2147), OFFICER RODRIGUEZ (2144), OFFICER SAVINON (2152), AND OFFICER ALVERENGA (2138) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND POSTED AT EVERY ENTRY POINT INTO THE... [Continued on Next Page]																									
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.																	
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. MILLER, B: Court ID: 002-02142				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023 OZAETA, M: Court ID: 002-01114																					

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764181

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104366
-------------	--	---------------------------------

JAIL NO. 230161756	COURT CASE NO. B23023949
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161756	PMHD UNK	COURT CASE NO. B23023949
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

BEACH TO ADVISE THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY-OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT [REDACTED] ON 20TH ST AND THE BEACH. THE DEFENDANT WAS OBSERVED LYING ON THE SAND WITH A TOWEL COVERING HIS PERSON. ALONGSIDE OF HIM WAS HIS BLACK BACKPACK CONTAINING HIS PERSONAL BELONGINGS.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER. THE DEFENDANT STATED THAT HE DID NOT WISH TO SEEK SHELTER THIS EVENING.



THE DEFENDANT WAS ARRESTED FOR BEACH AFTER-HOURS AND MIAMI BEACH'S CAMPING ORDINANCE. THE DEFENDANT WAS TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT HOLDING FACILITY, AND SUBSEQUENTLY TRANSPORTED TO THE TURNER GUILFORD KNIGHT CORRECTIONAL FACILITY FOR BOOKING.

ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SERGEANT OZAETA (1114).

SERGEANT OZAETA (1114) WAS ON SCENE.

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  MILLER, B: Court ID: 002-02142	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764181

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104366
-------------	--	---------------------------------

JAIL NO. 230161756	COURT CASE NO. B23023949
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161756	PMHD UNK	COURT CASE NO. B23023949
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			



DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

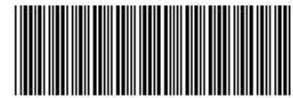
CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

CONFERENCE INFORMATION DATE: TIME: CONTACT: NOTES: OFFICERS USING BODY-WORN CAMERA: OZAETA, M: Court ID: 002-01114 ALVARENGA, R: Court ID: 002-02138 MEJIA, W: Court ID: 002-01166 PARADA, G: Court ID: 002-00994 MILLER, B: Court ID: 002-02142 BRYANT, K: Court ID: 002-02098
--

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  MILLER, B: Court ID: 002-02142	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 01 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764419

OBTS NUMBER 1302361129		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104746													
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161884		PMHD UNK		COURT CASE NO. B23024009									
FUGITIVE WARRANT:		<input type="checkbox"/> In State		<input type="checkbox"/> Out State																									
IDS NO. 3507839		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO. 1269416		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO																	
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:									
DOB (MM/DD/YYYY) [REDACTED]		AGE 51	RACE B	SEX M	HISPANIC: UNK ETHNICITY: AFR		HEIGHT 6'00	WEIGHT 190	HAIR COLOR BRO	HAIR LENGTH ATE	HAIR STYLE AFR	EYES BRO	GLASSES NO	FACIAL HAIR FUL	TEETH DEC														
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) CA US															
LOCAL ADDRESS														PHONE				CITIZENSHIP US											
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS														(City) MIAMI		(State) FL		(Country) US		(Zip)		PHONE				OCCUPATION			
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)														(City)		(State)		(Country)		(Zip)		PHONE				ADDRESS SOURCE OTHER			
DRIVER'S LICENSE NUMBER/STATE LA-				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Intoxication: U Drug Intoxication: U													
ARREST DATE 12/01/2023		ARREST TIME 23:59		ARREST LOCATION 5TH ST/ LENNOX AVE MIAMI BEACH, FL 33139												GRID													
CO-DEFENDANT NAME								DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR													
CO-DEFENDANT NAME								DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR													
CO-DEFENDANT NAME								DOB				<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR													
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																							
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION																		
1. M/1-RESISTING OFFICER WITHOUT VIOLENCE TO HIS PERSON				F.S.	1	843.02			90000079	N																			
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N																			
3.																													
4.																													
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 01 day of DECEMBER, 2023, at 23:54 at 455 LENOX AVE. MIAMI BEACH, FL, 33139 ON THE LISTED DATE AND TIME, SGT FERNANDEZ #1165 OBSERVED AN INDIVIDUAL SLEEPING IN FRONT OF 455 LENNOX AVE. UPON APPROACHING THE DEFENDANT (WHO WAS LATER IDENTIFIED AS [REDACTED] VIA RAPID IDENTIFICATION), HE OBSERVED A WHITE BLANKET COVERING THE DEFENDANTS BODY, WITH THE DEFENDANT SLEEPING UNDERNEATH IT. SGT FERNANDEZ ALSO OBSERVED SEVERAL OF THE DEFENDANTS PERSONAL ITEMS SCATTERED AROUND HIS IMMEDIATE AREA. WHEN THE DEFENDANT AWOKE, HE WAS INFORMED THAT HE WAS NOT ALLOWED TO SLEEP ON THE... [Continued on Next Page]																													
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.																					
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature] VILLAMIL, N: Court ID: 002-02167				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023 [Signature] FERNANDEZ, J: Court ID: 002-01165				[REDACTED]																					

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764419

OBTS NUMBER 1302361129	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104746
---------------------------	--	---------------------------------

JAIL NO. 230161884	COURT CASE NO. B23024009
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161884	PMHD UNK	COURT CASE NO. B23024009
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

SIDEWALK, IMPEDING PEDESTRIAN TRAFFIC. THE DEFENDANT WAS THEN ASKED TO PICK UP HIS GARBAGE (COFFEE CUPS) THAT WAS LEFT ON THE GROUND BUT HE REFUSED TO DO SO. AT THIS POINT, THE DEFENDANT WAS DETAINED FOR MIAMI BEACH CITY ORDINANCE 70-45 AND WAS ADVISED TO IDENTIFY HIMSELF.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45, A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER. TO WHICH HE DECLINED. THE DEFENDANT REFUSED POLICE ASSISTANCE AND REFUSED TO IDENTIFY HIMSELF TO ME AND OTHER OFFICERS ON THE SCENE. I THEN PLACED THE DEFENDANT UNDER ARREST FOR RESISTING ARREST AND MIAMI BEACH'S CAMPING ORDINANCE.

A RECORDS CHECK VIA MIAMI BEACH PD'S MESSAGE CENTER RETURNED WITH NO ACTIVE WARRANTS ON THE DEFENDANT.

THE DEFENDANT WAS TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT AND LATER TO TGK FOR BOOKING.

BWC USED ON SCENE.

IT SHOULD BE NOTED THAT THE DEFENDANT WAS PREVIOUSLY WARNED FOR CAMPING WITHIN THE SAME AREA OF 5TH STREET ON 11/27/2023. PLEASE REFERENCE MBPD CASE #2023-00103291 FOR MORE INFO.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:



TIME:

CONTACT:

NOTES:

OFFICERS USING BODY-WORN CAMERA:

VILLAMIL, N: Court ID: 002-02167... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  VILLAMIL, N: Court ID: 002-02167	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023  FERNANDEZ, J: Court ID: 002-01165	



1100764419

OBTS NUMBER 1302361129	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104746
---------------------------	--	---------------------------------

JAIL NO. 230161884	COURT CASE NO. B23024009
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161884	PMHD UNK	COURT CASE NO. B23024009
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			


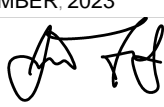
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

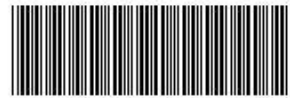
FERNANDEZ, J: Court ID: 002-01165

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  VILLAMIL, N: Court ID: 002-02167	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023  FERNANDEZ, J: Court ID: 002-01165	



OBTS NUMBER		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104720							
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161885		PMHD NO		COURT CASE NO. B23024010			
IDS NO.		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO											
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:			
DOB (MM/DD/YYYY) [REDACTED]		AGE 53	RACE B	SEX M	HISPANIC: YES ETHNICITY: CUB		HEIGHT 6'00	WEIGHT 170	HAIR COLOR BRO	HAIR LENGTH ATE	HAIR STYLE AFR	EYES BRO	GLASSES NO	FACIAL HAIR UNS	TEETH NOR								
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) CC									
LOCAL ADDRESS												PHONE				CITIZENSHIP CC							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI		(State) FL		(Country) US		PHONE		OCCUPATION			
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		PHONE		ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence: N Drug Influence: N							
ARREST DATE 12/01/2023		ARREST TIME 22:43		ARREST LOCATION 15TH STREET / BEACH SERVICE ROAD MIAMI BEACH, FL 33139												GRID							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION												
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N													
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N													
3.																							
4.																							
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 01 day of DECEMBER, 2023, at 22:40 at 15TH STREET / BEACH SERVICE ROAD MIAMI BEACH, FL, 33139 ON THE ABOVE DATE AND TIME MYSELF (2144), OFFICER SAVINON (2152), OFFICER MILLER (2142), OFFICER ALVERENGA (2138) AND OFFICER COSIC (2152) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE... [Continued on Next Page]																							
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.															
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature] RODRIGUEZ, M: Court ID: 002-02144				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023 [Signature] OZAETA, M: Court ID: 002-01114																			

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764416

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104720
-------------	--	---------------------------------

JAIL NO. 230161885	COURT CASE NO. B23024010
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161885	PMHD NO	COURT CASE NO. B23024010
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

BEACH TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I OBSERVED ONE INDIVIDUAL SLEEPING IN FRONT OF A STACK OF BEACH CHAIRS COVERED WITH A BLACK BLANKET. THE INDIVIDUAL WAS VERBALLY IDENTIFIED AS [REDACTED] (DEFENDANT). OFC SAVINON SPOKE TO THE DEFENDANT WHO STATED THAT HE WAS HOMELESS AND WAS IN NO NEED OF SHELTER OR POLICE ASSISTANCE.

THE DEFENDANT WAS ARRESTED FOR BEACH AFTER HOURS AND CAMPING, TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT HOLDING FACILITY AND, LATER TO TKG BY OFFICER BRYANT (2098).

ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SGT OZAETA (1114).

BWC WAS ACTIVATED.

NOTHING FURTHER.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:

TIME:



CONTACT:

NOTES:

OFFICERS USING BODY-WORN CAMERA:

OZAETA, M: Court ID: 002-01114

ALVARENGA, R: Court ID: 002-02138... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  RODRIGUEZ, M: Court ID: 002-02144	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104720
-------------	--	---------------------------------

JAIL NO. 230161885	COURT CASE NO. B23024010
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161885	PMHD NO	COURT CASE NO. B23024010
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			


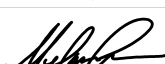
DEFENDANT'S NAME (LAST, FIRST, MIDDLE)	DOB (MM/DD/YYYY)

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

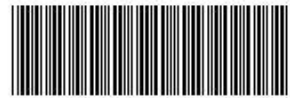
CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

SAVINON, R: Court ID: 002-02152
PARADA, G: Court ID: 002-00994
COSIC, E: Court ID: 002-02147
MILLER, B: Court ID: 002-02142
BRYANT, K: Court ID: 002-02098
RODRIGUEZ, M: Court ID: 002-02144

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  RODRIGUEZ, M: Court ID: 002-02144	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



OBTS NUMBER		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300104703							
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230161891		PMHD NO		COURT CASE NO. B23024014			
IDS NO.		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO											
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:			
DOB (MM/DD/YYYY) [REDACTED]		AGE 33	RACE W	SEX M	HISPANIC: NO ETHNICITY: ANG		HEIGHT 5'08	WEIGHT 150	HAIR COLOR BLN	HAIR LENGTH MID	HAIR STYLE UNC	EYES BRO	GLASSES NO	FACIAL HAIR FUZ	TEETH CRK								
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) FL US									
LOCAL ADDRESS												PHONE				CITIZENSHIP US							
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI		(State) FL		(Country) US		PHONE		OCCUPATION			
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		PHONE		ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE FL-				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Influence: N Drug Influence: N							
ARREST DATE 12/01/2023		ARREST TIME 22:20		ARREST LOCATION 17TH ST & BEACH MIAMI BEACH, FL 33139												GRID							
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR									
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION												
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N													
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N													
3.																							
4.																							
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 01 day of DECEMBER, 2023, at 22:04 at 17TH ST & BEACH. MIAMI BEACH, FL, 33139 ON DECEMBER 1ST 2023, AT APPROXIMATELY 2200 HOURS, OFFICER RODRIGUEZ (2144), OFFICER SAVINON (2152) AND I WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NONOPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH TO ADVISE OF... [Continued on Next Page]																							
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.															
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature]				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023 [Signature]				[REDACTED]															
COSIC, E: Court ID: 002-02147				OZAETA, M: Court ID: 002-01114				257															



1100764199

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104703
-------------	--	---------------------------------

JAIL NO. 230161891	COURT CASE NO. B23024014
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161891	PMHD NO	COURT CASE NO. B23024014
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

THESE HOURS. IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, AT APPROXIMATELY 2204 HOURS, AT 17TH ST AND THE BEACH, I OBSERVED THE DEFENDANT LAYING DOWN ON TOP OF A WHITE TOWEL THAT WAS LAID OUT ON THE BEACH WHILE COVERING HIS BODY WITH ANOTHER BLACK TOWEL. THE DEFENDANT ALSO HAD HIS BELONGINGS INSIDE OF A PLASTIC BAG THAT WAS PROPPED UP BESIDES HIS HEAD.

FROM WHAT I OBSERVED, THE DEFENDANT HAD THE INTENTION TO SPEND THE NIGHT AT THE BEACH AND WERE PROTECTING THEMSELVES FROM THE ELEMENTS BY CAMPING.

I ASKED THE DEFENDANT SEVERAL TIMES IF HE NEEDED HOMELESS OUTREACH ASSISTANCE TO WHICH HE DECLINED.

A ROUTINE CRIMINAL HISTORY CHECK ON THE DEFENDANT REVEALED THAT HE HAD NO CRIMINAL PAST NOR ANY ACTIVE WARRANTS.

THE DEFENDANT WAS THEN ARRESTED PURSUANT TO MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AND MUNICIPAL ORDINANCE 70-45 FOR PROHIBITED CAMPING WITHOUT INCIDENT.

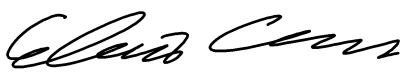

THE DEFENDANT WAS TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT BY OFFICER BRYANT (2098), LATER TO TGK.

ALL PERSONAL PROPERTY WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SERGEANT OZAETA (1114).

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

NOTHING FURTHER.

SAO PRE-FILE CONFERENCE INFORMATION... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764199

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300104703
-------------	--	---------------------------------

JAIL NO. 230161891	COURT CASE NO. B23024014
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230161891	PMHD NO	COURT CASE NO. B23024014
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE)	DOB (MM/DD/YYYY)

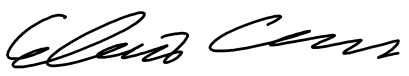

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

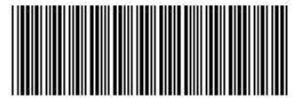
CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

DATE:
TIME:
CONTACT:
NOTES:

OFFICERS USING BODY-WORN CAMERA:
OZAETA, M: Court ID: 002-01114
SAVINON, R: Court ID: 002-02152
PARADA, G: Court ID: 002-00994
COSIC, E: Court ID: 002-02147
BRYANT, K: Court ID: 002-02098
RODRIGUEZ, M: Court ID: 002-02144

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 02 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100746741

OBTS NUMBER	ARMED FORCES NO	BWC YES	COMPLAINT/ARREST AFFIDAVIT				POLICE CASE NO. 202300105122							
SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> JUV	<input type="checkbox"/> DV	<input type="checkbox"/> MOVES	<input type="checkbox"/> CIV INF	JAIL NO. 230162005	PMHD NO	COURT CASE NO. B23024060				
IDS NO.		AGENCY CODE 002	MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO	FRAUD RELATED NO				
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]						ALIAS and / or STREET NAME				SIGNAL:				
DOB (MM/DD/YYYY) [REDACTED]	AGE 57	RACE W	SEX M	HISPANIC: NO ETHNICITY: ANG	HEIGHT 5'09	WEIGHT 170	HAIR COLOR BLK	HAIR LENGTH ATE	HAIR STYLE STR	EYES BRO	GLASSES NO	FACIAL HAIR UNS	TEETH NOR	
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)										PLACE OF BIRTH (City, State/Country) RI US				
LOCAL ADDRESS								PHONE		CITIZENSHIP US				
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS						(City) MIAMI	(State) FL	(Country) US	(Zip)	PHONE		OCCUPATION UNEMPLOYED		
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)						(City)	(State)	(Country)	(Zip)	PHONE		ADDRESS SOURCE VERBAL		
DRIVER'S LICENSE NUMBER/STATE			SOCIAL SECURITY NO.		WEAPON SEIZED NO			Defendant/CONCEALED WEAPON PERMIT NONE		INDICATION OF: Alcohol Infuence: N Drug Infuence: N				
ARREST DATE 12/02/2023		ARREST TIME 23:09		ARREST LOCATION 1600 BLK BEACH SVRD MIAMI BEACH, FL 33139						GRID				
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR			
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR			
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR			
JUV only	Relation		Name		Street				Zip		Phone		Contacted?	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION	
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N		
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N		
3.														
4.														
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 02 day of DECEMBER, 2023, at 23:02 at 1600 BLK BEACH SVRD. MIAMI BEACH, FL, 33139 ON DECEMBER 3, 2023, MYSELF (2170), OFFICER BANNISTER (2174) AND OFFICER COSIC (217) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH... [Continued on Next Page]														
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.						
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature] MAURE CASCARET, R: Court ID: 002-02170				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023 [Signature] OZAETA, M: Court ID: 002-01114				[REDACTED]						

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100746741

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300105122
-------------	--	---------------------------------

JAIL NO. 230162005	COURT CASE NO. B23024060
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162005	PMHD NO	COURT CASE NO. B23024060
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT ([REDACTED]) ON THE 1600 BLOCK OF THE BEACH. THE DEFENDANT WAS OBSERVED LAYING DOWN ON A BLANKET WHICH HE HAD PLACED ON THE SAND. HE WAS ALSO OBSERVED FULLY COVERED BY A COMFORTER AND RESTING HIS HEAD ON A BOOKBAG. ALONG SIDE OF HIM WAS HIS PERSONAL PROPERTY.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER, TO WHICH HE FAILED TO SAY YES OR NO. THE DEFENDANT WAS SUBSEQUENTLY ARRESTED FOR BEACH AFTER HOURS AND MIAMI BEACH'S CAMPING ORDINANCE.



THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT PENDING TRANSPORT TO TKG.

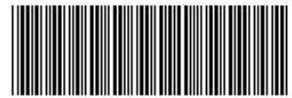
ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT.

SGT M. OZAETA #1114 IMPOUNDED THE DEFENDANT'S PROPERTY FOR SAFEKEEPING.

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE CONFERENCE INFORMATION... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  MAURE CASCARET, R: Court ID: 002-02170	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100746741

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300105122
-------------	--	---------------------------------

JAIL NO. 230162005	COURT CASE NO. B23024060
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State	<input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162005	PMHD NO	COURT CASE NO. B23024060
--------------------	---	---	--	-----------------------	------------	-----------------------------

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------



CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

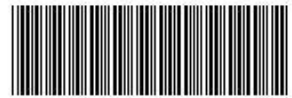
CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

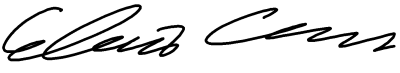

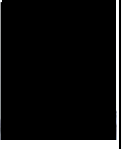
DATE:
TIME:
CONTACT:
NOTES:

OFFICERS USING BODY-WORN CAMERA:
OZAETA, M: Court ID: 002-01114
SINGH, D: Court ID: 002-02169
SAVINON, R: Court ID: 002-02152
BANNISTER, J: Court ID: 002-02174
COSIC, E: Court ID: 002-02147
MAURE CASCARET, R: Court ID: 002-02170

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  MAURE CASCARET, R: Court ID: 002-02170	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100746746

OBTS NUMBER	ARMED FORCES NO	BWC YES	COMPLAINT/ARREST AFFIDAVIT				POLICE CASE NO. 202300105102							
SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> JUV	<input type="checkbox"/> DV	<input type="checkbox"/> MOVES	<input type="checkbox"/> CIV INF	JAIL NO. 230162013	PMHD NO	COURT CASE NO. B23024066				
FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State														
IDS NO.	AGENCY CODE 002	MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO				
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]						ALIAS and / or STREET NAME				SIGNAL:				
DOB (MM/DD/YYYY) [REDACTED]	AGE 49	RACE W	SEX M	HISPANIC: NO ETHNICITY: ANG	HEIGHT 6'01	WEIGHT 150	HAIR COLOR BRO	HAIR LENGTH ATE	HAIR STYLE CRW	EYES BRO	GLASSES NO	FACIAL HAIR FUZ	TEETH NOR	
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)										PLACE OF BIRTH (City, State/Country) FL US				
LOCAL ADDRESS								PHONE		CITIZENSHIP US				
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS				(City) MIAMI	(State) FL	(Country) US	(Zip)	PHONE		OCCUPATION				
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)				(City)	(State)	(Country)	(Zip)	PHONE		ADDRESS SOURCE DL				
DRIVER'S LICENSE NUMBER/STATE FL-		SOCIAL SECURITY NO.		WEAPON SEIZED NO		Defendant/CONCEALED WEAPON PERMIT NONE			INDICATION OF: Alcohol Influence: N Drug Influence: N					
ARREST DATE 12/02/2023		ARREST TIME 22:40		ARREST LOCATION 13TH ST & BEACH MIAMI BEACH, FL 33139						GRID				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
JUV only	Relation		Name		Street				Zip		Phone		Contacted?	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION	
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N		
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N		
3.														
4.														
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 02 day of DECEMBER, 2023, at 22:26 at 13TH ST & BEACH. MIAMI BEACH, FL, 33139 ON DECEMBER 2ND 2023, OFFICER SAVINON (2152), SERGEANT OZAETA (1114) AND I, ALONGSIDE OTHER OFFICERS, WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH ... [Continued on Next Page]														
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.						
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114										

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100746746

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300105102
-------------	--	---------------------------------

JAIL NO. 230162013	COURT CASE NO. B23024066
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162013	PMHD NO	COURT CASE NO. B23024066
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE)	DOB (MM/DD/YYYY)
██████████	██████████

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, AT APPROXIMATELY 2226 HOURS, SERGEANT OZAETA OBSERVED MR. ██████████ (DEFENDANT) LAYING DOWN ON THE SAND AT 17TH ST AND THE BEACH. THE DEFENDANT WAS LAYING DOWN FACING EASTBOUND WITH HIS HEAD ON TOP OF HIS BOOKBAG WHICH CONTAINED HIS PERSONAL BELONGINGS.

OFFICER SAVINON AND I RESPONDED TO THE SCENE TO ASSIST SERGEANT OZAETA.

WE THEN MADE CONTACT WITH THE DEFENDANT TO INQUIRE INFORMATION AS TO WHY HE WAS LAYING DOWN AT THE BEACH. THE DEFENDANT STATED THAT HE WAS LAYING DOWN AT THE BEACH WAITING FOR THE MIAMI HEAT BASKETBALL GAME TO START, SO HE COULD WALK OVER TO THE ARENA AND WATCH THEM PLAY IN PERSON. THE DEFENDANT STATED THAT THE GAME STARTED AT APPROXIMATELY 2000 HOURS. I ASKED THE DEFENDANT IF HE KNEW WHAT TIME IT WAS, TO WHICH HE RESPONDED STATING THAT HE DID NOT.

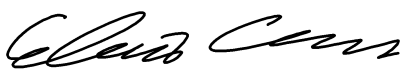

WE THEN ASKED THE DEFENDANT IF HE WOULD LIKE HOMELESS OUTREACH ASSISTANCE IN FINDING HIM A TEMPORARY SHELTER FOR THE NIGHT, TO WHICH THE DEFENDANT REFUSED ASSISTANCE.

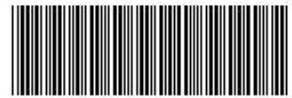
A ROUTINE CRIMINAL HISTORY ON THE DEFENDANT REVEALED A CRIMINAL PAST, A PROTECTION ORDER IN PLACE, AND IS LABELED AS A VIOLENT OFFENDER.

THE DEFENDANT WAS ARRESTED WITHOUT INCIDENT AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT BY OFFICER SINGH(2169), LATER TO TGK.

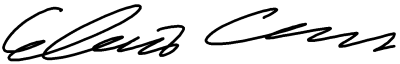

ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SERGEANT OZAETA.

BWC WAS USED... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023	
 COSIC, E: Court ID: 002-02147	 OZAETA, M: Court ID: 002-01114	



1100746746

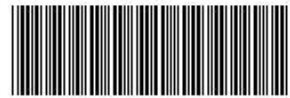
OBTS NUMBER		COMPLAINT/ARREST AFFIDAVIT CONTINUATION				POLICE CASE NO. 202300105102						
JAIL NO. 230162013		COURT CASE NO. B23024066										
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC FUGITIVE WARRANT:		<input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> In State		<input type="checkbox"/> CIV INF <input type="checkbox"/> Out State		JAIL NO. 230162013	PMHD NO	COURT CASE NO. B23024066
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										DOB (MM/DD/YYYY) [REDACTED]		
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR	
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION	
9.												
10.												
11.												
12.												
THROUGHOUT THIS INVESTIGATION.												
SAO PRE-FILE CONFERENCE INFORMATION DATE: TIME: CONTACT: NOTES:												
OFFICERS USING BODY-WORN CAMERA: OZAETA, M: Court ID: 002-01114 SINGH, D: Court ID: 002-02169 SAVINON, R: Court ID: 002-02152 COSIC, E: Court ID: 002-02147												
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.				
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114								

COMPLAINT/ARREST AFFIDAVIT CONT.



OBTS NUMBER 1302361208		ARMED FORCES NO		BWC YES		COMPLAINT/ARREST AFFIDAVIT						POLICE CASE NO. 202300105434																		
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230162119		PMHD NO		COURT CASE NO. B23024115										
FUGITIVE WARRANT:		<input type="checkbox"/> In State		<input type="checkbox"/> Out State																										
IDS NO. 3075101		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO. 1166794		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO																		
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:										
DOB (MM/DD/YYYY) [REDACTED]		AGE 32	RACE W	SEX M	HISPANIC: YES ETHNICITY: CUB		HEIGHT 5'07	WEIGHT 150	HAIR COLOR BRO	HAIR LENGTH ATE	HAIR STYLE STR	EYES BRO	GLASSES NO	FACIAL HAIR CLN	TEETH DIR															
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)													PLACE OF BIRTH (City, State/Country) MIAMI FL US																	
LOCAL ADDRESS													PHONE			CITIZENSHIP US														
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS													(City) MIAMI			(State) FL			(Country) US			PHONE			OCCUPATION					
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)													(City)			(State)			(Country)			(Zip)			PHONE			ADDRESS SOURCE VERBAL		
DRIVER'S LICENSE NUMBER/STATE FL-				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Inference: U Drug Inference: U														
ARREST DATE 12/03/2023		ARREST TIME 23:11		ARREST LOCATION 2200 BEACH SERVICE ROAD MIAMI BEACH, FL 33139														GRID												
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR																
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR																
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR																
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																								
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION																			
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N																				
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N																				
3.																														
4.																														
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 03 day of DECEMBER, 2023, at 22:36 at 2200 BEACH SERVICE ROAD. MIAMI BEACH, FL, 33139 ON DECEMBER 3, 2023, I WAS ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS WITH A MINIMUM OF TWO-INCH LETTERING ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH TO ADVISE OF THESE HOURS. IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS.... [Continued on Next Page]																														
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.																						
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. [Signature] VERAS, A: Court ID: 002-02179				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 04 DAY OF DECEMBER, 2023 [Signature] FERNANDEZ, J: Court ID: 002-01165																										

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764185

OBTS NUMBER 1302361208	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300105434
---------------------------	--	---------------------------------

JAIL NO. 230162119	COURT CASE NO. B23024115
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162119	PMHD NO	COURT CASE NO. B23024115
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT [REDACTED] ON 22ND STREET AND THE BEACH. HE WAS SEEN LAYING UNDER A BLANKET, USING ANOTHER BLANKET TO COVER HIMSELF AND WAS USING A BAG AS A PILLOW UNDER HIS HEAD. THE DEFENDANT ALSO HAD HIS BELONGINGS PROPPED UP AROUND HIM. FROM WHAT I OBSERVED, THE DEFENDANT HAD THE INTENTIONS TO SPEND THE NIGHT ON THE BEACH AND WAS PROTECTING HIMSELF FROM THE ELEMENTS BY CAMPING. ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, NEWSPAPERS, OR CARDBOARD.

AS I SPOKE WITH THE DEFENDANT, I OFFERED HIM HOMELESS SERVICES, HE TOLD ME HE WAS AWARE OF HOMELESS SERVICES BUT REFUSED THEM. THE DEFENDANT ALSO STATED TO ME THAT HE SPOKE WITH POLICE EARLIER IN REFERENCE TO THESE SERVICES. THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT, LATER TO TKG. ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEAC PROPERTY AND EVIDENCE UNIT.


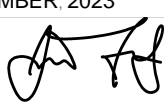
BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:
TIME:
CONTACT:
NOTES:

OFFICERS USING BODY-WORN CAMERA:

FEQUIERE, E: Court ID: 002-01185
VERAS, A: Court ID: 002-02179
BROWN-ROSQUETE, S: Court ID: 002-02027
MAURE CASCARET, R: Court ID: 002-02170
HEVIA... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  VERAS, A: Court ID: 002-02179	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 04 DAY OF DECEMBER, 2023  FERNANDEZ, J: Court ID: 002-01165	



1100764185

OBTS NUMBER 1302361208	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300105434
---------------------------	--	---------------------------------

JAIL NO. 230162119	COURT CASE NO. B23024115
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162119	PMHD NO	COURT CASE NO. B23024115
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			



DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

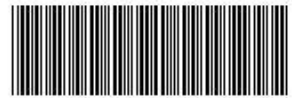
CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

NUNEZ, A: Court ID: 002-02182

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. 	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 04 DAY OF DECEMBER, 2023 	
VERAS, A: Court ID: 002-02179	FERNANDEZ, J: Court ID: 002-01165	



1100764478

OBTS NUMBER	ARMED FORCES NO	BWC YES	COMPLAINT/ARREST AFFIDAVIT				POLICE CASE NO. 202300106829							
SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> JUV	<input type="checkbox"/> DV	<input type="checkbox"/> MOVES	<input type="checkbox"/> CIV INF	JAIL NO. 230162716	PMHD NO	COURT CASE NO. B23024484				
FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State														
IDS NO.	AGENCY CODE 002	MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO				
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]						ALIAS and / or STREET NAME				SIGNAL:				
DOB (MM/DD/YYYY) [REDACTED]	AGE 35	RACE W	SEX M	HISPANIC: YES ETHNICITY: OTH	HEIGHT 5'09	WEIGHT 175	HAIR COLOR BLK	HAIR LENGTH ATE	HAIR STYLE STR	EYES BRO	GLASSES NO	FACIAL HAIR FUM	TEETH NOR	
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)										PLACE OF BIRTH (City, State/Country) GT				
LOCAL ADDRESS								PHONE		CITIZENSHIP GT				
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS				(City) MIAMI	(State) FL	(Country) US	(Zip)	PHONE		OCCUPATION				
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)				(City)	(State)	(Country)	(Zip)	PHONE		ADDRESS SOURCE VERBAL				
DRIVER'S LICENSE NUMBER/STATE		SOCIAL SECURITY NO.		WEAPON SEIZED NO		Defendant/CONCEALED WEAPON PERMIT NONE		INDICATION OF: Alcohol Influence: N Drug Influence: N						
ARREST DATE 12/07/2023		ARREST TIME 22:47		ARREST LOCATION 17TH ST & BEACH MIAMI BEACH, FL 33139						GRID				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
CO-DEFENDANT NAME				DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR				
JUV only	Relation		Name		Street				Zip		Phone		Contacted?	
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION	
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N		
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N		
3.														
4.														
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 07 day of DECEMBER, 2023, at 22:47 at 17TH ST & BEACH. MIAMI BEACH, FL, 33139 ON 12/07/2023, AT APPROXIMATELY 2247 HOURS, OFFICER SAVINON (2152), SERGEANT OZAETA (1114) AND I WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH ... [Continued on Next Page]														
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.						
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. 				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 08 DAY OF DECEMBER, 2023 				[REDACTED]						
COSIC, E: Court ID: 002-02147				OZAETA, M: Court ID: 002-01114										

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100764478

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300106829
-------------	--	---------------------------------

JAIL NO. 230162716	COURT CASE NO. B23024484
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162716	PMHD NO	COURT CASE NO. B23024484
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, OFFICER SAVINON AND I OBSERVED MR. [REDACTED] (DEFENDANT) LAYING DOWN, COVERED WITH A WHITE TOWEL ONTOP OF HIS BODY, ON THE WESTSIDE OF A WHITE CONTAINER LOCATED AT 17TH ST AND THE BEACH.

THE DEFENDANTS ALSO HAD THEIR BELONGING PROPPED UP AROUND THEM. FROM WHAT I OBSERVED, THE DEFENDANTS HAD THE INTENTIONS TO SPEND THE NIGHT AT THE BEACH AND WERE PROTECTING THEMSELVES FROM THE ELEMENTS BY CAMPING.

THE DEFENDANT ALSO REFUSED HOMELESS OUTREACH ASSISTANCE.

A ROUTINE CRIMINAL HISTORY CHECK ON THE DEFENDANT REVEALED HIM TO HAVE A CRIMINAL PAST BUT HAD NO ACTIVE WARRANT.

THE DEFENDANT WAS THEN ARRESTED PURSUANT TO MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT BY OFFICER BRYANT (2098), LATER TO TGK.

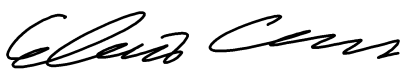

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

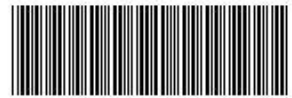
NOTHING FURTHER.

SAO PRE-FILE CONFERENCE INFORMATION

DATE:
TIME:
CONTACT:
NOTES:

... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 08 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764478

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300106829
-------------	--	---------------------------------

JAIL NO. 230162716	COURT CASE NO. B23024484
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State	<input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162716	PMHD NO	COURT CASE NO. B23024484
--------------------	---	---	--	-----------------------	------------	-----------------------------

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---



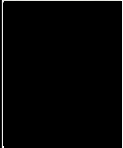
CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

OFFICERS USING BODY-WORN CAMERA:
OZAETA, M: Court ID: 002-01114
SAVINON, R: Court ID: 002-02152
COSIC, E: Court ID: 002-02147
BRYANT, K: Court ID: 002-02098

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. COSIC, E: Court ID: 002-02147	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 08 DAY OF DECEMBER, 2023 OZAETA, M: Court ID: 002-01114	



OBTS NUMBER		ARMED FORCES YES		BWC YES		COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300106850									
SPECIAL OPERATION:		<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT		<input checked="" type="checkbox"/> MISD		<input type="checkbox"/> TRAFFIC		<input type="checkbox"/> JUV		<input type="checkbox"/> DV		<input type="checkbox"/> MOVES		<input type="checkbox"/> CIV INF		JAIL NO. 230162720		PMHD NO		COURT CASE NO. B23024488					
IDS NO.		AGENCY CODE 002		MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO													
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]										ALIAS and / or STREET NAME										SIGNAL:					
DOB (MM/DD/YYYY) [REDACTED]		AGE 31	RACE B	SEX M	HISPANIC: NO ETHNICITY: AFR		HEIGHT 5'10	WEIGHT 195	HAIR COLOR BLK	HAIR LENGTH ATE	HAIR STYLE AFR	EYES BRO	GLASSES NO	FACIAL HAIR GOT	TEETH NOR										
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)														PLACE OF BIRTH (City, State/Country) BROOKLYN NY US											
LOCAL ADDRESS												PHONE		CITIZENSHIP US											
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS												(City) MIAMI		(State) FL		(Country) US		(Zip) (786) 532-8777		OCCUPATION LABOR					
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)												(City)		(State)		(Country)		(Zip)		PHONE		ADDRESS SOURCE VERBAL			
DRIVER'S LICENSE NUMBER/STATE FL				SOCIAL SECURITY NO.				WEAPON SEIZED NO				Defendant/CONCEALED WEAPON PERMIT NONE				INDICATION OF: Alcohol Intoxication: N Drug Intoxication: N									
ARREST DATE 12/07/2023		ARREST TIME 23:36		ARREST LOCATION 10TH ST & BEACH MIAMI BEACH, FL 33139												GRID									
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
CO-DEFENDANT NAME								DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR											
JUV only	Relation	Name	Street	Zip	Phone	Contacted?																			
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION														
1. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1		82-2(MIABCH)	000	95000060	N															
2. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1		70-45	002	95000060	N															
3.																									
4.																									
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 07 day of DECEMBER, 2023, at 23:34 at 10TH ST & BEACH. MIAMI BEACH, FL, 33139 ON 12/07/2023, AT APPROXIMATELY 2334 HOURS, OFFICER SAVINON (2152), SERGEANT OZAETA (1114) AND I WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH ... [Continued on Next Page]																									
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.																	
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 08 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114																					



OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300106850
-------------	--	---------------------------------

JAIL NO. 230162720	COURT CASE NO. B23024488
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162720	PMHD NO	COURT CASE NO. B23024488
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY OWNED PROPERTY.

DURING THIS DETAIL, OFFICER SAVINON AND I OBSERVED MR. [REDACTED] (DEFENDANT) LAYING DOWN, COVERED WITH A WHITE TOWEL ONTOP OF HIS BODY, ON THE LIFEGUARD TOWER BALCONY LOCATED AT 10TH ST AND THE BEACH.

THE LIFEGUARD TOWER THE DEFENDANT WAS LAYING DOWN AT HAD A NO TRESPASS SIGN POSTED IN CLEAR VIEW FOR THE PUBLIC TO SEE.

WHEN OFFICERS ASKED WHY THE DEFENDANT WAS LAYING DOWN AT THE LIFEGUARD TOWER, HE RESPONDED STATING

A ROUTINE CRIMINAL HISTORY CHECK ON THE DEFENDANT REVEALED HIM TO HAVE A CRIMINAL PAST BUT HAD NO ACTIVE WARRANT.



THE DEFENDANT WAS THEN ARRESTED PURSUANT TO MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT BY OFFICER BRYANT (2098), LATER TO TGK.

ALL OF THE DEFENDANT'S PERSONAL PROPERTY WAS IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SERGEANT OZAETA.

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

NOTHING FURTHER.

SAO PRE-FILE CONFERENCE... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.  COSIC, E: Court ID: 002-02147	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 08 DAY OF DECEMBER, 2023  OZAETA, M: Court ID: 002-01114	



1100764413

OBTS NUMBER

COMPLAINT/ARREST AFFIDAVIT
CONTINUATION

POLICE CASE NO.
202300106850

JAIL NO.
230162720

COURT CASE NO.
B23024488

SPECIAL OPERATION:

FELONY

WARRANT

☒ MISD

☐ TRAFFIC

☐ JUV

☐ DV

☐ MOVES

☐ CIV INF

FUGITIVE WARRANT:

☐ In State

☐ Out State

JAIL NO.
230162720

PMHD
NO

COURT CASE NO.
B23024488

DEFENDANT'S NAME (LAST, FIRST, MIDDLE)

DOB (MM/DD/YYYY)

CO-DEFENDANT NAME

DOB

☐ IN CUSTODY
☐ AT LARGE

☐ FELONY
☐ DV

☐ JUVENILE
☐ MISDEMEANOR

CO-DEFENDANT NAME

DOB

☐ IN CUSTODY
☐ AT LARGE

☐ FELONY
☐ DV

☐ JUVENILE
☐ MISDEMEANOR

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

INFORMATION

DATE:

TIME:

CONTACT:

NOTES:

OFFICERS USING BODY-WORN CAMERA:
OZAETA, M: Court ID: 002-01114
SAVINON, R: Court ID: 002-02152
PARADA, G: Court ID: 002-00994
COSIC, E: Court ID: 002-02147
BRYANT, K: Court ID: 002-02098

COMPLAINT/ARREST AFFIDAVIT CONT.

HOLD FOR OTHER AGENCY VERIFIED BY

☐ HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).

☐ I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes.
☐ You need not appear in court, but must comply with the instructions on the reverse side hereof.

I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT.COSIC, E: Court ID: 002-02147

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 08 DAY OF DECEMBER, 2023OZAETA, M: Court ID: 002-01114

20232468909

Report Generated at 12/08/2023 06:35:38

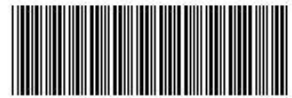
Page 3 of 3



1100746743

OBTS NUMBER	ARMED FORCES NO	BWC YES	COMPLAINT/ARREST AFFIDAVIT										POLICE CASE NO. 202300105127			
SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> JUV	<input type="checkbox"/> DV	<input type="checkbox"/> MOVES	<input type="checkbox"/> CIV INF	JAIL NO. 230162012		PMHD NO	COURT CASE NO. B23024065					
IDS NO.		AGENCY CODE 002	MUNICIPAL P.D. DEF. ID NO.		MDPD RECORDS AND ID NO.		STUDENT ID NO.		GANG RELATED NO		FRAUD RELATED NO					
DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]							ALIAS and / or STREET NAME				SIGNAL:					
DOB (MM/DD/YYYY) [REDACTED]	AGE 49	RACE W	SEX M	HISPANIC: NO ETHNICITY: ANG	HEIGHT 6'00	WEIGHT 200	HAIR COLOR BLN	HAIR LENGTH ATE	HAIR STYLE MSH	EYES HAZ	GLASSES NO	FACIAL HAIR FUZ	TEETH MIS			
SCARS, TATTOOS, UNIQUE PHYSICAL FEATURES (Location, Type, Description)										PLACE OF BIRTH (City, State/Country) KNOXVILLE TN US						
LOCAL ADDRESS									PHONE		CITIZENSHIP US					
PERMANENT ADDRESS (Street, Apt. Number) HOMELESS					(City) MIAMI	(State) FL	(Country) US	(Zip)	PHONE		OCCUPATION LABORER					
SCHOOL OR BUSINESS ADDRESS (Street, Apt. Number)					(City)	(State)	(Country)	(Zip)	PHONE		ADDRESS SOURCE VERBAL					
DRIVER'S LICENSE NUMBER/STATE TN			SOCIAL SECURITY NO.		WEAPON SEIZED NO		Defendant/CONCEALED WEAPON PERMIT W-N/A		INDICATION OF: Alcohol Influence: N Drug Influence: N							
ARREST DATE 12/02/2023		ARREST TIME 23:25		ARREST LOCATION 1700 BLOCK/BEACH SERVICE ROAD MIAMI BEACH, FL 33139							GRID					
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR					
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR					
CO-DEFENDANT NAME					DOB		<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE		<input type="checkbox"/> FELONY <input type="checkbox"/> DV		<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR					
JUV only	Relation		Name		Street				Zip		Phone		Contacted?			
CHARGES				CHARGE AS:	CNTS	FL STATUTE NUMBER		VIOL OF SECT.		CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION			
1. L/0-CAMPING PROHIBITED/MIAMI BEACH				ORD	1			70-45		002	95000060	N				
2. L/0-PARK/ENTERING AFTER HOURS/MIA BCH ORDINANCE				ORD	1			82-2(MIABCH)		000	95000060	N				
3.																
4.																
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law: On the 02 day of DECEMBER, 2023, at 23:19 at 1700 BLOCK/BEACH SERVICE ROAD, MIAMI BEACH, FL, 33139 ON DECEMBER 2ND 2023, MYSELF (2174), OFFICER MAURE (2147) AND OFFICER SAVINON (2152) WERE ASSIGNED TO A DETAIL TO ENFORCE MUNICIPAL ORDINANCE 82-2 FOR BEACH AFTER HOURS AS A RESULT OF NUMEROUS COMPLAINTS FROM RESIDENTS AND CITY OFFICIALS REFERENCE CRIMINAL ACTIVITY OCCURRING DURING THE NON-OPERATIONAL HOURS OF THE BEACH. NOTE: THE BEACH IS CLOSED TO THE PUBLIC BETWEEN THE HOURS OF 10 PM TO 5 AM. SIGNS ARE IN MINIMUM OF TWO-INCH LETTERING AND ARE POSTED AT EVERY ENTRY POINT INTO THE BEACH... [Continued on Next Page]																
HOLD FOR OTHER AGENCY VERIFIED BY				<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).				<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.								
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. BANNISTER, J: Court ID: 002-02174				SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023 OZAETA, M: Court ID: 002-01114				[REDACTED]								

COMPLAINT/ARREST AFFIDAVIT - COURT COPY



1100746743

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300105127
-------------	--	---------------------------------

JAIL NO. 230162012	COURT CASE NO. B23024065
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV <input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162012	PMHD NO	COURT CASE NO. B23024065
	<input type="checkbox"/> WARRANT FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State			

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE <input type="checkbox"/> AT LARGE <input type="checkbox"/> DV <input type="checkbox"/> MISDEMEANOR
-------------------	-----	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
5.								
6.								
7.								
8.								

TO ADVISE OF THESE HOURS.

IN ADDITION, THE SIGNS ADVISE THAT INDIVIDUALS ARE TRESPASSING IF THEY ARE ON THE BEACH DURING CLOSING HOURS. MIAMI BEACH IS MAINTAINED BY THE CITY FROM SOUTH POINTE DRIVE TO 87TH TERRACE. MIAMI BEACH POLICE OFFICERS ARE AUTHORIZED TO ENFORCE TRESPASS LAWS ON CITY-OWNED PROPERTY.

DURING THIS DETAIL, I CAME IN CONTACT WITH THE DEFENDANT [REDACTED] SLEEPING UNDER THE LIFEGUARD STAND ON 1700TH BLOCK OF THE BEACH.

THE DEFENDANT WAS OBSERVED LAYING DOWN FULLY COVERED BY A COMFORTER. ALONG SIDE OF HIM WAS A BAG CONTAINING HIS PERSONAL PROPERTY.

ACCORDING TO MIAMI BEACH CITY ORDINANCE 70-45 A PERSON IS ENGAGED IN CAMPING IF HE OR SHE IS INSIDE OR COVERED WITH MATERIAL WHICH PROVIDES A TEMPORARY COVER FROM THE ELEMENTS, INCLUDING BUT NOT LIMITED TO, A TENT, SLEEPING BAG, HAMMOCK, OR BLANKETS, COTS, BEDS, TARPAULINS, NEWSPAPERS, OR CARDBOARD.

IT SHOULD BE NOTED THE DEFENDANT WAS OFFERED HOMELESS OUTREACH SERVICES AND ASKED IF HE WANTED HELP SEEKING PERMANENT SHELTER. TO WHICH HE REPLIED, NO. THE DEFENDANT REFUSED POLICE ASSISTANCE AND WAS SUBSEQUENTLY ARRESTED FOR BEACH AFTER-HOURS AND MIAMI BEACH'S CAMPING ORDINANCE.

THE DEFENDANT WAS ARRESTED AND TRANSPORTED TO THE MIAMI BEACH POLICE DEPARTMENT BY OFFICER SINGH (2169), PENDING TRANSPORTATION TO TGK.

ALL PERSONAL PROPERTY, ALONG WITH EVIDENCE, WERE IMPOUNDED AT THE MIAMI BEACH PROPERTY AND EVIDENCE UNIT BY SERGEANT OZAETA (1114).

BWC WAS USED THROUGHOUT THIS INVESTIGATION.

SAO PRE-FILE... [Continued on Next Page]

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. BANNISTER, J: Court ID: 002-02174	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023 OZAETA, M: Court ID: 002-01114	



1100746743

OBTS NUMBER	COMPLAINT/ARREST AFFIDAVIT CONTINUATION	POLICE CASE NO. 202300105127
-------------	--	---------------------------------

JAIL NO. 230162012	COURT CASE NO. B23024065
-----------------------	-----------------------------

SPECIAL OPERATION:	<input type="checkbox"/> FELONY <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> MISD <input type="checkbox"/> TRAFFIC <input type="checkbox"/> JUV <input type="checkbox"/> DV FUGITIVE WARRANT: <input type="checkbox"/> In State <input type="checkbox"/> Out State	<input type="checkbox"/> MOVES <input type="checkbox"/> CIV INF	JAIL NO. 230162012	PMHD NO	COURT CASE NO. B23024065
--------------------	---	---	--	-----------------------	------------	-----------------------------

DEFENDANT'S NAME (LAST, FIRST, MIDDLE) [REDACTED]	DOB (MM/DD/YYYY) [REDACTED]
--	--------------------------------

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CO-DEFENDANT NAME	DOB	<input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE	<input type="checkbox"/> FELONY <input type="checkbox"/> DV	<input type="checkbox"/> JUVENILE <input type="checkbox"/> MISDEMEANOR
-------------------	-----	--	--	---

CHARGES	CHARGE AS:	CNTS	FL STATUTE NUMBER	VIOL OF SECT.	CODE OF	UCR	DV	WARRANT TYPE OR TRAFFIC CITATION
9.								
10.								
11.								
12.								

CONFERENCE INFORMATION

DATE:

TIME:

CONTACT:

NOTES:

OFFICERS USING BODY-WORN CAMERA:

SINGH, D: Court ID: 002-02169

OZAETA, M: Court ID: 002-01114

SAVINON, R: Court ID: 002-02152

BANNISTER, J: Court ID: 002-02174

MAURE CASCARET, R: Court ID: 002-02170

HOLD FOR OTHER AGENCY VERIFIED BY	<input type="checkbox"/> HOLD FOR BOND HEARING. DO NOT BOND OUT (Officer Must Appear at Bond Hearing).	<input type="checkbox"/> I Understand that should I willfully fail to appear before the court as required by this notice to appear that I may be held in contempt of court and a warrant for my arrest shall be issued. Furthermore, I agree that notice concerning the time, date and place of all court hearings should be sent to the above address. I agree that it is my responsibility to notify Clerk of the Court (Juveniles notify Juvenile Division) anytime that my address changes. <input type="checkbox"/> You need not appear in court, but must comply with the instructions on the reverse side hereof.
I SWEAR THAT THE ABOVE STATEMENT IS TRUE AND CORRECT. BANNISTER, J: Court ID: 002-02174	SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 03 DAY OF DECEMBER, 2023 OZAETA, M: Court ID: 002-01114	