

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139, www.miamibeachfl.gov


OFFICE OF THE CITY MANAGER

LTC #

197-2019

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: April 5, 2019
SUBJECT: Motion by the Human Rights Committee



The purpose of this Letter to Commission (LTC) is to inform the Mayor and the Commission of a motion made by the Human Rights Committee at their meeting on March 5, 2019.

The following motion made by Clare McCord, seconded by Jesse Fleet and opposed by Stephen Fox and Jonathan Welsh. Motion Passed: 8-2

MOTION: The Human Rights Committee (HRC) is concerned about the issue of children being used in an organized manner by adults to solicit for "donations" or simply to panhandle, especially on Ocean Drive and Lincoln Road. This problem has been ongoing for years. We believe that in certain circumstances this activity constitutes a violation of the children's rights, as police and community members report that children have been transported from places as far away as Boynton Beach to solicit in this way.

Currently, there are not many legal ways to deal effectively with this problem. Police have some success limiting the activity when they threaten the adults with reports to DCFS, but our current ordinance language does not include strong deterrents. The most applicable law to address the behavior is Section 74-1 of the Municipal Code (Soliciting business in Public), which does not stipulate penalties strong enough to aid enforcement. The HRC therefore requests that the Commission direct our legal staff to suggest revisions that would make this type of soliciting an arrestable offense under our municipal code to help law enforcement deal effectively with the issue when needed.

We thank you for your attention to helping develop better laws to deal with this troubling issue in our City, where human rights are a priority.

* It is not the intent of the committee to penalize school children who are raising money legitimately for a recognized club, such as the Girl Scouts, or a school-sponsored activity.

* It is highly probable that these adults are buying the candy with EBT funds, so one deterrent could be to have a reportable avenue to DCF to ensure that funds are not misused in this way.

The Human Rights Committee is comprised of the following members:

- Alan B. Fishman, Esq.
- Clare McCord
- Amy L. Rabin
- Michael Sherman
- Dale Stine
- Jonathan Welsh
- Donald Goldberg
- Heidi Tandy, Esq.
- Jesse Fleet
- Stephen Fox, Esq.