

**CITY OF FORT LAUDERDALE
CENTRAL CITY REDEVELOPMENT ADISORY BOARD (CCRAB)**

REGULAR MEETING

WEDNESDAY – November 2, 2022

3:30 P.M.

**CITY HALL – 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FL 33301**

- | | | |
|-------|--|------------------------------------|
| I. | The Pledge of Allegiance | Ray Thrower
Chairperson |
| II. | Call to Order & Determination of Quorum | |
| III. | Introduction of Board Members and Staff | Ray Thrower
Chairperson |
| IV. | Approval of Rescheduled Regular Meeting Minutes October 10, 2022 | Ray Thrower
Chairperson |
| V. | Broward Commuter Rail Update | Phil Schwab
DOT Project Manager |
| VI. | Program and Project Status Update <ul style="list-style-type: none">• NE 4th Avenue Streetscape Project• Incentive Programs• Rezoning Project• CRA Façade and Landscaping Program | Cija Omengebar
CRA Planner |
| VII. | Communication to City Commission | Ray Thrower
CCRAB Chair |
| VIII. | Old/New Business <ul style="list-style-type: none">• 06.04.22 Communication Update• Tentative Special Meeting for Rezoning Phase II• December agenda item suggestions<ol style="list-style-type: none">1. Florida Sunshine Law Discussion2. Rezoning Presentation of Proposed CC-MUD District | Cija Omengebar
CRA Planner |
| IX. | Adjournment | Ray Thrower
CCRAB Chair |

THE NEXT CCRAB REGULAR MEETING WILL BE HELD ON WEDNESDAY – December 7, 2022

Purpose: To review the Plan for the Central City CRA and recommend changes; make recommendations regarding the exercise of the City Commission's powers as a community redevelopment agency in order to implement the Plan and carry out and effectuate the purposes and provisions of Community redevelopment Act in the Central City Redevelopment CRA; receive input from members of the public interested in redevelopment of the Central City Redevelopment CRA and to report such information to the City Commission sitting as the Community Redevelopment Agency.

Note: Two or more Fort Lauderdale City Commissioners or Members of a City of Fort Lauderdale Advisory Board may be

in attendance at this meeting.

Note: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone needing auxiliary services to assist in participation at the meeting should contact the City Clerk at (954) 828-5002, two days prior to the meeting.

Note: Advisory Board members are required to disclose any conflict of interest that may exist with any agenda item prior to the item being discussed.

Note: If you desire auxiliary services to assist in viewing or hearing the meeting or reading agendas or minutes for the meetings, please contact the City Clerk's Office at 954-828-5002 and arrangements will be made to provide these services.

I. The Pledge of Allegiance

**Ray Thrower
Chairperson**

THE PLEDGE OF ALLEGIANCE

"I pledge allegiance to the flag of the United States of America,
and to the republic for which it stands,
one nation under God,
indivisible,
with liberty and justice for all."

II. Call to Order & Determination of Quorum

**Ray Thrower
Chairperson**

III. Introduction of Board Members and Staff

**Ray Thrower
Chairperson**

IV. Approval of Rescheduled Regular Meeting Minutes October 10, 2022

**Ray Thrower
Chairperson**



CITY OF FORT LAUDERDALE

DRAFT
RESCHEDULED REGULAR MEETING MINUTES
CITY OF FORT LAUDERDALE
CENTRAL CITY REDEVELOPMENT ADVISORY BOARD
MONDAY, OCTOBER 10, 2022 – 1:00 PM
CITY HALL – COMMISSION CHAMBERS
FORT LAUDERDALE, FL 33301

Board Members	Present/Absent	Cumulative Attendance	
		September 2022-August 2023	Present
Ray Thrower, Chair	P	2	0
Edward Catalano	P	2	0
Justin Greenbaum	P	1	1
Jason Hoffman	P	1	1
Shane Jordan	P	1	0
Joseph Maca	A	1	2
Christina Robinson	P	2	0
Dennis Ulmer, Vice Chair	P	1	1

At this time, there are 8 appointed members to the Board; therefore, 5 constitute a quorum.

Staff:

Al Battle, Deputy Director of Development Services
Cija Omengebar, CRA Planner/Liaison
Karlanne Devonish, Planner
Karen Warfel, Transportation Planning Manager
Clarence Woods, CRA Manager

Others:

Linda Taylor
Linda Fleischman
Sarah Glass
Gary Konner

Communication to the City Commission:

None

I. Pledge of Allegiance

The Board recited the Pledge of Allegiance.

II. Call to Order & Determination of Quorum

Chair Thrower called the meeting to order at 1:05 p.m. Roll was called, and it was noted that a quorum was present.

III. Introduction of Board Members and Staff

Board members and guests introduced themselves.

IV. Approval of Meeting Minutes

- Rescheduled Regular Meeting: September 15, 2022

Mr. Ulmer suggested an addition to the minutes.

Motion by Mr. Catalano, seconded by Mr. Jordan to approve the minutes of the September 15, 2022 meeting as amended. In a voice vote, motion passed unanimously.

V. Reconnecting Communities Grant Application Overview and Request for Support

Karen Warfel, Transportation Planning Manager, provided a presentation and distributed copies. She said if the City received the grant, they would work with neighborhood associations, communities and CRA on their visions for the corridors. She asked the Board to provide a letter of support and to partner with the City on implementation to ensure they had representation of the community and business community.

Ms. Warfel described how they had determined how much funding to request. She stated there were different levels of planning for each corridor. She anticipated Powerline Road and 13th Street would be the biggest.

Chair Thrower wanted to add NW 7th Avenue between Sunrise and 13th Street because it was a heavily traveled corridor with a lot of pedestrians. Ms. Warfel said she already had a plan for that street. There was also a Safe Routes to School program at the State level, and they had identified Thurgood Marshall Elementary School as the school to center around, which would include 7th Avenue.

Sarah Glass asked about a railroad crossing in Flagler Village and Ms. Warfel said there was another process to control vehicles that kept crashing there. In the next phase, the County and City would work with FEC to add a sidewalk for pedestrians to cross the tracks and to realign the crossing to remove the jog.

Mr. Greenbaum asked why Sunrise Boulevard had not been included and Ms. Warfel said they had started the grant concentrating on the first and last mile to the new Coastal Link station for commuter rail on Oakland Park Boulevard and Dixie Highway. They also wanted to focus on projects that could get done within the time frame.

Motion made by Mr. Catalano, seconded by Mr. Jordan, to provide a letter of support for the grant project. In a voice vote, motion passed unanimously.

VI. Discussion and Recommendation Rezoning of the Northwest Quadrant Presentation

Mark Alvarez, Project Director, Corradino Group, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. There were changes in timing, implementation, and the recommendations for the code.

Mr. Alvarez stated there would be a public participation meeting on the change to the rezoning of the Northwest quadrant on October 11 and it would be presented to the Planning and Zoning Board on November 16. If the Planning and Zoning Board approved, the project would go to the City Commission for first reading on December 20th, and second reading on January 10th.

Regarding the Central City mixed-use district, Mr. Alvarez recalled the Board's questions about the transitional edge border near Sunrise Boulevard. He stated they were still working on the text for this.

Mr. Alvarez described the text changes regarding form-based code, height limits, Sunrise frontage requirements, and definitions of horizontal mixed-use, which were still in process.

Mr. Alvarez stated they also needed a Land Use Plan Amendment and Comprehensive Plan change to make the Mixed-Use District [MUD] work well. He said there would be another meeting, probably in December, to discuss proposed changes. Then they would hold a public participation meeting, present it to the Planning and Zoning Board in January and the City Commission for first and second reading in February and March. Then the City will likely start the Land Use Plan Amendment process thereafter.

Start at 34:17 position Chair Thrower felt the Northwest corridor change was an improvement. He asked about conditional uses and Mr. Alvarez said this would require Planning and Zoning Board approval.

Mr. Greenbaum asked if the conditional uses shown would have been permitted uses under RM-15 and Mr. Alvarez stated all the uses shown in RM-15 were conditional in RM-15 now; they were only making a map change. Mr. Greenbaum said his concern was that multiple social service facilities had located in Central City and presented a problem for residents when they were not operated properly. He was concerned the facilities would seek a conditional use to relocate into RM-15. Mr. Alvarez stated this would operate as RM-15 did now; a public hearing would be required for approval.

Catalano asked whether there were two public participation meetings. Mr. Alvarez clarified that there was two schedules, one for the rezoning of the Northwest Quadrant, and the second for the rest of the rezoning remaining. Ms. Omengabar stated the January

public participation meeting was tentative because staff was still working on the MUD. The Northwest Quadrant rezoning would have a public hearing the following day and it would be presented to the Planning and Zoning Board on November 16.

Mr. Battle said the Northwest Quadrant rezoning was Phase 1, is the Northwest Quadrant residential section, with its own schedule. Phase 2, regarding amending the zoning code, also had its own schedule. The Land Use Plan amendment had another schedule.

Ms. Taylor asked what phase 13th Street would be in. Mr. Battle responded that it was in the Phase 2.

Linda Fleischman asked about the density increase and Mr. Alvarez said this referred to residential units per acre. He said most municipalities averaged 2.5-3 people per dwelling unit. Linda Taylor asked about the number of units per acre that would be allowed in the MUD area. Mr. Alvarez stated in Fort Lauderdale, what controls the density, is the zoning code allows certain density but it cannot allow more than what is determined by the Comprehensive Plan. Mr. Alvarez proceeds to explain the comprehensive plan Future Land Use Map and per acre requirements of the different color areas. He added, any change required a change to the Comprehensive Plan, a much different and longer process to be done later.

Ms. Taylor asked if the City was working with the County regarding affordable housing and if these changes would facilitate that. Mr. Battle said the County Gellar Amendment determined that a developer building new housing must include affordable housing or pay a fee City-wide.

Motion made by Mr. Greenbaum, seconded by Mr. Catalano to approve the changes to the Northwest quadrant, based on today's proposal. In a voice vote, motion passed unanimously.

Ms. Omengebar reminded everyone that the public input meeting would be held the following day, October 11, at 6 PM in the 8th floor conference room.

VII. Program and Project Status Update

- NE 4th Avenue Streetscape Project

Ms. Omengebar reported there had been no change; they were still drafting the solicitation.

- Non-Residential Incentive Programs

Ms. Omengebar stated she was working with one applicant and hoped there would be a presentation in November.

VIII. Communication to City Commission

None

IX. Old/New Business

- November agenda item suggestions
 - Broward Commuter Rail Presentation
 - Mr. Ulmer requested an update on the City's public service campaign regarding homelessness.
- Miscellaneous

Mr. Ulmer reported the church property north of the Powerline Drive-through convenience store that had removed the masking paper from its windows.

Ms. Robinson requested an update on the single-family home grant. Mr. Woods explained they were adopting the program from the northwest. After it was adopted, they would do as they had in the Northwest, allowing Rebuilding Broward to service the Central City area. He said this would be presented to the CRA Board of Commissioners at their first November meeting.

Mr. Greenbaum asked about the condition of the roundabout on 13th and Ms. Omengabar agreed to follow up with Public Works.

X. Nomination and Selection, Chair and Vice Chair Positions

Motion by Mr. Greenbaum, seconded by Ms. Robinson to appoint Mr. Thrower Chair. In a roll call vote, motion passed unanimously.

Motion by Mr. Greenbaum, seconded by Ms. Robinson to appoint Mr. Ulmer Vice Chair. In a roll call vote, motion passed unanimously.

XI. Adjournment

There being no further business, the meeting was adjourned at 2:10 p.m.

The next meeting will be held on November 2, 2022.

[Minutes written by J. Opperlee, Prototype, Inc.]

V. Broward Commuter Rail Update

**Phil Schwab
DOT Project
Manager**



BROWARD COMMUTER RAIL (BCR) SOUTH
PROJECT DEVELOPMENT & ENVIRONMENT (PD&E) STUDY



FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), DISTRICT 4
BROWARD COUNTY, FLORIDA • FPID: 417031-5-22-01

Project Update for the
Central City Community Redevelopment Board
(CCRAB)
November 2, 2022





MOBILITY - Increases transit use, improves travel times and provides congestion relief on roadways



ENHANCE QUALITY OF LIFE - By increasing mobility, transportation choices, and access to jobs and services



ECONOMIC & RESIDENTIAL GROWTH - Fosters economic development, increases tax base and incentivizes population density and workforce/affordable housing along transit corridors

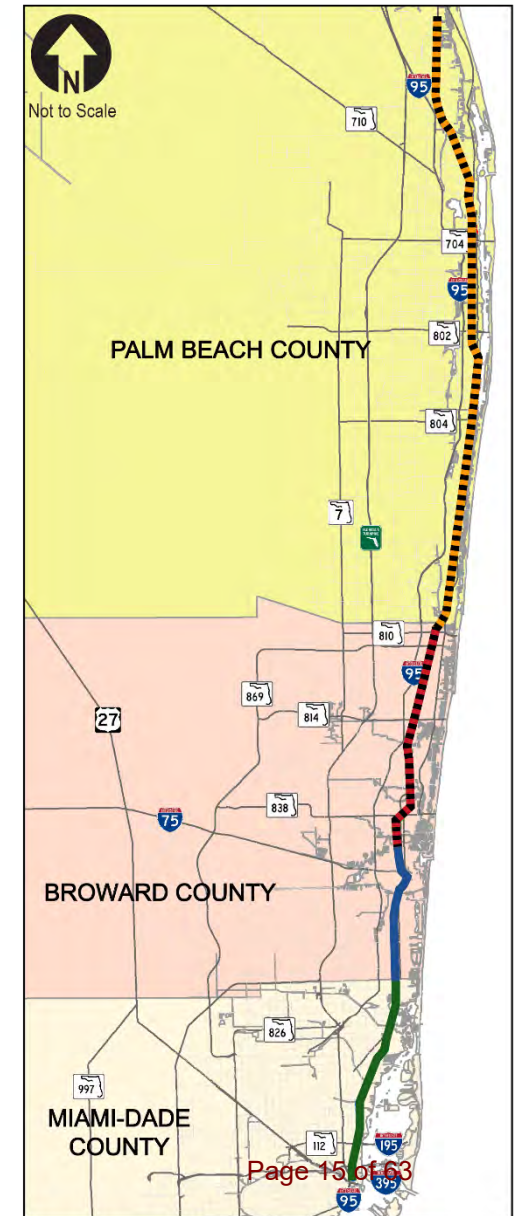


COMMUTER RAIL BENEFITS FOR EMPLOYERS - Employer benefits include access to a wider talent pool and enhanced productivity



ENVIRONMENTAL - Sustainability, reduced vehicle emissions, and cleaner air

COASTAL LINK STUDY



- **2004 - 2010:**
 - MPOs and FEC request regional Transit Study by FDOT
- **2010:**
 - Broward MPO adopts LPA for commuter rail service on FEC RR corridor into the LRTP
- **2012:**
 - Refined Master Plan for 85-mile commuter rail service from Miami to Jupiter
 - All Aboard Florida (AAF) announced from Miami to Orlando
- **2013:**
 - MPOs authorize request for Entry into FTA New Starts Project Development (PD)
- **2014:**
 - FDOT & SFRTA formally request Entry into PD from FTA but then put on hold until three Counties can commit to dedicated funding and advance track access dialogue
- **2018:**
 - Brightline starts revenue service from Miami to West Palm Beach
 - Miami Dade County starts access discussions with Brightline and NE Corridor study
- **2019:**
 - FDOT conducts New River Crossing Feasibility Study for Florida Legislature
- **2020:**
 - Miami-Dade County Resolutions for track access negotiations
 - Broward continues dialogue with Brightline and FDOT
- **2021:**
 - Broward and FDOT execute MOU to advance BCR
 - Miami-Dade NE Corridor enters Project Development with FTA
- **2022:** *CCRAB 11/02/2022*
 - Broward County Commission approve LPA for BCR South

• FDOT

- Coordination with Broward County and stakeholders
- Preparing the National Environmental Policy Act (NEPA) documentation
- Develop 30% design to support Project Development
- Develop project delivery method and schedule in coordination with Broward County

• Broward County

- Coordination with stakeholders including station planning and consensus building
- Agreements for track access, construction, and operations and maintenance
- Financial plan including local match for capital cost and annual operations and maintenance costs
- Preparation of the Small Starts CIG application
- Overseeing management and delivery of the design and construction of the project
- Oversight of revenue operations

CCRAB 11/02/2022



- ❑ Station Screening with Technical Recommendations
- ❑ Numerous Stakeholder and Civic Association Meetings
- ❑ Public Kickoff Meeting (August/2021)
- ❑ New River Crossing Stakeholder Workshop (Nov/2021)
- ❑ Alternatives Public Workshop (Jan/2022)
- ❑ Broward County Commission Workshop (June 2022)
 - No Consensus has formed to cross the New River
 - NE Corridor(Miami Dade) advancing with FTA
 - County staff to bring a **Locally Preferred Alternative(LPA) for BCR South** to the commission for consideration by the commissioners at next Board meeting
 - County staff to work with the City of Fort Lauderdale develop additional analysis that can help build a future consensus for the New River Crossing and continue commuter rail to the north with a future project
- ❑ Broward County Commission approved Resolution for an LPA for BCR South on August 25, 2022

CCRAB 11/02/2022

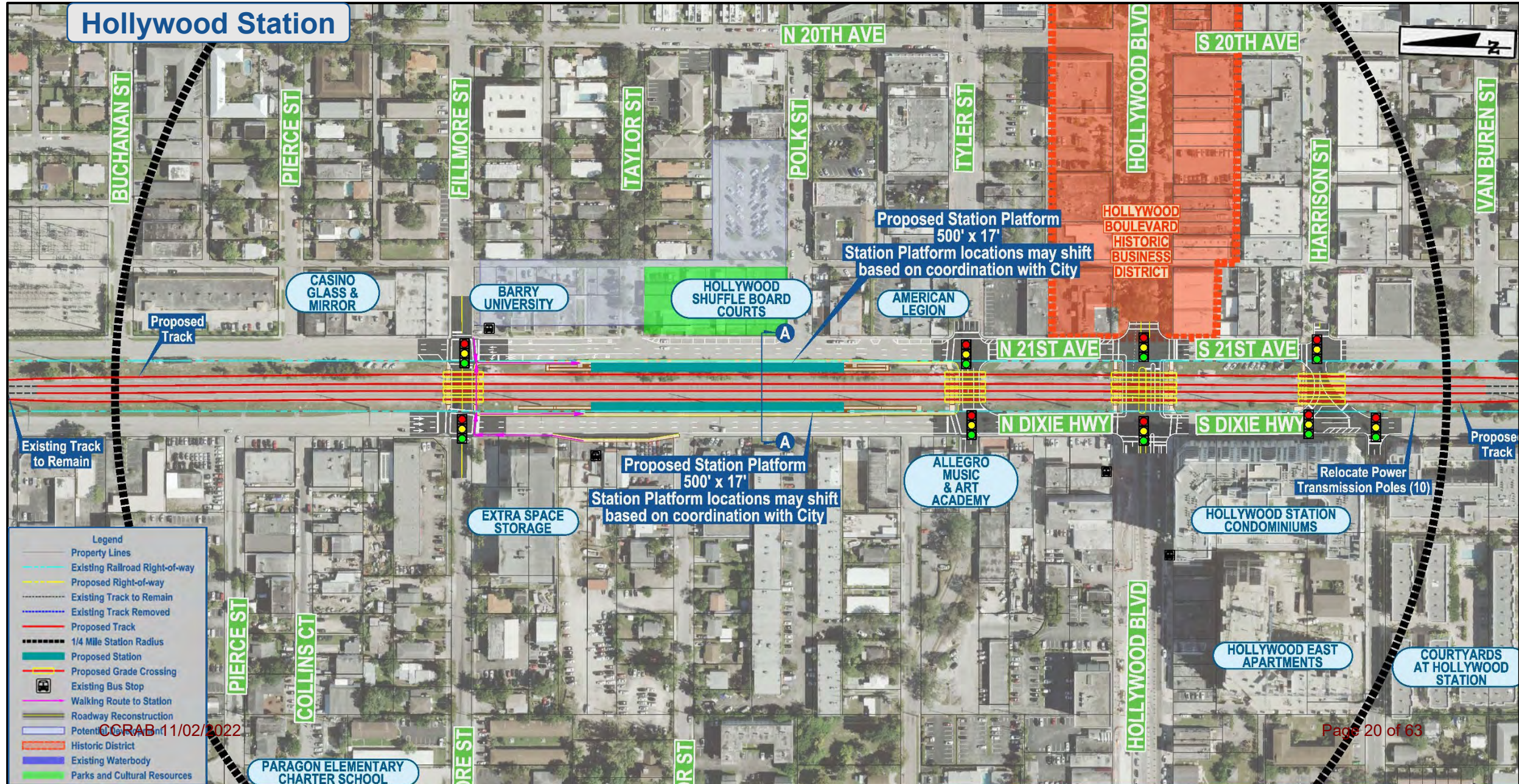


- ❑ Potential project or phase
- ❑ County has had several meetings and correspondence with the City of Fort Lauderdale to develop a scope to analyze the crossing costs and funding probability-goal is to agree on results and next steps depending on results
- ❑ Schedule for extension to the north is dependent on reaching a consensus to cross the New River and funding of the eventual LPA
- ❑ Project Team will continue to support station planning efforts by Deerfield Beach, Pompano Beach and Oakland Park

Note: Access agreement to be negotiated will include entire county regardless of status of above activities



Hollywood (just north of Hollywood Blvd)



Fort Lauderdale-Hollywood International Airport Station



- ❑ Anticipated capital cost of \$297 million in 2022 dollars (utilizing Standard Cost Categories per FTA requirements)
- ❑ Includes sitework, trackwork, 3 stations, systems, vehicles, R/W for potential parking needs, BCR share of Hialeah Yard improvements, professional services, and planning-level contingencies
- ❑ Inflation currently at 40-year high affecting a number of factors that influence costs
- ❑ Contingencies will be reduced appropriately as design development advances to 30% during PD
- ❑ Annual O&M costs are estimated at \$7.6 million including maintenance-of-way, signaling and communications, and dispatching
- ❑ Corridor access fee not included in capital cost estimate
- ❑ Project can be competitive as a Small Start which limits capital costs to \$400M and Federal Grant to \$150M



- Broward County Commission Decision on LPA for BCR South (August 25, 2022)**
- Request Entry into Project Development (August 26, 2022)**
- Coordinate Regional Support for BCR South (On-going)**
- MPO Endorsement of the LPA for BCR South (Anticipated Sept. 8, 2022)**
- Entry to FTA's Project Development as a Small Start (Fall 2022)**
- Prepare NEPA/PD&E documentation for BCR South by Spring 2023**
- Coordinate Station details with Cities and Stakeholders (On-going)**
- Develop Framework for County-Wide access agreement with Brightline**
- Continue to work with Stakeholders on potential future extension to the north**
- Public Information Meeting Spring 2023**
- County develops access agreement and financial plan Spring/Summer 2023**
- County and MPO adopt LPA Summer 2023**
- Submit Small Starts funding application in Fall 2023 for early 2024 rating by FTA**
- Anticipated Small Starts Grant Agreement in late 2024/early 2025**



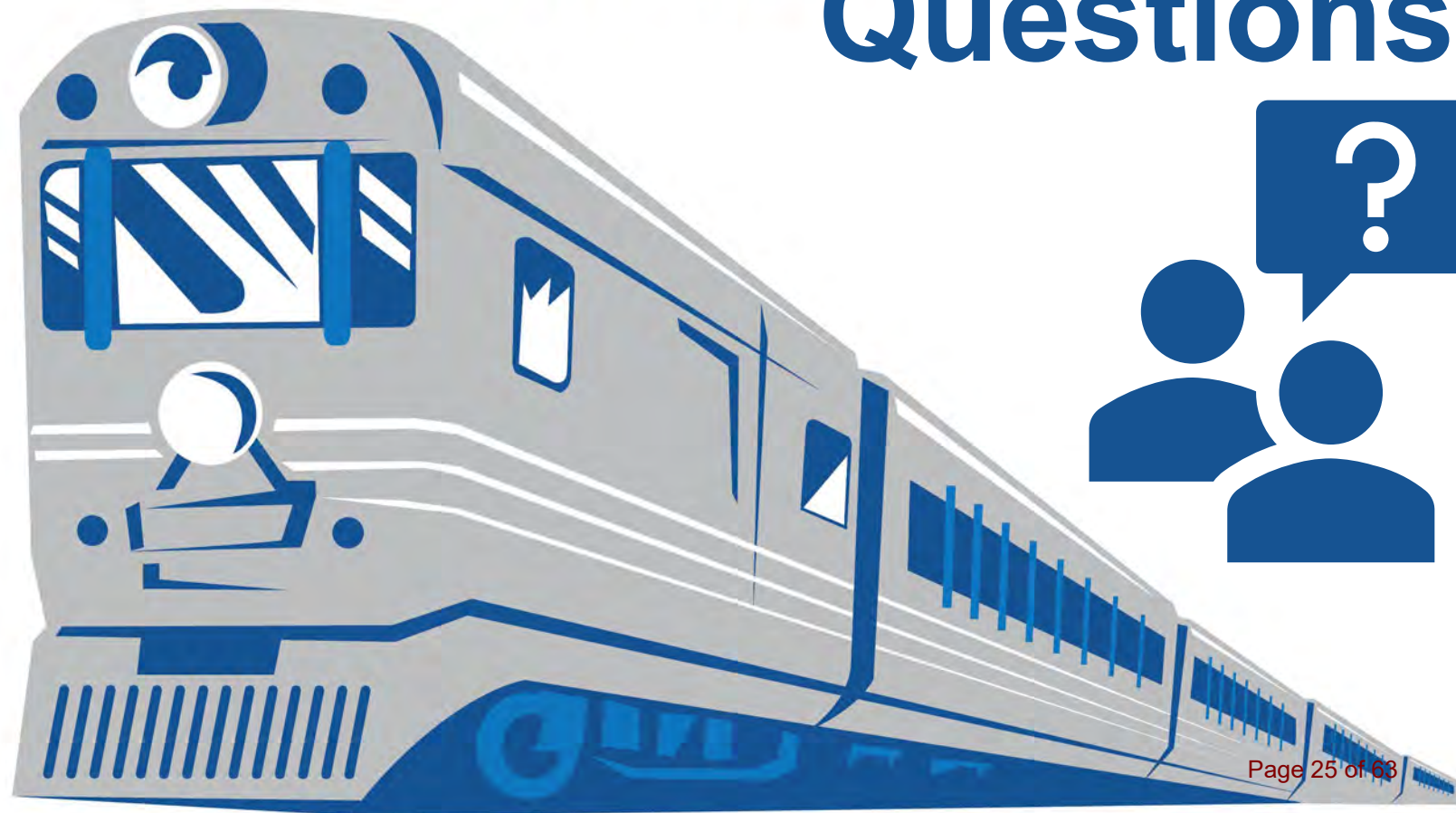



BROWARD COMMUTER RAIL (BCR) SOUTH
PROJECT DEVELOPMENT & ENVIRONMENT (PD&E) STUDY



FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), DISTRICT 4
BROWARD COUNTY, FLORIDA • FPID: 417031-5-22-01

Questions?



VI. Program and Project Status Update

- **NE 4th Avenue Streetscape Project**

**Cija Omengebar
CRA Planner**

- **Incentive Programs**

- **Rezoning Project**

- November 16, 2022 Planning & Zoning Board – UDP-Z22017
- Copy of PZB Notice Letter
- Project Schedules

- **CRA Facade and Landscaping Program**

- 22-0707 Resolution Adopting a Modified Version of the NPFH CRA Program for Central City Area and Approving a Budget of \$150,000



November 1, 2022

Planning and Zoning Board Meeting

Dear Property Owner:

The Planning and Zoning Board, acting as the Local Planning Agency (LPA), will hold a public hearing on **Wednesday, November 16, 2022 at 6:00 PM** in the City Commission Chambers, City Hall, 100 North Andrews Avenue, Fort Lauderdale, FL, 33301 to determine whether the following application is found to be consistent with the Goals, Objectives and Policies of the **Comprehensive Plan and the City's Unified Land Development Code (ULDR)**. A description of the proposed request is provided below. To view more information about this item, please visit: <https://www.fortlauderdale.gov/government/PZB>.

- Case Number:** UDP- Z22017
- Request:** Rezone from Residential Single Family/Medium Density (RDs-15) District to Residential Multifamily Low Rise/Medium Density (RM-15) District
- Project Name:** Central City NW Quadrant Rezoning
- Applicant:** City of Fort Lauderdale
- Abbreviated Legal Description:** Progresso Plat Book 2, Page 18, Block 25-27, 69-74
- City Commission District:** 2 – Steven Glassman

You may also send comments to: Development Services Department
Urban Design and Planning Division
Attention: Lorraine Tappen
700 NW 19th Avenue
Fort Lauderdale, Florida, 33311

You may also send an email to: Lorraine Tappen
LTappen@fortlauderdale.gov

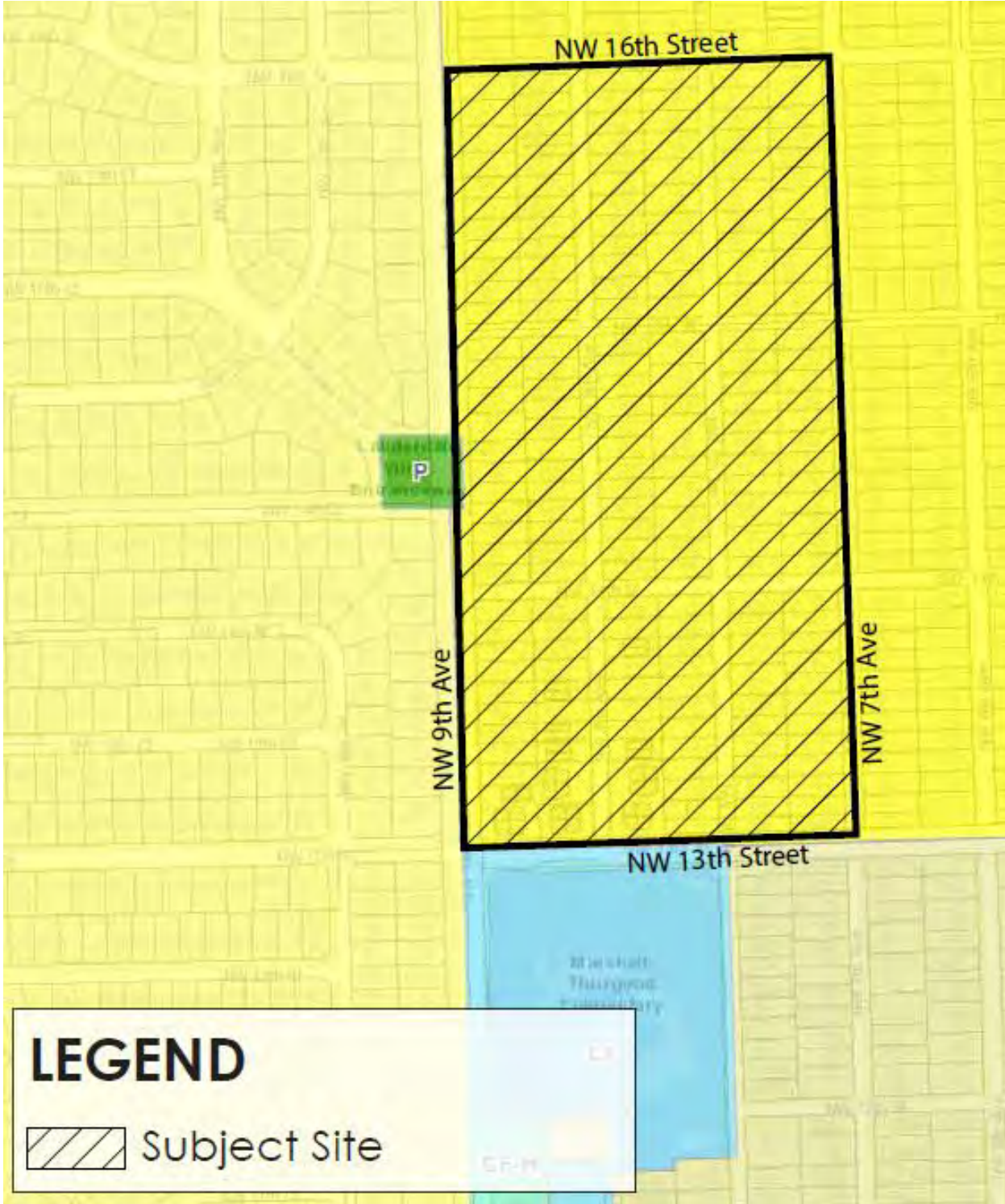
Sincerely,

Lorraine Tappen


Lorraine Tappen, AICP, Principal Urban Planner
Urban Design and Planning Division

If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk at (954) 828-5002 two (2) days prior to the meeting and arrangements will be made to provide these services for you. A turnkey video system is also available for your use during this meeting.



Central City NW Quadrant Rezoning Schedule

CCRAB Meeting	October 10, 2022	
Public Participation Meeting	October 11, 2022	
Planning and Zoning Board	November 16, 2022	
City Commission Meeting – 1 st Reading of Ordinance	December 20, 2022	
City Commission Meeting – 2 nd Reading of Ordinance	January 10, 2023	

Central City Mixed Use District (MUD) Rezoning Tentative Schedule

CCRAB Meeting

October 10, 2022



CCRAB meeting to discuss CC-MUD specifics

December 2022

Public Participation Meeting

January 2023

Planning and Zoning Board

January 2023

City Commission Meeting – 1st Reading of Ordinance

February 2023

City Commission Meeting – 2nd Reading of Ordinance

March 2023

Land Use Plan Amendment (LUPA)

to facilitate mixed-use and increase density

early 2023 to start

VII. Communication to City Commission

**Ray Thrower
CCRAB Chair**

VIII. Old/New Business

**Cija Omengebar
CRA Planner**

1) 04.06.22 Communication Update

- 1) Copy of CCRAB Communication – May 3, 2022 CC Conference Meeting
- 2) Mayor Newsletter June 2022
- 3) **22-0841** Second Reading – Ordinance Repealing Ordinance No. C12-10 and Amending Ch 16, Article VI of the Code of Ordinances, and replace Section 16-82 entitled “ Panhandling, Begging, or Solicitation” with Section 16-82 entitled “Obstructing Public Streets and Right-Of-Way” | **Proposed Ordinance & Approved Ordinance No. C-22- 30**
- 4) **22-0842** Second Reading – Ordinance Amending Article 25-267 Entitled “Right-of-Way Solicitors and Canvassers” of the Code of Ordinances | **Proposed Ordinance & Ordinance No. C-22-31**

2) Tentative Special Meeting for Rezoning Phase II – CC-MUD

3) December agenda item suggestions

- 1) Florida Sunshine Law Discussion
 - Attachment: Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics
- 2) Presentation of Proposed CC-MUD District (tentative)
- 3) Incentive Funding Application



CITY OF FORT LAUDERDALE

REGULAR MEETING
COMMUNICATIONS TO CITY COMMISSION
CITY OF FORT LAUDERDALE
CENTRAL CITY REDEVELOPMENT ADVISORY BOARD (CCRAB)
CITY HALL – 8TH FL CONFERENCE ROOM
WEDNESDAY, APRIL 6, 2022 – 3:30 PM

Board Members	Present/Absent	Cumulative Attendance	
		September 2021-August 2022	
		Present	Absent
Ray Thrower, Chair	P	6	1
Justin Greenbaum	P	1	0
Shane Jordan	P	5	2
Christina Robinson	P	4	2
Dennis Ulmer, Vice Chair	P	7	0

Staff:

Cija Omengebar, CRA Planner/Liaison
Clarence Woods, CRA Manager
Officer Brian Blount
Jamie Opperlee, Prototype Inc. Recording Secretary

Communication to the City Commission

Motion made by Mr. Ulmer, seconded by Mr. Jordan to recommend the City have a public service campaign to discourage people from giving donations to panhandlers. Motion passed unanimously.

From: Fort Lauderdale Mayor Dean Trantalis <scott@www-fortlauderdale.ccsend.com> on behalf of Scott Wyman
Sent: Wednesday, June 22, 2022 1:51 PM
To: Cija Omengebar
Subject: [-EXTERNAL-] Mayor's newsletter: City looks for ways to tackle car noise, street takeovers and panhandling

June 2022

City looks for ways to tackle car noise, street takeovers, panhandling

Nobody likes trying to enjoy a meal with the family on Las Olas while cars blaring music and motorcycles with loud exhausts pass by. With the assistance of new state legislation, the city of Fort Lauderdale is moving to remedy that as well as some other issues on our roadways that are becoming increasing problems.

For a while now, city commissioners and I have complained about the deafening noise from drivers cruising down Las Olas Boulevard or along A1A. Our Police Department, though, maintained that its ability to intervene was limited. This was largely because the state Supreme Court struck down a key section of a statute regarding vehicle noise as unconstitutional a decade ago.

But last month, Gov. DeSantis signed legislation that is plainly worded – noise from a vehicle cannot be audible at a distance of 25 feet or more in most areas.

This could be a tremendous help in addressing the situation as we cannot allow noise to become out of control.

We don't want our main streets where residents and tourists go to enjoy a walk, or a meal or a drink to evolve into the scenes transpiring on Ocean Drive in South Beach. We need to keep our reputation intact as a place to go for an enjoyable, family-friendly experience.

Our police force has begun a public awareness campaign to reduce the number of disturbances caused by vehicles. But we also now need to begin heightened enforcement.

New state legislation also is going to allow us to crack down on groups of motorcyclists, bicyclists and ATV-riders who try to take over our streets.

This has become a way too common occurrence in Fort Lauderdale. The normal flow of traffic has been impeded, drivers and their passengers have felt threatened, and the possibility of accidents and confrontations has grown. These gangs have blocked

intersections and used our streets as a performance space for their personal thrills as they undertake dangerous maneuvers.

The governor and the Legislature recognized that these actions are as hazardous as street-racing once was. The new law expands prohibited conduct on roadways to cover these types of "street takeovers." Officers can arrest individuals involved without a warrant if they have probable cause and charge them with a misdemeanor offense. Their vehicle can also be impounded.

The commission has asked the Police Department, our top staff and attorneys to come up with plans to improve enforcement in light of the new powers that the state has provided us.

Finally, there is a ray of hope that the city can do more to address aggressive panhandling on our streets.

The City Commission has received many complaints about the raise of panhandling and the increasing aggressiveness of those seeking money in our streets. Unfortunately, the federal courts left the city largely powerless to act.

A federal judge imposed a preliminary injunction on the city last summer that prohibits us from enforcing our ordinances that outlaw soliciting money in the roadway as well as such near ATMs and sidewalk dining. The judge determined that the people who sued the city had a likelihood of winning their case under the argument that we violated their freedom of speech under the First Amendment of the Constitution.

Because of that, we are basically limited to enforcing other existing laws – such as assault and battery or the obstruction of a roadway.

However, the city attorney has told us that there was a recent decision in the federal court system that may provide us some new options. His office has been studying this case and will soon propose to the commission a rewrite to our ordinances so we can again directly confront the matter.

In the meantime, the city continues to work hard to address homelessness.

We have dedicated teams in the Police Department and the Neighbor Support Division that focus on helping those homeless individuals who want to get off the streets. These teams focus on areas with large homeless populations and steer them to services. We offer temporary housing that is tied to wraparound social services to address the underlying causes of their homelessness such as alcoholism or drug abuse.

We also continue to operate our innovative community court program that diverts homeless individuals charged with minor offenses into emergency housing and needed social service assistance. And, finally, we continue to press Broward County, which is tasked with addressing homelessness as a regional issue, to undertake a more thorough and comprehensive approach.

In closing, I hope everyone has a good summer and takes some time for vacation and relaxation. As you do so, please remember that it is hurricane season and that you should have plans and supplies ready in case a storm heads our direction.

Yours,



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0841

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Alain E. Boileau, City Attorney

DATE: September 6, 2022

TITLE: Second Reading - Ordinance Repealing Ordinance No. C-12-10 adopted May 1, 2012, and Amending Chapter 16, Article VI of the Code of Ordinances of the City of Fort Lauderdale, Florida, to Delete and Replace Section 16-82 entitled "Panhandling, Begging or Solicitation" with Section 16-82 entitled "Obstructing Public Streets and Rights-of-Way."
(Commission Districts 1, 2, 3 and 4)

Recommendation

It is recommended that the City Commission adopt the attached proposed Ordinance repealing City of Fort Lauderdale Ordinance No. C-12-10 and delete and replace Section 16-82 entitled "Panhandling, begging or solicitation" from the City of Fort Lauderdale, Florida Code of Ordinances with Section 16-82 entitled "Obstructing public streets and rights-of-way."

Background

On May 1, 2012, the City Commission of the City of Fort Lauderdale adopted Ordinance No. C-12-10 providing for the prohibition of begging, panhandling or soliciting in, on or at certain designated locations. The regulations were codified in Section 16-82 entitled "Panhandling, begging or solicitation" of the City of Fort Lauderdale, Florida Code of Ordinances. Court opinions issued after the adoption of Ordinance No. C-12-10 have found similar ordinances to be an unconstitutional regulation of speech. Consistent with those court opinions, this proposed ordinance will repeal Ordinance No. C-12-10 and delete and replace Section 16-82 with regulations that address the safety of public streets and rights-of-way.

Resource Impact

The adoption of this Ordinance has no direct fiscal impact on the City of Fort Lauderdale.

Attachments

Exhibit 1 – Ordinance No. C-12-10

Exhibit 2 – Proposed Ordinance

Prepared by: D'Wayne M. Spence, Assistant City Attorney

Charter Officer: Alain E. Boileau, City Attorney

Proposed Ordinance

ORDINANCE NO. C-22-30

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING CITY OF FORT LAUDERDALE ORDINANCE NO. C-12-10, WHICH ORDINANCE AMENDED CHAPTER 16, ARTICLE IV OF THE CITY OF FORT LAUDERDALE, FLORIDA CODE OF ORDINANCES, AND DELETING AND REPLACING SECTION 16-82, ENTITLED "PANHANDLING, BEGGING OR SOLICITATION" WITH SECTION 16-82 ENTITLED "OBSTRUCTING PUBLIC STREETS AND RIGHTS-OF-WAY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida adopted Ordinance No. C-12-10 on May 1, 2012, which amended Chapter 16, Article IV, entitled "Offenses Involving Public Peace and Order" of the City of Fort Lauderdale Code of Ordinances (the "Code") by creating Section 16-18, redesignated and codified as Section 16-82, entitled "Panhandling, begging or solicitation"; and

WHEREAS, the City Commission desires to repeal Ordinance No. C-12-10 in order to delete Section 16-82 entitled "Panhandling, begging or solicitation" of the Code in response to recent case law; and

WHEREAS, the City has a legitimate interest in promoting the safety and convenience of its citizens on public sidewalks and streets. *Madsen v. Women's Health Center*, 512 U.S. 753, 768 (1994); *Heffron v. Int'l Soc'y Krishna Consciousness, Inc.*, 452 U.S. 640, 650 (1981); *Cox v. New Hampshire*, 312 U.S. 569, 574 (1941); and

WHEREAS, the City Commission intends this Ordinance to improve pedestrian and vehicular safety within the City's rights-of-way;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That City of Fort Lauderdale, Florida Ordinance No. C-12-10 adopted on May 1, 2012, is hereby repealed in its entirety effect immediately upon final adoption of this ordinance.

SECTION 2. That Article IV, Section 16-82 entitled "Panhandling, begging or solicitation" of the Code is hereby deleted as follows:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

~~Sec. 16-82. Panhandling, begging or solicitation.~~

~~(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section.~~

~~*Aggressive panhandling, begging or solicitation means:*~~

- ~~(1) Approaching or speaking to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;~~
- ~~(2) Requesting money or something else of value after the person solicited has given a negative response to the initial request;~~
- ~~(3) Blocking, either individually or as part of a group of persons, the passage of a solicited person;~~
- ~~(4) Touching a solicited person without explicit permission; or~~
- ~~(5) Engaging in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.~~

~~*Panhandling means:*~~

- ~~(1) Any solicitation made in person requesting an immediate donation of money or other thing of value for oneself or another person or entity; and~~
- ~~(2) Seeking donations where the person solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.~~

~~Panhandling does not mean the act of passively standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought, but without any vocal request other than a response to an inquiry by another person.~~

~~(b) *Prohibited areas of panhandling, begging or solicitation.* It shall be unlawful to engage in the act or acts of panhandling, begging or solicitation when either the solicitation or the person being solicited is located in, on, or at any of the following locations:~~

- ~~(1) Bus stop or any public transportation facility;~~
- ~~(2) Public transportation vehicle;~~
- ~~(3) Area within fifteen (15) feet, in any direction, of a sidewalk café~~
- ~~(4) Parking lot, parking garage, or parking pay station owned or operated by the city;~~
- ~~(5) Park owned or operated by the city;~~
- ~~(6) Area within fifteen (15) feet, in any direction, of an automatic teller machine;~~
- ~~(7) Area within fifteen (15) feet, in any direction, of the entrance or exit of a commercial or governmental building; or~~
- ~~(8) Private property, unless the person panhandling has permission from the owner of such property.~~

~~(c) It shall be unlawful to engage in the act of aggressive panhandling in any location in the city.~~

~~(d) *Penalty.* Any person found guilty of violating this section shall, upon conviction, be penalized as provided in section 1-6 of this Code.~~

SECTION 3. That Article IV, Section 16-82 entitled "Obstructing public streets and rights-of-way" of the Code is hereby created as follows:

(a) Definitions:

- (1) *Street* means the area of the public right-of-way which is intended for vehicular traffic including paved, concrete, brick or unpaved roadways but not including service entrances or driveways leading from the roadways onto adjoining property.

- (2) Rights-of-Way means the strip of land owned or controlled by the City or another governmental agency over which the public has a right of passage, including the streets, sidewalks, driveways constructed thereon, and swale areas.
- (3) Swale area means the area between road pavement and sidewalk or property line where no sidewalk exists and is designed for providing street drainage.

(b) It shall be unlawful for any person to:

- (1) For any period of time, sit or stand, in or on:
 - a. any unpaved median, or any median of less than three feet, or
 - b. any median less than five feet where the adjacent roadway has three or more vehicular travel lanes in any one direction at the point of intersection (including turning lanes), except that pedestrians may use median strips only in the course of lawfully crossing from one side of the street to the other.
- (2) Occupy a paved travel lane or other portion of a roadway while the traffic is flowing.
- (3) Alter or impede the flow of traffic by any means.
- (4) Remain in the portion of the paved road or highway designated for vehicular use, upon the commencement of traffic flow from a stopped position.
- (5) Jaywalk. The following shall constitute jaywalking and shall be deemed a violation of this section:
 - a. Crossing a roadway at a point within 200 feet of a marked crosswalk;
 - b. Crossing at a controlled intersection contrary to the signal lights or the direction of a traffic officer;
 - c. Crossing a roadway intersection diagonally, unless authorized by official traffic control devices or a traffic officer;
 - d. Crossing a roadway with four or more total travel lanes (counting both directions), except in a marked crosswalk, or any other place than by a route at right angles to the curb or by the shortest route to the opposite curb; or

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e. Crossing a roadway intersection in any manner prohibited by official traffic control devices pertaining to such crossing movements.

(6) Where sidewalks are provided on a roadway with four or more total travel lanes (counting both directions), walk along and upon the portion of a roadway paved for vehicular traffic.

(7) Between adjacent intersections at which traffic control signals are in operation, cross at any place except in a marked crosswalk.

(8) Intentionally block the path of travel of a vehicle or cause a vehicle to take unreasonable evasive action to avoid contact or collision with said person;

a. “Unreasonable evasive action” shall mean causing a vehicle to alter its path of travel to avoid the vehicle from making contact with a person or object.

(9) Physically touch a person or any portion of an occupied vehicle without the consent of the person or vehicle occupant or throw any object at or into any vehicle unless specifically requested by an occupant.

(c) Exemptions. The following shall be exempt from the provisions of this subsection:

(1) Persons who are involved in vehicular accidents or whose vehicle becomes disabled;

(2) Law enforcement personnel, firefighters, paramedics or any other persons who are rendering aid to people or animals or removing obstructions from the roadways;

(3) Code Enforcement personnel, municipal Public Works and Utilities personnel as well as other authorized persons from other governmental entities performing tasks in the course and scope of their official duties.

(d) Penalties. Any person found guilty of violating this section shall, upon conviction, be penalized as provided in section 1-6 of this Code.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that

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do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 5. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 16th day of August, 2022.

PASSED SECOND READING this ____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

ORDINANCE NO. C-22-30

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING CITY OF FORT LAUDERDALE ORDINANCE NO. C-12-10, WHICH ORDINANCE AMENDED CHAPTER 16, ARTICLE IV OF THE CITY OF FORT LAUDERDALE, FLORIDA CODE OF ORDINANCES, AND DELETING AND REPLACING SECTION 16-82, ENTITLED "PANHANDLING, BEGGING OR SOLICITATION" WITH SECTION 16-82 ENTITLED "OBSTRUCTING PUBLIC STREETS AND RIGHTS-OF-WAY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida adopted Ordinance No. C-12-10 on May 1, 2012, which amended Chapter 16, Article IV, entitled "Offenses Involving Public Peace and Order" of the City of Fort Lauderdale Code of Ordinances (the "Code") by creating Section 16-18, redesignated and codified as Section 16-82, entitled "Panhandling, begging or solicitation"; and

WHEREAS, the City Commission desires to repeal Ordinance No. C-12-10 in order to delete Section 16-82 entitled "Panhandling, begging or solicitation" of the Code in response to recent case law; and

WHEREAS, the City has a legitimate interest in promoting the safety and convenience of its citizens on public sidewalks and streets. *Madsen v. Women's Health Center*, 512 U.S. 753, 768 (1994); *Heffron v. Int'l Soc'y Krishna Consciousness, Inc.*, 452 U.S. 640, 650 (1981); *Cox v. New Hampshire*, 312 U.S. 569, 574 (1941); and

WHEREAS, the City Commission intends this Ordinance to improve pedestrian and vehicular safety within the City's rights-of-way;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That City of Fort Lauderdale, Florida Ordinance No. C-12-10 adopted on May 1, 2012, is hereby repealed in its entirety effect immediately upon final adoption of this ordinance.

SECTION 2. That Article IV, Section 16-82 entitled "Panhandling, begging or solicitation" of the Code is hereby deleted as follows:

CCRAB 11/02/2022

Page 44 of 63

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

~~Sec. 16-82. Panhandling, begging or solicitation.~~

~~(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section.~~

~~Aggressive panhandling, begging or solicitation means:~~

- ~~(1) Approaching or speaking to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person, or upon property in the person's immediate possession;~~
- ~~(2) Requesting money or something else of value after the person solicited has given a negative response to the initial request;~~
- ~~(3) Blocking, either individually or as part of a group of persons, the passage of a solicited person;~~
- ~~(4) Touching a solicited person without explicit permission; or~~
- ~~(5) Engaging in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.~~

~~Panhandling means:~~

- ~~(1) Any solicitation made in person requesting an immediate donation of money or other thing of value for oneself or another person or entity; and~~
- ~~(2) Seeking donations where the person solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.~~

~~Panhandling does not mean the act of passively standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought, but without any vocal request other than a response to an inquiry by another person.~~

~~(b) Prohibited areas of panhandling, begging or solicitation. It shall be unlawful to engage in the act or acts of panhandling, begging or solicitation when either the solicitation or the person being solicited is located in, on, or at any of the following locations:~~

- ~~(1) Bus stop or any public transportation facility;~~
- ~~(2) Public transportation vehicle;~~
- ~~(3) Area within fifteen (15) feet, in any direction, of a sidewalk café~~
- ~~(4) Parking lot, parking garage, or parking pay station owned or operated by the city;~~
- ~~(5) Park owned or operated by the city;~~
- ~~(6) Area within fifteen (15) feet, in any direction, of an automatic teller machine;~~
- ~~(7) Area within fifteen (15) feet, in any direction, of the entrance or exit of a commercial or governmental building; or~~
- ~~(8) Private property, unless the person panhandling has permission from the owner of such property.~~

~~(c) It shall be unlawful to engage in the act of aggressive panhandling in any location in the city.~~

~~(d) Penalty. Any person found guilty of violating this section shall, upon conviction, be penalized as provided in section 1-6 of this Code.~~

SECTION 3. That Article IV, Section 16-82 entitled "Obstructing public streets and rights-of-way" of the Code is hereby created as follows:

(a) Definitions:

- (1) Street means the area of the public right-of-way which is intended for vehicular traffic including paved, concrete, brick or unpaved roadways but not including service entrances or driveways leading from the roadways onto adjoining property.

- (2) Rights-of-Way means the strip of land owned or controlled by the City or another governmental agency over which the public has a right of passage, including the streets, sidewalks, driveways constructed thereon, and swale areas.
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(b) It shall be unlawful for any person to:

- (1) For any period of time, sit or stand, in or on:
- a. any unpaved median, or any median of less than three feet, or
 - b. any median less than five feet where the adjacent roadway has three or more vehicular travel lanes in any one direction at the point of intersection (including turning lanes), except that pedestrians may use median strips only in the course of lawfully crossing from one side of the street to the other.
- (2) Occupy a paved travel lane or other portion of a roadway while the traffic is flowing.
- (3) Alter or impede the flow of traffic by any means.
- (4) Remain in the portion of the paved road or highway designated for vehicular use, upon the commencement of traffic flow from a stopped position.
- (5) Jaywalk. The following shall constitute jaywalking and shall be deemed a violation of this section:
- a. Crossing a roadway at a point within 200 feet of a marked crosswalk;
 - b. Crossing at a controlled intersection contrary to the signal lights or the direction of a traffic officer;
 - c. Crossing a roadway intersection diagonally, unless authorized by official traffic control devices or a traffic officer;
 - d. Crossing a roadway with four or more total travel lanes (counting both directions), except in a marked crosswalk, or any other place than by a route at right angles to the curb or by the shortest route to the opposite curb; or

e. Crossing a roadway intersection in any manner prohibited by official traffic control devices pertaining to such crossing movements.

- (6) Where sidewalks are provided on a roadway with four or more total travel lanes (counting both directions), walk along and upon the portion of a roadway paved for vehicular traffic.
- (7) Between adjacent intersections at which traffic control signals are in operation, cross at any place except in a marked crosswalk.
- (8) Intentionally block the path of travel of a vehicle or cause a vehicle to take unreasonable evasive action to avoid contact or collision with said person;
- a. "Unreasonable evasive action" shall mean causing a vehicle to alter its path of travel to avoid the vehicle from making contact with a person or object.
- (9) Physically touch a person or any portion of an occupied vehicle without the consent of the person or vehicle occupant or throw any object at or into any vehicle unless specifically requested by an occupant.

(c) Exemptions. The following shall be exempt from the provisions of this subsection:

- (1) Persons who are involved in vehicular accidents or whose vehicle becomes disabled;
- (2) Law enforcement personnel, firefighters, paramedics or any other persons who are rendering aid to people or animals or removing obstructions from the roadways;
- (3) Code Enforcement personnel, municipal Public Works and Utilities personnel as well as other authorized persons from other governmental entities performing tasks in the course and scope of their official duties.

(d) Penalties. Any person found guilty of violating this section shall, upon conviction, be penalized as provided in section 1-6 of this Code.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that

do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

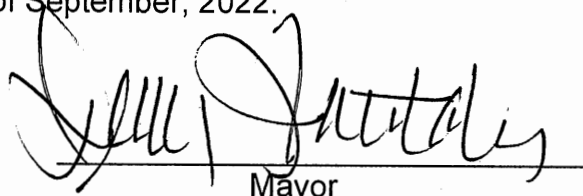
SECTION 5. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 6. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be in full force and effect upon final passage.

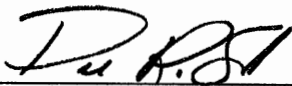
PASSED FIRST READING this 16th day of August, 2022.

PASSED SECOND READING this 6th day of September, 2022.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0842

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Alain E. Boileau, City Attorney

DATE: September 6, 2022

TITLE: Second Reading - An Ordinance of the City Commission of the City of Fort Lauderdale, Florida, Amending Article XI Entitled "Solicitation and Display on Public Rights-of-Way", Section 25-267 Entitled "Right-of-Way Solicitors and Canvassers" of the Code of Ordinances of the City of Fort Lauderdale, Florida – **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission adopt the attached proposed Ordinance amending Section 25-267 entitled "Right-of-Way Solicitors and Canvassers" of the Code of Ordinances of the City of Fort Lauderdale, Florida.

Background

On September 16, 2014, the City Commission of the City of Fort Lauderdale adopted Ordinance No. C-14-38 creating Article XI - "Solicitation and Display on Public Rights-of-Way" of Chapter 25 of the City of Fort Lauderdale, Florida Code of Ordinances in furtherance of its significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City. The City Commission adopted Ordinance No. C-14-38 partially based on the information provided in Memorandum 14-02, dated January 9, 2014, regarding impacts of street solicitation on public safety and traffic operations, and Memorandum 14-33, dated May 19, 2014, regarding crashes at major intersections and interstate ramps, traffic congestion, and distracted driving. Ordinance No. C-14-38 made it unlawful for any person to act as a right-of-way canvasser or solicitor on any portion of a public right-of-way with a functional classification of Arterial on the Broward County Highway Functional Classifications Map and a Broward County Metropolitan Planning Organization Roadway 2012 Peak Level of Service (LOS) designation of D, E or F. It also made it unlawful for any person to store or exhibit any goods, merchandise or other materials on any portion of the public street, including the median, or bicycle lane.

In 2015, the Supreme Court of the United States issued an opinion with impact on constitutionality of portions of Section 25-267 of the Code of Ordinances of the City of Fort Lauderdale. The proposed ordinance modifies Section 25-267 to address the

constitutionality concerns as well as provides an opportunity to update the data and findings that serve as the basis for the regulations.

Resource Impact

The adoption of this Ordinance has no direct fiscal impact on the City of Fort Lauderdale.

Strategic Connections

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Public Safety Focus Area
- Goal 6: Build a safe and well-prepared community.

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United.

Attachments

Exhibit 1 – City of Fort Lauderdale Traffic Crash Analysis

Exhibit 2 – Broward County Future Roadway Level of Service Map

Exhibit 3 – Broward County Roadway Capacity and Level of Service Analysis
(filtered for the City of Fort Lauderdale)

Exhibit 4 – Pedestrian Fatal Crash Study

Exhibit 5 – Proposed Ordinance

Prepared by: D’Wayne M. Spence, Assistant City Attorney

Charter Officer: Alain E. Boileau, City Attorney

Proposed Ordinance

ORDINANCE NO. C-22-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ARTICLE XI ENTITLED "SOLICITATION AND DISPLAY ON PUBLIC RIGHTS-OF-WAY", SECTION 25-267 ENTITLED "RIGHT-OF-WAY SOLICITORS AND CANVASSERS" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND REGULATIONS PERTAINING TO PERSONS SOLICITING IN RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale desires to amend Article XI entitled "Solicitation and Display on Public Rights-of-Way", Section 25-267 entitled "Right-of-Way Solicitors and Canvassers", of the City of Fort Lauderdale Code of Ordinances; and

WHEREAS, the City Commission of the City of Fort Lauderdale has a significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City; and

~~WHEREAS, the City Commission finds that use of the public right of way for solicitation of donations or for the storage, sale or exhibition of merchandise and materials can pose significant hazards to the solicitors, other pedestrians and motorists; and~~

WHEREAS, the City Commission finds that pedestrians who hand or seek to transmit by hand tangible materials to persons operating or occupying motor vehicles engaged in travel on the streets and roadways in the city can pose significant hazards to themselves, other pedestrians and motorists; and

WHEREAS, such hazards can be created by the actions of either solicitors or occupants of vehicles who want to interact with solicitors; and

WHEREAS, solicitors create a safety hazard for themselves and the motorists when entering upon public streets, distributing items to vehicle occupants, or receiving money or other items from vehicle occupants; and

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WHEREAS, distraction of motorists occasioned by solicitations or by the storage or exhibition of goods and materials in the right-of-way impedes the safe and orderly flow of traffic, causes vehicles to stop unexpectedly, causes vehicles to linger at traffic control devices, and causes motorists to fail to attend to driving; and

WHEREAS, distracted drivers pose a significant risk of physical injury to other motorists and pedestrians; and

WHEREAS, roads are primarily designed for vehicular traffic and are not suited to safely accommodate right-of-way canvassers and solicitors; and

WHEREAS, according to the Florida Department of Highway Safety and Motor Vehicles data a total of 35,296 crashes occurred within the municipal boundaries of the City of Fort Lauderdale between January 1, 2019 and July 31, 2022; and

WHEREAS, according to Fort Lauderdale Police Department response records approximately 810 pedestrians were involved in traffic accidents between January 1, 2019 and July 31, 2022 in the City of Fort Lauderdale; and

WHEREAS, a density-based cluster analysis identified twenty intersections with a high rate of crashes for the time period between January 1, 2019 and July 31, 2022; and

WHEREAS, public health, safety and welfare requires the imposition of reasonable manner and place restrictions on solicitation and the storage and exhibition of goods and other materials in the public right-of-way, while respecting the constitutional right of free speech for all citizens; and

WHEREAS, such regulations are necessary to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and

WHEREAS, in an effort to narrowly tailor the regulation to further the City's interests in improving traffic safety for pedestrians and the occupants of motor vehicles as well as to improve and/or prevent the further degradation of traffic congestion, the regulation has been limited to streets and roadways with a functional classification of arterial on the Broward County Highway Functional Classifications Map that have an unacceptable Broward County roadway capacity and peak level of service designation level of D, E or F for vehicular traffic and areas with a high number of traffic crashes; and

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WHEREAS, it is necessary and appropriate to create Chapter 25, Article XI of the Code of Ordinances to address the concerns identified herein;

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

SECTION 1. That Article XI entitled "Solicitation and Display on Public Rights-of-Way" of the Code of Ordinances of the City of Fort Lauderdale, is hereby amended as follows:

Sec. 25-267. Right-of-way solicitors and canvassers.

- (a) Purpose. The purpose of this section is to provide regulation to improve traffic safety for motorists and pedestrians and more efficiently move traffic along already over capacity roadways.
- (ab) Definition. 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:

Right-of-way canvasser or solicitor shall mean any person ~~who sells or offers for sale anything or service of any kind, or advertises for sale anything or service of any kind, or who seeks any donation of any kind, or who personally hands to or seeks to transmit by hand or receive by hand anything or service of any kind, whether or not payment in exchange is required or requested, to any person who operates or occupies a motor vehicle of any kind, which vehicle is engaged in travel on or within any portion of any of the streets or roadways in the city, whether or not such vehicle is temporarily stopped in the travel lanes of the road.~~

Right-of-way shall have the same definition as provided in section 25-97 of the Code of Ordinances.

- ~~(bc)~~ Prohibition of right-of-way canvassers and solicitors. It shall be unlawful for any person to act as a right-of-way canvasser or solicitor on any portion of a public right-of-way with a functional classification of arterial on the Broward County Highway Functional Classifications Map and a Broward County Metropolitan Planning Organization Roadway 2012 Peak Level of Service (LOS) designation of D, E or F as identified in most recently

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published data. (See Exhibit "A" following § 25-267) or within 200 hundred feet of the following intersections as measured from the edge of the curb of the intersecting streets:

1. Northwest 62nd Street and Northwest 31st Avenue
2. Northwest 62nd Street and Powerline Road
3. West Commercial Boulevard and Powerline Road
4. East Commercial Boulevard and North Federal Highway
5. North Federal Highway and East Oakland Park Boulevard
6. Northeast 26th Street and North Federal Highway
7. East Sunrise Boulevard and Bayview Drive
8. East Sunrise Boulevard and Northeast 15th Avenue
9. East Sunrise Boulevard and North Federal Highway
10. East Sunrise Boulevard and Northeast 7th Avenue
11. West Sunrise Boulevard and Northeast 9th Avenue
12. West Sunrise Boulevard and Northwest 15th Avenue
13. State Road 9 and West Sunrise Boulevard
14. Northwest 31st Avenue and Northwest 19th Street
15. West Broward Boulevard and Northwest/Southwest 31st Avenue
16. West Broward Boulevard and Northwest/Southwest 27th Avenue
17. West Broward Boulevard and Northwest/Southwest 9th Avenue
18. West Broward Boulevard and Northwest/Southwest 7th Avenue
19. East Broward Boulevard and North/South Federal Highway
20. State Road 9 and Davie Boulevard
21. South Federal Highway and Southeast 17th Street

(ed) ~~Prohibition of storage of goods, and merchandise and other materials.~~ It shall be unlawful for any person to store or exhibit any goods, or merchandise ~~or other materials~~ on any portion of the public street, including the median, or bicycle lane.

~~(d) It is a violation of this section for any right-of-way canvasser or solicitor to hold, carry, possess or use any sign or other device of any kind, within any portion of the public right-of-way contrary to any of the terms and provisions of section 47-22, of the Unified Land Development Regulations.~~

(e) Nothing in this section shall be construed to apply to:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters ~~double-stricken~~ are deletions; words, symbols, and letters double-underlined are additions made between first and second reading.

- (1) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineering surveys.
- (2) Any of the following persons while engaged in the performance of their respective occupations: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.
- (3) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the city.

(f) Violations of this section shall be punishable as provided in section 1-6 of this Code.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That nothing in this ordinance shall be construed so as to affect any past or pending actions, notice of violation, or order of the code enforcement board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this ordinance has not been adopted.

SECTION 5. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this 16th day of August, 2022
PASSED SECOND READING this ___ day of _____, 2022.

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters ~~double-stricken~~ are deletions; words, symbols, and letters double-underlined are additions made between first and second reading.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters ~~double-stricken~~ are deletions; words, symbols, and letters double-underlined are additions made between first and second reading.

ORDINANCE NO. C-22-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ARTICLE XI ENTITLED "SOLICITATION AND DISPLAY ON PUBLIC RIGHTS-OF-WAY", SECTION 25-267 ENTITLED "RIGHT-OF-WAY SOLICITORS AND CANVASSERS" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND REGULATIONS PERTAINING TO PERSONS SOLICITING IN RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale desires to amend Article XI entitled "Solicitation and Display on Public Rights-of-Way", Section 25-267 entitled "Right-of-Way Solicitors and Canvassers", of the City of Fort Lauderdale Code of Ordinances; and

WHEREAS, the City Commission of the City of Fort Lauderdale has a significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City; and

WHEREAS, the City Commission finds that pedestrians who hand or seek to transmit by hand tangible materials to persons operating or occupying motor vehicles engaged in travel on the streets and roadways in the city can pose significant hazards to themselves, other pedestrians and motorists; and

WHEREAS, such hazards can be created by the actions of either solicitors or occupants of vehicles who want to interact with solicitors; and

WHEREAS, solicitors create a safety hazard for themselves and the motorists when entering upon public streets, distributing items to vehicle occupants, or receiving money or other items from vehicle occupants; and

WHEREAS, distraction of motorists occasioned by solicitations or by the storage or exhibition of goods and materials in the right-of-way impedes the safe and orderly flow of traffic, causes vehicles to stop unexpectedly, causes vehicles to linger at traffic control devices, and causes motorists to fail to attend to driving; and

WHEREAS, distracted drivers pose a significant risk of physical injury to other motorists and pedestrians; and

WHEREAS, roads are primarily designed for vehicular traffic and are not suited to safely accommodate right-of-way canvassers and solicitors; and

WHEREAS, according to the Florida Department of Highway Safety and Motor Vehicles data a total of 35,296 crashes occurred within the municipal boundaries of the City of Fort Lauderdale between January 1, 2019 and July 31, 2022; and

WHEREAS, according to Fort Lauderdale Police Department response records approximately 810 pedestrians were involved in traffic accidents between January 1, 2019 and July 31, 2022 in the City of Fort Lauderdale; and

WHEREAS, a density-based cluster analysis identified twenty intersections with a high rate of crashes for the time period between January 1, 2019 and July 31, 2022; and

WHEREAS, public health, safety and welfare requires the imposition of reasonable manner and place restrictions on solicitation and the storage and exhibition of goods and other materials in the public right-of-way, while respecting the constitutional right of free speech for all citizens; and

WHEREAS, such regulations are necessary to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and

WHEREAS, in an effort to narrowly tailor the regulation to further the City's interests in improving traffic safety for pedestrians and the occupants of motor vehicles as well as to improve and/or prevent the further degradation of traffic congestion, the regulation has been limited to streets and roadways with a functional classification of arterial on the Broward County Highway Functional Classifications Map that have an unacceptable Broward County roadway capacity and peak level of service designation level of D, E or F for vehicular traffic and areas with a high number of traffic crashes; and

WHEREAS, it is necessary and appropriate to create Chapter 25, Article XI of the Code of Ordinances to address the concerns identified herein;

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

SECTION 1. That Article XI entitled "Solicitation and Display on Public Rights-of-Way" of the Code of Ordinances of the City of Fort Lauderdale, is hereby amended as follows:

Sec. 25-267. Right-of-way solicitors and canvassers.

- (a) Purpose. The purpose of this section is to provide regulation to improve traffic safety for motorists and pedestrians and more efficiently move traffic along already over capacity roadways.
- (ab) Definition. 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:

~~Right-of-way canvasser or solicitor shall mean any person who sells or offers for sale anything or service of any kind, or advertises for sale anything or service of any kind, or who seeks any donation of any kind, or who personally hands to or seeks to transmit by hand or receive by hand anything or service of any kind, whether or not payment in exchange is required or requested, to any person who operates or occupies a motor vehicle of any kind, which vehicle is engaged in travel on or within any portion of any of the streets or roadways in the city, whether or not such vehicle is temporarily stopped in the travel lanes of the road.~~

~~Right-of-way shall have the same definition as provided in section 25-97 of the Code of Ordinances.~~

- (bc) Prohibition of right-of-way canvassers and solicitors. It shall be unlawful for any person to act as a right-of-way canvasser or solicitor on any portion of a public right-of-way with a functional classification of arterial on the Broward County Highway Functional Classifications Map and a Broward County Metropolitan Planning Organization Roadway 2012 Peak Level of Service (LOS) designation of D, E or F: (See Exhibit "A" following § 25-267), or within 200 hundred feet of the following intersections as measured from the edge of the curb of the intersecting streets:

1. Northwest 62nd Street and Northwest 31st Avenue
2. Northwest 62nd Street and Powerline Road
3. West Commercial Boulevard and Powerline Road
4. East Commercial Boulevard and North Federal Highway
5. North Federal Highway and East Oakland Park Boulevard
6. Northeast 26th Street and North Federal Highway

7. East Sunrise Boulevard and Bayview Drive
8. East Sunrise Boulevard and Northeast 15th Avenue
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20. State Road 9 and Davie Boulevard
21. South Federal Highway and Southeast 17th Street

- (ed) *Prohibition of storage of goods, ~~and merchandise and other materials~~.* It shall be unlawful for any person to store or exhibit any goods, or merchandise ~~or other materials~~ on any portion of the public street, including the median, or bicycle lane.
- ~~(d) It is a violation of this section for any right-of-way canvasser or solicitor to hold, carry, possess or use any sign or other device of any kind, within any portion of the public right-of-way contrary to any of the terms and provisions of section 47-22, of the Unified Land Development Regulations.~~
- (e) Nothing in this section shall be construed to apply to:
- (1) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineering surveys.
 - (2) Any of the following persons while engaged in the performance of their respective occupations: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.

(3) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the city.

(f) Violations of this section shall be punishable as provided in section 1-6 of this Code.

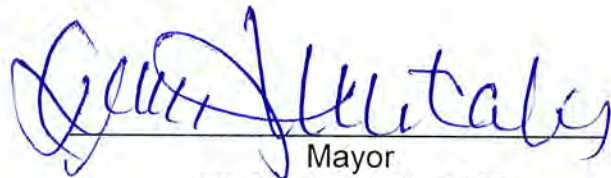
SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That nothing in this ordinance shall be construed so as to affect any past or pending actions, notice of violation, or order of the code enforcement board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this ordinance has not been adopted.

SECTION 5. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this 16th day of August, 2022
PASSED SECOND READING this 6th day of September, 2022.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

IX. Adjournment

**Ray Thrower
CCRAB Chair**

**THE NEXT CCRAB REGULAR MEETING
WILL BE HELD ON WEDNESDAY – DECEMBER 7, 2022**