

ORDINANCE NO. 19 - ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PREVENTION OF HUMAN TRAFFICKING; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE IV, “ZONING DISTRICT REGULATIONS”, PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REQUIRED SIGNAGE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, human trafficking is a form of modern-day slavery, which involves the exploitation of persons for commercial sex or forced labor and often subjects victims to force fraud and coercion; and

WHEREAS, while many victims of human trafficking are forced to work in prostitution or the sexual entertainment industry, trafficking also occurs in forms of labor exploitation, such as domestic servitude and restaurant, janitorial, sweatshop, factory and agricultural work; and

WHEREAS, traffickers use various techniques to instill fear in victims to keep them enslaved such as isolation, threats of imprisonments and deportation, confiscation of passports, visas or other identification documents and threats of violence towards their families; and

WHEREAS, Florida law authorizes municipalities to enforce posting of human trafficking public awareness signs in certain establishments; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Land Development Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated February 20, 2019 and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on February ____, 2019, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on ____, 2019, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council moved the proposed amendment on first reading for second reading and consideration of adoption; and

WHEREAS, The Town Council finds that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found in Subsection 13-306(b) of the Town Code; and

WHEREAS, on _____, 2019, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. After considering Staff's report, both submitted in writing and presented orally and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis Report.

Section 3. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A"

Section 4. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that conflict with this Ordinance are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption.

[THIS SPACE INTENTIONALLY LEFT BLANK]

FIRST READING

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

Mayor Manny Cid _____

Vice Mayor Nelson Rodriguez _____

Councilmember Carlos O. Alvarez _____

Councilmember Luis Collazo _____

Councilmember Joshua Dieguez _____

Councilmember Jeffrey Rodriguez _____

Councilmember Marilyn Ruano _____

Passed on first reading this _____ day of March, 2019.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

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

Mayor Manny Cid _____

Vice Mayor Nelson Rodriguez _____

Councilmember Carlos O. Alvarez _____

Councilmember Luis Collazo _____

Councilmember Joshua Dieguez _____

Councilmember Jeffrey Rodriguez _____

Councilmember Marilyn Ruano _____

Passed and adopted on second reading this _____ day of _____, 2019.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

CHAPTER 13. – LAND DEVELOPMENT CODE

* * *

ARTICLE IV. – ZONING DISTRICT REGULATIONS

* * *

DIVISION 21. – ADDITIONAL BUSINESS, COMMERCIAL, INDUSTRIAL AND OTHER USE REGULATIONS

* * *

Sec. 13-799.8. - Human trafficking public awareness signs.

- 1) Employers at each of the following establishments shall display a human trafficking public awareness sign in a conspicuous location (the conspicuous location should be where other labor and employment signs are displayed), which is clearly visible to the employees of these businesses or establishments:
 - a) Restaurants, alcoholic beverage establishments, night clubs and any other entertainment or food service establishments; and
 - b) Public lodging establishments, classified as a hotel, motel, non-transient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rentals; and
 - c) Any business or establishment operating as a specialty salon performing nail, beauty services; and
 - d) A business or establishment that offers massage or bodywork services for compensation that is not owned by a health care practitioner regulated pursuant to Florida Statute Chapter 456 and defined in Florida Statute § 456.001;
 - e) Urgent care centers, facilities or clinics that provide urgent care medicine or services, and may be commonly referenced as urgent care, convenient care, walk-in care or immediate care centers, whether operated by brand name corporations or non-brand name corporations, or other business entities.
- 2) The required human trafficking public awareness sign must be printed in a size consistent with, and must substantially state in English and Spanish the following as set forth in Florida Statutes § 787.29(4)

“If you or someone you know is being forced to engage in an activity and cannot leave – whether it is prostitution, housework, farm work, factory work, retail work, restaurant work or any other activity – call the National Human Trafficking Resource Center at 1-888-373-7888 or text INFO or HELP to 233-733 to access help and services. Victims of slavery and human trafficking are protected under United States and Florida Law.”
- 3) Design specifics regarding color, graphics, and additional verbiage may be adopted via Resolution.

- 4) The code compliance department, in conjunction with the police department, shall enforce the provisions of this section and upon conviction of such offense, be punished by a fine not to exceed \$500.00 provided in F.S. § 775.083. A continued violation for each day shall be considered a separate offense.
- 5) The violation issued for this offense, will be consistent with those violation notices issued by the city pursuant to section 21-31.5 of the Code of Miami-Dade County.
- 6) Citations may be appealed Town's Special Master.