

ORDINANCE NO. C-24-49

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENACTING A NEW SECTION 16-33 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "PUBLIC CAMPING OR SLEEPING; NOTICE", PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Fort Lauderdale, Florida ("City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, pursuant to Section 125.0231, Florida Statutes, the City may not authorize or otherwise allow any person to regularly engage in "public camping or sleeping", as those terms are defined by law, on any property under the jurisdiction of the City; and

WHEREAS, while Section 125.0231, Florida Statutes, does not establish penalties for persons that violate the prohibition, it does establish a cause of action for residents, business owners, and the Florida Attorney General to enjoin violations of the statute; and

WHEREAS, Section 125.0231, Florida Statutes, provides that before a claim to enjoin a violation can be filed, a complainant must provide written notice to the governing body of the City, and provide 5 business days to cure the alleged violation; and

WHEREAS, Section 125.0231, Florida Statutes, does not establish the means for providing such written notice, nor does it provide for the information required to be in the written notice; and

WHEREAS, it is the desire of the City Commission to adopt an ordinance that provides the means in which residents, business owners and the Florida Attorney General will provide notice of alleged violations of Section 125.0231(2), Florida Statutes, to ensure complaints are addressed in a timely and efficient manner, and to ensure that receipt of written notice can be verified;

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

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

SECTION 1. That Section 16-33 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 16-33. - Public camping or sleeping; notice.

(a) A resident of Broward County, an owner of a business located in Broward County, or the Florida Attorney General, shall provide written notice of a violation of Section 125.0231(2), F.S., to the City Commission as set forth in this Section.

- (1) The City Manager shall designate an electronic submission method, to be displayed on the City's website, to serve as the primary means of receiving such written notice. The City Manager shall also designate individuals to receive written notice of a violation if a complainant is unable or unwilling to utilize the electronic submission method.
- (2) To enable the City to take reasonable action within the limits of its authority to cure an alleged violation, the written notice must specify:
 - a. The specific location of the alleged violation;
 - b. The date(s) and time(s) of the alleged violation;
 - c. A description or photograph of the person(s) who are regularly engaged in public camping or sleeping, as the term is defined by Section 125.0231, F.S.;
 - d. The name and contact information of the complainant; and
 - e. Any other information that will assist the City to address or otherwise to cure the alleged violation.

SECTION 2. At the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of this Ordinance without the need for a public hearing.

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SECTION 3. 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 but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict with this ordinance, are repealed.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 17th day of December, 2024.

PASSED SECOND READING this 7th day of January, 2025.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN