



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
CONFERENCE MEETING

#24-0491

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

FROM: Thomas J. Ansbro, City Attorney

DATE: May 7, 2024

TITLE: Public Camping and Public Sleeping Florida Statute - **(Districts 1, 2, 3
and 4)**

On March 20, 2024, the Governor signed HB 1365 regarding overnight public camping and public sleeping. Pursuant to the newly enacted § 125.0231, Florida Statutes, counties and municipalities may not authorize or otherwise allow any person to regularly engage in public camping or sleeping on any public property, including, but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of the county or municipality. The law will take effect on October 1, 2024.

The law defines public camping or sleeping as follows:

- (b)1. "Public camping or sleeping" means:
 - a. Lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space and evidenced by the erection of a tent or other temporary shelter, the presence of bedding or pillows, or the storage of personal belongings; or
 - b. Lodging or residing overnight in an outdoor space without a tent or other temporary shelter.
2. The term does not include:
 - a. Lodging or residing overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be.
 - b. Camping for recreational purposes on property designated for such purposes."

The law further provides that a county may designate locations, subject to approval by the Department of Children and Families, for public camping or sleeping if certain requirements are satisfied and it must establish and maintain minimum standards and procedures for the property. This may include locations within a municipality, but only if the municipality's governing body consents by majority vote.

While the majority of the legislation becomes effective on October 1, 2024, Section (4) of the law, providing for an enforcement mechanism, becomes effective on January 1, 2025. That section creates a cause of action for a resident of the county, an owner of a business located in the county, or the Attorney General, to bring a civil action in any court of competent jurisdiction against the county, or applicable municipality, to enjoin a violation of the public camping or sleeping prohibition. If the resident or business owner prevails in such action, they may be awarded reasonable expenses, including attorney fees.

On April 22nd, I had a meeting with Broward County Attorney Andrew Myers to discuss Broward County's plans to designate locations for public camping and sleeping, pursuant to § 125.0231, Florida Statutes. I was accompanied by D'Wayne Spence, our Assistant City Prosecutor, Police Legal Advisor and Assistant City Managers, Susan Grant and Anthony Fajardo, where we met with the County Attorney, Drew Meyers, three of his staff attorneys and an Assistant County Administrator for an hour. It is very clear that the County Administration has no current intention of establishing any encampment sites in the County under the new statute and the Stockade from their perspective is not an option. County Administration distinguishes between the County's ability to establish encampments under the new law and the provision of shelters which they do not view as the sole obligation of the County. There is no plan for the County Commission to meet to discuss the matter, although the County Attorney's Office is well aware of the statute's provisions. They are clearly willing to coordinate with us as responses to the law begin to develop. I proposed a County-City Attorneys meeting to be held at the Broward County Bar building meeting room and I will contact its Executive Director so preliminary plans can be further discussed, hopefully within the next month.

Attachment

Exhibit 1 – § 125.0231, Florida Statutes

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Charter Officer: Thomas J. Ansbro, City Attorney