

ORDINANCE NO. C-24-43

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENACTING A NEW SECTION 16-32 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROHIBITING UNAUTHORIZED PUBLIC CAMPING OR PUBLIC SLEEPING, PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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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" on any property under the jurisdiction of the City; and

WHEREAS, the City finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt this Ordinance; and

WHEREAS, it is the desire of the City Commission to adopt an Ordinance prohibiting unauthorized camping or sleeping on public property;

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

SECTION 1. That Section 16-32 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

**Sec. 16-32. - Unauthorized Public Camping or Public Sleeping.**

(a) It shall be unlawful in the City to engage in camping or sleeping on public property, except as may be specifically authorized by the appropriate governmental authority.

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(b) Definitions.

Camping or sleeping means:

- (1) ~~To~~ lodge, reside or remain in an outdoor space temporarily by the erection, use or occupation of any tent, hut, lean-to, shack or temporary shelter of any kind which provides a cover from the elements, for the purpose of sleeping purposes, resting or conducting any activities of daily living including but not limited to storage of personal possessions in such place, or the laying down of bedding, such as a mat, blanket, sleeping bag or other material for the purpose of sleeping, resting or conducting any activities of daily living including but not limited to storage of personal possessions in such place; or
- (2) To lodge, reside or sleep in an outdoor space without a tent, hut, lean-to, shack or temporary shelter.

Temporary shelter means the use of fabric, metal, cardboard, or other material including but not limited to a tent or other temporary structure for living accommodation or human habitation purposes.

Officer means a sworn law enforcement officer.

Public property means those public areas within the jurisdictional limits of the City of Fort Lauderdale, including, but not limited to, any street, alley, sidewalk, pedestrian pathway, bicycle lane, or any other area encompassed within the public right-of-way, recreation facility, or any other grounds, buildings, or other facilities owned or leased by the City of Fort Lauderdale or any other governmental entity. For purposes of this Section 16-32, public property does not include any City park.

(c) No officer shall issue a citation to, make an arrest of or otherwise enforce this Section against any person unless:

- (1) The officer orally requests or orders the person to refrain from the alleged violation of this Section, and if the person fails to comply after receiving the oral request or order, ~~the person may be cited or arrested for a violation of this Section; and~~

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- (2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless assistance. If the officer determines that the person is in need of the assistance, and such assistance is available, the officer shall afford the person an opportunity to be transported to either a hospital or a public shelter; and
- (3) The officer determines that the person does not appear to be in need of medical or human services assistance; or if the person who needs medical or human services assistance refuses to be transported to a hospital or public shelter.
- (d) If applicable, the officer shall advise the person that any of his or her personal property which is not taken to the hospital, public shelter, jail or detention facility shall be inventoried and stored by the City police department until reclaimed, for a maximum of thirty (30) days, subject to the granting of extensions of time at the City police department's sole discretion. The officer shall also advise the person that any personal property which is perishable or which is in an unsanitary condition may be immediately discarded and will not be stored by the City police department. Any personal property that was inventoried and stored by the City police department for a person transported to a hospital, or public shelter or arrested, under the provisions of this Section which has not been reclaimed within thirty (30) days of the date the personal property was inventoried and stored shall be deemed abandoned and disposed of according to F.S. Ch. 705.
- (e) Violation of this Section shall be punishable as provided in Section 1-6 of this Code.

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.

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.

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

PASSED FIRST READING this 17<sup>th</sup> day of September, 2024.

PASSED SECOND READING this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

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