

ORDINANCE NO. 2024-37

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO PUBLIC CAMPING OR SLEEPING; CREATING
3 SECTIONS 21-2 THROUGH 21-3 OF THE BROWARD COUNTY CODE OF
4 ORDINANCES (“CODE”); AMENDING SECTION 21-6 OF THE CODE; AND
5 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
6 DATE.

7 (Sponsored by the Board of County Commissioners)
8

9 WHEREAS, during its 2024 legislative session the Florida Legislature enacted
10 House Bill 1365, which prohibits counties or municipalities from authorizing or otherwise
11 allowing “any person to regularly engage in public camping or sleeping on any public
12 property, including, but not limited to, any public building or its grounds and any public
13 right-of-way under the jurisdiction of the county or municipality, as applicable”; and

14 WHEREAS, the Broward County Board of County Commissioners finds it
15 appropriate to enact this Ordinance to ensure compliance with state law,

16 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
17 BROWARD COUNTY, FLORIDA:

18 Section 1. Section 21-2 of the Broward County Code of Ordinances is hereby
19 created to read as follows:

20 [Underlining omitted]

21 **Sec. 21-2. Public camping or sleeping; prohibition; penalties.**

22 (a) In accordance with Section 125.0231, Florida Statutes, it is the policy of
23 Broward County (“County”) to not authorize or otherwise allow any person to regularly
24 engage in public camping or sleeping, as subsequently defined, on any public property
25 under the jurisdiction of the County.

26 (b) As used in this section, “public camping or sleeping” is to be construed in
27 conformity with the meaning of “public camping or sleeping” set forth under
28 Section 125.0231(1)(b), Florida Statutes.

29 (1) “Public camping or sleeping” means:

30 a. Lodging or residing overnight in a temporary outdoor habitation used
31 as a dwelling or living space and evidenced by the erection of a tent
32 or other temporary shelter, the presence of bedding or pillows, or the
33 storage of personal belongings; or

34 b. Lodging or residing overnight in an outdoor space without a tent or
35 other temporary shelter.

36 (2) “Public camping or sleeping” does not include:

37 a. Lodging or residing overnight in a motor vehicle that is registered,
38 insured, and located in a place where it may lawfully be; or

39 b. Camping for recreational purposes on property designated for such
40 purposes.

41 (c) No person may regularly engage in public camping or sleeping on any
42 public property, including, but not limited to, any public building or its grounds and any
43 public right-of-way under the jurisdiction of the County.

44 (d) Prior to arrest or citation, the individual allegedly in violation of this section
45 must be given a verbal and written warning against public camping or sleeping and, if the
46 individual ceases public camping or sleeping after being given both such warnings, this
47 will serve as an affirmative defense against prosecution.

48 (e) *Violations.*

49 (1) For persons eighteen (18) years or older, violations of this section are to be
50 prosecuted as follows:

51 a. As a violation of the Broward County Adult Civil Citation Program
52 (“Program”) set forth under Section 21-3 of the Broward County Code
53 of Ordinances (“Code”) unless the person in violation of this section
54 cannot participate in the Program for any reason, including because
55 of a limitation set forth under Section 21-6(c)(2) of the Code or due
56 to lack of funding for the Program, or chooses not to participate in
57 the Program; or

58 b. If the person in violation of this section cannot participate in the
59 Program for any reason or the person chooses not to participate in
60 the Program, violations may be prosecuted in the name of the state
61 in a court having jurisdiction of misdemeanors by the prosecuting
62 attorney thereof and upon conviction shall, pursuant to
63 Section 125.69(1), Florida Statutes, be punished:

- 64 1. By a fine not to exceed five hundred dollars (\$500); or
65 2. By up to sixty (60) days in jail or a fine not to exceed five
66 hundred dollars (\$500), or both, if the person in violation of

67 this section has been convicted or found guilty of, or entered
68 a plea of guilty or nolo contendere (regardless of adjudication
69 of guilt or adjudication withheld) to, two (2) or more violations
70 of this section within the prior two (2) years.

71 (2) Notwithstanding anything to the contrary, the County encourages criminal
72 or civil citation to be a last resort and desires that, if possible, compliance
73 with this section be achieved through services, assistance, and other
74 noncoercive measures.

75 (3) The County encourages juveniles alleged to be in violation of this section to
76 be referred to the Juvenile Services Civil Citation Program, authorized by
77 Section 985.12, Florida Statutes.

78 (f) *Enforcement.* The County intends to allow this section to be enforced by the
79 Broward County Sheriff and/or municipal law enforcement, as applicable.

80 (g) *Applicability and interpretation.* This section is not effective within the
81 boundaries of any municipality that has enacted a conflicting ordinance to the extent there
82 exists a conflict; does not apply during the periods set forth under
83 Section 125.0231(5), Florida Statutes; is to be construed in conformity with the County's
84 obligations under Section 125.0231(2), Florida Statutes; and shall not be construed to
85 either prohibit the County from denying persons access to property that it owns or
86 manages or to supersede remedies available under Chapter 810, Florida Statutes.

87 Section 2. Section 21-3 of the Broward County Code of Ordinances is hereby
88 created to read as follows:

89 [Underlining omitted]

90 **Sec. 21-3. Public camping or sleeping; complaints.**

91 (a) A resident of the County, a business located in Broward County, or the
92 Florida Attorney General, may provide written notice of a violation of Section 21-2 to the
93 Board of County Commissioners.

94 (1) The County Administrator shall designate an e-mail address or other
95 electronic submission method, to be displayed on the County’s website, to
96 serve as the primary means of receiving such written notice.

97 (2) To enable the County to take reasonable action within the limits of its
98 authority to cure an alleged violation, the written notice must specify:

- 99 a. The location of the violation;
- 100 b. The date(s) of the alleged violation;
- 101 c. A description or photograph of the alleged violator; and
- 102 d. Any other information that will assist the County to address or
103 otherwise to cure the alleged violation.

104 Section 3. Section 21-6 of the Broward County Code of Ordinances is hereby
105 amended to read as follows:

106 **Sec. 21-6. Broward County Adult Civil Citation Program.**

107 (a) *Definitions.*

108 . . .

109 (6) “Eligible Offenses” means any and all Nonviolent Offenses that constitute a
110 misdemeanors under state law or ~~this~~ the Broward County Code of
111 Ordinances (the “Code”) including, but not limited to, possession of twenty
112 (20) grams or less of cannabis, possession of drug paraphernalia,

113 misdemeanor assault, misdemeanor battery (if the law enforcement officer
114 determines the encounter resulted in no or minor injuries and, if it is
115 determined that there is a minor injury, the victim consents to the issuance
116 of the Citation), retail theft of a shopping cart, trespass on property other
117 than a structure or conveyance, petit theft, criminal mischief, disorderly
118 conduct, littering, loitering, ~~and~~ possession of alcoholic beverages by
119 persons under age 21, as those terms are defined by state law, or public
120 camping or sleeping under Section 21-2 of the Code.

121 . . .

122 Section 4. Severability.

123 If any portion of this Ordinance is determined by any court to be invalid, the invalid
124 portion will be stricken, and such striking will not affect the validity of the remainder of this
125 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
126 legally applied to any individual, group, entity, property, or circumstance, such
127 determination will not affect the applicability of this Ordinance to any other individual,
128 group, entity, property, or circumstance.

129 Section 5. Inclusion in the Broward County Code of Ordinances.

130 It is the intention of the Board of County Commissioners that the provisions of this
131 Ordinance become part of the Broward County Code of Ordinances as of the effective
132 date. The sections of this Ordinance may be renumbered or relettered and the word
133 "ordinance" may be changed to "section," "article," or such other appropriate word or
134 phrase to the extent necessary to accomplish such intention.

135 Section 6. Effective Date.

136 This Ordinance is effective as of the date provided by law.

ENACTED October 8, 2024.

FILED WITH THE DEPARTMENT OF STATE October 9, 2024

EFFECTIVE October 9, 2024

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Joseph K. Jarone 09/18/2024
Joseph K. Jarone (date)
Assistant County Attorney

By: /s/ René D. Harrod 09/18/2024
René D. Harrod (date)
Chief Deputy County Attorney