

PROPOSED RESOLUTION NO. 2024-R-35
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA; PROVIDING FOR NOTICE OF COMPLAINTS FOR PUBLIC CAMPING OR SLEEPING UNDER SECTION 125.0231(4), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the 2024 Legislative Session, the Florida Legislature adopted House Bill 1365, which created a new Section 125.0231, Florida Statutes, to prohibit public camping or sleeping, as those terms are defined in the new law; and,

WHEREAS, in response to Section 125.0231, Florida Statutes, the Board of County Commissioners of Broward County, Florida, enacted Ordinance 2024-37, which applies countywide, including within municipalities unless a municipality has enacted a conflicting ordinance, and which authorizes enforcement by the Broward County Sheriff and municipal law enforcement; and,

WHEREAS, the City of Pembroke Pines does not have a conflicting ordinance, so the City's Police Department can enforce the Broward County Ordinance as applicable for violations within the City, without the need for the City Commission to adopt an ordinance; 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 against counties and municipalities to enjoin violations of the statute; and,

WHEREAS, one of the prerequisites for filing a claim against a county or municipality is that the complainant had provided written notice to the governing board of the county or applicable municipality, providing at least 5 business days to cure the alleged violation; and,

WHEREAS, Section 125.0231(4), Florida Statutes, does not set forth the means for providing such written notice to a governing board, nor the information required in any

written complaint filed under the statute; and,

WHEREAS, the City Commission has determined that establishing the means of providing written notice to the City Commission of the City of Pembroke Pines is necessary so that affected parties have direction to ensure that the complaint is addressed by the appropriate departments and staff of the City, and if necessary to confirm for a court of competent jurisdiction whether the City Commission was provided the written notice as required by Section 125.0231(4), Florida Statutes; and,

WHEREAS, the City Commission finds it in the best interest of the City's residents and business owners, as well as the Florida Attorney General, to provide for the means of notice to the City Commission under Section 125.0231(4), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The City Commission hereby authorizes the City Manager to designate an e-mail address or other electronic submission method, to be displayed on the City's website, to serve as the means for complainants to provide written notice of violations of Section 125.0231(4), Florida Statutes, to the City Commission of the City of Pembroke Pines.

Section 3. 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 location of the alleged violation;
- b. The date(s) of the alleged violation;
- c. A description or photograph of the alleged violator; and,
- d. The name and contact information of the complainant.

The written notice should also include other information that will assist the City to address or otherwise cure the alleged violation.

Section 4. The City Clerk is hereby directed to transmit a copy of this resolution

to the Florida Attorney General and the Board of Commissioners of Broward County, Florida.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 7. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THIS ____ DAY OF _____, 2024.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

DEBRA ROGERS, CITY CLERK

By: _____

MAYOR ANGELO CASTILLO

CASTILLO _____

GOOD _____

HERNANDEZ _____

APPROVED AS TO FORM:

RODRIGUEZ _____

OFFICE OF THE CITY ATTORNEY

SCHWARTZ _____