

**ORDINANCE NO. 2025-006**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; CREATING CHAPTER 28 OF THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, TO CREATE A CHAPTER ENTITLED PUBLIC CAMPING OR SLEEPING; PROHIBITION; PENALTIES; COMPLAINTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the policy of the Town of Southwest Ranches that public property, such as streets and parks should be readily accessible and available for use by Town residents for their safe enjoyment; and

**WHEREAS**, the use of public areas by individuals for camping interferes with the rights of residents and the public to freely use public spaces for the purpose for which they were intended; and

**WHEREAS**, during its 2024 legislative session the Florida Legislature enacted House Bill 1365, which prohibits counties or municipalities from authorizing or otherwise allowing “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, as applicable”; and

**WHEREAS**, House Bill 1365 was codified as Section 125.0231, Florida Statutes, became effective July 1, 2024 and prohibits counties or municipalities from authorizing or otherwise allowing 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, as applicable”; and

**WHEREAS**, additionally, the House Bill 1365 creates a private cause of action, that becomes effective on January 1, 2025, which provides the authority for a resident to sue a municipality for damages and attorney fees if, after five business days’ notice to the municipality of a violation of Section 123.0231, the violation has not been cured by the municipality; and

**WHEREAS**, the Town of Southwest Ranches contracts its public safety responsibility to the Town of Davie, Florida, and through the contractual obligation the Town of Davie has full authority to enforce this Ordinance within the jurisdictional boundaries of the Town of Southwest Ranches; and

**WHEREAS**, for consistency across the jurisdictional boundaries of the Town of Southwest Ranches and the Town of Davie, the Town Council finds adopting similar law in regard to Florida State Statute Section 125.0231 is in the best interest of and will reasonably protect the health, safety, and welfare of the Town’s residents.

**NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**SECTION 1.** Recitals. The above recitals are true, correct and incorporated herein by reference.

**SECTION 2.** a new Chapter 28 of the Code of Ordinances of the Town is hereby created as follows:

**Chapter 28. Public camping or sleeping; prohibition; penalties; complaints.**

**28.1** In accordance with Section 125.0231, Florida Statutes, it is the policy of the Town to not authorize or otherwise allow any person to regularly engage in public camping or sleeping, as subsequently defined, on any public property under the jurisdiction of the Town.

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

- (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) “Public camping or sleeping” 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; or
  - b. Camping for recreational purposes on property designated for such purposes.

**28.3** Violation.

- (1) No person may 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 Town.

**28.4** Penalty.

- (1) Any person found in violation of this section shall be punished pursuant to Section 1-11 of the Town Code of Ordinances.

**28.5** Complaints.

- (1) Any person, business owner, or the Florida Attorney General, may provide written notice of a violation of this Section to the Town.
- (2) The Town Administrator shall designate an e-mail address or other electronic submission method, to be displayed on the Town's website, to serve as the primary means of receiving such written notice.
- (3) To enable the Town to take reasonable action within the limits of its authority to cure an alleged violation, the written notice must specify:
  - a. The name and contact information of the complainant;
  - b. The location of the violation;
  - c. The date(s) of the alleged violation;
  - d. A description or photograph of the alleged violator; and
  - e. Any other information that will assist the Town to address or otherwise to cure the alleged violation.

**SECTION 3.** Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

**SECTION 4.** Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

**PASSED ON FIRST READING** this 12<sup>th</sup> day of, December, 2024 on a motion made by Council Member Jablonski and seconded by Council Member Kuczenski.

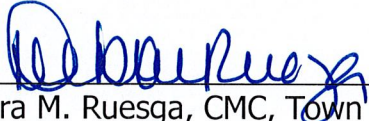
**PASSED ON SECOND READING** this 23<sup>rd</sup> day of January, 2025 on a motion made by C/M JABLONSKI and seconded by C/M KUCZENSKI.

Breitkreuz	<u>YES</u>
Hartmann	<u>YES</u>
Allbritton	<u>YES</u>
Jablonski	<u>YES</u>
Kuczenski	<u>YES</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

  
\_\_\_\_\_  
Steve Breitkreuz, Mayor

Attest:

  
\_\_\_\_\_  
Debra M. Ruesga, CMC, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Keith Pollakoff, Town Attorney  
1001.106.2024