

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, 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 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, the City of Hollywood currently prohibits lodging on public property, pursuant to Section 133.22 of the Code of Ordinances; and

WHEREAS, in response to Section 125.0231, Florida Statutes, the Board of County Commissioners 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 Hollywood does not have a conflicting ordinance, so the City's Police Department may also enforce the Broward County Ordinance as applicable for violations within the City; 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 complaint against a county or municipality is that the complainant provided written notice to the governing board of the county or applicable municipality, providing at least five 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 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 deems it to be in the best interests of the residents and business owners of the City of Hollywood, as well as the Florida Attorney General, to provide a 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 HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in 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.

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 violations;
- b. The date(s) of the alleged violations;
- 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.

Section 5: All Resolutions or parts in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 6: If any section, sentence, clause or phrase of the Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 7: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

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PASSED AND ADOPTED this _____ day of _____, 2025.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DAMARIS HENLON
INTERIM CITY ATTORNEY