



## ITEM SUMMARY

**MEETING DATE:** November 18, 2024  
**FROM:** Christy Goddeau, City Attorney's Office  
**SUBJECT:** Ordinance No. 2024-\_\_\_\_ Facilities Rules and Trespass Warnings

## BACKGROUND

This past legislative session (2024), the Florida Legislature passed House Bill 1365, which became effective on October 1, 2024. House Bill 1365 prohibits local governments from allowing persons to lodge or reside overnight on any public property including, but not limited to, any public building or its grounds and any public rights-of-way under the applicable local government's jurisdiction. House Bill 1365 is codified at section 125.0231, Florida Statutes, and applies to both municipalities and counties.

Commencing January 1, 2025, a resident, business owner or the Florida Attorney General may bring a civil action in court against the City to enjoin a violation of section 125.0231's public lodging prohibition. Prior to filing such civil action, the City must be provided with a written warning and afforded at least five (5) business days to cure the alleged violation. If the City fails to take all reasonable actions to cure the alleged violation, the civil action may be filed and proceed. If a resident or business owner prevails in their civil action under section 125.0231, the City would be responsible for their costs, expenses and reasonable attorney's fees.

The proposed Ordinance clarifies the City's existing prohibition on public lodging and establishes new facility rules for City facilities. The proposed Ordinance also creates a means of enforcement through trespass warnings and the right to appeal such trespass warnings.

The City and the Palm Beach County Sheriff's Office have collaborated in the drafting and review of this Ordinance.

## ANALYSIS

The proposed Ordinance is believed to be in the best interests of the City and provides additional tools for the City to comply with section 125.0231, Florida Statutes.

## FINANCIAL INFORMATION

Not applicable at this time.

## LEGAL

City Attorney has reviewed the proposed Ordinance for legal sufficiency and compliance with the law.

## STAFF RECOMMENDATION

Staff is recommending approval of the Ordinance.