

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE STORAGE AND SEIZURE OF PERSONAL
3 PROPERTY ON COUNTY REAL PROPERTY; CREATING SECTION 21-5 OF THE
4 BROWARD COUNTY CODE OF ORDINANCES (“CODE”); AND PROVIDING FOR
5 SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)
7

8 WHEREAS, allowing personal property to remain on or within real property owned,
9 leased, or operated by Broward County (“County”) without the County’s consent may
10 prevent the real property from being used for its intended purpose and may pose a danger
11 to public health, safety, and welfare;

12 WHEREAS, disposition of lost and abandoned property on public property is
13 governed by Chapter 705, Florida Statutes; however, other types of personal property
14 that remain on public property without the local government’s consent are not controlled
15 by that chapter; and

16 WHEREAS, the Board of County Commissioners enacts this Ordinance to govern
17 the disposition of the referenced personal property while balancing individual property
18 rights with the public interest,

19 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
20 BROWARD COUNTY, FLORIDA:

21 Section 1. Section 21-5 of the Broward County Code of Ordinances is hereby
22 created to read as follows:

23 [Underlining omitted]

24 **Sec. 21-5. Unlawful Storage of Personal Property on County Property.**

25 (a) *Definitions.*

26 *County property* means real property owned, leased, or operated by Broward
27 County, including structures, conveyances, rights-of-way, and improvements thereof.

28 *Personal property* means goods, chattels, and other property capable of manual
29 possession, including cash, but does not include vessels and motor vehicles. Personal
30 property does not include lost property or abandoned property (as such terms are defined
31 in Section 705.101, Florida Statutes) or property that is otherwise subject to Chapter 705,
32 Florida Statutes.

33 *Storing* (and derivations thereof) means placing, leaving, or parking personal
34 property for a period of more than 24 hours without an existing lease or fee agreement
35 for the location at issue or prior written approval from an authorized representative of the
36 County.

37 (b) *Unlawful storage of personal property.* Storing personal property on County
38 property is unlawful and a violation of this section. If personal property is stored on County
39 property, the property may be seized and disposed of by the County in a manner
40 consistent with procedural requirements promulgated by the County Administrator.
41 Disposal of such stored property may be done in a manner deemed most appropriate by
42 the County Administrator or their written designee, including selling, repurposing,

43 donating, or destroying the personal property pursuant to Sections 274.05 and 274.06,
44 Florida Statutes, and/or Section 21.93 of the Broward County Administrative Code.

45 (c) The County Administrator shall institute and maintain operational
46 procedures to effectuate and enforce this section, which procedures shall comply with the
47 applicable legal requirements, including appropriate due process.

48 (d) *Interpretation.* Nothing in this section shall be construed to obligate the
49 County, or any County employee, volunteer, contractor, or agent, to secure or take
50 custody of personal property stored on County property.

51 Section 2. Severability.

52 If any portion of this Ordinance is determined by any court to be invalid, the invalid
53 portion will be stricken, and such striking will not affect the validity of the remainder of this
54 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
55 legally applied to any individual, group, entity, property, or circumstance, such
56 determination will not affect the applicability of this Ordinance to any other individual,
57 group, entity, property, or circumstance.

58 Section 3. Inclusion in the Broward County Code of Ordinances.

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

64 Section 4. Effective Date.

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

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Joseph K. Jarone 01/28/2025
Joseph K. Jarone (date)
Senior Assistant County Attorney

By: /s/ René D. Harrod 01/28/2025
René D. Harrod (date)
Chief Deputy County Attorney

JKJ/jl
Storage of Property
01/28/2025
#1143627.3

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.