

*Board of County Commissioners*

# Public Camping Ordinance

*Public Hearing*

January 7, 2025



# Presentation Outline

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- Objective
- Background
- Draft Public Camping Ordinance
- Requested Action



# Presentation Outline

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- **Objective**
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**Continue and enhance the County's holistic response to the needs of homeless persons (and those at-risk of homelessness) by making substantial investments in outcome-driven and innovative programs, services, and projects while also attempting to reduce the County's risk of litigation and liability under the State's new public camping law (Section 125.0231, Florida Statutes)**



# Presentation Outline

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# Background

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- March 20, 2024 – Governor approved House Bill 1365
  - Effective October 1, 2024, created a new Section 125.0231, Florida Statutes, that prohibits the County from authorizing or otherwise allowing any person to regularly engage in public camping or sleeping
  - Beginning January 1, 2025, authorized residents, business owners, and the Attorney General to bring civil actions against the County to enjoin violations
    - If a resident or business owner prevails, then a court can award reasonable expenses including court costs and attorney fees

- June 18, 2024 – Board held work session on homelessness
  - Presented the regional context on homelessness and Orange County’s funding of Programs and Services
    - \$45.6M in FY 23-24
    - \$46.5M allocated in FY 24-25
  - Discussed HB 1365 and a pending U.S. Supreme Court case that could impact the County’s ability to respond to the new statute (*City of Grants Pass, Oregon v. Johnson*)



# Background

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- June 28, 2024 – U.S. Supreme Court published an opinion in *City of Grants Pass*
  - Held that local government ordinances that prohibit sleeping or camping on public property do not violate the Eighth Amendment's Cruel and Unusual Punishments Clause







# Background

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- July 10, 2024 – Board FY24-25 work session held
  - Homelessness update and discussion of proposed additional \$10M for homeless services
- September 19, 2024 – Board held a second public hearing on FY 24-25 budget
  - BCC *approved* additional \$10M for homeless services
  - Total Orange County budget for homeless services increased to \$56.5M for FY 24-25



# Background

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- **October 1, 2024 – County staff met with local municipalities and law enforcement agencies to discuss the response to HB 1365**
  - City of Apopka
  - City of Bay Lake
  - Town of Eatonville
  - City of Lake Buena Vista
  - City of Maitland
  - Town of Oakland
  - City of Orlando
  - Town of Windermere
  - City of Winter Garden
  - City of Winter Park
  - Orange County Sheriff's Office
- **Most municipalities either already had in place, or were proposing public camping ordinances in response to the new law**

## ■ Local Municipalities

Municipality	Camping Ordinance
City of Apopka	Section 42-151 prohibits public camping. Section 42-2 creates a trespass policy for public property.
City of Bay Lake	City staff has indicated that the City is developing an ordinance.
City of Belle Isle	Section 18-13 prohibits camping in parks.
City of Lake Buena Vista	City staff has indicated that the City is developing an ordinance.
City of Maitland	Section 11-4.6 prohibits sleeping in parks. Adopted Ordinance No. 1420 on August 14, 2023, creating a trespass policy for public property. Adopted Ordinance No. 1437 on December 9, 2024, prohibiting public camping and sleeping on public property.

## ■ Local Municipalities (continued)

Municipality	Camping Ordinance
City of Ocoee	Section 59-2 prohibits camping on all public property in the City.
City of Orlando	Section 43.52 of the Code prohibits camping on all public property.
Town of Windermere	Sections 18-14 and 18-15 prohibit camping.
City of Winter Garden	Section 118-11 prohibits camping on all public property in the City.
City of Winter Park	Adopted Ordinance Nos. 3321-24 and 3322-24 on October 17, 2024, creating a trespass policy for public property and prohibiting public camping and sleeping, respectively.

## ▪ November 19, 2024 – Board held a work session on homelessness

### –Reviewed existing County-funded homeless services

- Prevention/Diversion Services
- Rental Assistance
- Shelter/Drop-in Center Operations
- Supportive Services/Intervention
- Outreach
- Rapid Rehousing
- Capital Improvements/Renovations/Construction
- Information Management Systems (HMIS)



- **November 19, 2024 – Board held a work session on homelessness (continued)**
  - Discussed the programs/services proposed for the *additional* \$10M in funding appropriated by the BCC for FY 24-25 including:
    - Expanding existing services
    - Increasing shelter capacity
    - Launching new initiatives
  - **90.5% of projects from the additional \$10M assist with housing**
    - Approximately 1,020 additional people housed

- November 19, 2024 – Board held a work session on homelessness (continued)
  - Orange County Funding for Homeless Services
    - FY 24-25 Total: \$56,548,596.84
  - Compliance with new state law (HB 1365)







# Background

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- **November 19, 2024 – Board held a work session on homelessness (continued)**
  - Discussed HB 1365, the opinion in *City of Grants Pass*, and the County's options to attempt to cure alleged violations of the statute including:
    - Offering alternative lodging to people engaged in public camping
    - Using Florida's trespass statute
    - Adopting an ordinance that prohibits public camping





# Background

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- November 19, 2024 – Board held a work session on homelessness (continued)
  - Discussed other counties and local municipalities in Florida that have ordinances prohibiting public camping
  - Board directed staff to draft an ordinance that prohibits public camping



# Presentation Outline

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- Objective
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- **Draft Public Camping Ordinance**
- Requested Action



# Draft Public Camping Ordinance

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- **Section 26-111, Orange County Code**
  - Titled, “Public camping or sleeping, prohibition, notices, and penalties”
  - Purpose is to not authorize or otherwise allow any person to regularly engage in public camping or sleeping as prohibited by Section 125.0231, Florida Statutes
  - Effective in both incorporated and unincorporated areas within Orange County (except within those incorporated areas that maintain an ordinance covering the same subject matter)



# Draft Public Camping Ordinance

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- **Section 26-111, Orange County Code (continued)**
  - Applies to public property under the jurisdiction of Orange County including, but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of Orange County
  - Defines “public camping or sleeping” in a manner substantially similar to Section 125.0231, Florida Statutes
    - Includes lodging or residing overnight in an outdoor space with or without a temporary shelter
    - Excludes lodging or residing overnight in a motor vehicle and excludes camping for recreational purposes



# Draft Public Camping Ordinance

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- **Section 26-111, Orange County Code (continued)**
  - Prohibits a person from regularly engaging in public camping or sleeping on any public property under the jurisdiction of Orange County
  - Authorizes a resident, business owner, and the Attorney General to provide written notice of an alleged violation to the BCC
    - Requires the County Administrator to designate an e-mail address or other electronic submission method to receive such written notices
    - Requires written notices to include certain information to enable Orange County to take reasonable action to cure alleged violations (including location, date, and description)



# Draft Public Camping Ordinance

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- **Section 26-111, Orange County Code (continued)**
  - Enforced by law enforcement officers
  - Punishable by a fine not to exceed \$500, jail not to exceed 60 days, or both
- **“WHEREAS, it is the intent of the Orange County Board of County Commissioners that compliance with this Ordinance be achieved through services, assistance, warnings, or other non-coercive measures and that criminal arrest be reserved as a last resort to assist Orange County in curing any alleged violations of the Act”**



# Presentation Outline

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## Requested Action

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- Approval and execution of an Ordinance Pertaining to Public Camping or Sleeping in Orange County, Florida; Amending Chapter 26 (“Miscellaneous Provisions and Offenses”), Article VI (“Offenses Involving Public Places”); Creating Section 26-111 (“Public Camping or Sleeping, Prohibition, Notices, and Penalties”); Providing the Purpose; Providing the Scope and Applicability; Providing a Definition of Public Camping or Sleeping; Prohibiting Public Camping or Sleeping; Providing for Notices of Violations; Providing for Enforcement and Penalties; Providing for Repeal of Laws in Conflict; and Providing for Filing of Ordinance and Effective Date  
–Draft ordinance dated 12/19/2024
- Authorization for staff to correct any scrivener’s errors in the draft ordinance



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