

BCC Mtg. Date: January 7, 2025

ORDINANCE NO. 2025-01

Effective Date: January 9, 2025

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.

WHEREAS, on March 20, 2024, the Governor of Florida approved House Bill 1365 (2024) creating a new Section 125.0231, Florida Statutes, effective October 1, 2024 (enacted as Chapter No. 2024-11, Laws of Florida) (the “Act”); and

WHEREAS, the Act prohibits counties and 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, beginning January 1, 2025, the Act authorizes a resident of the county, an owner of a business located in the county, or the Attorney General to bring a civil action in any court of competent jurisdiction against the county or applicable municipality to enjoin a violation of the Act; and

WHEREAS, the Act requires applications for injunctions filed pursuant to the Act to be accompanied by an affidavit attesting that, in part, the county or municipality “...failed to take all reasonable actions within the limits of its governmental authority to cure the alleged violation within 5 business days after receiving written notice of the alleged violation”; and

WHEREAS, if a resident or business owner prevails in said civil action, then the Act authorizes a court to award reasonable expenses incurred in bringing the civil action, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs; and

WHEREAS, the Orange County Board of County Commissioners desires to adopt this Ordinance to clarify that Orange County does not authorize or otherwise allow any person to regularly engage in public camping or sleeping on any Orange County property (as prohibited by the Act); and

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.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Recitals. The recitals set forth above are hereby adopted and incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendments to Chapter 26, Article VI. Chapter 26 (“Miscellaneous Provisions and Offenses”), Article VI (“Offenses Involving Public Places”) of the Orange County Code of Ordinances is hereby amended as follows with additions being shown by underlines and deletions being shown by strike-throughs:

CHAPTER 26. MISCELLANEOUS PROVISIONS AND OFFENSES

* * *

ARTICLE VI. OFFENSES INVOLVING PUBLIC PLACES

Sees. ~~26-111—26-139.~~—Reserved.

Section 26-111. Public camping or sleeping, prohibition, notices, and penalties.

(a) Purpose. It is the policy of Orange County to not authorize or otherwise allow any person to regularly engage in public camping or sleeping on any public property under the jurisdiction of Orange County as prohibited by Section 125.0231, Florida Statutes.

(b) Scope and applicability.

(1) This section shall be effective in both the incorporated and unincorporated areas within Orange County, except this section will not be effective within those incorporated areas that maintain an ordinance covering the same subject matter, activity, or conduct of this section pursuant to Section 704 of the Orange County Charter.

(2) This section 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.

(c) *Definition.* When used in this section, “public camping or sleeping” shall mean:

(1) 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

(2) Lodging or residing overnight in an outdoor space without a tent or other temporary shelter; or

(3) As otherwise defined in Section 125.0231, Florida Statutes.

“Public camping or sleeping” does not include:

(1) Lodging or residing overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be.

(2) Camping for recreational purposes on property designated for such purposes.

(d) *Public camping and sleeping prohibited.* 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 Orange County.

This prohibition does not apply to a person that Orange County has specifically authorized to engage in public camping or sleeping on public property designated for public camping or sleeping in accordance with Section 125.0231, Florida Statutes.

(e) *Notices.* A resident of Orange County, an owner of a business located in Orange County, or the Attorney General may provide written notice of an alleged violation of this section to the Orange County Board of County Commissioners.

- (1) The Orange County Administrator shall designate an e-mail address or other electronic submission method (to be displayed on Orange County's website) to serve as the primary means of the Orange County Board of County Commissioners receiving such written notice.
- (2) To enable Orange County to take reasonable action within the limits of Orange County's authority to cure an alleged violation of this section, the written notice must specify:
 - (i) The location of the alleged violation;
 - (ii) The date(s) of the alleged violation;
 - (iii) A description or photograph of the alleged violator; and
 - (iv) Any other information that will assist Orange County to cure the alleged violation.

Nothing in this section precludes a person from reporting alleged violations of this section directly to local law enforcement agencies.

(f) *Enforcement and penalties.*

- (1) Law enforcement officers with jurisdiction over the property where the violation occurred (including the Orange County Sheriff's Office and municipal law enforcement agencies, as applicable) are authorized to enforce this section.
- (2) In accordance with Section 125.69, Florida Statutes, and section 1-9, Orange County Code, violations of this section shall be prosecuted in the same manner as misdemeanors and punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment.

Sections 26-112 — 26-139. Reserved.

Section 3. Repeal of Laws in Conflict. All local laws and ordinances in conflict with any provision of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Filing of Ordinance and Effective Date. This Ordinance shall take effect pursuant to general law.

ADOPTED THIS 7 DAY OF January, 2025.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jennifer Ann - Kinney*
Deputy Clerk

