

ORDINANCE 2025 - 01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, RELATING TO PUBLIC CAMPING OR SLEEPING; PROVIDING CERTAIN FINDINGS; CREATING A NEW SECTION 40-7 OF THE JEFFERSON COUNTY CODE OF ORDINANCES PROHIBITING PUBLIC CAMPING OR SLEEPING; AMENDING SECTION 40-1 OF THE JEFFERSON COUNTY CODE OF ORDINANCES ENTITLED "DEFINITIONS;" AMENDING SECTION 40-4 OF THE JEFFERSON COUNTY CODE OF ORDINANCES ENTITLED "PROHIBITED ACTIVITIES IN COUNTY PARK AND RECREATION FACILITIES;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Florida Legislature in adopting Section 125.0231, Florida Statutes, has made it impermissible for counties to authorize or otherwise allow public camping or sleeping at public buildings, on public grounds, property or rights-of-way, with the exception of very particular circumstances such as for designated recreational uses; and

WHEREAS, the intent of the Florida Legislature in adopting Section 125.0231, Florida Statutes, was to fulfill an important state interest of ensuring the health, safety, welfare, quality of life, and aesthetics of Florida communities while simultaneously making adequate provision for the homeless population of the state; and

WHEREAS, Section 125.0231, Florida Statutes, places an obligation on counties and cities to proactively avoid violations of the new law, failure to do so subjects counties to civil actions by residents of the county, owners of a business located in the county or the Attorney General may enjoin violations of the new law, damages including attorneys' fees and costs may be imposed; and

WHEREAS, prior to bringing any recommendations before the Board of County Commissioners, County staff has closely monitored the progress of a United States Supreme Court case challenging the constitutionality of similar Oregon restrictions prohibiting encampments on public property; and

WHEREAS, the United States Supreme Court in City of Grants Pass, Oregon v. Johnson, et. al. 603 U.S. 520 (U.S. 2024), found that such laws are constitutional and do not violate the Eighth Amendment restriction on cruel and unusual punishment against homeless individuals; and

WHEREAS, the Board finds that while the County Code does not currently affirmatively allow public camping or sleeping, it is appropriate to amend the County Code to further align with

Section 125.0231, Florida Statutes and ensure it is clear that public camping or sleeping on any county facility, grounds, or right of way is prohibited unless designated as public camping for recreational use.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Jefferson County as follows:

SECTION 1. FINDINGS. The above recitals are true and correct and are hereby incorporated herein as if they had been set forth in their entirety.

SECTION 2. PROHIBITION OF PUBLIC CAMPING OR SLEEPING. A new Section 40-7 of the Jefferson County Code of Ordinances, entitled "Prohibition of Public Camping or Sleeping," is hereby adopted to read as follows:

Sec. 40-7. - Prohibition of Public Camping or Sleeping.

- (a) It shall be unlawful for any Person to engage in Public Camping or Sleeping in any County owned building or upon any County owned or controlled property, including, but not limited to, County Parks and Recreation Facilities, unless designated for Public Camping or Sleeping for recreational purposes by the County. For purposes of this prohibition, County owned property shall include the entirety of the parcel of property owned by the County, including, but not limited to, grass areas, sidewalks, and Parking Areas.
- (b) It shall be unlawful for any Person to engage in Public Camping or Sleeping upon any County owned or controlled street, sidewalk, right-of-way, public easement, or other County owned public ways unless designated for Public Camping and Sleeping for recreational purposes by the County.
- (c) In addition to the means of enforcement and penalties as provided in Section 40-5, any Person violating the prohibition established in this Section 40-7 may be subject to trespass violations in accordance with chapter 810, Florida Statutes. Law enforcement is authorized to take legal and necessary action to remove a person violating this subsection.

SECTION 3. AMENDMENT OF SECTION 40-1 OF THE JEFFERSON COUNTY CODE OF ORDINANCES. Section 40-1 of the Jefferson County Code of Ordinances, entitled "Definitions," is here by amended to add additional definitions as follows:

Sec. 40-1.- Definitions. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them

in this section, except where the context clearly indicates a different meaning:

* * *

Personal Property: All types of tangible personal property, including, but not limited to, tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, picnic tables, tiki huts, volleyball nets, hammocks, chairs, tables and other furniture, kayaks, canoes, catamarans, floats, surf boards, kites, coolers, toys, signs, blankets, vehicles, vessels, collapsible structures, sheds, and trailers.

* * *

Public Camping or Sleeping:

a. Lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space and evidenced by the erection of a tent, camper, or other temporary shelter, the presence of bedding or pillow, or the storage of personal belongings; or

b. Lodging or residing overnight in an outdoor space without a tent, camper, or other temporary shelter.

The term 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 during the authorized hours of operation for the County Park, Recreation Facility, or other County property; or 2. camping for recreational purposes on property designated by the County for such purposes.

* * *

[underline indicates additions; ~~striketrough~~ indicates deletions]

SECTION 4. AMENDMENT OF SECTION 40-4 OF THE JEFFERSON COUNTY CODE OF ORDINANCES. Section 40-4 of the Jefferson County Code of Ordinances, entitled "Prohibited Activities in County Parks and Recreation Facilities," is here by amended to amend subsection (a) and add a new subsection (c) to read as follows:

Sec. 40-4. – Prohibited Activities in County Parks and Recreation Facilities.

(a) Except for activities of a governmental agency within the scope of its governmental authority, it shall be unlawful for any person to do any one or more of the following in a County Park or Recreation Facility:

* * *

(21) Leave items of Personal Property unattended in a County Park, Recreation Facility, or on other County property outside the authorized hours of operation for the County Park, Recreation Facility, or other County property.

* * *

(c) Public Camping or Sleeping is restricted to County Parks where the County has authorized overnight camping. Otherwise, it shall be unlawful to engage in Public Camping or Sleeping as provided in Section 40-7.

[underline indicates additions; ~~striketrough~~ indicates deletions]

SECTION 5. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 6. CODIFICATION. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Jefferson County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

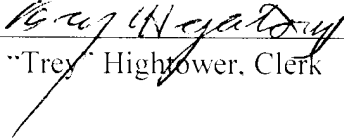
SECTION 7. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Jefferson County, Florida this 17 day of April, 2025.

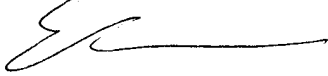
**BOARD OF COUNTY COMMISSIONERS OF
JEFFERSON COUNTY, FLORIDA**


Austin Hosford, Chairman

ATTEST


Cecil "Trey" Hightower, Clerk

APPROVED AS TO FORM


~~Heather Encinosa~~, County Attorney
Evan Rosenfeld