

## **ORDINANCE 2025-05**

**AN ORDINANCE OF THE TOWN OF MICANOPY, FLORIDA AMENDING THE TOWN OF MICANOPY CODE OF ORDINANCES, AS AMENDED; PROVIDING FOR THE AMENDMENT OF CHAPTER 30 OF THE TOWN OF MICANOPY CODE OF ORDINANCES TO ADD CHAPTER 30, ARTICLE IV, SECTION 86 – PROHIBITING PUBLIC CAMPING OR SLEEPING ON ANY PUBLIC PROPERTY, PUBLIC BUILDING, OR PUBLIC RIGHT-OF-WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR INCORPORATION IN THE TOWN OF MICANOPY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, Florida Statutes authorizes a municipality to enact regulations to protect the health, safety and welfare, and interests of the citizens of the Town; and

**WHEREAS**, On March 20, 2024, Governor Ron DeSantis signed House Bill 1365, which has been codified as Chapter 2024-11, Laws of Florida. The new law became effective on October 1, 2024, and creates Section 125.0231, Florida Statutes. The purpose of the law is to regulate public camping and public sleeping and is focused on Florida’s homeless population, which is over 30,000 persons; and

**WHEREAS**, While enacting House Bill 1365, the Florida Legislature considered evidence that approximately 50 percent of people experiencing homelessness in Florida were unsheltered, meaning their primary nighttime residence is a place not suitable for human habitation, such as a sidewalk, vehicle, abandoned building, or park. Living unsheltered can have significant impacts on a person’s health and safety; and

**WHEREAS**, the Town of Micanopy has a significant interest in providing a safe and pleasant environment and in eliminating public camping or sleeping on any public property, public building, or public right-of-way; and

**WHEREAS**, in accordance with Section 125.0231, the Town of Micanopy finds it necessary to codify its prohibition of public camping and sleeping on public property; and

**WHEREAS**, Chapter 30, Article IV of the Town of Micanopy Code of Ordinances listed various offenses for which civil penalties may be assessed for violation thereof. It is intended that this Ordinance shall be added to said list of violations; and

**WHEREAS**, the Town Commission of the Town of Micanopy finds it is in the best interest and welfare of the citizens, business owners, visitors and the homeless population of the Town of Micanopy to enact this Ordinance.

**NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF MICANOPY, FLORIDA THAT:**

**Section 1.** The above recitals are true and accurate and are hereby incorporated herein and made a part of this Ordinance.

**Section 2.** Chapter 30 of the Town of Micanopy Code of Ordinances entitled “Offenses and Miscellaneous Provisions” shall be amended to include 30-86 entitled “Prohibition Against Public Sleeping and Public Camping” which shall read as follows (words **struck through** have been deleted, and words **underlined** have been added):

**Sec. 30-86. Prohibition Against Public Sleeping and Public Camping:**

**(a) Findings. The Town of Micanopy has a significant interest in providing a safe and pleasant environment for its citizens, business owners, visitors and its homeless population by eliminating public camping or sleeping on any public property, public building, or public right-of-way. Public camping or public sleeping in a public place not suitable for human habitation, such as a sidewalk, vehicle, abandoned building, or park can have significant impacts on a person’s health and safety. The Town Commission of the Town of Micanopy hereby determines that this Section fulfills an important Town purpose by ensuring the health, safety, welfare, quality of life, and aesthetics of the Town of Micanopy; and**

**(b) Intent. The purpose and intent of this Section is to recognize the constitutional right of persons to gather in any lawful manner or place or time; however, public sleeping and public camping constitutes a threat and danger to health, safety, security and welfare to the citizens, business owners, visitors and the homeless population of the Town of Micanopy. The goal of this Section is to ensure the foregoing constitutional rights through reasonable regulation, acting to protect citizens, business owners, visitors and the homeless population.**

**(c) Definition. The following definition is hereby adopted for this Section:**

**1. “Public camping or sleeping” means:**

**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 or other temporary shelter, the presence of bedding or pillows, or the storage of personal belongings; or**

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

**2. The term does not include:**

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

**b. Camping for recreational purposes on property designated for such purposes.**

**(d) Violations. All Town code enforcement and law enforcement officers are hereby authorized to enforce this Section, as follows:**

- 1. No person may engage in public camping or sleeping on any public property, including, but not limited to, any public building or its grounds, any public park, or any public right-of-way.**
- 2. The penalty for the first violation shall be a \$50 fine; the penalty for a second offense shall be a \$100 fine; the penalty for a third violation shall be a \$200 fine; for each and every offense thereafter, the penalty shall be a \$200 fine and a mandatory court appearance shall be required. A warning notice may be issued in lieu of a fine if no prior violations have occurred. In addition to any penalty mentioned herein, a law enforcement officer may issue a trespass warning, or any other penalty prescribed for a violation of any applicable section of Chapter 810, Florida Statutes.**
- 3. All fines collected resulting from violations of this Section shall be held by the Town of Micanopy for the care of the homeless population to fund any non-profit organization that provides shelter, food, or medical care at the discretion and selection by majority vote of the Town Commission.**
- 4. Nothing within this Section precludes the Town of Micanopy from pursuing other civil or administrative remedies.**

**Section 3.** Authority. This ordinance is adopted pursuant to authority granted by Section 166.021, Florida Statutes, as amended, Sections 163.3161 through 163.3248, Florida Statutes, as amended, and Section 125.0231, Florida Statutes, as amended.

**Section 4.** Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** Inclusion in the Code, Scrivener's Error. It is the intention of the Town Commission of the Town of Micanopy, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Micanopy, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the Town Manager or designee without public hearing, by filing a corrected or recodified copy of the same with the Town.

**Section 6.** Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 7.** This ordinance shall take effect upon its passage at second and final reading.

**PASSED ON FIRST READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

**PASSED AND DULY ADOPTED,** with a quorum present and voting by the Town Commission of the Town of Micanopy, Florida, after properly dispensing with the final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**Attest:**

**Town Of Micanopy**

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Patty Polk  
Town Clerk

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Jiana Williams  
Mayor, Town of Micanopy

**Approved as to legal form and content:**

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A. Derek Folds, Town Attorney