



ORDINANCE 2026-02

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) Definitions. 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. Any person violating this section shall, upon being warned by a town official or a law enforcement officer, cease the prohibited activity. If the person continues the prohibited activity after such warning, the official or law enforcement officer may direct the individual to leave the premises. Any individual who does not leave as directed is subject to arrest for trespassing pursuant to Section 810.09 Florida Statutes.**
- 3. Any person meeting the definition of “homeless”, as defined in Title 24, Code of Federal Regulations, Section 583.5, violating this section shall first be offered an opportunity to go to a homeless shelter by a town official or law enforcement officer, if there is space available at such a shelter. The requirement to offer an opportunity to go to a homeless shelter shall not apply to any sexual predator or sexual offender subject to the registration requirements of Fla. Stat. § 943.0435, or to any person that is otherwise ineligible to stay at a homeless shelter.**
- 4. Nothing within this Section precludes the Town of Micanopy from pursuing other civil or administrative remedies.**

(e) Personal Property.

- 1. In the event law enforcement makes a physical arrest of any person under this Section, personal property belonging to the arrestee shall be retained by the Town for thirty-five (35) days after the person’s arrest or five (5) days after the person’s release, whichever is less. At the expiration of both of these time limits, the Town shall no longer be required to retain the personal property and may dispose of the personal property without notice.**
- 2. For purposes of this subsection, “personal property” means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value. Items having no apparent utility or monetary value and items in an unsanitary condition may be immediately discarded. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by law enforcement until an alternate disposition is determined. All personal property belonging to an arrestee which is not disposed of, or held as evidence, as provided above, shall be reasonably available for and released to an individual confirming ownership.**

(f) Signage.

1. At all times, the Town shall maintain no less than (2) signs, the location and design of which shall be determined by the Planning and Historic Preservation Board in compliance with Article 7 (Signs) of the Land and Development Code that includes at least the following information:

- a. "Overnight camping or sleeping is prohibited on public property"**
- b. "If you are in need of shelter or assistance, please call (352) 792-0800 (GRACE Marketplace)"**

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 _____, 2026.

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 _____, 2026.

Attest:

Town Of Micanopy

Patty Polk
Town Clerk

Jiana Williams
Mayor, Town of Micanopy

Approved as to legal form and content:

A. Derek Folds, Town Attorney