

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2024-687**

5 AN ORDINANCE AMENDING CHAPTER 614 (PUBLIC
6 ORDER AND SAFETY), SECTIONS 614.103 (RESERVED)
7 AND 614.138 (CERTAIN ACTIVITIES PROHIBITED;
8 DEFINITIONS), *ORDINANCE CODE*, TO PROHIBIT
9 PUBLIC URINATION AND DEFECATION AND TO
10 PROHIBIT UNAUTHORIZED PUBLIC CAMPING AT ANY
11 TIME WITHIN THE CITY; PROVIDING AN EFFECTIVE
12 DATE.

13
14 **WHEREAS**, commencing on October 1, 2024, the City is required
15 to begin enforcing section 125.0231, *Florida Statutes*, which was
16 enacted by the Florida Legislature and signed into law on March 20,
17 2024; and

18 **WHEREAS**, pursuant to section 125.0231, *Florida Statutes*, the
19 City may not authorize or otherwise allow regular public camping
20 and sleeping on public properties, including, but not limited to,
21 any public building or its grounds and any public right of way
22 under the City's jurisdiction; and

23 **WHEREAS**, commencing on January 1, 2025, section 125.0231,
24 *Florida Statutes*, authorizes City residents, an owner of a business
25 located in the City, and the Attorney General to file an injunction
26 lawsuit against the City for authorizing or allowing regular public
27 camping and sleeping, that is not otherwise permitted under the
28 statute; now therefore,

29 **BE IT ORDAINED** by the Council of the City of Jacksonville:

30 **Section 1. Amending Chapter 614 (Public Order and Safety)**
31 **Sections 614.103 (Reserved) and Section 614.138 (Certain Activities**

1 **Prohibited; Definitions), Chapter 614, Ordinance Code.** Sections
2 614.103 (Reserved) and 614.138 (Certain activities prohibited;
3 definitions), Chapter 614 (Public Order and Safety), *Ordinance*
4 *Code*, are hereby amended to read as follows:

5 **CHAPTER 614 PUBLIC ORDER AND SAFETY**

6 * * *

7 **Sec. 614.103 (~~Reserved~~ Urination and defecation).**

8 It shall be unlawful for any person to urinate or defecate in
9 or upon any street, sidewalk, alleyway, park, beach, public
10 building, publicly maintained facility or in any place open to the
11 public or exposed to public view. This section shall not apply or
12 restrict urination or defecation in any restroom fixture
13 specifically designed for the sanitary disposal of human waste
14 located within any restroom or within any other structure
15 designated by the City for such use. This section shall not apply
16 to urination or defecation in a diaper or medical device designed
17 to absorb or retain urine and feces. However, it shall be unlawful
18 to dispose of a used diaper or the contents of a diaper or medical
19 device in or upon any place regulated by this section. Violations
20 of this section shall be a class B offense and enforced by the
21 Sheriff.

22 The following conditions will constitute *prima facie* evidence
23 of public urination and defecation when a person:

24 (1) lies, sits or remains in a public place where there is
25 untreated or improperly treated human waste;

26 (2) maintains a condition capable of or favorable to breeding
27 flies, mosquitoes or other arthropods capable of transmitting,
28 directly or indirectly, diseases to humans as a result of the
29 presence of human waste; or

30 (3) maintains a condition that results in noxious and
31 nauseous odors that are irritating, annoying or offensive to a

1 person of normal sensibilities, or that are injurious to human,
2 plant or animal life, or that reasonably interfere with the use and
3 enjoyment of property.

4 * * *

5 **Sec. 614.138. Certain activities prohibited; definitions.**

6 (a) It shall be unlawful for any person ~~within the "Urban~~
7 ~~Core Enhancement Area"~~ to engage in the following conduct:

8 (1) Public camping or sleeping on or in any public
9 property, public building, or public right-of-way under
10 the jurisdiction of the City unless conducted on a public
11 property the City has designated for such purpose
12 pursuant to section 125.0231, Florida Statutes~~Sleep,~~
13 ~~camp, lodge or lie on any sidewalk, highway, street,~~
14 ~~roadway, parking lot, park or picnic grounds, or other~~
15 ~~public or semi-public area, or in any building lobby,~~
16 ~~entranceway, plaza or common area;~~

17 (2) Unless the place is temporarily or permanently set
18 apart or designed for lodging in motor vehicles, to sleep
19 or lodge in or on any motor vehicle of any description,
20 including any vehicle designed to be towed, that is
21 parked in or on any street, sidewalk, highway, roadway,
22 right-of-way, parking lot, park or picnic grounds or
23 other public or semi-public area, or parked upon the
24 grounds of any other persons without permission of the
25 such person; or

26 (3) Construct or maintain on or in any public property,
27 public building, or public right-of-way within the City
28 unless conducted on a public property the City has
29 designated for such purpose pursuant to section 125.0231,
30 Florida Statutes~~on any sidewalk, highway, street,~~
31 ~~roadway, right-of-way, parking lot, park or picnic~~

1 ~~grounds or other public or semi-public area, or upon the~~
2 grounds of any other person without the permission of
3 such person, any building, structure, tent, tarp or any
4 other thing that is intended to be used for housing
5 accommodations or for public camping or sleeping,
6 ~~lodging, sleeping or camping.~~

7 Violations of this subsection shall be a class B offense and
8 shall be enforced by the Sheriff. In the event the Sheriff makes a
9 physical arrest of any person under this subsection, personal
10 property belonging to the arrestee shall be retained by the City
11 for thirty-five days after their arrest or five (5) days after
12 their release, whichever is less. For purposes of this subsection,
13 "personal property" means any item reasonably recognizable as
14 belonging to a person and having apparent utility or monetary
15 value. Items having no apparent utility or monetary value and
16 items in an unsanitary condition may be immediately discarded.
17 Weapons, drug paraphernalia, items appearing to be stolen, and
18 evidence of a crime may be retained as evidence by the Sheriff
19 until an alternate disposition is determined. All personal
20 property belonging to an arrestee which is not retained, disposed
21 of, or held as evidence, as provided above, shall be reasonably
22 available for and released to an individual confirming ownership.

23 * * *

24 (d) Certain terms used in this Section shall have the
25 following meanings:

26 * * *

27 (2) Public camping or sleeping means:

28 (i) Lodging or residing in a temporary outdoor
29 habitation used as a dwelling or living space and
30 evidenced by the erection of a tent or other temporary
31 shelter, the presence of bedding or pillows, or the

1 storage of personal belongings; or

2 (ii) Lodging or residing in an outdoor space without
3 a tent or other temporary shelter.

4 (iii) The term does not include lodging or residing
5 in a motor vehicle that is registered, insured, and
6 located in a place where it may lawfully be parked for
7 temporary lodging or residing.

8 (iv) The term does not include camping for
9 recreational purposes on property designated for such
10 purposes. ~~Camp or camping means either sleeping or~~
11 ~~otherwise being in a temporary shelter out-of-doors,~~
12 ~~sleeping out-of-doors or cooking over an open flame out-~~
13 ~~of-doors, except that "camp" or "camping" does not~~
14 ~~include in their meaning only so-called "tailgating,"~~
15 ~~picnicking or other similar temporary celebratory~~
16 ~~activity conducted in good faith in connection with the~~
17 ~~occurrence of a legitimate sporting event, concert,~~
18 ~~theatrical event or similar activity conducted by a~~
19 ~~school, college, professional sports association,~~
20 ~~orchestra, governmental agency, religious or civic~~
21 ~~organization or Section 501(c)(3) organization.~~

22 * * *

23 **Section 2. Effective Date.** This ordinance shall become
24 effective upon signature by the Mayor or upon becoming effective
25 without the Mayor's signature.

26 Form Approved:

27
28 /s/ Jason R. Teal

29 Office of General Counsel

30 Legislation prepared by: Jason R. Teal

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