

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Member Miller and amended by the
3 Neighborhoods, Community Services, Public Health and Safety
4 Committee:

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7 **ORDINANCE 2024-687-E**

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

15
16 **WHEREAS**, commencing on October 1, 2024, the City is required
17 to begin enforcing section 125.0231, *Florida Statutes*, which was
18 enacted by the Florida Legislature and signed into law on March 20,
19 2024; and

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

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

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

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

7 **CHAPTER 614 - PUBLIC ORDER AND SAFETY**

8 * * *

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

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

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

- 28 (1) lies, sits or remains in a public place where there is
29 untreated or improperly treated human waste;
30 (2) maintains a condition capable of or favorable to breeding
31 flies, mosquitoes or other arthropods capable of

1 transmitting, directly or indirectly, diseases to humans as
2 a result of the presence of human waste; or

3 (3) maintains a condition that results in noxious and nauseous
4 odors that are irritating, annoying or offensive to a person
5 of normal sensibilities, or that are injurious to human,
6 plant or animal life, or that reasonably interfere with the
7 use and enjoyment of property.

8 * * *

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

10 (a) It shall be unlawful for any person ~~within the Central Core~~
11 ~~Enhancement Area, after having been informed by a police officer that~~
12 ~~the following conduct is in violation of a City ordinance, and having~~
13 ~~been furnished by such police officer a card or other information~~
14 ~~sheet showing the locations of transient and/or homeless shelters,~~
15 to engage in the following conduct:

16 (1) Public camping or sleeping on or in any public property,
17 public building, or public right-of-way under the
18 jurisdiction of the City unless conducted on a public
19 property the City has designated for such purpose pursuant
20 to section 125.0231, Florida Statutes~~Sleep, camp, lodge or~~
21 ~~lie on any sidewalk, highway, street, roadway, parking lot,~~
22 ~~park or picnic grounds, or other public or semi-public area,~~
23 ~~or in any building lobby, entranceway, plaza or common area;~~

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

1 (3) Construct or maintain on or in any public property, public
2 building, or public right-of-way within the City unless
3 conducted on a public property the City has designated for
4 such purpose pursuant to section 125.0231, Florida
5 Statutes~~on any sidewalk, highway, street, roadway, right-~~
6 ~~of way, parking lot, park or picnic grounds or other public~~
7 ~~or semi-public area,~~ or upon the grounds of any other person
8 without the permission of such person, any building,
9 structure, tent, tarp or any other thing that is intended
10 to be used for housing accommodations or for public camping
11 or sleeping, ~~lodging, sleeping or camping.~~

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

28 * * *

29 (d) Certain terms used in this Section shall have the following
30 meanings:

31 * * *

1 (2) Public camping or sleeping means:

2 (i) Lodging or residing in a temporary outdoor habitation
3 used as a dwelling or living space and evidenced by the
4 erection of a tent or other temporary shelter, the presence
5 of bedding or pillows, or the storage of personal
6 belongings; or

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

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

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

26 * * *

27 **Section 2. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
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1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Jason R. Teal

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