

**ORDINANCE 2024 - 19**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA CREATING AND AMENDING THE FOLLOWING SECTIONS OF THE OKALOOSA COUNTY CODE OF ORDINANCES: CREATING SECTION 1-19 OF CHAPTER 1, TITLED “PROHIBITION OF PUBLIC CAMPING OR SLEEPING WITHIN COUNTY BUILDINGS OR ITS GROUNDS”; CREATING SECTION 19-2 OF ARTICLE I, CHAPTER 19, TITLED “PROHIBITION OF PUBLIC CAMPING OR SLEEPING ON COUNTY STREETS, SIDEWALKS, RIGHT-OF-WAY AND OTHER PUBLIC WAYS”; AMENDING SECTION 16-41, ARTICLE II, CHAPTER 16 PROVIDING FOR A DEFINITION OF “PUBLIC CAMPING OR SLEEPING”; AMENDING SECTION 16-43(A), ARTICLE II, CHAPTER 16, TITLED “OVERNIGHT CAMPING”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, the Florida Legislature in adopting Chapter No. 2024-11, Laws of Florida, has made it impermissible, effective October 1, 2024, for counties and municipalities 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 Chapter No. 2024-11, Laws of Florida, 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**, Chapter No. 2024-11, Laws of Florida, places an obligation on counties and cities to proactively avoid violations of the new law, failure to do so subjects counties and municipalities 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**, County staff has been proactive in meeting with municipal partners and law enforcement to determine the best approach forward to demonstrate proactive enforcement of the provisions of Chapter 2024-11, Laws of Florida; 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 of public property; and

**WHEREAS**, the United States Supreme Court in City of Grants Pass, Oregon v. Johnson, et. al, 603 U.S. \_\_\_\_; Case No. 2023-175 (June 28, 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 it appropriate to create and amend its Code of Ordinances to further align with Chapter No. 2024-11, Laws of Florida 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 Okaloosa 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.** Section 1-19 titled “Prohibition of Public Camping or Sleeping Within County Buildings or Its Grounds”, Chapter 1 of the Okaloosa County Code of Ordinances, is hereby created as follows (note ~~strikethrough~~ text indicates deletions, underline text indicates additions):

**Section 1-19. Prohibition of Public Camping or Sleeping within County Buildings or Its Grounds.**

- (a) It shall be unlawful for any person, as defined in Section 1-2, to publicly camp or sleep in any County owned building or its grounds unless designated for public camping and sleeping for recreational purposes by the County. For purposes of this prohibition, grounds shall include the entirety of the parcel of property owned by the County beyond the building, including, but not limited to, grass areas, sidewalks and parking facilities.
- (b) For purposes of this section, “Public Camping or Sleeping” shall have the following meaning:
  - 1) 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 belonging; or

- 2) Lodging or residing overnight in an outdoor space without a tent or other temporary shelter.
  - 3) 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; or 2. Camping for recreational purposes on property designated by the County for such purposes.
- (c) Any person violating the prohibition established in subsection (a) 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.** Section 19-2 titled “Prohibition of Public Camping or Sleeping on County Streets, Sidewalks, Right-of-Way and Other Public Ways”, Article I, Chapter 19 of the Okaloosa County Code of Ordinances, is hereby created as follows (note ~~strike through~~ text indicates deletions, underline text indicates additions):

**Section 19-2. Prohibition of Public Camping or Sleeping on County Streets, Sidewalks, Right-of-Way and Other Public Ways.**

(a) It shall be unlawful for any person to publicly camp or sleep upon any County owned street, sidewalk, right-of-way or other County owned public ways unless designated for public camping and sleeping for recreational purposes by the County.

(b) For purposes of this section, “Public Camping or Sleeping” shall have the following meaning:

- 1) 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 belonging; or
- 2) Lodging or residing overnight in an outdoor space without a tent or other temporary shelter.
- 3) 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; or 2.

Camping for recreational purposes on property designated by the County for such purposes.

(c) Any person violating the prohibition established in subsection (a) 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.

Secs. ~~49-2~~ 19-3-19.50. – Reserved

**Section 4.** Section 16-41, Article II, Chapter 16 of the Okaloosa County Code of Ordinances, titled “definitions” is hereby amended to delete the definition of “Camping” and include the following additional definition (note ~~strickethrough~~ text indicates deletions, underline text indicates additions):

~~*Camping* means the erection of shelter or a similar structure for the purpose of sleeping; or sleeping or lying upon the beach or recreational area either under or outside of any shelter, vehicle, bedroll, blanket, or other protective garb.~~

*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 pillow, or the storage of personal belongings; or
- b. Lodging or residing overnight in an outdoor space without a tent 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; or 2. camping for recreational purposes on property designated by the County for such purposes.

**Section 5.** Section 16-43(a), Article II, Chapter 16 of the Okaloosa County Code of Ordinances, titled “Overnight Camping” is hereby amended to include the following additional definition (note ~~strickethrough~~ text indicates deletions, underline text indicates additions):

(a) ~~*Overnight camping*~~ *Public Camping or Sleeping*. ~~Overnight~~ Public camping or sleeping is restricted to posted parks only. Otherwise, it shall be unlawful to publicly camp, sleep or leave non-permitted items such as, but not limited to, personal property as defined in subsection 16-41 above, collapsible structures, sheds,

trailers, etc. unattended overnight and/or those time periods during which the beaches, county parks, or recreational areas are closed.

**Section 6. Conflicts.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of the County, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**Section 7. Severability.** If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**Section 8. Codification.** It is the intention of the Board that the provisions of this Ordinance shall become a part of the County's Code of Ordinances, as amended. The provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word to accomplish such intention.

**Section 9. Effective date.** The provisions of this Ordinance shall take effect as provided by law.

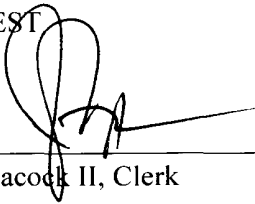
**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Okaloosa County, Florida this 17th day of September, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
OKALOOSA COUNTY, FLORIDA

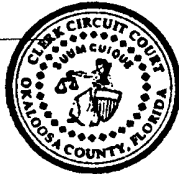


Paul Nixon, Chairman

ATTEST



JD Peacock II, Clerk



APPROVED AS TO FORM



Lynn M. Hoshihara



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

September 19, 2024

Honorable J. D. Peacock II  
Clerk of the Circuit Court  
Okaloosa County  
101 East James Lee Boulevard  
Crestview, Florida 32536-1359

Dear Honorable J.D. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Ordinance No. 2024-19, which was filed in this office on September 19, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

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**R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250**  
**Telephone: (850) 245-6270**