



Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 125.66(3), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that Okeechobee County has determined that Sec. 125.66(3), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 125.66(3), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, Okeechobee County may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

ORDINANCE NO. 2024-0003 – AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKEECHOBEE COUNTY, FLORIDA, CREATING SECTION 58-78, “PUBLIC CAMPING OR SLEEPING ON ANY PUBLIC PROPERTY, PUBLIC BUILDING, OR PUBLIC RIGHT-OF-WAY PROHIBITED” OF THE OKEECHOBEE COUNTY CODE OF ORDINANCES; PROHIBITING PUBLIC CAMPING AND SLEEPING; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR FINDINGS AND INTENT; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Applicable Exemptions:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the county government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - Development orders and development permits, as those terms are defined in s. 163.3164 and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;

- Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the county;
- Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

Okeechobee County hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

This ordinance creates Section 58-78, "Public camping or sleeping on any public property, public building, or public right-of-way prohibited," of the Okeechobee County Code of Ordinances, in order to comply with the newly enacted Section 125.0231, Florida Statutes.

On March 20, 2024, Governor Ron DeSantis signed House Bill 1365, which has been enacted as Chapter 2024-11, Laws of Florida, 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.

While enacting House Bill 1365, the Florida Legislature found that living unsheltered (meaning that a person's primary nighttime residence is a place not suitable for human habitation, such as sidewalks, vehicles, abandoned buildings or parks) can have significant impacts on a person's health and safety. The Florida Legislature further considered that jurisdictions that have placed restrictions on public camping have seen significant declines in the size of the homeless populations.

Section 125.0231, Florida Statutes, prohibits counties from authorizing any person to regularly engage in "public camping or sleeping" on any public property, public building, or public right-of-way, unless the county designates certain property for such purposes and administers such property in accordance with an extensive and costly set of regulations promulgated by the Department of Children and Families.

The prohibition applies to residing overnight with or without a tent. It does not apply to residing overnight in a registered, insured motor vehicle which is parked in a lawful place, nor does it apply to camping for recreational purposes on property designated for such purposes.

The attached ordinance creates Section 58-78 to comply with Section 125.0231, Florida

Statutes, by prohibiting lodging or residing on public property overnight, either in a temporary outdoor habitation used as a dwelling or living space or without a tent or temporary shelter. It clarifies that “public camping or sleeping” does not include residing overnight in a registered, insured motor vehicle parked in a lawful place, or recreational camping in designated areas, again to achieve consistency with Section 125.0231, Florida Statutes. The attached ordinance authorizes code enforcement and law enforcement officers to enforce the ordinance with fines that increase for repeated offenses. It also authorizes law enforcement officers to issue a trespass warning or use other penalties available and applicable pursuant to Chapter 810, Florida Statutes.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the county, including the following, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:

None.

(b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:

None.

(c) An estimate of the county’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:

Minimal to none. The County already does not permit the activities prohibited by the ordinance. The ordinance is being adopted to clearly demonstrate compliance with the new requirements of Sec. 125.0231, Fla. Stat.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:

None.

4. Additional information the governing body determines may be useful (if any):

N/A

Note: Okeechobee County’s provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. Okeechobee County’s failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 125.66(3), Fla.

Stat., Sec. 125.675, Fla. Stat., or any other relevant provision of law.