



TASK FORCE ON IMPROVING HUMAN SERVICES

FRIDAY, SEPTEMBER 5, 2014
2 P.M.

Hagler/Mason Conference Room
2nd Floor, City Hall


AGENDA

1. Call to Order
2. Approval of Minutes—July 29, 2014
3. Notice of Resignation from Task Force—Member Sara Latshaw
4. Consultant Review of Prior Recommendations and Introduction of Proposed Recommendation #5 *Modification of Existing Ordinances* (15 minutes)
5. Task Force Member Discussion of All Recommendations (60 minutes)
6. Public Comment on Proposed Recommendations
7. Vote on Consultant Recommendation #5 *Modification of Existing Ordinances*
8. Consultant Preview of Final Report and Summary of Activity
9. Adjourn

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MEMORANDUM

To: Members of the Task Force on Improving Human Services

From: John Johnson, Chairman 

Subject: Objectives for Final Meeting of the Task Force

Date: August 28, 2014

The final meeting of the Task Force on Improving Human Services will be held Friday, September 5, 2014 from 2 p.m. to 5 p.m. The agenda and supporting materials for the meeting are attached. Please contact Eric Olson if you have any trouble viewing the documents.

For this meeting, there are four main objectives:

1. Discuss and approve Dr. Marbut's final recommendation. (Please review in advance)
2. Discuss the four (4) City of Pensacola Ordinances. (Please review in advance)
3. Discuss ordinances from Sarasota County that Dr. Marbut recommends. (Please review in advance)
4. Finally, as a Task Force Member, you will have an opportunity to provide your own recommendation for improving human services. (Please prepare your comments in advance)

Members will have an opportunity to go on record. All comments will be Forwarded to the City Council along with the Task Force recommendations and Dr. Marbut's report for further consideration by the City Council.

Again, please be prepared and plan on limiting your remarks so that everyone has time to speak.

Attached are Dr. Marbut's recommendation on modifying ordinances, text of the City of Pensacola Ordinances, draft ordinances from Sarasota County, the meeting agenda, and minutes from our last meeting.

CITY OF PENSACOLA TASK FORCE ON IMPROVING HUMAN SERVICES

Meeting Minutes
July 29, 2014, 3 p.m.

Members Present: Chairman John Johnson, Vice Chairman Nathan Monk, Dr. Samuel Mathews, Chase Saale, Steve Shell, Garry Sammons, Randy Wilkerson, Dr. Frank Sansone, Sara Latshaw, Zoya Webster-Phillips and Lynn Schweigert

Members Absent: None

Others Present: Consultant Dr. Robert Marbut, Jr., Eric Olson, Elaine Mager, Rusty Wells, Michael Barfield, Marcie Whitaker, Tom Dannheisser, Bob Rogers, Carrie Cromeey, Michael Kimberl.

1. Call to Order

The meeting was called to order by Chairman Johnson. A quorum was established.

2. Approval of the Minutes

Review of minutes. Motion to approve the minutes was made by Member Wilkerson, seconded by Member Mathews and unanimously approved by members present. (Task Force Members Zoya Webster-Phillips and Lynn Schweigert had not arrived and were absent for the vote.)

Eric Olson again reviewed the formation of the Task Force by City Council, the Scope of Work and Project Phases of the Task Force, the consultant's role and the report/recommendations from the Task Force that will ultimately be submitted to the City Council for their consideration.

Member Steve Shell, who replaced former Judge Kenneth Bell on the Task Force, was introduced. He serves on the Board of Directors of the Waterfront Rescue Mission.

3. Re-Visit Consultant Proposed Recommendation—The Culture of Transformational Change

Consultant Marbut indicated that he was originally brought in to review the ordinances and that they needed to be Pottinger compliant and that there were several issues that needed to be addressed in order to be Pottinger compliant. From the recommendations proposed at the last meeting, he took comments that were made and revised Proposed Recommendation 1, Need to Move from a Culture of Enablement to a Culture of Engagement. He tried to soften the language, improve the dignity issue and still maintain the change in culture.

Member Mathews made a motion to approve Recommendation 1 and was seconded by Member Sammons.

Vice Chairman Monk indicated that he had spent some time with Dr. Marbut discussing this recommendation and had expressed some concerns about it. After reading through it and attempting to change it, he was rewriting a completely different recommendation. He briefly explained why he was not going to vote in favor of the recommendation. Specifically the idea of serving the homeless community as being something to move away from. For religious communities and communities of faith, there is an element of serving whenever you see a need. To move those services to a single facility as opposed to an individual seeing a need and being able to respond to that need. He appreciated the idea of having a dignified awareness campaign, however he didn't see a way that the community could be educated away from enablement without relying on social stereotypes.

Member Mathews reworded the third bullet in the recommendation to read: By moving from a culture of enablement to a culture that engages homeless individuals in all aspects of their daily lives, the entire community would be better served including the homeless.

Member Sansone stated that he felt the term enabling was the problem, since it has always been attached to addiction and how we help. Is there a term that can distinguish between enabling, which has negative consequences, sustaining the person, maintaining the person to continue what they are doing vs that we are helping people survive. Some way there has to be a way to help because that is part of the engagement. Perhaps incentives more than penalties are needed. Encourage and support and get people there rather than penalize them for their failures. Or penalizing others that want to help in some way. It is not always enable.

Member Sammons stated that if it was just the term "enabling", perhaps a word like perpetuating, exacerbating, or condoning could be used.

Consultant Marbut stated that's not what is happening here. What's happening here is that you are enabling and it's not being used as a marketing device to get people into programming. He's been out with many agencies and individuals in the community and when you deliver goodies out, never once try to get a person to come into a program that's exactly what it is, enabling. Perpetuating is another accurate word, also.

Vice Chairman Monk further expressed his concerns regarding the demographics of homeless people in the community. The state of homelessness is lesser than the state of being housed and those of us who are housed are better than those who are homeless.

There are people who choose to be homeless and do so for very legitimate reasons. There are people who want to get help and often seek help. The real problem is lack of available services in our community, not that there are people who are homeless. His other concern is that there is not a single homeless person on the Task Force or has come to speak to this Task Force and before decisions are made that are going to dramatically change the entire culture as a community, before hearing from people who are actually dealing with these things on the streets is a very dangerous prospect.

Member Mathews offered another wording suggestion to get rid of the word "enabling". Instead of "By moving from a culture of enablement...something like: By moving beyond simply sustaining the individuals status quo to a culture that engages...

Consultant Marbut stated that what he is pointing out is negative. Based on National Best Practices, he sees it as a negative, based on what he's seen in the community and in other cities. Every agency that he went out with that works with the encampments never once during any aspect his activity out there said let's get you mental health services, let's plug you into job training, let's plug you into substance abuse, do you need services someplace else. It was all about what do you want me to bring you tomorrow, or Saturday or next week.

4. Public Comment on Proposed Recommendation.

Chairman Johnson asked for public comment on Recommendation No. 1.

Michael Kimberl, who works with homeless outreach Sean's Outpost and volunteers with Food Not Bombs expressed his concerns with the proposed recommendation. He found it problematic, filled with things that were not true as far as dramatically increasing the number of street-level chronic homeless individuals and that it needed to be looked at further.

Member Sansone expressed a concern if what the community is doing is increasing homelessness, people don't give up their houses, their domiciles, their jobs in order to get food on the street. Why are we putting all these other things before we are putting housing. Habitat for Humanities and other programs talk about providing a stable home or house and having a house changes the outlook and changes their lives. There is not any county or city money in any of these programs, in any human service programs except for law enforcement time and money. The problem is housing and it needs to be front and center.

Member Saale stated that she was a former homeless person, a single mom who provided for her family with food stamps and that she could see both sides. She does want to serve the people in need in the most effective way. If statistics and research

show that handing a few dollars out the window is not the best way, then take a step back and re-evaluate what's being done. We all have the same goal, just different ways of how to go about it. In fairness, take a look at a better, more effective way to do it. There are a lot of places in our community that do provide services but they are not collaborating effectively. The ultimate goal of the Task Force is to not stop serving the homeless but do so more effectively.

Member Wilkerson stated that his perception is that it is a transition. We are going from a status quo to something else, but it's not going to happen like tomorrow. It is much like HMIS, it is a long process to get where we are. This is a transition and in order for it to be effective and do what we all want it to do, it is going to take everybody working more closely together to come up with a plan to get from where we are to where we are helping folks improve their situation.

Chairman Johnson stated that homelessness is incredibly complicated. The opinions of how we address it are as diverse as the positions of the Task Force members. Homelessness for those coming out of corrections, for youth aging out of foster care, families that if you didn't help them with rent, would slip into homelessness, we have those that are chronically homeless, meaning that they have some sort of disabling condition that even if you got them housed, it would take intensive case management support to keep them there because they have recurring issues, such as mental health and substance abuse. The unaccompanied youth, those numbers are increasing. Homelessness in the school system is increasing. While HUD changes its definition of homelessness, whether you are precariously housed or are facing eviction, it doesn't change the fact that you are defined as being homeless. He applauded the work that Mr. Kimberl is doing with Sean's Outpost, but what is wrong with taking a MOU or partnership with community based mental health and getting case managers to come to your location, combining your feeding with some sort of access to services. This is what we are talking about. Many of the programs in the community are siloed and we are trying to move from being siloed to cooperation and collaboration. The sharing of expertise and resources, that is the purpose of the centralized, coordinated effort. It will take time to move the community forward.

Member Latshaw inquired about that collection of data used in coming up with the recommendations.

Consultant Marbut indicated that the data used in the first bullet came from a national mega trend and a mega trend in Florida. Florida's mega trend went up 10% last year. The weather is a large driving factor. Feeding becomes one of the number one enablers of not coming out of recovery. If people continue to bring food it creates a condition of not engaging in programming.

Vice Chairman Monk made a motion to table Recommendation 1, seconded by Member Latshaw. Vote was taken and failed 3 – 8, with Members Monk, Sansone and Latshaw assenting.

Member Mathews offered friendly amendments to the motion to approve Recommendation 1 to reword the third bullet in the recommendation to read: **By moving from a culture of enablement to a culture that engages homeless individuals in all aspects of their daily lives, the entire community would be better served including the homeless.** The second language change is the next to the last bullet to read: **Engagement is most effective when it is dignified, kind, caring and compassionate rather than mean spirited.**

Member Sammons who seconded the original motion accepted the friendly amendment to the language change and seconded the motion. Vote was taken and carried 9 – 2, with Members Monk and Latshaw dissenting.

5. Consultant Proposed Recommendation—Housing Units for Families with Children

Consultant Marbut reviewed Proposed Recommendation 3. If Loves and Fishes is the lead family with children agency; they currently have ten rooms. We asked Loves and Fishes and several other agencies how many people were being turned away, how many were on a wait list. The numbers showed that there were 106 unduplicated people on a wait list who asked about moving in. When you take into consideration the turnover, that number goes down to 92. If you just need some assistance to maintain living in a house or an apartment, it is cheaper and better to provide assistance rather than bring you out of that into transitional housing. When you look at the reason, about 30% can be case managed in place. That number could even be a little higher. There is about another 30% that their issue is really not about homelessness or in a hodgepodge of not qualifying, when you take that down, you get to a minimal of 37 new units needed. The 24 number came into it if you wanted to begin by taking the edge off of the minimal units needed. You don't want to build too much capacity too fast. Once you get there, then you re-evaluate. Loves and Fishes max stay is three weeks. National Best Practice for families with children averages 8 weeks. If you want low recidivism rate 8 weeks is about average, however some agencies have 12 weeks.

Vice Chairman Monk moved to adopt proposed Recommendation 3, seconded by Member Sansone.

Consultant Marbut explained in concept how to accomplish establishing new units at Loves and Fishes by building in place and possibly buy several stand alone homes.

Member Shell asked what would be the practical impact if the Task Force adopted this recommendation. We don't have dollars, we don't have the ability to set this in motion ourselves. What is the process.

Consultant Marbut indicated it would go to the City Council. Separate from the recommendation, he would produce a report that talks about some budget items. Realistically, funds would need to come from the City and County and the agencies that are basically affected by Recommendations 3 and 4 have said we need some blessing, that there is some research that backs up, that says we need it and so they are willing to go out and start some fund raising and restructuring of their operations. It gets the process started. By no means are we saying there is identified any money against it. This is our gap. This is tied to ordinances, ordinances that you cannot legally enforce because there wasn't capacity per Pottinger rule. If you want to enforce anything on the families with children side, this is your minimal starting-point.

Chairman Johnson stated that we are also broadly saying it to the community. As the lead agency for this continuum of care, he could take it to his board of directors and have it become one of the long range processes where they adopt state funding to address this issue. He felt like the numbers were too low.

Vice Chairman Monk indicated that there was some new state funding coming in the fall and action needs to be taken quickly to apply for funding into our community. He also felt like the numbers were too low and that once there was more room available to find ways to advertise the availability of more room.

Member Schweigert stated with all the churches in the community, why couldn't they advertise to the churches to adopt a family, like Big Brother – Big Sister type programs. Most faith based organizations want to help.

Chairman Johnson indicated that there is an initiative that the ESCAROSA Coalition is doing in partnership with other organizations in Santa Rosa to create housing stock. It's called the one year, one family, one year program and in that process, they are partnering with Habitat for Humanity to utilize housing stock that has been repossessed that they are cleaning up for use and that won't go back to families. Hopefully, that process could possibly be adopted in Escambia as well to address transitional housing for families.

Member Wilkerson inquired by adding emergency and transitional units, how this would affect the COC and HUD's priority of permanent units.

Chairman Johnson explained that the adoption of the National goal for permanent housing is not equal to the need that currently exists in our community.

Consultant Marbut indicated that the federal money could be used for permanent housing; the local funds to emergency and transitional. There are gaps in both.

Chairman Johnson indicated that the new state funding is the Challenge Grant and the targeted populations for that grant are youth aging out of foster care, homeless children or households where there are children and unaccompanied youth. The grant is about \$3.8 million for the entire state of Florida divided by 28 continuums of care. There is a process for lead agencies to apply for that funding. He's held two meetings, one with the Board of Directors of the ESCAROSA Coalition and one with the Continuum of Care organizations to address what the specific needs are for these funds in our community and overwhelmingly, they felt that they needed to address families.

6. Public Comment on Proposed Recommendation 3.

Chairman Johnson called for public comments. There were none. (For the record, Member Mathews left the meeting)

Consultant Marbut asked for clarification, based on the comments made concerning the number of housing units, if the language in the recommendation needed to be changed.

Member Sansone stated that he would like to see an alternative to Loaves and Fishes because they are reluctant to take on too much.

Consultant Marbut suggested to strike the 24 and start with 37 and then add some phrase that says this is a starting point, maybe instead of saying ideally.

Member Wilkerson stated that by combining the second bullet with the first bullet and take the 24 out would accomplish that

Vice Chairman Monk made an amendment to his motion to change the language to: **Ideally, Loaves and Fishes should add 37 emergency housing units for families-with-children and as a starting point for operating and budgeting reasons, the increase in housing units should be phased.** Member Webster-Phillips seconded the motion and it was unanimously carried.

Chairman Johnson called for the vote on the motion as amended and it was unanimously carried.

7. Consultant Proposed Recommendation—"Come-As-You-Are" Services

Consultant Marbut reviewed Proposed Recommendation 4. There were a lot of ordinances made that could never have been utilized unless you have a capacity for chronic men or women and a lot of either perceived or real attempts to arrest people or not arrest people, the blanket ordinance and such like that. Unless you increase capacity, at least at the emergency level, there is simply no way you can enforce anything under Pottinger because you are simply not Pottinger compliant. This recommendation says that we are going to increase the capacity, work with Waterfront Rescue Mission. It incorporates a lot of issues. The only restrictions are ambulatory and violence. It is not contingent on faith based or religious or anything else. The capital investments and improvements already exist at the Waterfront Rescue Mission, the operating costs are an issue. Need to unduplicate, align and then grow capacity. You can't apply any ordinance unless you fix the issues outlined in Recommendations 3 and 4.

Member Sammons moved for adoption of Recommendation 4. Vice Chairman Monk seconded the motion.

Member Sansone asked how receptive the discussions have been with the Waterfront Rescue Mission, having had a history with this kind of idea and concept when he was on the ESCAROSA Coalition Board, the idea was called a WET facility for camping out behind the new facility, which never came about. So, how receptive have they been to this concept and not emphasizing faith based.

Consultant Marbut explained WET vs Come As You Are. WET implies that you can drink on site. Come as you are means just that, as long as you are ambulatory. It doesn't imply that there is drinking and drugging on the campus. As far as the faith issue, any program that would receive government funding could not have faith based services tied to it. That's clear, its constitutional and it's understood. There have been open and honest conversations held with the different aspects of the Come As You Are program.

Vice Chairman Monk asked how this would translate for people in the LGBT community, specifically for people who identify as trans.

Consultant Marbut indicated that they were not into operational details yet, but there are two ways that it has been done in come as you are programs. Pinellas County, which operates under Floridian rules, has been able to find a very successful way to do that. The only two restrictions in come as you are, you have to walk in and you cannot be violent.

Member Sansone stated that the concept of master case managers is very important to a lot of the brokering of services and a holistic approach. Master case managers are operating with intensive case management, not just brokering services. But the word engagement is very important to that process. Intensive case managers form relationships with the people, become their main focus or primary source of social support in their transition and making sure the other services are always working out for the person. Engagement and that social support environment where everyone is supportive, teachers, job trainers, social workers, case managers.

8. Public Comment on Proposed Recommendation 4.

Chairman Johnson called for public comment on Proposed Recommendation 4.

Michael Kimberl stated that he strongly agrees with the come as you are philosophy. He expressed his concerns with the Waterfront Rescue Mission in general and the reputation they've had in the past as to who they allow in and who they do not allow in and also the flooding issues they've experienced.

Member Wilkerson indicated that the County has an expansive study going on in that area and ties in with the Stormwater Task Force, but one of the projects that is being worked on is a drainage solution for that whole area.

Chairman Johnson called for the vote on Proposed Recommendation 4 and it was unanimously carried, with Member Shell abstaining from voting because he is on the Board of the Waterfront Rescue Mission.

9. Consultant Preview of Next Meeting

Consultant Marbut indicated that the next meeting would focus on ordinances, what to do with the existing ordinances. He will bring forward a set of ordinances that he's been working on with Michael Barfield, Vice President of the ACLU State Board.

Chairman Johnson announced the next meeting would take place on August 29 at 1 p.m.

Vice Chairman Monk voiced his concern about the time the Task Force meetings are held and that the public is very interested in these ordinances and asked if the Task Force could consider changing the time.

Member Wilkerson suggested possibly moving the time to 4 – 6 or 4:30 – 6:30.

Consultant Marbut also stated that in considering the ordinances, to possibly look at creating a county wide ordinance instead of having one for the city and another for the county. He is a believer of having unified ordinances. The County is getting engaged now. There might be the desire to have the County be the lead on an ordinance and have it apply county wide. That is a possibility out there.

Further discussion was held concerning the importance of getting maximum public input, scheduling convenient dates and times, possible interim report and request for extension of contract in order to review the ordinances.

Consultant Marbut indicated that he could change his schedule to September 5.

Member Sansone made a motion to move the next meeting to September 5 at 5:30 p.m., seconded by Member Shell and was unanimously carried.

10. General Public Comment

Chairman Johnson asked for public comments. No one wished to speak.

11. Adjourn

There being no further business to come before the Task Force, the meeting was adjourned at 4:50 p.m.

Elaine Mager

From: Eric Olson
Sent: Tuesday, August 26, 2014 2:56 PM
To: 'Sara Latshaw'
Cc: Elaine Mager; Rusty Wells
Subject: RE: City Task Force -- Meeting Date and Time

Thank you for letting me know. I will inform the Chairman and the other members when I send out the agenda packet for the next meeting.

r/ Eric Olson

From: Sara Latshaw [<mailto:slatshaw@aclufl.org>]
Sent: Tuesday, August 26, 2014 2:18 PM
To: Eric Olson
Subject: RE: City Task Force -- Meeting Date and Time

Eric,

I must resign from the homelessness task force. I do not support the criminalization of homelessness, nor does the ACLU. Thus, I will not take part in the review/recommendations of ordinances to the City Council and hope that the task force will reconsider such measures.

Best of luck,

Sara Latshaw | Director, Northwest Region
American Civil Liberties Union Foundation of Florida—Northwest Region
Post Office Box 12723 | Pensacola, FL 32591-2723
Direct 786.363.2735 | Office 850.429.9128 | Mobile 850.637.4835
Because Freedom Can't Protect Itself | www.aclufl.org

From: Eric Olson [<mailto:E Olson@cityofpensacola.com>]
Sent: Wednesday, July 30, 2014 12:48 PM
To: Eric Olson
Cc: marbutr@aol.com; Rusty Wells; benboefuneralhom@bellsouth.net; chase@chasesaale.com; fathernathan@gmail.com; fsansone@uwf.edu; John Johnson; Sammons, Gary M.; schweigertg@bellsouth.net; Sara Latshaw; smathews@uwf.edu; Stephen B. Shell (sshell@shellfleming.com); wrwilker@co.escambia.fl.us
Subject: City Task Force -- Meeting Date and Time

Dear Task Force Members,

Due to an oversight on my part the time of the next meeting of the Task Force must be changed. City Hall is not open after 5pm on Fridays therefore the next meeting is scheduled from 2:00 pm to 5:00 pm on Friday, September 5, in the Hagler/Mason room in City Hall.

Please contact me if you have questions.

r/

Eric Olson
Initiatives Coordinator
Office of the Mayor
City of Pensacola
T: (850) 435-1696
C: (850) 529-2889

Task Force Approved:

Proposed Recommendation 1

Need to Move from a Culture of Enablement to a Culture of Engagement

The Challenge

There are many programs in Escambia County that functionally discourage engagement into 24/7 holistic treatment programs, this in turn enables many homeless individuals to remain homeless.

Pensacola and the greater Escambia County community need to move from a *Culture of Enablement* to a *Culture of Engagement*. This includes service agencies, volunteers, staffs, donors, funders, government agencies, programs, residents, tourists and the homeless community. The vision should no longer be to “serve” the homeless community but instead be to dramatically and consequentially increase “street graduation” rates. Handouts given outside of recovery programs (eg camping equipment, food and cash), although well intended by nice folks, actually perpetuate and increase homelessness through enablement. Rather than enabling acts of charity by well-meaning people, food and cash donations should be redirected to high performing agencies. A dignified awareness campaign should be developed to educate and encourage the overall community on how to move from a culture of “enablement” to a culture of “engagement.”

- If the greater Escambia community keeps doing the same activities in the same ways, the number of street-level chronic homeless individuals will dramatically increase.
- The vision should be to no longer “serve” the homeless community, but instead be to dramatically and consequentially increase “street graduation” rates. A street graduation occurs when an individual moves from living on the street (or in an encampment) to an improved quality of life that allows an individual to be a productive community citizen.
- The entire community needs to move from a culture of enablement to a culture that engages homeless individuals in all aspects of daily life. Free food handouts and cash from panhandling - although well intended by nice folks - actually perpetuate and increase homelessness through enablement. Food and cash donations should be redirected to high performing agencies.
- “Hanging-out” should be replaced by “program participation.” Every effort possible must be made to engage individuals into 24/7 programming.
- Engagement should never be mean - instead engagement should always be dignified, kind, caring and compassionate.
- If Escambia successfully shifts from a culture of enablement to a culture of engagement, news of this shift will be passed to homeless individuals nationwide. Individuals who want to avoid engagement thus will be reluctant to come to Escambia despite the attractions of the weather.

Task Force Approved:

Proposed Recommendation 2

Transform HMIS from a “Score Keeper Model” to a “Proactive Case Management Tool”

The Challenge

There are several agencies and programs that do not use the HMIS (Homeless Management Information System), and the agencies that do use HMIS sometimes have input delays.

The Homeless Management Information System (HMIS) needs to be transformed from a “Score Keeping Model” to a “Proactive Case Management Model.” To accomplish this, data input needs to be universal (eg by all agencies) and data input needs to be in real time (eg same day or faster input). In order to promote universal agency participation, funding to service agencies by foundations, government agencies, United Way and the Continuum of Care should become contingent upon being proactive participants in HMIS.

- The current system provides a helpful “score-keeper” function. However, HMIS needs to move from being a passive score-keeper to being a proactive case management tool within a truly integrated Master Case Management System.
- The current HMIS software system and management systems are well structured and are outstanding relative to peer communities around the USA. The recent move by the EscaRosa Coalition on the Homeless (ECOH) to integrate with the Alabama HMIS system with EscaRosa HMIS will significantly increase the robustness of the information.
- Universal real-time HMIS data-input produces four highly desired results:
 - 1- Allows HMIS to become a proactive case management tool.
 - 2- Accurately illuminates the scope and structure of the homelessness situation.
 - 3- Deters “gaming.”
 - 4- Creates a more robust system.
- To improve information flow and lower the barriers of entry, an “universal release” form should be developed and used by all agencies.
- All homeless agencies who receive funding from United Way, Escambia County, cities, foundations and federal agencies, should be formally required by the granting/funding agency to input all HMIS data in real-time. Funding should be contingent upon pro-active HMIS participation and real-time data entry.
- HMIS needs sustained staffing and technical resources in order to continually improve the functionality, sophistication and capacity needed to become a proactive case management tool.

Task Force Approved:

Proposed Recommendation 3

Need to Increase the Number of Emergency Housing Units for Families-with-children.

The Challenge

There is a crisis gap between the demand for emergency/transitional housing and supportive services for homeless families-with-children than there is in existing supply.

Loaves and Fishes operates an outstanding emergency/transitional housing program for families-with-children. However Loaves and Fishes simply does not have the capacity to handle all the families in need. There is a wait list to get into Loaves and Fishes. Additionally, Loaves and Fishes operates on a 3-week program cycle, yet national best practice posits for a program cycle around 8-weeks. Therefore, a fundraising campaign needs to be implemented to raise enough construction and operating dollars to expand the number of units for families-with-children.

- Ideally, Loaves and Fishes should add between 24 and 37 emergency housing units for families-with-children.
- For operating and budgeting reasons, the increase in housing units should be phased.
- Also for operating and budgeting reasons, the lengthening of the program cycle from 3-weeks to around 8-weeks could also be phased.
- As new operating systems and improved efficiencies take affect, the number of new units needed should be reevaluated.

Establish True “Come-As-You-Are” (CAYA) Services at the Waterfront Rescue Mission

The Challenge

Escambia County and Pensacola City do not have true 24/7 Come-As-You-Are services anywhere.

Establish 24/7/168/365 adult men’s and women’s “Come-As-You-Are” (CAYA) programing at the Waterfront Rescue Mission similar to the services at Pinellas Safe Harbor and Prospects Courtyard at Haven for Hope. This would become the main intake portal for adult homeless men and women within Escambia County and Pensacola City. All adult homeless services county-wide should “spoke off” of this main hub. Once CAYA services are operational, all county-wide street feeding programs, food pantry programs and day-time service centers for adult homeless men and women ideally would be relocated within the CAYA operation. This should also be the location of the Master Case Managers for adult homeless men and women.

- National best practices indicate that communities need to have at least one 24/7 “Come-As-You-Are” emergency center (sometimes referred to as a low-demand-shelter). Yet, Escambia County does not have a true Come-As-You-Are 24/7 facility.
- CAYA would be modeled after Pinellas Safe Harbor and Prospects Courtyard (San Antonio), and to a lesser extent CASS (Phoenix), Star of Hope (Houston), St. Patrick Center (St. Louis) and The Bridge (Dallas).
- The CAYA operation at Waterfront Rescue Mission would then act as the master community intake-portal for all adult homeless men and women.
- Initially CAYA services would be co-located at the Waterfront Rescue Mission. At a later date, CAYA operations might need to be relocated for capacity reasons.
- Because of the increasing number of homeless, the CAYA services should be established as fast as possible.
- It is critical to co-locate as many holistic homeless service programs as possible within the CAYA operations. Homelessness is too big a challenge for one program or one agency to address alone in isolation. All non-24/7 agencies/programs that are serving homeless adults within the entire County should be encouraged to relocate their adult services to CAYA. It is critical for all agencies to be part of a “strategic system” and not be wed to specific locations. Like great sport teams, individual agencies need to adopt a team-winning attitude in which the team is first while individual agencies are second.
- Attached is a listing of possible services to include within CAYA. Realistically, it is likely that different services would be phased in over time.

Attachment to Recommendation 4

- The following services should be included within CAYA (full-time and/or part-time):
 - + Engagement into CAYA:
 - * Outreach - interface with Homeless Outreach Teams (HOTs)
 - * Intake, registration and assessment
 - * Master Case Management
 - + Medical:
 - * Medical (on-campus and off-campus referrals)
 - * Dental (off-campus referrals)
 - * Vision (mostly off-campus referrals)
 - * Pharmacy services (on-campus)
 - * Mental health (on-campus and off-campus referrals)
 - * Addictive disorders and substance abuse services (on-campus and off-campus referrals)
 - + Job Placement Services:
 - * Legal services and ID recovery
 - * Life skills training
 - * Job skills training (includes interview and resume training)
 - * Job placement, coaching and enlisting business community support for jobs
 - + Hygiene Services:
 - * 24/7 bathrooms
 - * Showers
 - * Hygiene skills training and services
 - * Hair cut services (to be presentable for job interviews)
 - + Overnight Sleeping:
 - * Low demand sheltering
 - * Transitional living
 - + Feeding:
 - * Establishment of a commercial kitchen
 - * Food and meals
 - * Coordination of meals (delivery and prep from non-profits and churches)
 - + Other Support Services:
 - * Clothing closet
 - * Housing out-placement
 - * Veteran services
 - * Daytime activities

- * Property storage
- * Donation center
- + Administration:
 - * Administrative services
 - * Security
 - * Storage
 - * Volunteer coordination
 - * Community service work crews
- CAYA must be a “Good Neighbor.” A robust “buffer” around CAYA might need to be developed. Additionally, CAYA needs to be laid out in such away as to create positive ergonomic flow and defensible space.
- For safety reasons, the queuing for intake must occur inside CAYA and not on the street.
- Safety, health and hygiene are all negatively impacted by dirty, soiled and cluttered environments. Therefore, CAYA needs to embrace national best practices of “*Look, Feel and Smell*” standards:
 - + all areas need to be organized neatly and uncluttered (look)
 - + all areas need to be warm and nurturing (feel)
 - + all areas need to smell like a nice home - should not smell dirty and soiled, nor should it smell like cleaning solutions (smell)
- Having high standards dignifies the folks being helped while fostering higher standards for staff and volunteers. Individuals respond to their surroundings. Neat, clean and warm feeling environments lead to more positive outcomes than dirty, soiled and cluttered environments. Embracing a high environmental quality also helps in being a good neighbor.
- How a facility is operated is as equally important to where a facility is sited. The goal is to reduce the hanging-out and minimize the “crumb-trail” between service agencies by encouraging individuals to come into programming.
- High quality environments also increase resources to agencies in the following four ways:
 - + increases volunteers
 - + increases funding
 - + increases staff member and volunteer productivity
 - + extends the useful life of the physical plant and infrastructure
- “Specialty service providers” and “referral service providers” should also be located at CAYA.

- A master case management system needs to be built upon the existing Waterfront Rescue Mission program. Master Case Managers should conduct the initial intakes into the HMIS system, do initial and ongoing assessments, develop the individual recovery-action-plans and be proactive “navigators” of the recovery-action-plans. Master Case Managers would develop and customize all aspects of the recovery-action-plans for each homeless individual receiving services. Master Case Managers would then proactively monitor and manage each recovery-action-plan.

Modification of Existing Ordinances

The Challenge

The City of Pensacola has a set of ordinances that in part would likely not withstand legal challenge(s) for internal and external reasons.

The City of Pensacola has a set of ordinances that are likely not “Pottinger” compliant and thus would likely lose a legal challenge if they were to be enforced. Furthermore, the City ordinances are not aligned closely enough with the ordinances of Escambia County.

- In order for any ordinances to be utilized, the ordinances would need to be “Pottinger” compliant (see Pottinger vs. City of Miami). Per the Federal U.S. Court of Appeals Eleventh Circuit in Atlanta “Pottinger” is the controlling legal interpretation of the Federal law relating to homeless individuals. Pottinger has several compliance aspects, but the critical standard that pertains to Pensacola and Escambia is there is no available alternative capacity within the shelter system. Simply stated, before an ordinance can be enforced there must be existing available capacity within the shelter system before someone can be sent to jail.
- In order for ordinances to be effective, the ordinances need to be uniformed (or very closely aligned) between the City of Pensacola and the County of Escambia. If the ordinances are not closely aligned then the aggregated homeless population will move to the jurisdiction that has the “less strict” ordinances.
- In the professional opinion of the Consultant, the existing ordinances would likely not withstand a legal challenge.
- Defensible, usable and functional ordinances should be developed in order to give law enforcement practical tools that can be successfully used.
- For legal and fiduciary reasons, this advisory Task Force should not be the body that drafts such ordinances on a word-by-word basis. Instead, this Task Force should recommend “broad principles” for the ordinances. The word-by-word drafting should be done within the City Attorney’s office in consultation with experts within the field of homeless law.
- Attached are a set of ordinances that have been collectively drafted by a very wide spectrum of stakeholders and advocates in Sarasota County. The Sarasota work group used existing ordinances and court rulings from a wide range of cities and counties across Florida. The attached drafts are in the process of going before the different city and county councils/commissions for final approval.

Sec. 8-1-22. Camping prohibited; exceptions

- (1) For purposes of this section, "camping" is defined as:
 - (a) Cooking over an open flame or fire out-of-doors; or
 - (b) Bathing in public for purposes of personal hygiene; or
 - (c) Sleeping out-of-doors under one of the following circumstances:
 - (i) Adjacent to or inside a tent or sleeping bag, or
 - ~~(ii) Atop and/or covered by materials such as a bedroll, cardboard, newspapers, or~~
 - (iii) Inside some form of temporary shelter.
- (2) Camping is prohibited on all public property, except as may be specifically authorized by the appropriate governmental authority.
- (3) Camping is prohibited on all property in the city used for residential purposes; provided, however, that camping is permitted on such property with the permission and consent of the property owner.
- (4) An individual in violation of this ordinance who has no private shelter, shall be advised of available shelter in the City of Pensacola or Escambia County, in addition to any penalties of law.
(Ord. No. 17-13, § 1, 5-23-13)

Note: City Council voted to amend this ordinance on 02/13/2014 by deleting paragraph 1.c.ii.

Sec. 8-1-23. City restrooms—Prohibited activities.

It shall be unlawful for any person to perform any of the following activities in any restroom facility provided by the city or located on city-owned property:

- (a) Sleep;
- (b) Shave, bathe or shower; provided, however, that showering is permitted where shower facilities are specifically provided for public use;
- (c) Construct a bed or other shelter;
- (d) Prepare for consumption any food or drink;
- (e) Launder any article of clothing;
- (f) Ignite, light or stoke an open flame, fire, sterno or other flammable device or substance;
- (g) Mark upon or otherwise deface any surface of the facility.

(Ord. No. 18-13, § 1, 5-23-13)

Sec. 8-1-24. Public elimination prohibited.

- (1) It shall be unlawful to urinate or defecate in a public space other than one set aside and designated for that particular purpose.
- (2) Violation of this section shall be as provided by section 1-1-8 of the Code of the City of Pensacola, Florida.

(Ord. No. 19-13, § 1, 5-23-13)

Sec. 8-1-25. Panhandling.

- (1) *Legislative findings:* The City Council of the City of Pensacola, Florida, hereby makes the following findings:
 - (a) Aggressive soliciting, begging or panhandling warrants justifiable alarm or immediate concern for the safety of persons or property and can cause apprehension and fear in the intended target of the soliciting, begging or panhandling.
 - (b) Soliciting, begging or panhandling on the public roadways or rights-of-way creates a safety hazard for both pedestrians and those travelling upon the roadways and rights-of-way, and poses a disruption to the free flow of traffic.
 - (c) The City of Pensacola has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the city.
- (2) *Definitions.*
 - (a) *Arterial roadway* means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.
 - (b) *Begging* means, for purposes of this section only, the same as soliciting, below.
 - (c) *Community outreach services* means a public or private services provider that offers residential, rehabilitative, medical or social services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation or homeless assistance services for individuals in need thereof. One example of an entity that can help individuals access such services is First Call For Help.
 - (d) *Community redevelopment areas* means those areas of the city the city council has found to be areas of slum and blight as set forth in F.S. §§ 163.330—163.463. The city's community redevelopment area for the purposes of this act is the Urban Core Community Redevelopment Area described in Ordinance No. 13-84, bounded by the west by "A" Street; on the north by Cervantes Street; on the east by 17th Avenue, the L&N Railroad trestle and the mouth of Bayou Texar; and on the south by Pensacola Bay. The city council may establish additional community redevelopment areas pursuant to F.S. §§ 163.330—163.463.
 - (e) *Panhandling* means, for purposes of this section only, the same as soliciting, below.
 - (f) *Soliciting* means, for purposes of this section only, any request made in person on a street, sidewalk or public place, asking for an immediate donation of money or other thing of value, including the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is a donation. Soliciting shall not include passively standing or sitting with a sign or other indication that one is seeking donations without addressing the request to any specific person.
- (3) *Soliciting prohibited in certain areas or under certain circumstances.* It shall be unlawful for any person to solicit, beg or panhandle in the city limits of the City of Pensacola in the following areas or under the following circumstances:
 - (a) On any day after sunset, or before sunrise; or
 - (b) When either the panhandler or the person being solicited is located at any of the following locations:
 1. At a bus stop.
 2. In any public transportation vehicle.
 3. In any public transportation facility.

4. In a vehicle which is parked or stopped on a public street or alley.
 5. In a sidewalk cafe.
 6. Within twenty (20) feet from any ATM machine or entrance to a financial institution.
 7. Within twenty (20) feet of a public toilet facility.
 8. From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this prohibition shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle; or
- (c) In an aggressive manner, to include any of the following:
1. Touching the solicited person without the solicited person's consent.
 2. Panhandling a person while such person is standing in line and/or waiting to be admitted to a commercial establishment.
 3. Blocking, either individually or as part of a group of persons, the path of a person being solicited, or the entrance to any building or vehicle.
 4. Following behind, ahead or alongside a person who walks away from the panhandler after being solicited.
 5. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled.
 6. Panhandling in a group of two (2) or more persons, or
- (d) Within five hundred (500) feet of the intersection of two (2) arterial roads in the Urban Core Community Redevelopment Area (CRA):

Main Street and Palafox Street

Bayfront Parkway and 9th Avenue

Garden Street and North Palafox Street

Chase and North Palafox Street

Cervantes and North Palafox Street

East Cervantes Street and 9th Avenue

East Gregory Street and 9th Avenue

East Gregory Street and Bayfront Parkway

East Chase Street and 9th Avenue

East Chase Street and Bayfront Parkway

North Alcaniz Street and East Chase Street

North Alcaniz Street and East Cervantes Street

North Davis Highway and East Cervantes Street

- (4) *Penalties.* Violation of this section shall be enforced by application of the penalties set forth in section 1-1-8 of the Code of the City of Pensacola, Florida.

In addition, the officer issuing a citation under this article may elect to contact community outreach services, such as United Way's First Call For Help, in order to determine whether a referral can be made or services offered to assist the individual cited. In the event the officer is unable to contact community outreach services at the time of the officer's contact with the person accused of violating this section, the officer may supply the person with information sufficient for the person to make such contact at a later time.

(Ord. No. 20-13, § 1, 6-13-13)

ORDINANCE NO. 2014-

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, CREATING ARTICLE IV OF CHAPTER 90 OF THE CODE OF ORDINANCES OF SARASOTA COUNTY, FLORIDA, RELATING TO QUALITY OF LIFE CONCERNING HOMELESSNESS; CREATING SECTION 90-73 APPLICABILITY; CREATING SECTION 90-74 FINDINGS OF FACT; CREATING SECTION 90-75 DEFINITIONS; CREATING SECTION 90-76 CAMPING IN TEMPORARY SHELTERS; CREATING SECTION 90-77 STORAGE OF PERSONAL PROPERTY; CREATING SECTION 90-78 PUBLIC URINATION AND DEFECATION PROHIBITED; CREATING SECTION 90-79 PANHANDLING; CREATING SECTION 90-80 ENFORCEMENT AND PENALTIES; CREATING SECTION 90-81 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners seeks to discourage unlawful activity, including on private and public property;

WHEREAS, the Board of County Commissioners seeks to maintain a safe and orderly environment on private and public property;

WHEREAS, the Board of County Commissioners recognizes an individual's constitutionally protected liberty interest to be in or on public property of their choosing when such public property is generally open to the public;

WHEREAS, the Board of County Commissioners desires to avoid criminalization of the use of temporary shelters and storage of personal property on public property and public rights-of-way, and instead bring about voluntary compliance;

WHEREAS, the provisions of Chapter 705, Florida Statutes, governing lost or abandoned property do not address the issue of lost or abandoned property on lands or improvements in private ownership;

WHEREAS, the Board of County Commissioners seeks to protect persons from the threat of aggressive panhandling;

WHEREAS, on November 26, 2013, Dr. Robert G. Marbut, Ph.D. released his final written report entitled, "Homeless Services Gap Analysis";

WHEREAS, the final written report from Dr. Marbut recommends that the ordinances should be drafted in such a way as to promote engagement into holistic programs, and not "criminalize" the condition of homelessness; and

WHEREAS, the Board of County Commissioners seek to balance the need of protecting use of property with efforts not to criminalize the condition of homelessness.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY:

SECTION 1. Article IV of Chapter 90 of the Code of Ordinances of Sarasota County, Florida, entitled "Strategic Plan for Homelessness," is hereby created.

SECTION 2. Section 90-73 of the Code of Ordinances of Sarasota County, Florida, is hereby created as follows:

Sec. 90-73. Applicability

This article shall be applicable to all of the unincorporated area of Sarasota County.

SECTION 3. Section 90-74 of the Code of Ordinances of Sarasota County, Florida, is hereby created as follows:

Sec. 90-74. Findings of Fact.

(1) Sarasota County population of homeless individuals has been documented by the following activities.

(a) In September 2013, a nationally recognized expert on homelessness, Robert G. Marbut Jr. Ph.D., oversaw a week-long survey in Sarasota County to count the single-adult-homeless population. The result of the survey identified 1,460 individuals, of those 655 individual were currently unsheltered. It is estimated of the unsheltered individuals, 120-150 persons are located in unincorporated Sarasota County.

(b) In January 2014, the Suncoast Partnership to End Homeless conducted the 2014 Point-in-Time Survey, which is a one day count of homeless individuals. The result of the survey identified 1,163 individuals.

(c) According to data collected by Sarasota County Health and Human Services, homeless individuals on average represent 21% of the Sarasota County Jail's population, 44% of admissions to the Addiction Receiving Facility, 28% of admissions to the Mental Health Crisis Stabilization Unit and 2.1% of all Sarasota County 911 emergency medical calls.

(2) The current financial costs to Sarasota County related to direct and indirect homeless services, through not-for-profit organizations, has been identified at \$2,753,268 annually.

(3) The financial costs to Sarasota County's Emergency Medical Service (EMS) to respond and transport homeless individuals to medical care has been identified at \$1,405,664 annually.

(4) The cost to incarcerate homeless individuals in the Sarasota County Jail has been identified at \$5,667,808 annually.

(5) The EMS and jail costs provide only crisis stabilization services and by nature are not designed to treat the root causes of homelessness.

(6) The local not-for-profit organizations regularly report to the Office of Homeless Services that while their services provide treatment, the lack of available housing and sheltering interfere with the ability to provide continuum of care services to those in need.

(7) Sarasota County Human Services has identified that while currently there are 1,004 beds in the community to include emergency shelter, transitional housing and permanent housing, all of these beds have restricted access. Sarasota County currently has zero unrestricted beds available for homeless individuals.

(8) Sarasota County currently has no facility with unrestricted beds to accommodate homeless individuals 24 hours a day, 7 days per week.

(9) On November 26, 2013, homeless expert Robert G. Marbut Jr. recommended to the Sarasota County Commission the establishment of a shelter with unrestricted beds where homeless individuals may remain 24 hours a day, 7 days a week to receive services to address their root causes of homelessness and divert their use of the jail and emergency room.

(10) Except in places provided therefore or where reasonably necessary, sleeping, lying down, or reclining on public streets, sidewalks and walkways interferes with the primary purposes of pedestrian and vehicle flow on the public street, sidewalk or walkway.

(11) Public urination and defecation contribute to unsanitary conditions, potential disease, and stormwater pollution.

(12) The storage of personal property on private or public property interferes with use of the property.

(13) The plight of homeless persons who must perform certain life-sustaining activities, such as sleeping outdoors due to a lack of available space in an Available Shelter, storage of personal property outdoors, or public urination, should not be resolved through criminal sanction, but rather by encouraging homeless persons to seek temporary lodging and aid from social services at an Available Shelter.

SECTION 4. Section 90-75 of the Code of Ordinances of Sarasota County, Florida, is hereby created as follows:

Sec. 90-75. Definitions

The following definitions shall apply to the interpretation and enforcement of this Article:

Abandoned Property shall have the same meaning as defined in Chapter 705, Florida Statutes.

Available Shelter shall mean a private or public shelter for a Homeless Person, with a bed or mat for sleeping and restrooms provided at no cost to the Homeless Person, within the territorial boundaries of Sarasota County, that treats homeless persons with dignity and respect, accepts those who may be impaired by the use of drugs and/or alcohol, imposes no religious requirements, and does not impose involuntary substance abuse or mental health treatment.

Beach means any sandy or rocky area located waterward or seaward of the vegetation line or a bluff. Where a functioning shore-parallel seawall or rock revetment exists, the beach shall constitute the sandy or rocky area located seaward or waterward thereof.

Homeless Person shall mean an individual that lacks a fixed, regular, and adequate night time residence or has a primary night time residency that is: (a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (b) an institution that provides a temporary residence for individuals intended to be institutionalized; or (c) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. The term does not include any person imprisoned or otherwise detained pursuant to general law.

Lost Property shall have the same meaning as provided in Chapter 705, Florida Statutes.

Public Property shall mean property owned, leased, operated or managed by a government or one of its agencies, divisions or entities, including but not limited to structures, conveyances, parks, Public Beach Park, Public Natural Area, Public Recreation Area, trails, playgrounds, streets, sidewalks, rights-of-way, libraries, docks, pavilions, parking lots, vacant lots, fenced land, posted land, easements, and other property generally used by the public.

Public Right-of-Way shall mean land in which the state, the Florida Department of Transportation, a county, or other public entity owns the fee or has an easement associated with any road, including the public sidewalks.

Public Beach Park means any public parkland contiguous to a Beach or separated by a roadway from a Beach that is located along the Gulf of Mexico and/or Big Sarasota Pass, Venice Inlet, or a reestablished Midnight Pass, including parking areas associated with the Public Beach Park.

Public Natural Area means any property owned or leased by Sarasota County or the municipalities for public use and preservation of its natural resources.

Public Recreation Area means any property owned, leased, or operated by Sarasota County or the municipalities and used for a public park including, but not limited to, parking areas and public accesses associated with the Public Recreation Area.

Public Restroom means a restroom which is dedicated to public use where any person may avail him or herself of a toilet or urinal and sink without requiring the permission of any other person or business.

Road shall mean the road surface, medians, travel lanes, turn lanes and all ways open to travel by operators of motorized vehicles within Sarasota County. The definition excludes private roads and roads that are not open to motor vehicle travel, and sidewalks open for pedestrian travel.

Road Surface shall mean the flat paved or concrete area of the road intended for vehicular use, including any bicycle or breakdown lanes, gutters, and any curb to the top of the curb abutting the paved or concrete area.

Sidewalk shall mean that portion of the Right-of-Way between the Road Surface and the adjacent property lines intended for use by pedestrians. A sidewalk may be paved or unpaved.

SECTION 5. Section 90-76 of the Code of Ordinances of Sarasota County, Florida is hereby created as follows:

Sec. 90-76. Camping.

(1) *Prohibition of Camping.* It shall be unlawful and a violation of the Code for any person to Camp, except as otherwise provided in this Code.

(2) *Camp or Camping Defined.* Camp or camping shall mean lodging out-of-doors, which must include demonstration of at least one of the following elements:

(a) the laying down of bedding, such as a blanket, sleeping bag, bed roll, newspapers, cardboard, or similar material for sleeping purposes; or

(b) the erection, use, or occupation of any tent, hut, lean-to, shack, temporary shelter, or the like.

(3) *Probable Cause.* Before issuing a summons or making an arrest under this section, a law enforcement officer must:

(a) determine that one or more of the following factors exist:

(1) numerous items of personal belongings can be seen in and around the bedding, tent, hut, lean-to, shack, temporary shelter, or the like;

(2) cooking activities are observed or admitted to by the occupant;

(3) evidence of an existing or past fire is observed or admitted to by the occupant;

(4) evidence of digging or earth breaking activities are observed or admitted to by the occupant;

(5) evidence that the person is asleep or the occupant admits to sleeping in the bedding, tent, hut, lean-to, shack, temporary shelter, or the like; or

- (6) any affirmative statement by the occupant that he or she has no other place to live.
 - (b) afford the person the opportunity to remove the bedding, tent, lean-to, shack, temporary shelter, or the like, without return to Public Property, Public Right-of-Way, or private property without the permission of the owner;
 - (c) find that Available Shelter exists;
 - (d) afford the person the opportunity for free transport to Available Shelter; and
 - (e) hear the person's refusal of the offer for free transport to Available Shelter.
- (4) *Exceptions.* The prohibition in subsection (1) of this section shall not apply under any of the following circumstances:
- (a) To any person using any Public Beach Park, Public Natural Area, or Public Recreation Area during posted hours of operation and in accordance with any posted rules.
 - (b) To any person who is using a camping area approved by the parks and recreation departments of the County or municipalities and in accordance with any posted rules.
 - (c) Any conduct which is in conformity with the conditions of any permit pursuant to this Code.
 - (d) To any person camping with the permission of the County Administrator, a City Manager, or the property owner.

SECTION 6. Section 90-77 of the Code of Ordinances of Sarasota County, Florida, is hereby created as follows:

Sec. 90-77. Storage of Personal Property

(1) *Storage of Personal Property.* It shall be unlawful for any person to place or store personal property in or on Public Property, Public Right-of-Way, or private property except with the permission of the property owner.

(2) *Removal of Personal Property.* A person shall not be charged with a violation of this section if the person removes or causes to be removed all prohibited items from any Public Property, Public Right-of-Way, or private property immediately and does not return any personal property to any Public Property, Public Right-of-Way, or private property except with the permission of the property owner.

(3) *Destruction of Personal Property of a Homeless Person.* With the exception of any personal property that poses a health hazard to officers or members of the public, in no event shall a law enforcement officer, code enforcement officer, or outreach worker destroy any personal property known to belong to a Homeless Person, or readily recognizable as property belonging to a Homeless Person (i.e., bedding or clothing or other belongings organized or packaged together in a way indicating it has not been abandoned) except as specified in this section.

(4) *Handling Personal Property of a Homeless Person.* A law enforcement officer, code enforcement officer, or outreach worker shall make a reasonable attempt to ascertain the rightful owner of the personal property stored in violation of subsection (1) and request its removal. When collecting and disposing of the personal property, whether found on public or private property, the procedure detailed in Chapter 705, Florida Statutes, shall be followed. All Abandoned Property may be disposed of consistent with Chapter 705, Florida Statutes. All Lost Property shall be moved to a secure indoor or outdoor location until claimed or otherwise disposed of through the procedure detailed in Chapter 705, Florida Statutes.

SECTION 7. Section 90-78 of the Code of Ordinances of Sarasota County, Florida, is hereby created as follows:

Sec. 90-78. Public urination/defecation prohibited; exceptions.

(1) *Prohibition.* It is unlawful for any person to urinate or defecate on any Public Property, Public Right-of-Way, or private property without the permission of the owner unless such urinating or defecating is made into a toilet or urinal connected to a septic system, central sewer system, or other sanitary disposal system, except as otherwise allowed in this Code.

(2) *Exceptions.* The prohibition in subsection (1) of this section shall not apply in any of the following circumstances:

(a) To any children under eight (8) years old;

(b) To any person when there is no Public Restroom available within a one-mile radius.

SECTION 8. Section 90-79 of the Code of Ordinances of Sarasota County, Florida, is hereby created as follows:

Sec. 90-79. Panhandling.

(1) *Panhandling Defined.* As used in this article, panhandling shall mean any solicitation made in person, in which a person requests an immediate donation or money or other gratuity from another person, and includes but is not limited to seeking donations:

(a) By vocal appeal or for music, singing, or other street performance; and,

(b) Where the person solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

Panhandling, however, shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(2) *Places of Panhandling.* At all times, it shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

- (a) at a bus stop;
- (b) in any public transportation vehicle or public transportation facility;
- (c) in a sidewalk cafe;
- (d) on private property, unless the panhandler has permission from the owner or occupant;
- (e) in a parking lot or garage owned or operated by the government, including entryways or exits and pay stations connected therewith;
- (f) in a Public Beach Park, Public Natural Area, Public Recreation Area, Beach, fairground, or sporting facility; or
- (g) within twenty (20) feet in any direction from an automatic teller machine, parking meter, parking pay station or entrance to a bank.

(3) *Time of Panhandling.* It shall be unlawful to engage in the act of panhandling on any day after sunset, or before sunrise.

(4) *Manner of Panhandling.* At all times, it shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following actions:

- (a) Touching the solicited person without the solicited person's consent;
- (b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
- (c) Blocking the path of a person being solicited, or the entrance to any building or vehicle;

- (d) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
- (e) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or
- (f) Panhandling in a group of two (2) or more persons.

SECTION 9. Section 90-80 of the Code of Ordinances of Sarasota County, Florida is hereby created as follows:

Sec. 90-80. Enforcement and penalties.

(1) *Enforcement by Law Enforcement Officers.* This article shall be enforced by a Law Enforcement Officer. Violations of this section shall be prosecuted in the same manner misdemeanors are prosecuted pursuant to section 125.69, Florida Statutes, punishable by a fine not to exceed \$500.00 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each day of continued violation or noncompliance shall be considered as a separate offense. A Law Enforcement Officer shall secure all personal items of an arrestee in a manner consistent with Section 90-77 of this Code.

(2) *Civil Remedies.* Nothing in this article shall prevent or restrict Sarasota County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance, including, but not limited to, an equitable action for injunctive relief or an action at law for damages.

(3) *Code Enforcement.* Nothing in this article shall be construed to prohibit Sarasota County from prosecuting any violation of this section pursuant to the procedures set forth in Chapter 162, Florida Statutes, and Chapter 2, Article VIII, of this Code.

(4) *Independence of Remedies.* All remedies and penalties provided for in this section shall be cumulative and independently available to the County and the County shall be authorized to pursue any and all remedies to the full extent allowed by law.

SECTION 10. Section 90-81 of the Code of Ordinances of Sarasota County, Florida, is hereby created as follows:

Sec. 90-81. Severability.

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase or provision of this ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void, such ruling or holding shall not be so construed as to render invalid, unconstitutional, inoperative or void 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 11. Effective date.

This Ordinance shall take effect immediately upon filing with the office of the Florida Secretary of State.

**PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA, this ____ day of _____, 2014.**

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

By: _____
Chair

ATTEST:

KAREN E. RUSHING, Clerk of Circuit
Court and Ex-Officio Clerk of the Board of
County Commissioners of Sarasota County,
Florida

By: _____
Deputy Clerk