

Council Workshop Agenda

October 6, 2014

Hagler Mason Conference Room
2nd Floor City Hall



City Council Members: Jewel Cannada-Wynn, President, Megan B. Pratt, Vice President,
Charles Bare, Larry B. Johnson, Sherri Myers, Brian Spencer, Andy Terhaar, Gerald Wingate, P. C. Wu

The Workshop will commence immediately following the Agenda Conference which begins at 3:30 p.m.

Welcome

- 1) Call to Order
- 2) Selection of Chair
- 3) Determination of Public Input
- 4) Presentation-Recommendations of the Task Force on Improving Human Services and Report of Activities
by Consultant, Dr. Robert Marbut, and John Johnson, Chairman
- 5) Discussion-City Council
- 6) Receive Public Input
- 7) Adjournment

Recommendations of the
Task Force on Improving Human Services
and
Report of Activities by Consultant
for the
City of Pensacola Florida

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Drafted by Robert G. Marbut Jr., Ph.D. - September 29, 2014
Presented - October 6, 2014

Prepared by Robert G. Marbut Jr., Ph.D.
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Summary of Task Force Recommendations

Proposed Recommendation 1:

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

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."

Proposed Recommendation 2:

Transform HMIS from a "Score Keeper Model" to a "Proactive Case Management Tool."

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.

Proposed Recommendation 3:

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

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.

Proposed Recommendation 4:

Establish a True 24/7 "Come-As-You-Are" Service Center at Waterfront Rescue Mission.

Establish 24/7/168/365 adult men's and women's "Come-As-You-Are" (CAYA) programming 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.

Proposed Recommendation 5:

Modify Existing Ordinances.

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. Therefore, it is recommended that City of Pensacola consider Pottinger compliance, dignity, respect and actual behavior as the core principles when modifying existing ordinances. Furthermore, the ordinances of the City of Pensacola and the ordinances of Escambia County should be closely aligned.

Proposed Recommendation 6:

Repeal Sections 8-1-22, 8-1-23 and 8-1-24 of the Code of the City of Pensacola.

Since the City of Pensacola has a set of ordinances that in part would likely not withstand legal challenge(s) for internal and external reasons, and since there first needs to be action taken on *Task Force* Recommendations 3 and 4, it is therefore recommended that Sections 8-1-22, 8-1-23 and 8-1-24 of the Code of the City of Pensacola be repealed until Recommendations 3 and 4 are carried out.

Scope of Work and Project Phases

Phase I - Being Homeless in Pensacola:

One of the most important fact-finding techniques is to observe homelessness from the point of view of a homeless person rather than from an agency and/or government perspective. If one only observes homelessness from a service-provider perspective, he or she will only develop agency-centric solutions. Therefore, the Consultant became homeless at the street level in Pensacola.

Phase 2 - Inventory of Services:

In order to help the City of Pensacola's ordinance review task-force, it was critically important for the Consultant to have a basic understanding of the types and quantities of service being provided throughout the region. Therefore, the Consultant performed an inventory of homeless services in Pensacola and conducted site visits to homeless services providers.

Phase 3 - Needs Assessment:

The Consultant conducted a needs assessment of types of services (qualitative) and capacity of services (quantitative) needed in Pensacola in regards to the possible application of existing and proposed ordinances. This required street level observations and analysis of as much data as the Consultant could gather from Point-in-Time-Counts (PITCs), Homeless Management Information System reports (HMIS), agency reports, etc.

Phase 4 - Gap Analysis:

The Consultant conducted a gap analysis of services between existing inventory and identified needs in regards to the possible application of existing and proposed ordinances.

Phase 5 - Subject Matter Expert (SME) to the Ordinance Review Task-force:

The Consultant was a subject matter national best practices expert (SME) to the ordinance review task-force formally known as the *Task Force on Improving Human Services*. As part of this process, the Consultant conducted in person meetings with government staff members, elected officials, and leaders from businesses, civic groups, educational institutions, faith-based entities and service agencies. The Consultant attended 4 task-force meetings between May 1, 2014 and September 5, 2014. The Consultant also participated on conference calls with several individuals and groups including agencies and City staff.

Notes About Scope of Work:

System improvements "organically" materialized during the gap analysis and national best practice reviews. During this time frame, Marbut Consulting went beyond "study/report" and suggested to appropriate agencies/organizations improvement opportunities that naturally arose throughout this 'ourney."

This project was for the "study and development of recommendations" phase only, and did not cover any "operational" efforts.

Initial Observations

Currently, handouts of food and cash (and to a lesser extent camping equipment) are given to people experiencing homelessness mostly while not being involved in formal recovery programs. These handouts of food, although well intended by nice folks, actually perpetuate and increase homelessness through enablement. Most of these handout efforts fail to address the root causes of homelessness such as mental/behavioral health issues, substance abuse/addiction and challenges with job readiness/placement/retention.

If the community really wants to reduce the number of individuals experiencing homelessness at the street level, then the the greater Escambia County community needs to move from a *Culture of Enablement* to a *Culture of Engagement* by addressing the root causes of homelessness. This includes service agencies, volunteers, staffs, donors, funders, government agencies, programs, residents, tourists and the homeless community.

Many agencies and individuals do not understand the difference between "serving" versus the vision of wanting to dramatically and consequentially increase "street level graduation" rates.

NOTE: "street level" consists of individuals sleeping and living on the street, under bridges, on the beach, near golf courses and encampments in the woods.

Because of Federal support checks, the number of street level homeless individuals is lower during the first 10-14 days of a month and then grows throughout the remainder of the month.

During the day, most of the individuals experiencing homelessness congregate around feeding programs, this is especially acute immediately before and after feedings of meals.

Individuals experiencing homelessness during the day in the City of Pensacola generally disperse into small-group encampments at night. Many of these encampments are in wooded areas in the County proper.

For the most part, the current Homeless Management Information System (HMIS) operates as a "score keeper" not as a "proactive case management tool." HMIS is not yet "universal" and much of the data input is not in real-time (eg not used by all agencies and not inputted at the time of service delivery).

For the most part, agencies and programs are measuring "out-puts" (eg amount of meals served or equipment handed out) and are not measuring "out-comes" (eg street graduation rates or recidivism rates). National best practice agencies focus on "out-comes" not "out-puts."

Loaves and Fishes does not have the capacity to handle all the families in need. Currently, there is a wait list to get into Loaves and Fishes. Based on a month long tracking survey in June 2014, there were 106 unduplicated families with children who wanted to move into Loaves and Fishes. When program turnover is factored in, the wait list would be about 92 families. Of these 92 families, about 30% could be caseload managed in-place with an improved master case management system and another 30% would not be program appropriate. Therefore, there is a need for at least 37 new family units.

Loaves and Fishes operates on a 3-week program cycle, yet national best practice posits that programs for families and children be around 8-weeks. This also makes the case for additional new family units so that Loaves and Fishes can lengthen the program cycle.

National best practices indicate that communities need to have at least one 24/7 "Come-As-you-Are" emergency services center for single adults experiencing homelessness (sometimes referred to as a low-demand-shelter). Currently, Escambia County does not have a true come-as-you-are 24/7 facility anywhere in the County.

There is a significant gap in bed/mat capacity compared to the street population of single adults experiencing homelessness. Based on street level observations there is a needs gap between 175 to 250 units (depending on the time of the month) for emergency level beds/mats for single adults experiencing homelessness.

This service gap is especially acute for single women. At most times of any given month, there are no available emergency level beds/mats for women.

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. In order for any ordinances to be utilized, the ordinances would need to become "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. The critical Pottinger standard that pertains to Pensacola and Escambia is the lack of available alternative capacity within the system. Simply stated, before an ordinance can be enforced there first must be existing available capacity within the shelter system.

Loaves and Fishes and the Waterfront Rescue Mission are two very well managed and well operated non-profit agencies.

The flooding issue at Waterfront Rescue Mission is a major operational issue and needs to be addressed as soon as possible.

The overall system is agency-centric (not system-centric) and measures outputs (not outcomes).

Next Steps

Develop and implement an awareness campaign to educate and encourage the overall community to move from a culture of "enablement" to a culture of "engagement."

Make funding to service agencies by foundations, government agencies, United Way and the Continuum of Care contingent upon being proactive participants in HMIS (eg universal agency participation and real time data entry).

Repeal Sections 8-1-22, 8-1-23 and 8-1-24 of the Code of the City of Pensacola.

Explore the feasibility of increasing the number of emergency housing units for families-with-children.

Explore the feasibility of establishing a true 24/7 "Come-As-You-Are" (CAYA) Service Center at the Waterfront Rescue Mission.

If the City of Pensacola helps to establish a true 24/7 "Come-As-You-Are" Service Center and helps to increase the number of emergency housing units for families-with-children, then modify the Code of the City of Pensacola.

Exhibit 1 -
Recommendations of the *Task Force on Improving Human Services*

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, a "universal release" form should be developed and used by all agencies.

All homeless agencies who receive funding from United Way, Excambia 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.

As a start, Loaves and Fishes should add 37 emergency housing units for families-with-children. For operating and budgeting reasons, the increase in these 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.

Task Force Approved: Proposed Recommendation 4

Establish a True 2417 "Come-As-You-Are" Service Center at Waterfront Rescue Mission

The Challenge

Escambia County and Pensacola City do not have true 2417 Come-As-You-Are services anywhere.

Establish 2417/168/365 adult men's and women's "Come-As-You-Are" (CAYA) programming 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 2417 "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 2417 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), 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-2417 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 way 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 Smelr*" 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.

Task Force Approved:

Proposed Recommendation 5

Modify 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, and the City ordinances are not aligned with the ordinances of Escambia County.

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. Therefore, it is recommended that City of Pensacola consider Pottinger compliance, dignity, respect and actual behavior as the core principles when modifying existing ordinances. Furthermore, the ordinances of the City of Pensacola and the ordinances of Escambia County should be closely aligned.

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 many of the individuals experiencing homelessness will likely move to the jurisdiction that has the "least restrictive" 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 to encourage individual diversion into safe housing.

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.

Task Force Approved: **Proposed Recommendation 6**

Repeal Sections 8-1-22, 8-1-23 and 8-1-24 of the Code of the City of Pensacola

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. Action must first be taken on Task Force Recommendations 3 and 4 before the reviewed ordinances can be enforced.

Since the City of Pensacola has a set of ordinances that in part would likely not withstand legal challenge(s) for internal and external reasons, and since there first needs to be action taken on *Task Force* Recommendations 3 and 4, it is therefore recommended that Sections 8-1-22, 8-1-23 and 8-1-24 of the Code of the City of Pensacola be repealed until Recommendations 3 and 4 are carried out.

Exhibit 2 -
Program/Agency Site Visits, Tours, Meetings and Conference Calls (partiallisting)

Mollye Barrows
Studer Institute
Reporter

Carly A. Borden
Studer Institute
Multi-media Specialist

Mick Breault
President
Waterfront Rescue Mission

Jack R. Brown
Escambia County
County Administrator

Lila S. Cox, Ph.D.
Council Executive
Pensacola City Council

Amanda Crabtree
2-1-1 Director
Escambia United Way

Neil Daniels
HMIS Coordinator
EscaRosa Coalition on the Homeless (ECOH)

Thomas V. Dannheisser
First Judicial Circuit Escambia County
County Court Judge

Darlene F. Dickey
Escambia County
County Judge

Jimmy Donohoe
Sergeant
Pensacola Police Department

Brunie Emmanuel
The UniVision Group
Principal

John Findlay
Program Manager
Waterfront Rescue Mission

Phyllis Gonzalez
Community Development Administrator
Florida Department of Children and Families

Dennis Goodspeed
President and Chief Operating Officer
Lakeview Center

Deacon Bob Gregerson
Society of St. Vincent de Paul
Alfred-Washburn Center Spiritual Advisor

Jason Grizzard
Program Manager
Waterfront Rescue Mission

Bret Harford
Housing Monitor / Formally Homeless
Salvation Army Shelter / Escambia County

Hon. Ashton Hayward
Mayor
City of Pensacola

Thresa Hogue
Interim Shelter Director
The Salvation Army - Escambia and Santa Rosa Counties

John Johnson
Chair / Executive Director
Task Force on Improving Human Services / EscaRosa Coalition on the Homeless (ECOH)

Hon. Larry B. Johnson
District 4 City Councilperson
Pensacola City Council

Douglas W. Heatwole
Pensacola City Resident / Ecology and Environment, Inc.
Activist / Manager Gulf Coast Region

David Lewallyn
Escambia County
TEAM Court Program Coordinator

Elaine Mager
City of Pensacola
City Council Support Staff

Paul Meredith
Director of Ministry Programs
Waterfront Rescue Mission

Nathan Munk
Vice-Chair / Advocate
Task Force on Improving Human Services / Citizen of Pensacola

Hon. Sherri Myers
District 2 City Councilperson
Pensacola City Council

Linda L. Nobles
First Judicial Circuit of Florida
Circuit Judge

Eric Olson
Office of the Pensacola Mayor
Initiatives Coordinator

Gordon Pike
Corrections Director
Escambia County

Chuck Porter
Society of St. Vincent de Paul
Alfred-Washburn Center Director

Bob Rogers
Vice President of Ministry
Waterfront Rescue Mission

Chandra Ryan
Escambia Community Clinics, Inc.
Director of Clinical Services

Frank A. Sansone, Ph.D.
Member / Division of Social Work
Task Force on Improving Human Services / University of West Florida

Jody Shoop
Program Manager
Waterfront Rescue Mission

Don Turner
Escambia Community Clinics, Inc.
Executive Director

Kelli Thomas
Operations Director
Loaves and Fishes

Heavenly Blessings

Numerous Homeless Individuals Throughout Escambia County

Sean's Outpost - Homeless Outreach

Several Street Feeders

Exhibit 3 -
The Seven Guiding Principles of Homeless Transformation

The Measuring Stick
Moving from Enablement to Engagement

After visiting 237 homeless service providers in 12 states and Washington, DC, Dr. Robert Marbut established the following the *Seven Guiding Principles of Homeless Transformation* which he commonly found to be the best practices within communities across the USA. These *Seven Guiding Principles of Homeless Transformation* were used as key measuring sticks when reviewing homeless service providers in Volusia as well as the overall service network within Volusia County.

1. Move to a Culture of Transformation (versus the Old Culture of Warehousing):

Homeless individuals must be engaged and no longer enabled. Everybody within the service delivery system (eg general public, media, elected politicians, appointed officials, boards, staffs and volunteers of service agencies and most importantly the homeless themselves) must embrace a culture of transformation. A culture, that through the help of others, homeless individuals can transform and integrate themselves back into society. For moral and fiscal reasons, homelessness must become an unacceptable condition that is not tolerated in the USA.

2. Co-location and Virtual E-integration of as Many Services as Possible:

In order to increase success, all services within a service area must be e-integrated. Virtual e-integration improves coordination of services, enhances performance, reduces "gaming" of the system, engages individuals on the margin of society and increases cost efficiencies within and between agencies. Furthermore, whenever financially possible, services should be co-located. Co-location goes beyond virtual e-integration by increasing access and availability into a shorter period of time through the reduction of wasted time in transit and minimization of mishandled referrals. Co-location also increases the supportive "human touch."

3. Must Have a Master Case Management System That is Customized:

Because there are so many different service agencies helping homeless individuals (eg government at multi-levels, non-profits and faith-based), it is critical that ONE person coordinates the services an individual receives and to do so in a customized fashion. The types of service provided is critical, but what is more important is the sequencing and frequency of customized person-centered services.

4. Reward Positive Behavior:

Positive behavior of individuals should be rewarded with increased responsibilities and additional privileges. Privileges such as higher quality sleeping arrangements, more privacy and elective learning opportunities should be used as rewards. It is important that these rewards be used as "tools" to approximate the "real world" in order to increase sustainable reintegration into society. Every aspect of service delivery should be rooted in preparing the individual or family to have sustained success in permanent housing.

5. Consequences for Negative Behavior:

Too often there are no consequences for negative behavior of individuals. Unfortunately, this sends a message that bad behavior is acceptable. Within the transformational process, it is critical to have swift and proportionate consequences.

6. External Activities Must be Redirected or Stopped:

External activities such as "street feeding" must be redirected to support the transformation process. In most cases, these activities are well-intended efforts by good folks; however, these activities are very enabling and often do little to engage homeless individuals.

7. Panhandling Enables the Homeless and Must Be Stopped:

Unearned cash is very enabling and does not engage homeless individuals in job and skills training which is needed to end homelessness. Additionally, more often than not, cash is not used for food and housing but is instead used to buy drugs and alcohol which further perpetuates the homeless cycle. Homeless individuals who are panhandling should be engaged into the transformational process. Furthermore, most panhandlers are not truly homeless but are preying on the good nature of citizens to get tax-free dollars.

Exhibit 4 -
Robert G. Marbut Jr., Ph.D. Bio2raphy

First as a volunteer, then later as a San Antonio City Councilperson and a homeless service agency President/CEO, Dr. Robert Marbut has worked on homeless issues for over three decades.

In 2007, frustrated by the lack of real improvement, and as part of the concept development for the Haven for Hope Campus, Dr. Marbut conducted a nationwide best practices study of homeless services. After personally visiting 237 homeless service facilities, in 12 states and the District of Columbia, he developed *The Seven Guiding Principles of Homeless Transformation*. Since then, Dr. Marbut has visited a total of 677 operations in 21 states plus Washington, DC and Mexico City, DF.

These Seven Guiding Principles of Transformation are used in all aspects of his work to create holistic, transformative environments in order to reduce homelessness.

Dr. Marbut was a White House Fellow to President George H.W. Bush and a former Chief of Staff to San Antonio Mayor Henry Cisneros.

He earned a Ph. D. from The University of Texas at Austin, Austin, Texas in International Relations (with an emphasis in international terrorism and Wahhabism), Political Behavior and American Political Institutions/Processes from the Department of Government.

He also has two Master of Arts degrees, one in Government from The University of Texas at Austin and one in Criminal Justice from the Claremont Graduate School. His Bachelor of Arts is a Full Triple Major in Economics, Political Science and Psychology (Honors Graduate) from Claremont McKenna (Men's) College.

Dr. Marbut also has completed three post-graduate fellowships, one as a White House Fellow (USA's most prestigious program for leadership and public service), one as a CORO Fellow of Public and Urban Affairs and one as a TEACH Fellow in the Kingdom of Bahrain and the State of Qatar (1 of 13 USA educators selected).

Contact Information:

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September 29, 2014 (7:58am)

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COUNCIL ACTION TIMELINE

December 12 Council tables motions to create ordinances to prohibit camping on public property and to prohibit activities in City restrooms (Sections 8-1-22 & 23 of the City Code respectively)

May 9 Council approves first reading of proposed ordinances to prohibit camping on public property, to prohibit activities in City restrooms and to prohibit public elimination (Sections 8-1-22, 23 & 24 of the City Code respectively)

May 23 Council approves first reading of proposed ordinance to prohibit aggressive panhandling (Section 8-1-25 of the City code)

Council approves ordinances 17-13, 18-13 and 19-13 (Sections 8-1-22, 23 & 24 of the City Code respectively)

June 13 Council approves ordinance 20-13 (Section 8-1-25 of the City Code)

February 13 Council votes to amend Section 8-1-22 of the City Code (Prohibiting Camping on All Public Property of the City). Deletes the prohibition on sleeping out-of-doors "atop, and/or covered by materials such as a bedroll, cardboard, newspapers" and assigns law enforcement officers the responsibility to advise individuals of the penalties for violating the ordinance and of the available shelters.

Council votes to form a Task Force on Improving Human Services (Resolution 02-14)

February 27 Council votes not to consider any further amendments to Sections 8-1-22, 23, 24 & 25 of the City Code until it receives the report and recommendations of the Task Force. Proposed amendment to City Restroom – Prohibited Activities (8-1-23) is pulled from agenda.

March 13 Council votes to amend Resolution 02-14. Reduces the maximum number of members from 11 to 9, adds a review of ordinances to the list of Task Force responsibilities, and changes the composition of the Task Force to reduce the chance that Florida's public records and open meeting regulations will interfere with the ability of Task Force members to conduct their regular business affairs. Amended resolution is 8-14.

April 24 Council votes to contract with Marbut Consulting to support the work of the Task Force.

Council votes to amend Resolution 8-14, increasing the maximum number of members from 9 to 11.

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) A structure covered by materials such as a bearroll, caraboard, newspaper, 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.

(I) 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 by 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

