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January 6, 2026

VIA EMAIL AND U.S. MAIL

Frederick John Murphy, Jr.
City Attorney, Winter Haven
Boswell & Dunlap LLP
P.O. Box 30
Bartow, Florida 33831-0030
(fjm@bosdun.com)

Dear Mr. Murphy:

This office is an enforcement authority of section 125.0231, Florida Statutes (“Public camping and public sleeping”).

This office has received a detailed complaint from a resident alleging repeated violations of section 125.0231(2), Florida Statutes, by the City of Winter Haven. The complainant detailed her attempts to raise the issue over several months with a number of city officials, including code enforcement, public safety, and the police, to no avail.

Specifically, the complainant alleges (and documents) that growing number of persons are residing in parks, city sidewalks and public benches, over several months, rendering these public spaces unusable. In particular, Kiwanis Park (located at 301 Avenue C Northeast Winter Haven, Florida) and Central Avenue sidewalks are documented as having repeated violations of section 125.0231, Florida Statutes.

The county may designate property for public camping or sleeping if certain conditions are met. § 125.0231(3), Fla. State. But the Kiwanis Park and Central Avenue do not appear to meet any of these criteria. Moreover, I have checked with the Department of Children and Families (“Department”), and they have confirmed that Polk County has not designated any property owned by the county or a

municipality within the boundaries of the county to be used for the purposes of public camping or sleeping. § 125.0231, Fla. Stat.



Please respond to this letter within five business days and provide all applications to the Department to designate public spaces in Polk County for public camping and public sleeping that you feel this office and the Department have overlooked. § 125.0231(4)(b)2., Fla. Stat. Additionally, please provide all other information you believe is relevant to show why Winter Haven is not in violation of section 125.0231(2), Florida Statutes.

In the interim, please consider this letter as written notice of the alleged violations. § 125.0231(4)(b), Fla. Stat.

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Sincerely,

s/ Nicholas Weilhammer

Nicholas Weilhammer
Associate Deputy Attorney General

cc: Randy Mink
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