

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Garrison offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert:
Section 1. Section 125.0231, Florida Statutes, is created
to read:

125.0231 Public camping and public sleeping.-

(1) As used in this section, the term:

(a) "Department" means the Department of Children and
Families.

(b) "Public camping or sleeping" means lodging or residing
overnight in a temporary outdoor habitation used as a dwelling
or living space and evidenced by the erection of a tent or other
temporary shelter, the presence of bedding or pillows, or the

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17 storage of personal belongings, or means lodging or residing
18 overnight in an outdoor space without a tent or other temporary
19 shelter. The term does not include:

20 1. Lodging or residing overnight in a motor vehicle that is
21 registered, insured, and located in a place where it may
22 lawfully be.

23 2. Camping for recreational purposes on property designated
24 for such purposes.

25 (2) Except as provided in subsection (3), a county or
26 municipality may not authorize or otherwise allow any person to
27 regularly engage in public camping or sleeping on any public
28 property, including, but not limited to, any public building or
29 its grounds, and any public right-of-way under the jurisdiction
30 of the county or municipality, as applicable.

31 (3) A county may, by majority vote of the county's
32 governing body, designate property owned by the county or a
33 municipality within the boundaries of the county to be used for
34 a continuous period of no longer than 1 year for the purposes of
35 public camping or sleeping. If the designated property is within
36 the boundaries of a municipality, the designation is contingent
37 upon the concurrence of the municipality, by majority vote of
38 the municipality's governing body.

39 (a) A county designation is not effective until the
40 department certifies the designation. To obtain department
41 certification, the county shall submit a request to the

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42 Secretary of the department which shall include certification
43 of, and documentation proving, the following:

44 1. There are not sufficient open beds in homeless shelters
45 in the county for the homeless population of the county;

46 2. The designated property is not contiguous to property
47 designated for residential use by the county or municipality in
48 the local government comprehensive plan and future land use map;

49 3. The designated property would not adversely and
50 materially affect the property value or safety and security of
51 other existing residential or commercial property in the county
52 or municipality, and would not negatively affect the safety of
53 children; and

54 4. The county has developed a plan to satisfy the
55 requirements of paragraph (b).

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57 Upon receipt of a county request to certify a designation, the
58 department shall notify the county of the date of receiving the
59 request, and of any omission or error, within 10 days of receipt
60 by the department. The department shall certify the designation
61 within 45 days of receipt of a complete submission from the
62 county, and the designation shall be deemed certified on the 45th
63 day if the department takes no action.

64 (b) Except as provided in paragraph (e), if a county
65 designates county or municipal property to be used for public
66 camping or public sleeping, it must establish and maintain

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67 minimum standards and procedures related to the designated
68 property for the purposes of:

69 1. Ensuring the safety and security of the designated
70 property and the persons lodging or residing on such property.

71 2. Maintaining sanitation, which must include, at a
72 minimum, providing access to clean and operable restrooms and
73 running water.

74 3. Coordinating with the regional managing entity to
75 provide access to behavioral health services, which must include
76 substance abuse and mental health treatment resources.

77 4. Prohibiting illegal substance use and alcohol use on
78 the designated property and enforcing such prohibition.

79 (c) Within 30 days after certification of a designation by
80 the department, the county must publish the minimum standards
81 and procedures required under paragraph (3) (b) on the county
82 and, if applicable, the municipality publicly accessible
83 website. The county and municipality must continue to make such
84 policies and procedures publicly available for as long as any
85 county or municipal property remains designated under paragraph
86 (3) (a).

87 (d) The department may inspect any designated property at
88 any time, and the Secretary may provide notice to the county
89 recommending closure of the designated property if the
90 requirements of this section are no longer satisfied. A county,
91 and municipality, if applicable, must publish any such notice

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92 issued by the department to the county and municipality publicly
93 accessible websites within 5 business days of receipt of the
94 notice.

95 (e) A fiscally constrained county is exempt from the
96 requirement to establish and maintain minimum standards and
97 procedures under subparagraphs (b)1.-3. if the governing board
98 of the county makes a finding that compliance with such
99 requirements would result in a financial hardship.

100 (4)(a) A resident of the county, an owner of a business
101 located in the county, or the Attorney General may bring a civil
102 action in any court of competent jurisdiction against the county
103 or applicable municipality to enjoin a violation of subsection
104 (2). If the resident or business owner prevails in a civil
105 action, the court may award reasonable expenses incurred in
106 bringing the civil action, including court costs, reasonable
107 attorney fees, investigative costs, witness fees, and deposition
108 costs.

109 (b) An application for injunction filed pursuant to this
110 subsection must be accompanied by an affidavit attesting that:

111 1. The applicant has provided written notice of the
112 alleged violation of subsection (2) to the governing board of
113 the county or applicable municipality.

114 2. The applicant has provided the county or applicable
115 municipality with 5 business days to cure the alleged violation.

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116 3. The county or applicable municipality has failed to
117 take all reasonable actions within the limits of its
118 governmental authority to cure the alleged violation within 5
119 business days after receiving written notice of the alleged
120 violation.

121 (5) This section does not apply to a county during any
122 time period in which:

123 (a) The Governor has declared a state of emergency in the
124 county or another county immediately adjacent to the county and
125 has suspended the provisions of this section pursuant to s.
126 252.36.

127 (b) A state of emergency has been declared in the county
128 under chapter 870.

129 Section 2. The Legislature hereby determines and declares
130 that this act fulfills an important state interest of ensuring
131 the health, safety, welfare, quality of life, and aesthetics of
132 Florida communities while simultaneously making adequate
133 provision for the homeless population of the State.

134 Section 3. This act shall take effect October 1, 2024.

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137 **T I T L E A M E N D M E N T**

138 Remove everything before the enacting clause and insert:
139 An act relating to unauthorized public camping and public
140 sleeping; creating s. 125.0231, F.S.; defining the term "public

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141 camping or sleeping"; prohibiting counties and municipalities
142 from authorizing or otherwise allowing public camping or
143 sleeping on public property without certification of designated
144 public property by the Department of Children and Families;
145 authorizing counties to designate certain public property for
146 such uses for a specified time period; requiring the Department
147 of Children and Families to certify such designation; requiring
148 counties to establish specified standards and procedures
149 relating to such property; authorizing the Department of
150 Children and Families to conduct inspections of such property
151 and to issue notice; providing applicability; providing an
152 exception to applicability during specified emergencies;
153 providing a declaration of important state interest; providing
154 an effective date.