

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Garrison offered the following:

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 Unauthorized public camping and public sleeping.—

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

(a) "Public camping" 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 storage of
personal belongings. The term does not include lodging or
residing overnight in a motor vehicle that is registered,
insured, and located in a place where it may lawfully be.

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17 (b) "Public sleeping" means lodging or residing overnight
18 in an outdoor space without a tent or other temporary shelter.

19 (2) Except as provided subsection (3), a county may not
20 authorize or otherwise permit any person to regularly engage in
21 public camping or public sleeping on any public property, public
22 building, or public right-of-way under the county's
23 jurisdiction, unless such person has been lawfully issued a
24 temporary permit authorizing such activity by the county.

25 (3) (a) A county may, in its discretion, designate
26 property owned by the county to be used for a continuous period
27 of no longer than one year for the purposes of public camping or
28 public sleeping. A property designated for such purposes may not
29 be located in an area where such designation would adversely and
30 materially affect the property value or safety and security of
31 other existing residential or commercial property.

32 (b) Except as provided in paragraph (e), if a county
33 designates county property to be used for public camping or
34 public sleeping, it must establish and maintain minimum
35 standards and procedures related to the designated property for
36 the purposes of:

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

39 2. Maintaining sanitation, which must include providing
40 access to clean and operable restrooms and running water.

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41 3. Coordinating with the local continuum of care to
42 provide access to behavioral health services, which must include
43 substance abuse and mental health treatment resources.

44 4. Prohibiting illegal drug use and alcohol use on the
45 designated property and enforcing such prohibition.

46 (c) Within 30 days of designating county property as
47 authorized in paragraph (3) (a), the county must:

48 1. Provide notice to the Department of Children and
49 Families that property has been designated for such purposes and
50 provide the location of such property.

51 2. Post the minimum standards and procedures required
52 under paragraph (3)(b) to the county's publicly accessible
53 website. Such policies and procedures must continue to be
54 publicly available as long as any county property remains
55 designated for the purposes authorized in (3) (a).

56 (d) Within 90 days following the designation of county
57 property as authorized in paragraph (3)(a), and at least once
58 more after 180 days if the property remains so designated, the
59 Department of Children and Families shall inspect the property
60 and issue a report to the county which may include
61 recommendations to assist the county in maintaining the minimum
62 standards and procedures required under paragraph (3)(b). A
63 county must post any inspection report issued pursuant to this
64 paragraph to the county's publicly accessible website within 5
65 business days of receiving the report.

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

71 (4)(a) A resident of the county or an owner of a business
72 located in the county may bring a civil action in any court of
73 competent jurisdiction against the county to enjoin a violation
74 of subsection (2). If the resident or business owner prevails in
75 a civil action, the court may award reasonable expenses incurred
76 in bringing the civil action, including court costs, reasonable
77 attorney fees, investigative costs, witness fees, and deposition
78 costs.

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

81 1. The applicant has provided written notice of the
82 alleged violation of subsection (2) to the governing board of
83 the county.

84 2. The applicant has provided the county with 5 business
85 days to cure the alleged violation.

86 3. The county has failed has to cure the alleged violation
87 within 5 business days of receiving written notice of the
88 alleged violation.

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

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91 (a) The Governor has declared a state of emergency in the
92 county or another county immediately adjacent to the county.

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

95 Section 2. Section 166.0453, Florida Statutes, is
96 created to read:

97 166.0453 Unauthorized public camping and public sleeping.—

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

99 (a) "Public camping" means lodging or residing overnight
100 in a temporary outdoor habitation used as a dwelling or living
101 space and evidenced by the erection of a tent or other temporary
102 shelter, the presence of bedding or pillows, or the storage of
103 personal belongings. The term does not include lodging or
104 residing overnight in a motor vehicle that is registered,
105 insured, and located in a place where it may lawfully be.

106 (b) "Public sleeping" means lodging or residing overnight
107 in an outdoor space without a tent or other temporary shelter.

108 (2) Except as provided in subsection (3), a municipality
109 may not authorize or otherwise permit any person to regularly
110 engage in public camping or public sleeping on any public
111 property, public building, or public right-of-way under the
112 municipality's jurisdiction, unless such person has been
113 lawfully issued a temporary permit authorizing such activity by
114 the municipality.

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115 (3) (a) A municipality may, in its discretion, designate
116 property owned by the municipality to be used for a continuous
117 period of no longer than one year for the purposes of public
118 camping or public sleeping. A property designated for such
119 purposes may not be located in an area where such designation
120 would adversely and materially affect the property value or
121 safety and security of other existing residential or commercial
122 property.

123 (b) Except as provided in paragraph (e), if a municipality
124 designates municipal property to be used for public camping or
125 public sleeping, it must establish and maintain minimum
126 standards and procedures related to the designated property for
127 the purposes of:

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

130 2. Maintaining sanitation, which must include providing
131 access to clean and operable restrooms and running water.

132 3. Coordinating with the local continuum of care to
133 provide access to behavioral health services, which must include
134 substance abuse and mental health treatment resources.

135 4. Prohibiting illegal drug use and alcohol use on the
136 designated property and enforcing such prohibition.

137 (c) Within 30 days of designating municipal property as
138 authorized in paragraph (3) (a), the municipality must:

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139 1. Provide notice to the Department of Children and
140 Families that property has been designated for such purposes and
141 provide the location of such property.

142 2. Post the minimum standards and procedures required
143 under paragraph (3)(b) to the municipality's publicly accessible
144 website. Such policies and procedures must continue to be
145 publicly available as long as any municipal property remains
146 designated for the purposes authorized in (3)(a).

147 (d) Within 90 days following the designation of municipal
148 property as authorized in paragraph (3)(a), and at least once
149 more after 180 days if the property remains so designated, the
150 Department of Children and Families shall inspect the property
151 and issue a report to the municipality which may include
152 recommendations to assist the municipality in maintaining the
153 minimum standards and procedures required under paragraph
154 (3)(b). A municipality must post any inspection report issued
155 pursuant to this paragraph to the municipality's publicly
156 accessible website within 5 business days of receiving the
157 report.

158 (e) A municipality located within a fiscally constrained
159 county is exempt from the requirement to establish and maintain
160 minimum standards and procedures under subparagraphs (3)(b)1.-3.
161 if the governing board of the municipality makes a finding that
162 compliance with such requirements would result in a financial
163 hardship.

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164 (4) (a) A resident of the municipality or an owner of a
165 business located in the municipality may bring a civil action in
166 any court of competent jurisdiction against the municipality to
167 enjoin a violation of subsection (2). If the resident or
168 business owner prevails in the civil action, the court may award
169 reasonable expenses incurred in bringing the civil action,
170 including court costs, reasonable attorney fees, investigative
171 costs, witness fees, and deposition costs.

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

174 1. The applicant has provided written notice of the
175 alleged violation of subsection (2) to the governing board of
176 the municipality.

177 2. The applicant has provided the municipality with 5
178 business days to cure the alleged violation.

179 3. The municipality has failed has to cure the alleged
180 violation within 5 business days of receiving written notice of
181 the alleged violation.

182 (5) This section does not apply to a municipality during
183 any time period in which:

184 (a) The Governor has declared a state of emergency in the
185 county in which the municipality is located or another county
186 immediately adjacent to the county in which the municipality is
187 located.

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213 | during specified emergencies; providing a declaration
214 | of important state interest; providing an effective
215 | date.
216 |