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CS/CS/HB 1365, Engrossed 1

2024 Legislature

1  
 2 An act relating to unauthorized public camping and  
 3 public sleeping; creating s. 125.0231, F.S.; providing  
 4 definitions; prohibiting counties and municipalities  
 5 from authorizing or otherwise allowing public camping  
 6 or sleeping on public property without certification  
 7 of designated public property by the Department of  
 8 Children and Families; authorizing counties to  
 9 designate certain public property for such uses for a  
 10 specified time period; requiring the department to  
 11 certify such designation; requiring counties to  
 12 establish specified standards and procedures relating  
 13 to such property; authorizing the department to  
 14 inspect such property; authorizing the Secretary of  
 15 Children and Families to provide certain notice to  
 16 counties; providing applicability; providing an  
 17 exception to applicability during specified  
 18 emergencies; providing a declaration of important  
 19 state interest; providing applicability; providing  
 20 effective dates.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24 Section 1. Section 125.0231, Florida Statutes, is created  
 25 to read:

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26 | 125.0231 Public camping and public sleeping.—  
 27 | (1) As used in this section, the term:  
 28 | (a) "Department" means the Department of Children and  
 29 | Families.  
 30 | (b)1. "Public camping or sleeping" means:  
 31 | a. Lodging or residing overnight in a temporary outdoor  
 32 | habitation used as a dwelling or living space and evidenced by  
 33 | the erection of a tent or other temporary shelter, the presence  
 34 | of bedding or pillows, or the storage of personal belongings; or  
 35 | b. Lodging or residing overnight in an outdoor space  
 36 | without a tent or other temporary shelter.  
 37 | 2. The term does not include:  
 38 | a. Lodging or residing overnight in a motor vehicle that  
 39 | is registered, insured, and located in a place where it may  
 40 | lawfully be.  
 41 | b. Camping for recreational purposes on property  
 42 | designated for such purposes.  
 43 | (2) Except as provided in subsection (3), a county or  
 44 | municipality may not authorize or otherwise allow any person to  
 45 | regularly engage in public camping or sleeping on any public  
 46 | property, including, but not limited to, any public building or  
 47 | its grounds and any public right-of-way under the jurisdiction  
 48 | of the county or municipality, as applicable.  
 49 | (3) A county may, by majority vote of the county's  
 50 | governing body, designate property owned by the county or a

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51 municipality within the boundaries of the county to be used for  
52 a continuous period of no longer than 1 year for the purposes of  
53 public camping or sleeping. If the designated property is within  
54 the boundaries of a municipality, the designation is contingent  
55 upon the concurrence of the municipality by majority vote of the  
56 municipality's governing body.

57 (a) A county designation is not effective until the  
58 department certifies the designation. To obtain department  
59 certification, the county shall submit a request to the  
60 Secretary of Children and Families which shall include  
61 certification of, and documentation proving, the following:

62 1. There are not sufficient open beds in homeless shelters  
63 in the county for the homeless population of the county.

64 2. The designated property is not contiguous to property  
65 designated for residential use by the county or municipality in  
66 the local government comprehensive plan and future land use map.

67 3. The designated property would not adversely and  
68 materially affect the property value or safety and security of  
69 other existing residential or commercial property in the county  
70 or municipality and would not negatively affect the safety of  
71 children.

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

74  
75 Upon receipt of a county request to certify a designation, the

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76 department shall notify the county of the date of receiving the  
 77 request, and of any omission or error, within 10 days after  
 78 receipt by the department. The department shall certify the  
 79 designation within 45 days after receipt of a complete  
 80 submission from the county, and the designation shall be deemed  
 81 certified on the 45th day if the department takes no action.

82 (b) Except as provided in paragraph (e), if a county  
 83 designates county or municipal property to be used for public  
 84 camping or sleeping, it must establish and maintain minimum  
 85 standards and procedures related to the designated property for  
 86 the purposes of:

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

89 2. Maintaining sanitation, which must include, at a  
 90 minimum, providing access to clean and operable restrooms and  
 91 running water.

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

95 4. Prohibiting illegal substance use and alcohol use on  
 96 the designated property and enforcing such prohibition.

97 (c) Within 30 days after certification of a designation by  
 98 the department, the county must publish the minimum standards  
 99 and procedures required under paragraph (b) on the county's and,  
 100 if applicable, the municipality's publicly accessible websites.

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101 The county and municipality must continue to make such policies  
 102 and procedures publicly available for as long as any county or  
 103 municipal property remains designated under paragraph (a).

104 (d) The department may inspect any designated property at  
 105 any time, and the secretary may provide notice to the county  
 106 recommending closure of the designated property if the  
 107 requirements of this section are no longer satisfied. A county  
 108 and, if applicable, a municipality must publish any such notice  
 109 issued by the department on the county's and, if applicable, the  
 110 municipality's publicly accessible websites within 5 business  
 111 days after receipt of the notice.

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

117 (4)(a) A resident of the county, an owner of a business  
 118 located in the county, or the Attorney General may bring a civil  
 119 action in any court of competent jurisdiction against the county  
 120 or applicable municipality to enjoin a violation of subsection  
 121 (2). If the resident or business owner prevails in a civil  
 122 action, the court may award reasonable expenses incurred in  
 123 bringing the civil action, including court costs, reasonable  
 124 attorney fees, investigative costs, witness fees, and deposition  
 125 costs.

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

128 1. The applicant has provided written notice of the  
 129 alleged violation of subsection (2) to the governing board of  
 130 the county or applicable municipality.

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

133 3. The county or applicable municipality has failed to  
 134 take all reasonable actions within the limits of its  
 135 governmental authority to cure the alleged violation within 5  
 136 business days after receiving written notice of the alleged  
 137 violation.

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

140 (a) The Governor has declared a state of emergency in the  
 141 county or another county immediately adjacent to the county and  
 142 has suspended the provisions of this section pursuant to s.  
 143 252.36.

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

146 Section 2. The Legislature hereby determines and declares  
 147 that this act fulfills an important state interest of ensuring  
 148 the health, safety, welfare, quality of life, and aesthetics of  
 149 Florida communities while simultaneously making adequate  
 150 provision for the homeless population of the state.

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151           Section 3. Section 125.0231(4), Florida Statutes, as  
152 created by this act, shall take effect January 1, 2025, and  
153 applies to causes of action accruing on or after that date.

154           Section 4. Except as otherwise expressly provided in this  
155 act, this act shall take effect October 1, 2024.