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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2024	.	
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The Committee on Judiciary (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete 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



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12 shelter, the presence of bedding or pillows, or the storage of
13 personal belongings. The term does not include lodging or
14 residing overnight in a motor vehicle that is registered,
15 insured, and located in a place where it may lawfully be.

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

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

24 (3) (a) A county may, in its discretion, designate property
25 owned by the county to be used for a continuous period of no
26 longer than 1 year for the purpose of public camping or public
27 sleeping. A property designated for such purpose may not be
28 located in an area where such designation would adversely and
29 materially affect the property value or safety and security of
30 other existing residential or commercial property.

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

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

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

40 3. Coordinating with the local continuum of care to provide



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41 access to behavioral health services, which must include
42 substance abuse and mental health treatment resources.

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

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

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

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

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

65 (e) A fiscally constrained county is exempt from the
66 requirement to establish and maintain minimum standards and
67 procedures under subparagraphs (3)(b)1., 2., and 3. if the
68 governing board of the county makes a finding that compliance
69 with such requirements would result in a financial hardship.



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

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

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

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

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

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

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

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

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

96 166.0453 Unauthorized public camping and public sleeping.—

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

98 (a) "Public camping" means lodging or residing overnight in



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

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

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

114 (3)(a) A municipality may, in its discretion, designate
115 property owned by the municipality to be used for a continuous
116 period of no longer than 1 year for the purpose of public
117 camping or public sleeping. A property designated for such
118 purpose may not be located in an area where such designation
119 would adversely and materially affect the property value or
120 safety and security of other existing residential or commercial
121 property.

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

127 1. Ensuring the safety and security of the designated



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128 property and the persons lodging or residing on such property.

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

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

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

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

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

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

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

156 (e) A municipality located within a fiscally constrained



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157 county is exempt from the requirement to establish and maintain
158 minimum standards and procedures under subparagraphs (3) (b) 1.,
159 2., and 3. if the governing board of the municipality makes a
160 finding that compliance with such requirements would result in a
161 financial hardship.

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

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

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

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

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

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

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



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186 (b) A state of emergency has been declared in the county in
187 which the municipality is located under chapter 870.

188 Section 3. The Legislature hereby determines and declares
189 that this act fulfills an important state interest.

190 Section 4. This act shall take effect October 1, 2024.

191
192 ===== T I T L E A M E N D M E N T =====

193 And the title is amended as follows:

194 Delete everything before the enacting clause
195 and insert:

196 A bill to be entitled
197 An act relating to unauthorized public camping and
198 public sleeping; creating ss. 125.0231 and 166.0453,
199 F.S.; defining the terms "public camping" and "public
200 sleeping"; prohibiting counties and municipalities,
201 respectively, from authorizing or otherwise permitting
202 public sleeping or public camping on public property
203 without a specified permit; authorizing counties and
204 municipalities to designate certain public property
205 for such purpose for a specified time period;
206 requiring counties and municipalities to establish
207 specified standards and procedures relating to such
208 property; requiring the Department of Children and
209 Families to conduct inspections of such property at
210 specified intervals and to produce a report; providing
211 applicability; providing an exception to applicability
212 during specified emergencies; providing a declaration
213 of important state interest; providing an effective
214 date.