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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2024	.	
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The Committee on Fiscal Policy (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 Public camping and public sleeping.-

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

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

Families.



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11 (b) "Public camping or sleeping" means lodging or residing
12 overnight in a temporary outdoor habitation used as a dwelling
13 or living space and evidenced by the erection of a tent or other
14 temporary shelter, the presence of bedding or pillows, or the
15 storage of personal belongings, or means lodging or residing
16 overnight in an outdoor space without a tent or other temporary
17 shelter. The term does not include:

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

21 2. Camping for recreational purposes on property designated
22 for such purposes.

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

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

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



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40 secretary of the department which shall include certification
41 of, and documentation proving, the following:

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

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

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

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

54
55 Upon receipt of a county request to certify a designation, the
56 department shall notify the county of the date of receiving the
57 request, and of any omission or error, within 10 days of receipt
58 by the department. The department shall certify the designation
59 within 45 days of receipt of a complete submission from the
60 county, and the designation shall be deemed certified on the
61 45th day if the department takes no action.

62 (b) Except as provided in paragraph (e), if a county
63 designates county or municipal property to be used for public
64 camping or public sleeping, it must establish and maintain
65 minimum standards and procedures related to the designated
66 property for the purposes of:

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



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

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

75 4. Prohibiting illegal substance use and alcohol use on the
76 designated property and enforcing such prohibition.

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

84 (d) The department may inspect any designated property at
85 any time, and the secretary may provide notice to the county
86 recommending closure of the designated property if the
87 requirements of this section are no longer satisfied. A county,
88 and municipality, if applicable, must publish any such notice
89 issued by the department on the county and municipality publicly
90 accessible websites within 5 business days of receipt of the
91 notice.

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

97 (4) (a) A resident of the county, an owner of a business



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

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

108 1. The applicant has provided written notice of the alleged
109 violation of subsection (2) to the governing board of the county
110 or applicable municipality.

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

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

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

119 (a) The Governor has declared a state of emergency in the
120 county or another county immediately adjacent to the county and
121 has suspended the provisions of this section pursuant to s.
122 252.36.

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

125 Section 2. The Legislature hereby determines and declares
126 that this act fulfills an important state interest of ensuring



127 the health, safety, welfare, quality of life, and aesthetics of
128 Florida communities while simultaneously making adequate
129 provision for the homeless population of this state.

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

131
132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete everything before the enacting clause
135 and insert:

136 A bill to be entitled
137 An act relating to unauthorized public camping and
138 public sleeping; creating s. 125.0231, F.S.; defining
139 terms; prohibiting counties and municipalities from
140 authorizing or otherwise allowing public camping or
141 sleeping on public property without certification of
142 designated public property by the Department of
143 Children and Families; authorizing counties to
144 designate certain public property for such uses for a
145 specified time period; requiring the Department of
146 Children and Families to certify such designation;
147 requiring a county to submit a request to the
148 secretary of the department which includes
149 certification of and documentation proving certain
150 information; requiring counties to establish specified
151 standards and procedures relating to such property;
152 authorizing the department to conduct inspections of
153 such property and the secretary to issue notice;
154 providing applicability; providing an exception to
155 applicability during specified emergencies; providing



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a declaration of important state interest; providing
an effective date.