

By the Committee on Judiciary; and Senator Martin

590-02929-24

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1                   A bill to be entitled  
2           An act relating to unauthorized public camping and  
3           public sleeping; creating ss. 125.0231 and 166.0453,  
4           F.S.; defining the terms "public camping" and "public  
5           sleeping"; prohibiting counties and municipalities,  
6           respectively, from authorizing or otherwise permitting  
7           public sleeping or public camping on public property  
8           without a specified permit; authorizing counties and  
9           municipalities to designate certain public property  
10          for such purpose for a specified time period;  
11          requiring counties and municipalities to establish  
12          specified standards and procedures relating to such  
13          property; requiring a county to take certain action  
14          within 30 days after designating property as  
15          authorized; requiring the Department of Children and  
16          Families to conduct inspections of such property at  
17          specified intervals and to produce a report; providing  
18          an exemption from certain requirements for a fiscally  
19          constrained county or municipality; providing a cause  
20          of action for a resident or business owner in a county  
21          or municipality; requiring an application for  
22          injunction be accompanied by an affidavit attesting  
23          specified information; providing an exception to  
24          applicability during specified emergencies; providing  
25          a declaration of important state interest; providing  
26          an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Section 125.0231, Florida Statutes, is created  
31 to read:

32 125.0231 Unauthorized public camping and public sleeping.-

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

34 (a) "Public camping" means lodging or residing overnight in  
35 a temporary outdoor habitation used as a dwelling or living  
36 space and evidenced by the erection of a tent or other temporary  
37 shelter, the presence of bedding or pillows, or the storage of  
38 personal belongings. The term does not include lodging or  
39 residing overnight in a motor vehicle that is registered,  
40 insured, and located in a place where it may lawfully be.

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

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

49 (3) (a) A county may, in its discretion, designate property  
50 owned by the county to be used for a continuous period of no  
51 longer than 1 year for the purpose of public camping or public  
52 sleeping. A property designated for such purpose may not be  
53 located in an area where such designation would adversely and  
54 materially affect the property value or safety and security of  
55 other existing residential or commercial property.

56 (b) Except as provided in paragraph (e), if a county  
57 designates county property to be used for public camping or  
58 public sleeping, it must establish and maintain minimum

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

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

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

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

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

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

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

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

(d) Within 90 days following the designation of county  
property as authorized in paragraph (a), and at least once more  
after 180 days if the property remains so designated, the  
Department of Children and Families shall inspect the property  
and issue a report to the county which may include  
recommendations to assist the county in maintaining the minimum  
standards and procedures required under paragraph (b). A county  
must post any inspection report issued pursuant to this

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88 paragraph to the county's publicly accessible website within 5  
89 business days after receiving the report.

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

95 (4) (a) A resident of the county or an owner of a business  
96 located in the county may bring a civil action in any court of  
97 competent jurisdiction against the county to enjoin a violation  
98 of subsection (2). If the resident or business owner prevails in  
99 a civil action, the court may award reasonable expenses incurred  
100 in bringing the civil action, including court costs, reasonable  
101 attorney fees, investigative costs, witness fees, and deposition  
102 costs.

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

105 1. The applicant has provided written notice of the alleged  
106 violation of subsection (2) to the governing board of the  
107 county.

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

110 3. The county has failed to cure the alleged violation  
111 within 5 business days after receiving written notice of the  
112 alleged violation.

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

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

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

119 Section 2. Section 166.0453, Florida Statutes, is created  
120 to read:

121 166.0453 Unauthorized public camping and public sleeping.-

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

123 (a) "Public camping" means lodging or residing overnight in  
124 a temporary outdoor habitation used as a dwelling or living  
125 space and evidenced by the erection of a tent or other temporary  
126 shelter, the presence of bedding or pillows, or the storage of  
127 personal belongings. The term does not include lodging or  
128 residing overnight in a motor vehicle that is registered,  
129 insured, and located in a place where it may lawfully be.

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

132 (2) Except as provided in subsection (3), a municipality  
133 may not authorize or otherwise permit any person to regularly  
134 engage in public camping or public sleeping on any public  
135 property, public building, or public right-of-way under the  
136 municipality's jurisdiction, unless such person has been  
137 lawfully issued a temporary permit authorizing such activity by  
138 the municipality.

139 (3) (a) A municipality may, in its discretion, designate  
140 property owned by the municipality to be used for a continuous  
141 period of no longer than 1 year for the purpose of public  
142 camping or public sleeping. A property designated for such  
143 purpose may not be located in an area where such designation  
144 would adversely and materially affect the property value or  
145 safety and security of other existing residential or commercial

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146 property.

147 (b) Except as provided in paragraph (e), if a municipality  
148 designates municipal property to be used for public camping or  
149 public sleeping, it must establish and maintain minimum  
150 standards and procedures related to the designated property for  
151 the purposes of:

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

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

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

159 4. Prohibiting illegal drug use and alcohol use on the  
160 designated property and enforcing such prohibition.

161 (c) Within 30 days after designating municipal property as  
162 authorized in paragraph (a), the municipality must:

163 1. Provide notice to the Department of Children and  
164 Families that property has been designated for such purpose and  
165 provide the location of such property.

166 2. Post the minimum standards and procedures required under  
167 paragraph (b) to the municipality's publicly accessible website.  
168 Such policies and procedures must continue to be publicly  
169 available as long as any municipal property remains designated  
170 for the purpose authorized in paragraph (a).

171 (d) Within 90 days following the designation of municipal  
172 property as authorized in paragraph (a), and at least once more  
173 after 180 days if the property remains so designated, the  
174 Department of Children and Families shall inspect the property

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175 and issue a report to the municipality which may include  
176 recommendations to assist the municipality in maintaining the  
177 minimum standards and procedures required under paragraph (b). A  
178 municipality must post any inspection report issued pursuant to  
179 this paragraph to the municipality's publicly accessible website  
180 within 5 business days after receiving the report.

181 (e) A municipality located within a fiscally constrained  
182 county is exempt from the requirement to establish and maintain  
183 minimum standards and procedures under subparagraphs (b)1., 2.,  
184 and 3. if the governing board of the municipality makes a  
185 finding that compliance with such requirements would result in a  
186 financial hardship.

187 (4) (a) A resident of the municipality or an owner of a  
188 business located in the municipality may bring a civil action in  
189 any court of competent jurisdiction against the municipality to  
190 enjoin a violation of subsection (2). If the resident or  
191 business owner prevails in the civil action, the court may award  
192 reasonable expenses incurred in bringing the civil action,  
193 including court costs, reasonable attorney fees, investigative  
194 costs, witness fees, and deposition costs.

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

197 1. The applicant has provided written notice of the alleged  
198 violation of subsection (2) to the governing board of the  
199 municipality.

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

202 3. The municipality has failed to cure the alleged  
203 violation within 5 business days after receiving written notice

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204 of the alleged violation.

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

207 (a) The Governor has declared a state of emergency in the  
208 county in which the municipality is located or another county  
209 immediately adjacent to the county in which the municipality is  
210 located.

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

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

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