

By the Committees on Fiscal Policy; and Judiciary; and Senator Martin

594-03654-24

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1 A bill to be entitled
2 An act relating to unauthorized public camping and
3 public sleeping; creating s. 125.0231, F.S.; defining
4 terms; prohibiting counties and municipalities from
5 authorizing or otherwise allowing public camping or
6 sleeping on public property without certification of
7 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 of
11 Children and Families to certify such designation;
12 requiring a county to submit a request to the
13 secretary of the department which includes
14 certification of and documentation proving certain
15 information; requiring counties to establish specified
16 standards and procedures relating to such property;
17 authorizing the department to conduct inspections of
18 such property and the secretary to issue notice;
19 providing applicability; providing an exception to
20 applicability during specified emergencies; providing
21 a declaration of important state interest; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 125.0231, Florida Statutes, is created
27 to read:

28 125.0231 Public camping and public sleeping.—

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

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30 (a) "Department" means the Department of Children and
31 Families.

32 (b) "Public camping or sleeping" means lodging or residing
33 overnight in a temporary outdoor habitation used as a dwelling
34 or living space and evidenced by the erection of a tent or other
35 temporary shelter, the presence of bedding or pillows, or the
36 storage of personal belongings, or means lodging or residing
37 overnight in an outdoor space without a tent or other temporary
38 shelter. The term does not include:

39 1. Lodging or residing overnight in a motor vehicle that is
40 registered, insured, and located in a place where it may
41 lawfully be.

42 2. Camping for recreational purposes on property designated
43 for such purposes.

44 (2) Except as provided in subsection (3), a county or
45 municipality may not authorize or otherwise allow any person to
46 regularly engage in public camping or sleeping on any public
47 property, including, but not limited to, any public building or
48 its grounds and any public right-of-way under the jurisdiction
49 of the county or municipality, as applicable.

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

58 (a) A county designation is not effective until the

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59 department certifies the designation. To obtain department
60 certification, the county shall submit a request to the
61 secretary of the department which shall include certification
62 of, and documentation proving, the following:

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

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

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

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

75
76 Upon receipt of a county request to certify a designation, the
77 department shall notify the county of the date of receiving the
78 request, and of any omission or error, within 10 days of receipt
79 by the department. The department shall certify the designation
80 within 45 days of receipt of a complete submission from the
81 county, and the designation shall be deemed certified on the
82 45th day if the department takes no action.

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

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

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

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

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

98 (c) Within 30 days after certification of a designation by
99 the department, the county must publish the minimum standards
100 and procedures required under paragraph (b) on the county's and,
101 if applicable, the municipality's publicly accessible websites.
102 The county and municipality must continue to make such policies
103 and procedures publicly available for as long as any county or
104 municipal property remains designated under paragraph (a).

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

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

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117 requirements would result in a financial hardship.

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

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

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

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

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

138 (5) This section does not apply to a county during any time
139 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.

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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 this state.

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