

1 A bill to be entitled

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 an effective date.

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

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

25 125.0231 Public camping and public sleeping.-

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

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

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

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

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

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

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

73
74 Upon receipt of a county request to certify a designation, the
75 department shall notify the county of the date of receiving the

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

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

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

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

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

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

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

101 and procedures publicly available for as long as any county or
102 municipal property remains designated under paragraph (a).

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

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

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

125 (b) An application for injunction filed pursuant to this

126 subsection must be accompanied by an affidavit attesting that:

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

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

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

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

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

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

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

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