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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.