

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

27 (a) "Public camping" means lodging or residing overnight
28 in a temporary outdoor habitation used as a dwelling or living
29 space and evidenced by the erection of a tent or other temporary
30 shelter, the presence of bedding or pillows, or the storage of
31 personal belongings. The term does not include lodging or
32 residing overnight in a motor vehicle that is registered,
33 insured, and located in a place where it may lawfully be.

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

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

42 (3)(a) A county may, in its discretion, designate property
43 owned by the county to be used for a continuous period of no
44 longer than 1 year for the purposes of public camping or public
45 sleeping. A property designated for such purposes may not be
46 located in an area where such designation would adversely and
47 materially affect the property value or safety and security of
48 other existing residential or commercial property.

49 (b) Except as provided in paragraph (e), if a county
50 designates county property to be used for public camping or

51 public sleeping, it must establish and maintain minimum
52 standards and procedures related to the designated property for
53 the purposes of:

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

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

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

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

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

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

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

73 (d) Within 90 days after the designation of county
74 property as authorized in paragraph (a), and at least once more
75 after 180 days if the property remains so designated, the

76 Department of Children and Families shall inspect the property
 77 and issue a report to the county which may include
 78 recommendations to assist the county in maintaining the minimum
 79 standards and procedures required under paragraph (b). A county
 80 must post any inspection report issued pursuant to this
 81 paragraph to the county's publicly accessible website within 5
 82 business days after receiving the report.

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

88 (4) (a) A resident of the county or an owner of a business
 89 located in the county may bring a civil action in any court of
 90 competent jurisdiction against the county to enjoin a violation
 91 of subsection (2). If the resident or business owner prevails in
 92 a civil action, the court may award reasonable expenses incurred
 93 in bringing the civil action, including court costs, reasonable
 94 attorney fees, investigative costs, witness fees, and deposition
 95 costs.

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

98 1. The applicant has provided written notice of the
 99 alleged violation of subsection (2) to the governing board of
 100 the county.

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

103 3. The county has failed to cure the alleged violation
 104 within 5 business days after receiving written notice of the
 105 alleged violation.

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

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

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

112 Section 2. Section 166.0453, Florida Statutes, is created
 113 to read:

114 166.0453 Unauthorized public camping and public sleeping.—

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

116 (a) "Public camping" means lodging or residing overnight
 117 in a temporary outdoor habitation used as a dwelling or living
 118 space and evidenced by the erection of a tent or other temporary
 119 shelter, the presence of bedding or pillows, or the storage of
 120 personal belongings. The term does not include lodging or
 121 residing overnight in a motor vehicle that is registered,
 122 insured, and located in a place where it may lawfully be.

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

125 (2) Except as provided in subsection (3), a municipality

126 may not authorize or otherwise permit any person to regularly
127 engage in public camping or public sleeping on any public
128 property, public building, or public right-of-way under the
129 municipality's jurisdiction, unless such person has been
130 lawfully issued a temporary permit authorizing such activity by
131 the municipality.

132 (3)(a) A municipality may, in its discretion, designate
133 property owned by the municipality to be used for a continuous
134 period of no longer than 1 year for the purposes of public
135 camping or public sleeping. A property designated for such
136 purposes may not be located in an area where such designation
137 would adversely and materially affect the property value or
138 safety and security of other existing residential or commercial
139 property.

140 (b) Except as provided in paragraph (e), if a municipality
141 designates municipal property to be used for public camping or
142 public sleeping, it must establish and maintain minimum
143 standards and procedures related to the designated property for
144 the purposes of:

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

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

149 3. Coordinating with the local continuum of care to
150 provide access to behavioral health services, which must include

151 substance abuse and mental health treatment resources.

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

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

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

159 2. Post the minimum standards and procedures required
 160 under paragraph (b) to the municipality's publicly accessible
 161 website. Such policies and procedures must continue to be
 162 publicly available as long as any municipal property remains
 163 designated for the purposes authorized in paragraph (a).

164 (d) Within 90 days after the designation of municipal
 165 property as authorized in paragraph (a), and at least once more
 166 after 180 days if the property remains so designated, the
 167 Department of Children and Families shall inspect the property
 168 and issue a report to the municipality which may include
 169 recommendations to assist the municipality in maintaining the
 170 minimum standards and procedures required under paragraph (b). A
 171 municipality must post any inspection report issued pursuant to
 172 this paragraph to the municipality's publicly accessible website
 173 within 5 business days after receiving the report.

174 (e) A municipality located within a fiscally constrained
 175 county is exempt from the requirement to establish and maintain

176 minimum standards and procedures under subparagraphs (b)1.-3. if
177 the governing board of the municipality makes a finding that
178 compliance with such requirements would result in a financial
179 hardship.

180 (4) (a) A resident of the municipality or an owner of a
181 business located in the municipality may bring a civil action in
182 any court of competent jurisdiction against the municipality to
183 enjoin a violation of subsection (2). If the resident or
184 business owner prevails in the civil action, the court may award
185 reasonable expenses incurred in bringing the civil action,
186 including court costs, reasonable attorney fees, investigative
187 costs, witness fees, and deposition costs.

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

190 1. The applicant has provided written notice of the
191 alleged violation of subsection (2) to the governing board of
192 the municipality.

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

195 3. The municipality has failed to cure the alleged
196 violation within 5 business days after receiving written notice
197 of the alleged violation.

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

200 (a) The Governor has declared a state of emergency in the

CS/HB 1365

2024

201 county in which the municipality is located or another county
202 immediately adjacent to the county in which the municipality is
203 located.

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

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

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