

26 | 125.0231 Public camping and public sleeping.—
 27 | (1) As used in this section, the term:
 28 | (a) "Department" means the Department of Children and
 29 | Families.
 30 | (b)1. "Public camping or sleeping" means:
 31 | a. Lodging or residing overnight in a temporary outdoor
 32 | habitation used as a dwelling or living space and evidenced by
 33 | the erection of a tent or other temporary shelter, the presence
 34 | of bedding or pillows, or the storage of personal belongings; or
 35 | b. Lodging or residing overnight in an outdoor space
 36 | without a tent or other temporary shelter.
 37 | 2. The term does not include:
 38 | a. Lodging or residing overnight in a motor vehicle that
 39 | is registered, insured, and located in a place where it may
 40 | lawfully be.
 41 | b. Camping for recreational purposes on property
 42 | designated for such purposes.
 43 | (2) Except as provided in subsection (3), a county or
 44 | municipality may not authorize or otherwise allow any person to
 45 | regularly engage in public camping or sleeping on any public
 46 | property, including, but not limited to, any public building or
 47 | its grounds and any public right-of-way under the jurisdiction
 48 | of the county or municipality, as applicable.
 49 | (3) A county may, by majority vote of the county's
 50 | governing body, designate property owned by the county or a

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

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

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

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

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

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

74
75 Upon receipt of a county request to certify a designation, the

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

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

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

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

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

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

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

101 The county and municipality must continue to make such policies
102 and procedures publicly available for as long as any county or
103 municipal property remains designated under paragraph (a).

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

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

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

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

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

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

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

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

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 the state.

151 Section 3. Section 125.0231(4), Florida Statutes, as
152 created by this act, shall take effect January 1, 2025, and
153 applies to causes of action accruing on or after that date.

154 Section 4. Except as otherwise expressly provided in this
155 act, this act shall take effect October 1, 2024.