

By Senator Martin

33-00804A-24

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1 A bill to be entitled
2 An act relating to unauthorized public camping and
3 public sleeping; creating ss. 125.0231 and 166.0453,
4 F.S.; prohibiting counties and municipalities,
5 respectively, from permitting public sleeping or
6 public camping on public property without a permit;
7 authorizing counties and municipalities, respectively,
8 to designate certain public property for such uses;
9 providing requirements for such property; providing
10 for enforcement actions; providing an exception for
11 declared emergencies; providing a declaration of
12 important state interest; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 125.0231, Florida Statutes, is created
17 to read:

18 125.0231 Unauthorized public camping and public sleeping.-

19 (1) A county may not authorize or permit public sleeping or
20 public camping on public property, at public buildings, or on
21 public rights-of-way within the county's jurisdiction without a
22 lawfully issued temporary permit. However, a county may, in its
23 discretion, designate certain county property for public
24 sleeping or public camping, subject to the following conditions,
25 the sufficiency of which shall be determined by the Department
26 of Children and Families:

27 (a) Minimum sanitation levels, which include, but are not
28 limited to, access to clean and operable restrooms and running
29 water.

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30 (b) Security present on site at all times.

31 (c) Access to behavioral health services, including, but
32 not limited to, substance abuse and mental health treatment
33 resources.

34 (d) Drugs and alcohol are prohibited within the designated
35 area.

36 (e) The designated area may not be in a location where it
37 adversely and materially affects the value or security of
38 existing residential or commercial properties.

39 (2) A person or business may bring a civil action in any
40 court of competent jurisdiction against any county to enjoin a
41 violation of this section and may recover reasonable expenses
42 incurred in any successful civil action brought pursuant to this
43 section, including court costs, reasonable attorney fees,
44 investigative costs, witness fees, and deposition costs.

45 (3) This section does not apply during a state of emergency
46 issued by the Governor.

47 Section 2. Section 166.0453, Florida Statutes, is created
48 to read:

49 166.0453 Unauthorized public camping and public sleeping.-

50 (1) A municipality may not authorize or permit public
51 sleeping or public camping on public property, at public
52 buildings, or on public rights-of-way within the municipality's
53 jurisdiction without a lawfully issued temporary permit.
54 However, a municipality may, in its discretion, designate
55 certain municipal property for public sleeping or public
56 camping, subject to the following conditions, the sufficiency of
57 which shall be determined by the Department of Children and
58 Families:

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59 (a) Minimum sanitation levels, which include, but are not
60 limited to, access to clean and operable restrooms and running
61 water.

62 (b) Security present on site at all times.

63 (c) Access to behavioral health services, including, but
64 not limited to, substance abuse and mental health treatment
65 resources.

66 (d) Drugs and alcohol are prohibited within the designated
67 area.

68 (e) The designated area may not be in a location where it
69 adversely and materially affects the value or security of
70 existing residential or commercial properties.

71 (2) A person or business may bring a civil action in any
72 court of competent jurisdiction against any municipality to
73 enjoin a violation of this section and may recover reasonable
74 expenses incurred in any successful civil action brought
75 pursuant to this section, including court costs, reasonable
76 attorney fees, investigative costs, witness fees, and deposition
77 costs.

78 (3) This section does not apply during a state of emergency
79 issued by the Governor.

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

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