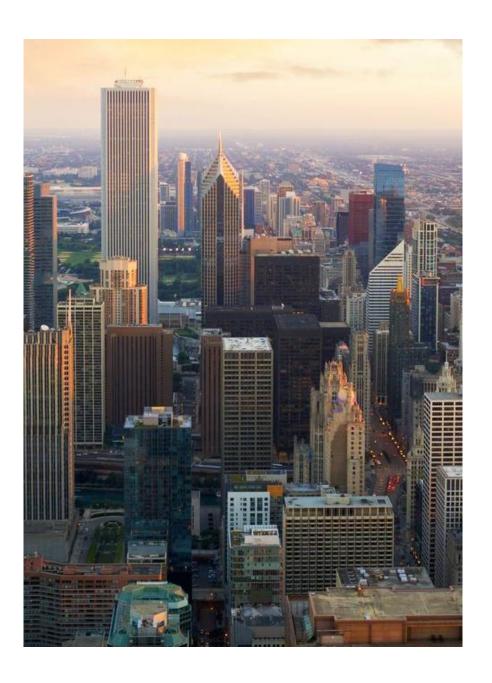
#### **HOUSE BILL 1365**

DECLARES THE REGULATION OF UNAUTHORIZED PUBLIC CAMPING AND SLEEPING AS A MATTER OF IMPORTANT STATE INTEREST, EMPHASIZING THE SIGNIFICANCE OF THE ISSUE FROM A STATEWIDE PERSPECTIVE.





## FLORIDA STATUTE 125.0231

 This act is aimed at regulating unauthorized public camping and sleeping on public property within Florida. By creating Section 125.0231 of the Florida Statutes, it establishes clear guidelines for counties and municipalities to follow in managing such activities.



#### UNAUTHORIZED PUBLIC CAMPING AND PUBLIC SLEEPING

- Section 125.0231 of the Florida Statutes prohibits COUNTIES AND MUNICIPALITIES from allowing unauthorized public camping or sleeping on public property without certification of designated public property by the Department of Children and Families.
- Note: Section 125.0231 is directed to Counties while Section 2. 166.0453 is the statute that pertains to Municipalities

## SECTION 125.0231(1) DEFINES TERMS



# PUBLIC CAMPING AND PUBLIC SLEEPING DEFINED

- Public Camping: means lodging or residing OVERNIGHT in a temporary outdoor habitation used as a dwelling or living space
  - Evidence of Public Camping: Erection of a tent, or other temporary shelter (cardboard boxes), presence of bedding or pillows, or storage of personal belongings.
  - Public Sleeping: means lodging or residing OVERNIGHT in an outdoor space without a tent or other temporary shelter.
  - Section 125.0231(2): This exception is carved out for persons with a temporary permit (camping)

### SECTION 125.0231(3)(A) -(3)(B) ALLOWS COUNTIES OR MUNICIPALITIES TO DESIGNATE PROPERTY FOR PUBLIC CAMPING AND PUBLIC SLEEPING

- The property designated cannot be designated longer than 1 year, and the location cannot be in an area that would adversely and materially affect the property value or safety and security of the surrounding properties
- Designated property must have an established minimum standard and procedures in place to ensure: (This must be certified by DCF.)
  - Safety of the persons and property
  - Maintain sanitation including access to clean and operable restrooms and running water
  - Work with COC to access to behavioral health services, including substance abuse and mental health resources
  - Prohibit illegal drug and alcohol use on the designated property



SECTION 125.0231(3)(C) -(3)(E)

DIRECTION TO THE COUNTY/MUNICIPALITY TO

DESIGNATE PROPERTY

 Provide Notice to Department of Children and Family Services ("DCF") of the designated area

Post the minimum standards and procedures on DCF website

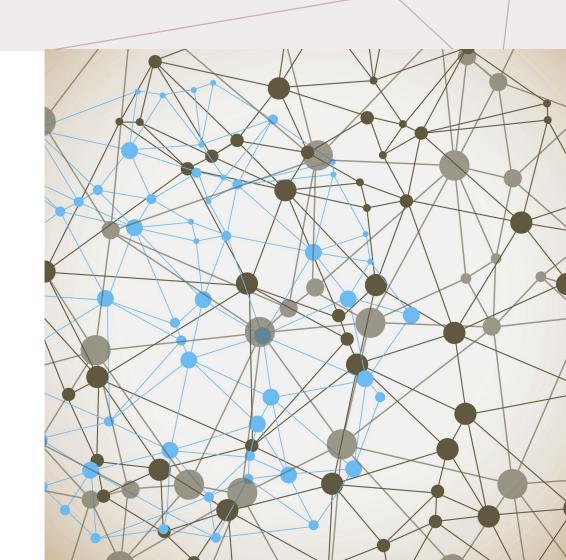
Available as long as the property is designated

 Within 90 days and again in 180 days DCF must inspect, report, and publish publicly accessible findings within 5 days of the report

· Fiscally constrained counties are exempt if it burdens the County/Municipality

### **SECTION 125.0231(4): REMEDIES**

- Resident or Owner of a Business in the County/Municipality may bring a civil action against the County/Municipality if the they do not enforce this law
- Awarded reasonable expenses, court fees, attorney's fees and costs of litigation
- Section 125.0231(4): Exceptions
- The governor declares a state of emergency in the County or surrounding Counties.





- · In summary, this act establishes a framework for regulating unauthorized public camping and sleeping on public property in Florida, aiming to ensure safety, compliance with standards, and coordination between state and local authorities in managing these activities
- Although at first glance this statute targets the Counties and Municipalities the homeless population will be affected the most by House Bill 1365
- · House Bill 1365 is expected to go into effect October 1, 2024

