

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/CS/HB 1365 — Unauthorized Public Camping and Public Sleeping

by Health & Human Services Committee; Judiciary Committee; and Rep. Garrison and others (CS/CS/SB 1530 by Fiscal Policy Committee; Judiciary Committee; and Senator Martin)

The bill preempts counties and municipalities from authorizing individuals to regularly sleep or camp on public property, at public buildings, or on public rights-of-way within their jurisdictions. The prohibitions against camping or sleeping on public property do not apply when the Governor has declared a state of emergency or when local officers have declared a local state of emergency pursuant to ch. 870, F.S.

The bill authorizes counties and municipalities to designate public property for public camping or sleeping by majority vote. Before use, such designated property must be certified by the Department of Children and Families that the local government and the property meet certain requirements. A designated property may not be used continuously for longer than 1 year and, except for properties in fiscally constrained counties that make certain findings, must meet specified minimum standards and procedures. The Department of Children and Families may inspect the property and recommend decertification if requirements for the designation are no longer being met.

Effective January 1, 2025, the bill authorizes a resident, local business owner, or the Attorney General to bring a civil action against a county or municipality to enjoin practices of allowing unlawful sleeping or camping on public property. When filing an application for an injunction, the plaintiff must also file an affidavit demonstrating that the governmental entity has been notified of the problem and that the problem has not been cured. A prevailing plaintiff may recover reasonable expenses incurred in bringing the action.

Individuals who sleep or camp on public property without authorization are not subject to penalties under the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024, except where otherwise provided.

Vote: Senate 27-12; House 82-26