

Public Sleeping and Camping Update

Board of County Commissioners

October 22, 2024

HB 1365: Public Sleeping and Camping

Allows a county to designate property owned by the County or a municipality within the county's boundaries for the purposes of public sleeping or camping. A property designated as such must be certified by the Department of Children and Families and meet certain minimum standards.

The designation requires a majority vote by the local governing body and may not exceed a continuous period of more than one year.

HB 1365:

- Signed by Governor DeSantis in March 2024 creating s. 125.0231, F.S.
- Most provisions are effective October 1, 2024.
- This new law provides that a county “may” designate property for public sleeping and camping; counties are not required to do so.
- Site Criteria:
 - Designation by Department of Children and Families
 - Demonstration that there are not sufficient open beds in shelters located in the county
 - Ensure the safety and security of the designated property and persons lodging on it
 - Maintain sanitation, which must include providing access to clean restrooms and running water
 - Provide access to behavioral health services, which must include substance abuse and mental health treatment resources
 - Prohibition of illegal substance and alcohol use, to include enforcement

HB 1365 Prohibits:

A county or municipality from authorizing or otherwise allowing any person <the same person> to regularly engage in overnight public sleeping or camping on any public outdoor property and rights-of-way under the jurisdiction of the county or municipality.

Public sleeping and camping does not include lodging overnight in a motor vehicle, camping for recreational purposes on designated property, or lodging overnight on private property.

Authorization for Civil Action

Effective January 1, 2025, a county resident, a county business owner, or the Attorney General may bring a civil action against a county or applicable municipality to enjoin a violation of the prohibition to authorize public camping or sleeping activity.

The county or municipality must fail to take all reasonable actions within the limits of its governmental authority to cure the alleged violation within five (5) business days after receiving written notice of the alleged violation.

Status and Next Steps

County staff has proactively met with not-for-profits, municipal partners, and law enforcement to determine and implement the best approach for proactive enforcement measures.

The role of the Board of County Commissioners is to execute the necessary ordinances to reflect the requirements of state law and the policies and procedures for notifying the Sheriff or Municipal Police Departments when a perceived violation has occurred.

- Staff recommends the Seminole County Code of Ordinances be amended to expressly prohibit public camping and sleeping on County property and rights-of-way consistent with the requirements of the new legislation.