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**INTER-OFFICE CORRESPONDENCE**  
**MEMORANDUM NO. 2024-078**

TO: Mayor Angelo Castillo  
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CC: Charles F. Dodge, City Manager  
Marty Gayeski, Deputy City Manager  
Jonathan Bonilla, Assistant City Manager  
Michael Stamm, Jr., Assistant City Manager/Director of  
Planning and Economic Development  
Christina Sorensen, Assistant City Manager/Director of  
Recreation and Cultural Arts  
Daniel Rotstein, Assistant City Manager/Human  
Resources and Risk Director  
Lisa Chong, Assistant City Manager/Finance  
Debra E. Rogers, City Clerk  
Jose Vargas, Chief of Police  
Richard Barnes, Assistant Chief of Police

FROM: Samuel S. Goren, City Attorney *SSG*  
Brian J. Sherman, Assistant City Attorney *BJS*

DATE: July 16, 2024

RE: House Bill 1365 Unauthorized Public Camping and Public  
Sleeping

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Governor DeSantis signed House Bill (HB) 1365 into law as Chapter No 2024-11, Laws of Florida on March 20, 2024. HB 1365 creates §125.0231, F.S., and prohibits counties and municipalities from authorizing or otherwise allowing any person to regularly engage in public camping or sleeping. §125.0231, F.S. becomes effective on October 1, 2024.

§125.0231, F.S. defines public camping or sleeping to generally mean residing overnight in a temporary outdoor habitation or upon any public property, public building, or public right-of-way under the county or municipality's jurisdiction, unless the county designates property for such purposes. The definition does not include sleeping in a registered, insured, and lawfully parked vehicle or for recreational purposes in permitted locations.

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**§125.0231, F.S. is inapplicable to camping or sleeping on private property.** Private property owners must collaborate with law enforcement if they wish to prohibit camping or sleeping on private property.

The county, by majority vote of its governing body, may designate an identified property owned by either the county or a municipality as a public camping site for a period of time not to exceed one year. **If the property is located within a municipality, the municipality must concur with the property designation by a majority vote of the governing body.** The Department of Children and Families (DCF) must also certify the proposed public camping property by ensuring the property had adequate security, access to sanitary services, clean and operable restrooms, running water, and behavioral health services for the occupants. There are exceptions for fiscally constrained counties, where applicable.

DCF certification also includes a determination that the available shelter space within the county is insufficient, and that the selected property:

- Shall not be contiguous to property designated for residential use;
- Shall not adversely and materially affect property values;
- Shall not affect the safety and security of other existing residential or commercial property;
- or,
- Negatively affect the safety of children.

Except for property designated as a public camping site pursuant to §125.0231, F.S., neither the county nor a municipality may authorize or otherwise allow any person to regularly engage in public camping or sleeping on any public property, including, but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of the county or a municipality. The legislation fails to designate public camping a criminal violation under state law.

Furthermore, the Attorney General, any resident of the county, or an owner of a business in the county may bring a civil action to enjoin either the county or municipality from authorizing or allowing public camping or sleeping. Any application for an injunction under the new law requires the complaining party to file an affidavit attesting that the applicant: (i) provided notice to the governing board of the county or applicable municipality; (ii) that the county or applicable

municipality was provided 5 business days to cure the alleged violation; and, (iii) the county or municipality has not taken "all reasonable actions within the limits of its governmental authority to cure the alleged violation within the 5 day notice period."

If the resident or business owner prevails, they are entitled to recover their attorney's fees and costs. There is no reciprocal award should the defendant government entity prevail. No civil action may be brought against a county or municipality until January 1, 2025, or for any cause of action that accrues prior to that date. Further, no cause of action may arise during declared state of emergency affecting the county, and this section may be expressly waived by the Governor in counties adjacent to jurisdictions affected by a state of emergency.

In *City of Grants Pass, Oregon v. Johnson*, 23-175, 2024 WL 3208072 (U.S. June 28, 2024), the United States Supreme Court very recently upheld the constitutionality a city ordinance that prohibited public camping. While this decision does not eliminate the possibility of any legal challenges to a county or municipal action to address public camping, it does support the ability of local governments to take action, including certain law enforcement action, to address the issue.

Municipal and county professional staff and counsel have opened discussions in an effort to coordinate a consistent countywide response to the legislation. An important issue will be coordination on the potential designation of public property for public camping that meets the criteria of the legislation.

Please do not hesitate to contact our office if you have any questions or we can provide any additional assistance.

SSG:BJJ