



Florida Department of Children and Families

Office on Homelessness - FAQ

Overview

Section 125.0231, F.S., created by House Bill 1365, Unauthorized Public Camping and Sleeping, directs the Department of Children and Families to certify designated county public camping and sleeping site certification requests, and monitor site compliance following certification. This document is intended to provide guidance to Florida counties to aid compliance.

General Information

HB 1365 creates section 125.0231, Florida Statutes. Section 125.0231 directs that counties and municipalities may not allow a person to regularly engage in public camping or sleeping on any public property not certified by the Department as a designated public camping or sleeping site.

A resident of the county, an owner of a business located in the county, or the Attorney General may bring a civil action in any court of competent jurisdiction against the county or applicable municipality which allows unauthorized regular public camping or sleeping on any public property not certified by the Department. Section 125.0231 may not apply during declared disasters.

WHAT IS PUBLIC CAMPING OR SLEEPING?

- Lodging or residing overnight in a temporary outdoor habitation used as a dwelling or living space (i.e., tent or other temporary shelter), or lodging or residing overnight in an outdoor space without a tent or other temporary shelter.
- Public camping or sleeping does NOT include lodging overnight in a motor vehicle that is registered, insured, and located in a place where it may lawfully be, or camping for recreational purposes on property designated for such purposes.

WHEN DO HB 1365 PROVISIONS TAKE EFFECT?

- All provisions except those in section 125.0231(4) take effect on October 1, 2024.
- Section 125.0231(4) provisions regarding civil actions against counties or municipalities take effect January 1, 2025.

WHERE CAN A DESIGNATED PUBLIC SLEEPING SITE BE LOCATED?

- The site location must be not contiguous to property designated for residential use.
- The site location must not adversely and materially affect the property value or safety and security of other existing residential or commercial property in the county.
- The site location must not negatively affect the safety of children.

HOW LONG CAN THE SITE BE DESIGNATED FOR PUBLIC CAMPING AND SLEEPING?

- A property may not be used for a continuous period longer than 1 year for the purposes of public camping or sleeping.



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ARE COUNTIES REQUIRED TO DESIGNATE PROPERTY FOR PUBLIC CAMPING AND SLEEPING?

- No, there is no requirement for counties to identify and designate a property for public camping or sleeping.

Certification Requests

Under specific circumstances, a county may designate a property in which temporary public camping or sleeping may be allowed, in accordance with Florida law. A county's designation is not effective prior to the county submitting a request to the Department to certify a designated public camping or sleeping site and receiving certification. The certification request should include various certifications and backup documentation as required. A county must establish minimum standards and procedures for the designated public camping and sleeping site under a site plan, and these procedures must be included in the certification request (unless the county submits a financial hardship finding, see below).

WHO CAN SUBMIT DESIGNATED SITE CERTIFICATION REQUESTS?

- Only counties can submit designated public camping and sleeping site requests to the Department.
- If a public camping and sleeping site is located in a municipality, a designation is contingent upon the concurrence of the municipality by majority vote of the municipality's governing body.

WHAT IS A SITE CERTIFICATION REQUEST?

- A request submitted to the Department to certify a county designated public camping or sleeping site.

WHERE DOES A COUNTY SUBMIT A SITE CERTIFICATION REQUEST?

- A county should submit a site certification request on the [Department's website](#).

WHAT SHOULD BE INCLUDED IN A COMPLETE SITE CERTIFICATION REQUEST?

- Counties can follow the [Public Encampment Certification Checklist](#) for a submission, which lists what certifications and documentation should be included in the request. Generally, these are:
 - The site location must be not contiguous to property designated for residential use.
 - The site location must not adversely and materially affect the property value or safety and security of other existing residential or commercial property in the county.
 - The site location must not negatively affect the safety of children.
 - A site plan which establishes minimum standards and procedures.



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Financial Hardship Finding

Fiscally constrained counties are exempt from the requirements to establish certain standards and procedures under a site plan if a financial hardship finding is submitted.

WHO CAN SUBMIT A FINANCIAL HARDSHIP FINDING?

- Only counties can submit financial hardship findings to the Department.

WHAT IS A FINANCIAL HARDSHIP FINDING?

- A finding by the governing board of the county that compliance with such requirements would result in a financial hardship.

WHAT SHOULD BE INCLUDED IN A COMPLETE FINANCIAL HARDSHIP FINDING SUBMISSION?

- Counties can follow the [Public Encampment Financial Hardship Checklist](#) for a submission, which lists what certifications and documentation should be included in the request.

WHAT SITE PLAN REQUIREMENTS DOES A FINANCIAL HARDSHIP FINDING EXEMPT?

- Counties with a financial hardship finding are exempt from requirements in section 125.0231(3)(b)1.-3, F.S.
- Counties with a financial hardship finding must still prohibit illegal substance use and alcohol use on the designated site and enforce such prohibition.

WHERE DOES A COUNTY SUBMIT A FINANCIAL HARDSHIP FINDING?

- A county should submit a financial hardship finding on the [Department's website](#).

WHEN DOES A COUNTY SUBMIT A FINANCIAL HARDSHIP FINDING?

- A county may submit a financial hardship finding as a part of a complete site certification request or may submit a stand-alone finding of financial hardship for existing sites.

County and Municipality Compliance Information

WHAT SHOULD BE INCLUDED IN SITE PLANS WHICH ESTABLISH MINIMUM STANDARDS AND PROCEDURES?

All site plans should establish and maintain the following minimum standards:

- Ensuring the safety and security of the designated property and the persons lodging or residing on such property.
- Maintaining sanitation, which must include, at a minimum, providing access to clean and operable restrooms and running water.



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- Coordinating with the regional managing entity to provide access to behavioral health services, which must include substance abuse and mental health treatment resources.
- Prohibiting illegal substance use and alcohol use on the designated property and enforcing such prohibition. This requirement also applies to properties in counties with a financial hardship.

CAN THE DEPARTMENT INSPECT A CERTIFIED PUBLIC CAMPING AND SLEEPING PROPERTY?

- The Department may inspect any designated property at any time.
- Following an inspection, the Secretary of the Department of Children and Families may provide notice to the county recommending closure of the designated property if the requirements of section 125.0231 are no longer satisfied.

WEBSITE PUBLISHING REQUIREMENTS

- Within 30 days after certification of a designation by the Department, the county must publish the minimum standards and procedures on the county's and, if applicable, the municipality's publicly accessible websites.
 - The county and, if applicable, municipality must continue to make such policies and procedures publicly available for as long as a property remains designated for public camping or sleeping.
- If the Department recommends the closure of a designated property following an inspection, the county and, if applicable, municipality must publish any such notice issued by the Department on the county's and the municipality's publicly accessible websites within 5 business days after receipt of the notice.