

LEGISLATIVE SUMMARY

Gloria Johnson Anti-Cruelty to Floridians Experiencing Homelessness Act State of Florida

What This Bill Does

The Gloria Johnson Act stops Florida from arresting or fining homeless people for doing things necessary to survive—like sleeping, sitting, or seeking shelter—when they have nowhere else to go. It's a direct response to last summer's Supreme Court decision that rolled back protections homeless individuals had under the Eighth Amendment.

Why We Need This Now

In June 2024, the Supreme Court decided *City of Grants Pass v. Gloria Johnson* and basically said cities can arrest people for sleeping outside, even when there's no shelter space available. That decision ignored what more than 1,100 organizations and experts told the Court: criminalizing homelessness causes real harm—sleep deprivation, exposure to extreme weather, and in some cases, death.

Here in Florida, we're facing a serious housing crisis. Over 38% of renters are spending more than 30% of their income on housing, which puts them one emergency away from homelessness. And the people experiencing homelessness aren't a monolith—they're disproportionately people of color, veterans, families with kids, people with disabilities, and LGBTQ+ individuals who've been pushed out of stable housing by systemic failures.

The truth is, most people become homeless because of things beyond their control: poverty, domestic violence, medical debt, discrimination, natural disasters, mass incarceration creating barriers to employment and housing. Arresting them doesn't solve any of those problems. It just makes them worse.

Important Definitions

The bill defines "homeless" broadly to include people in a lot of different situations: staying temporarily with friends or family because they lost their place, living in motels or shelters, sleeping in cars or parks, or living in substandard housing. Basically, if you don't have a stable place that's yours, you're covered.

"Adequate alternative indoor space" is key here. The bill sets a high bar—it means a real option that's actually available to someone, not just theoretically. It has to be free, accessible to people with disabilities, allow pets and partners and family, have a locking door, be climate-controlled, and include bathroom and cooking facilities (or access to shared ones). You can't be kicked out the next day and have to reapply. This isn't about

forcing people into inadequate shelters that split up families or turn away people with disabilities.

"Life-sustaining activities" covers the basics: sitting, lying down, sleeping, eating, drinking, protecting yourself from weather, storing the belongings you need to survive. These are things everyone does—the difference is homeless people often have to do them in public because they have no private space.

What the Bill Actually Does

Section 2: Constitutional Protections and Legal Defense

The bill makes Florida's position clear: punishing people for sleeping or sheltering themselves when they have nowhere else to go violates our state constitution's protection against cruel and unusual punishment. That's not a new interpretation—it's what federal courts said for decades before the Supreme Court reversed course.

It also creates something called a "necessity defense." If someone gets charged with violating a local ordinance against sleeping in public or camping, they can raise this defense by showing they had no adequate indoor alternative. The burden then shifts to the prosecution to prove that adequate space was actually available. Courts have to inform defendants about this defense—we're not going to let people plead guilty without knowing their rights.

Section 3: What Homeless People Can Do

This section lays out specific rights. Homeless individuals can conduct life-sustaining activities on public property as long as they're not blocking traffic or creating actual safety hazards. They can't be kicked out unless adequate alternative space exists and has been offered to them, with transportation provided if needed.

They also have the right to ask for help—to solicit food, water, or money in public. They can use public spaces like libraries and parks without being harassed based on their housing status. Their personal belongings stored in public have privacy protections similar to property in a home, meaning police can't just search or seize things without cause.

If someone's living in their car, they can park on public property as long as they're not obstructing traffic. Before a vehicle gets ticketed or towed, the person has a right to move it. If it does get towed, they can retrieve their belongings and get the vehicle back at a reduced rate based on what they can actually afford.

Section 4: This Law Wins

The bill preempts all conflicting state and local laws, period. Cities and counties can't pass or enforce ordinances that contradict this Act. It takes effect immediately. Any future state law that wants to override this has to explicitly say so by name.

Section 5: How Courts Should Read This

Courts are told to interpret this bill liberally to accomplish its purpose. The point is to protect people, and judges shouldn't look for loopholes to undermine that. Nothing in the bill reduces anyone's constitutional rights—it only expands protections.

Section 6: How It Gets Enforced

The Attorney General can sue local governments or officials who violate the Act. But more importantly, individual people who are harmed by violations can file their own lawsuits. If they win, they get their attorney's fees and costs covered, but if they lose a non-frivolous case, they don't have to pay the government's legal bills. That's important because we're talking about people with no money—they need to be able to challenge violations without financial risk.

Courts can issue injunctions to stop enforcement of unconstitutional ordinances. And governments can't hide behind immunity—the bill explicitly says state and local governments can be sued for violations.

The Bigger Constitutional Picture

Beyond the Eighth Amendment, criminalization of homelessness runs into problems with multiple parts of the Constitution. Excessive fines for things like sleeping in public hit people who literally have no money. Due process protections matter when someone can't comply with an order to "move along" because they have nowhere to go. First Amendment protections cover religious practices that might happen in public when you don't have a private space. And the right to travel means you can't just arrest people for existing in a particular place. The Americans with Disabilities Act is also relevant since a huge portion of homeless individuals have disabilities, and many shelters don't accommodate them properly.

Why This Makes Sense

Look, arresting homeless people is expensive and it doesn't work. We spend money on police time, court costs, and jail beds, and then the person gets released right back to the same situation with a criminal record that makes everything harder. They can't get jobs, can't get housing, can't access benefits. It's a cycle that costs taxpayers money while making the underlying problem worse.

What actually works? Housing and services. When communities have invested in shelters, transitional housing, and permanent supportive housing, homelessness goes down. The previous legal framework—before the Supreme Court reversed course—actually pushed cities to invest in those solutions instead of just arresting people. This bill gets us back to that approach.

There's also the basic human dignity issue. Sleeping isn't a choice—it's a biological necessity like breathing. When someone has nowhere to go, where exactly are they

supposed to exist? Arresting them doesn't make them disappear. It just shuffles them around while costing all of us money and inflicting cruelty that most Floridians, if they really thought about it, wouldn't support.

And the criminal record piece is huge. Once someone gets arrested for sleeping in public, they now have a record that follows them. That makes it nearly impossible to get back on their feet. Employers don't want to hire them. Landlords won't rent to them. They lose eligibility for student loans and public assistance. So we've essentially trapped them in homelessness while spending money to do it.

What It Costs (or Rather, What It Saves)

Right now we're spending money on police, courts, and jails to criminalize homelessness. That's not cheap. A single arrest can cost thousands of dollars when you add up police time, court processing, public defenders, and incarceration. Multiply that by thousands of interactions across the state, and you're talking real money.

This bill redirects those resources toward things that actually reduce homelessness: emergency shelters, transitional housing programs, permanent supportive housing, rapid rehousing. Those investments have proven track records. They're cheaper in the long run, and more importantly, they actually solve the problem instead of just moving it around.

What Cities and Counties Need to Know

Local governments will need to take a hard look at whether they actually have adequate alternative indoor space before they can enforce any ordinances affecting homeless people. That means counting beds, looking at accessibility, checking whether shelters turn people away for having a partner or a pet or a disability.

Law enforcement will need training on these new constitutional protections and how the necessity defense works. Officers can't just tell someone to move along without considering whether that person has anywhere to go.

Courts need to set up procedures to make sure defendants know about their affirmative defense rights. Public defenders need resources to raise these defenses effectively.

And ultimately, jurisdictions should be planning to expand adequate shelter space. This bill doesn't force cities to build shelters overnight, but it does say you can't arrest people when you haven't provided alternatives. That creates an incentive to actually address the problem.

Bottom Line

This bill is about treating people like people. Everyone agrees that nobody should have to sleep on the streets. But if we actually believe that, then we need to focus on solutions that work—housing and services—not punishment that makes the problem worse.

The current approach of arresting homeless people is cruel, expensive, and ineffective. It violates basic constitutional protections. It traps people in a cycle of poverty and criminal records that's nearly impossible to escape. And it costs taxpayers money without solving anything.

The Gloria Johnson Act changes that. It protects people's rights while creating incentives for communities to invest in real solutions. It's not radical—it's basically restoring the legal framework that existed before last summer and that helped communities across the country reduce homelessness through housing-first approaches.

Florida has a chance to lead here by recognizing what should be obvious: you can't arrest your way out of a housing crisis.