

By Representative Fiorentino

1                                   A bill to be entitled  
2           An act relating to homelessness; creating the  
3           State Office on Homelessness within the  
4           Department of Children and Family Services;  
5           directing the Governor to appoint an executive  
6           director for the state office; providing duties  
7           of the executive director; creating the Council  
8           on Homelessness; providing for membership of  
9           the council; providing for reimbursement of  
10          council members' travel expenses; providing  
11          duties and responsibilities of the council;  
12          requiring an annual report; amending s.  
13          228.041, F.S.; revising definition of "homeless  
14          child" for purposes of the Florida School Code;  
15          requiring the Department of Education to adopt  
16          rules; amending s. 232.01, F.S.; requiring  
17          school districts to make reasonable efforts to  
18          remove policies that create barriers to  
19          enrollment of homeless students; amending s.  
20          232.032, F.S.; providing a temporary exemption  
21          from required immunizations prior to school  
22          attendance for homeless children; amending s.  
23          232.03, F.S.; providing a temporary exemption  
24          from proof-of-age requirements prior to school  
25          admittance for homeless children; amending s.  
26          232.0315, F.S.; providing a temporary exemption  
27          from school-entry health examination  
28          requirements for homeless children; providing  
29          for followup; amending s. 420.5087, F.S.,  
30          relating to the State Apartment Incentive Loan  
31          Program; providing for loans for homeless

1 persons; revising a limitation on loans for the  
2 elderly; amending s. 420.511, F.S., relating to  
3 the Florida Housing Finance Corporation;  
4 requiring report of services provided to  
5 homeless persons; amending s. 420.609, F.S.;  
6 revising membership and duties of the  
7 Affordable Housing Study Commission; amending  
8 s. 420.621, F.S.; revising definition of  
9 "homeless" in provisions relating to local  
10 coalitions for the homeless and local community  
11 grants-in-aid; providing an effective date.  
12

13 Be It Enacted by the Legislature of the State of Florida:  
14

15 Section 1. (1) The State Office on Homelessness shall  
16 be created and shall be housed for administrative purposes  
17 within the Department of Children and Family Services. The  
18 Governor shall appoint an executive director for the state  
19 office who shall administer the state office, coordinate the  
20 functions of the state office with the Council on  
21 Homelessness, and assist the council in carrying out its  
22 duties. The Secretary of Children and Family Services shall  
23 provide administrative oversight, interagency counsel, and  
24 other related coordination for the state office.

25 (2)(a) The Council on Homelessness shall be created  
26 and shall consist of a 15-member council of public and private  
27 agency representatives and other interested persons, who shall  
28 develop and coordinate policy on homelessness in the state and  
29 advise the State Office on Homelessness. The council members  
30 shall consist of the following: the Secretary of Children and  
31 Family Services, or a designee; the Secretary of Community

1 Affairs, or a designee; the Secretary of Health, or a  
2 designee; the Executive Director of Veterans' Affairs, or a  
3 designee; the Secretary of Corrections, or a designee; the  
4 Director of Workforce Florida, Inc., or a designee; one  
5 representative from the Florida Coalition for the Homeless;  
6 one representative from the Florida Coalition for Supportive  
7 Housing; the executive director of the Florida Housing Finance  
8 Corporation, or a designee; one representative from the  
9 Florida Association of Counties; one representative from the  
10 Florida State Rural Development Council; and four persons  
11 appointed by the Governor.

12 (b) The council members appointed by the Governor  
13 shall be laypersons who have experience or involvement with  
14 issues relating to homelessness. These members shall serve  
15 staggered 2-year terms.

16 (c) Council members shall receive no compensation and  
17 shall be reimbursed for travel expenses only.

18 (d) The council shall meet at least four times per  
19 year.

20 (3) In carrying out its purposes, the council shall:

21 (a) Coordinate among state, local, and private  
22 agencies and providers to produce a statewide consolidated  
23 program and financial plan for the state's entire system of  
24 programs relating to homelessness, that incorporates  
25 regionally developed programs and plans.

26 (b) Collect, maintain, and make available information  
27 concerning persons who are homeless or at risk for  
28 homelessness, including demographic information, current  
29 services and resources available, the cost and availability of  
30 services and programs, and the met and unmet needs of such  
31 persons. All entities that receive state funding must provide

1 access to all the data they maintain, to assist the council in  
2 providing this information. The council shall explore the  
3 potential for creating a statewide management information  
4 system and encouraging future participation in that system by  
5 all entities that receive awards or grants from the state.

6 (c) Annually evaluate state and local services and  
7 resources, and develop a consolidated plan for addressing the  
8 needs of persons who are homeless or those at risk for  
9 homelessness.

10 (d) Explore, compile, and disseminate information  
11 regarding public and private funding sources for state and  
12 local programs serving persons who are homeless, and provide  
13 technical assistance in applying for such funding.

14 (e) Monitor and provide recommendations for  
15 coordinating the activities and programs of local coalitions  
16 for the homeless, and promote the effectiveness of programs  
17 addressing the needs of persons who are homeless.

18 (f) Provide technical assistance to facilitate efforts  
19 to establish, maintain, and expand local homeless assistance  
20 continuums of care.

21 (g) Develop and assist in the coordination of policies  
22 and procedures relating to the discharge or transfer of  
23 persons who are homeless, or at risk for homelessness, from  
24 the care or custody of state-supported or state-regulated  
25 entities.

26 (h) Spearhead outreach efforts for maximizing access  
27 by persons who are homeless, or who are at risk for  
28 homelessness, to state and federal programs and resources.

29 (i) Promote a federal policy agenda responsive to the  
30 needs of the state's homeless population.

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1       (j) Develop outcome and accountability measures, and  
2 promote and use such measures to evaluate program  
3 effectiveness and to make recommendations for improving  
4 current practices in order to best meet the needs of persons  
5 who are homeless.

6       (k) Formulate policies and legislative proposals to  
7 more effectively address the needs of persons who are  
8 homeless, and coordinate the implementation of state and  
9 federal legislative policies.

10       (l) Convene meetings and workshops of state and local  
11 agencies, local coalitions and programs, and other  
12 stakeholders for the purpose of developing and reviewing  
13 policies, services, activities, coordination, and funding of  
14 efforts to meet the needs of persons who are homeless.

15       (m) Conduct or promote research on the effectiveness  
16 of current programs, and propose pilot projects aimed at  
17 improving services.

18       (n) Serve as an advocate for issues related to  
19 homelessness.

20       (o) Investigate ways to improve access to participation  
21 by faith-based organizations in state funding and other  
22 programs for prevention and alleviation of homelessness. The  
23 council shall collaborate and coordinate with faith-based  
24 organizations.

25       (4) The council and the Department of Children and  
26 Family Services may contract with private entities for staff  
27 services and the performance of the functions described in  
28 subsection (3).

29       (5) The council shall issue an annual report, by  
30 December 31, which shall include an evaluation of the  
31 performance of the executive director of the State Office on

1 Homelessness in assisting the council in fulfilling its duties  
2 and shall be submitted to the Governor, the President of the  
3 Senate, the Speaker of the House of Representatives, and the  
4 Secretary of Children and Family Services. The annual report  
5 shall summarize the activities of the local coalitions for the  
6 homeless and make recommendations for reducing homelessness in  
7 the state.

8 Section 2. Subsection (35) of section 228.041, Florida  
9 Statutes, is amended to read:

10 228.041 Definitions.--Specific definitions shall be as  
11 follows, and wherever such defined words or terms are used in  
12 the Florida School Code, they shall be used as follows:

13 (35) HOMELESS CHILD.--

14 (a) A homeless child is a child who lacks a fixed,  
15 regular, and adequate nighttime residence or a child who has a  
16 primary nighttime residence that is in:

17 1. A supervised publicly or privately operated shelter  
18 designed to provide temporary living accommodations, including  
19 welfare hotels, congregate shelters, and transitional housing  
20 for the mentally ill;

21 2. An institution that provides a temporary residence  
22 for individuals intended to be institutionalized; or

23 3. A public or private place not designed for, or  
24 ordinarily used as, a regular sleeping accommodation for human  
25 beings.

26 (b) A child shall also be considered homeless if:

27 1. He or she temporarily resides in a household in  
28 which no parent or guardian of the child is a member; and

29 2. The primary reason the child resides in such a  
30 household is the inability of all parents or guardians to  
31 supply adequate housing for the child.

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2 A child in the custody of the state shall not be considered  
3 homeless under this paragraph. The school district shall make  
4 the final determination as to whether a child not in the  
5 custody of the state is homeless under this paragraph.

6 (c) The term "homeless" does not include any  
7 individual imprisoned or otherwise detained pursuant to a  
8 state law or an Act of Congress.

9 (d) The Department of Education shall develop rules to  
10 be used in applying this definition to particular cases.~~one~~  
11 ~~whose primary nighttime residence is in a supervised publicly~~  
12 ~~or privately operated shelter for temporary accommodations or~~  
13 ~~in a public or private place not designated for, or ordinarily~~  
14 ~~used for, continuing human habitation.~~

15 Section 3. Paragraph (f) of subsection (1) of section  
16 232.01, Florida Statutes, is amended to read:

17 232.01 School attendance.--

18 (1)

19 (f) Homeless children, as defined in s. 228.041, must  
20 have access to a free public education and must be admitted to  
21 school in the school district in which they or their families  
22 live. School districts shall assist homeless children to meet  
23 the requirements of ss. 232.03, 232.0315, and 232.032, as well  
24 as local requirements for documentation. School districts  
25 shall make reasonable efforts to relax or remove policies and  
26 procedures that create, either directly or indirectly,  
27 barriers to the enrollment or attendance of homeless students.

28 Section 4. Paragraph (e) of subsection (3) of section  
29 232.032, Florida Statutes, is amended to read:

30 232.032 Immunization against communicable diseases;  
31 school attendance requirements; exemptions.--

1           (3) The provisions of this section shall not apply if:  
2           (e) An authorized school official issues a temporary  
3 exemption, for a period not to exceed 30 school days, to  
4 permit a child who transfers into a new county to attend class  
5 until his or her records can be obtained. Barring extenuating  
6 circumstances, a homeless child, as defined in s. 228.041,  
7 shall receive a temporary exemption for 30 school days.The  
8 public school health nurse or authorized nonpublic school  
9 official is responsible for followup of each such child until  
10 proper documentation or immunizations are obtained. An  
11 exemption for 30 days may be issued for a child who enters a  
12 juvenile justice program to permit the child to attend class  
13 until his or her records can be obtained or until the  
14 immunizations can be obtained. An authorized juvenile justice  
15 official is responsible for followup of each child who enters  
16 a juvenile justice program until proper documentation or  
17 immunizations are obtained.

18           Section 5. Section 232.03, Florida Statutes, is  
19 amended to read:

20           232.03 Evidence of date of birth required.--

21           (1) Before admitting a child to prekindergarten or  
22 kindergarten, the principal shall require evidence that the  
23 child has attained the age at which he or she should be  
24 admitted in accordance with the provisions of s. 232.01. The  
25 superintendent may require evidence of the age of any child  
26 whom he or she believes to be within the limits of compulsory  
27 attendance as provided for by law. If the first prescribed  
28 evidence is not available, the next evidence obtainable in the  
29 order set forth below shall be accepted:

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1           ~~(a)(1)~~ A duly attested transcript of the child's birth  
2 record filed according to law with a public officer charged  
3 with the duty of recording births;  
4           ~~(b)(2)~~ A duly attested transcript of a certificate of  
5 baptism showing the date of birth and place of baptism of the  
6 child, accompanied by an affidavit sworn to by the parent;  
7           ~~(c)(3)~~ An insurance policy on the child's life which  
8 has been in force for at least 2 years;  
9           ~~(d)(4)~~ A bona fide contemporary Bible record of the  
10 child's birth accompanied by an affidavit sworn to by the  
11 parent;  
12           ~~(e)(5)~~ A passport or certificate of arrival in the  
13 United States showing the age of the child; or  
14           ~~(f)(6)~~ A transcript of record of age shown in the  
15 child's school record of at least 4 years prior to  
16 application, stating date of birth; or  
17           ~~(2)(7)~~ If none of ~~the these~~ evidences set forth in  
18 subsection (1) can be produced, an affidavit of age sworn to  
19 by the parent, accompanied by a certificate of age signed by a  
20 public health officer or by a public school physician, or, if  
21 neither of these shall be available in the county, by a  
22 licensed practicing physician designated by the school board,  
23 which certificate shall state that the health officer or  
24 physician has examined the child and believes that the age as  
25 stated in the affidavit is substantially correct.  
26           (3) A homeless child, as defined in s. 228.041, shall  
27 receive a temporary exemption from the provisions of this  
28 section for 30 school days.  
29           Section 6. Subsection (1) of section 232.0315, Florida  
30 Statutes, is amended to read:  
31           232.0315 School-entry health examinations.--

1           (1) The school board of each district and the  
2 governing authority of each nonpublic school shall require  
3 that each child who is entitled to admittance to  
4 prekindergarten or kindergarten, or is entitled to any other  
5 initial entrance into a public or nonpublic school in this  
6 state, present a certification of a school-entry health  
7 examination performed within 1 year prior to enrollment in  
8 school. The school board of each district, and the governing  
9 authority of each nonpublic school, may establish a policy  
10 which permits a student up to 30 school days to present a  
11 certification of a school-entry health examination. Barring  
12 extenuating circumstances, a homeless child, as defined in s.  
13 228.041, shall receive a temporary exemption for 30 school  
14 days. The public school health nurse or authorized nonpublic  
15 school official is responsible for followup of each such child  
16 until proper certification is obtained.Any school board which  
17 establishes such a policy shall include provisions in its  
18 local school health services plan to assist students in  
19 obtaining the health examinations. However, any child shall  
20 be exempt from the requirement of a health examination upon  
21 written request of the parent or guardian of such child  
22 stating objections to such examination on religious grounds.

23           Section 7. Subsection (3) of section 420.5087, Florida  
24 Statutes, is amended to read:

25           420.5087 State Apartment Incentive Loan  
26 Program.--There is hereby created the State Apartment  
27 Incentive Loan Program for the purpose of providing first,  
28 second, or other subordinated mortgage loans or loan  
29 guarantees to sponsors, including for-profit, nonprofit, and  
30 public entities, to provide housing affordable to  
31 very-low-income persons.

1           (3) During the first 6 months of loan or loan  
2 guarantee availability, program funds shall be reserved for  
3 use by sponsors who provide the housing set-aside required in  
4 subsection (2) for ~~tenants in the three~~ tenant groups  
5 designated in this subsection. The reservation of funds to  
6 each of these groups shall be determined using the most recent  
7 statewide very-low-income rental housing market study  
8 available at the time of publication of each notice of fund  
9 availability required by paragraph (6)(b). The reservation of  
10 funds within each notice of fund availability to the ~~three~~  
11 tenant groups ~~designated in this subsection~~ may not be less  
12 than 10 percent of the funds available at that time. Any  
13 increase in funding required to reach the 10-percent minimum  
14 shall be taken from the tenant group that has the largest  
15 reservation. The ~~three~~ tenant groups are:

16           (a) Commercial fishing workers and farmworkers;

17           (b) Families; ~~and~~

18           (c) Persons who are homeless; and

19           (d) ~~(c)~~1. Elderly persons.

20           ~~2.~~ Ten percent of the amount reserved for the elderly  
21 ~~pursuant to subparagraph 1. shall be reserved to provide loans~~  
22 ~~to sponsors of housing for the elderly, as defined in s.~~  
23 ~~420.503, for the purpose of making building preservation,~~  
24 ~~health, or sanitation repairs or improvements which are~~  
25 ~~required by federal, state, or local regulation or code, or~~  
26 ~~lifesafety or security-related repairs or improvements to such~~  
27 ~~housing. Such loans~~ A loan for a lifesafety, building  
28 ~~preservation, health, sanitation, or security-related repair~~  
29 ~~or improvement~~ may not exceed \$200,000 per housing community  
30 for the elderly. In order to receive the loan, the sponsor of  
31 the housing community ~~for the elderly~~ must make a commitment

1 to match at least 15 percent of the loan amount to pay the  
2 cost of such repair or improvement. The corporation shall  
3 establish the rate of interest on the loan, which may not  
4 exceed 3 percent, and the term of the loan, which may not  
5 exceed 15 years. The term of the loan shall be established on  
6 the basis of a credit analysis of the applicant. The  
7 corporation shall establish, by rule, the procedure and  
8 criteria for receiving, evaluating, and competitively ranking  
9 all applications for loans under this paragraph ~~subparagraph~~.  
10 A loan application must include evidence of the first  
11 mortgagee's having reviewed and approved the sponsor's intent  
12 to apply for the a loan. A nonprofit organization or sponsor  
13 may not use the proceeds of the a loan ~~received pursuant to~~  
14 ~~this subparagraph~~ to pay for administrative costs, routine  
15 maintenance, or new construction.

16 Section 8. Paragraph (e) of subsection (3) of section  
17 420.511, Florida Statutes, is amended to read:

18 420.511 Business plan; strategic plan; annual  
19 report.--

20 (3) The corporation shall submit to the Governor and  
21 the presiding officers of each house of the Legislature,  
22 within 2 months after the end of its fiscal year, a complete  
23 and detailed report setting forth:

24 (e) Information relating to the corporation's  
25 activities in implementing the provisions of ss. 420.5087 and  
26 420.5088. The report required by this subsection shall  
27 include, but not be limited to:

28 1. The number of people served, delineated by income,  
29 age, family size, and racial characteristics.

30 2. The number of units produced under each program.

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- 1           3. The average cost of producing units under each  
2 program.
- 3           4. The average sales price of single-family units  
4 financed under s. 420.5088.
- 5           5. The average amount of rent charged based on unit  
6 size on units financed under s. 420.5087.
- 7           6. The number of persons in rural communities served  
8 under each program.
- 9           7. The number of farmworkers served under each  
10 program.
- 11          8. The number of elderly persons served under each  
12 program.
- 13          9. The number of homeless persons served under each  
14 program.
- 15          ~~10.9.~~ The extent to which geographic distribution has  
16 been achieved in accordance with the provisions of s.  
17 420.5087.
- 18          ~~11.10.~~ Any other information the corporation deems  
19 appropriate.
- 20          Section 9. Paragraph (p) of subsection (1) of section  
21 420.609, Florida Statutes, is redesignated as paragraph (q)  
22 and amended, a new paragraph (p) is added to said subsection,  
23 and subsection (4) of said section is amended, to read:
- 24          420.609 Affordable Housing Study Commission.--Because  
25 the Legislature firmly supports affordable housing in Florida  
26 for all economic classes:
- 27           (1) There is hereby created the Affordable Housing  
28 Study Commission which shall be composed of 21 members to be  
29 appointed by the Governor:
- 30           (p) One citizen representing the housing interests of  
31 persons who are homeless.

1           ~~(g)(p)~~ Two ~~Three~~ members who are residents of the  
2 state.  
3           (4) The commission shall analyze those solutions and  
4 programs which could begin to address the state's acute need  
5 for housing for persons who are homeless; for very-low-income,  
6 low-income, and moderate-income persons;and for elderly  
7 persons, including programs or proposals which provide for:  
8           (a) Offering ~~of~~ low-interest and zero-interest loans  
9 for the development or rehabilitation of housing;  
10           (b) Use of publicly owned lands and buildings as  
11 affordable housing sites;  
12           (c) Coordination with federal initiatives, including  
13 development of an approved housing strategy;  
14           (d) Streamlining ~~of~~ the various state, regional, and  
15 local regulations, and housing and building codes governing  
16 the housing industry;  
17           (e) Stimulation of public and private cooperative  
18 housing efforts;  
19           (f) Implementation or expansion of the programs  
20 authorized in this chapter;  
21           (g) Discovery and assessment of ~~sources of~~ funding  
22 sources for low-cost housing construction and rehabilitation;  
23 and  
24           (h) Development of such other solutions and programs  
25 as the commission deems appropriate.  
26  
27 In performing its analysis, the commission shall consider both  
28 homeownership and rental housing as viable options for the  
29 provision of housing. The commission shall also give  
30 consideration to various types of residential construction,  
31 including but not limited to, manufactured housing.

1           Section 10. Subsection (4) of section 420.621, Florida  
2 Statutes, is amended to read:

3           420.621 Definitions; ss. 420.621-420.627.--As used in  
4 ss. 420.621-420.627, the following terms shall have the  
5 following meanings, unless the context otherwise requires:

6           (4) "Homeless" means lacking a fixed, regular, and  
7 adequate ~~having a nighttime~~ residence or having a primary  
8 nighttime residence that is in:

9           (a) A supervised publicly or privately operated  
10 shelter designed to provide temporary living accommodations,  
11 including welfare hotels, congregate shelters, and  
12 transitional housing for the mentally ill;~~in a public or~~  
13 ~~private emergency shelter; such as, an armory, school, church,~~  
14 ~~government building or, where a temporary voucher is provided~~  
15 ~~by a public or private agency, in a hotel, apartment, or~~  
16 ~~boarding home.~~

17           (b) An institution that provides a temporary residence  
18 for individuals intended to be institutionalized; or ~~On the~~  
19 ~~streets or under a bridge or aqueduct, in a park, subway, bus~~  
20 ~~terminal, railroad station, airport, abandoned building, or~~  
21 ~~vehicle, or in any other public or private space that is not~~  
22 ~~designed for shelter.~~

23           (c) A public or private place not designed for, or  
24 ordinarily used as, a regular sleeping accommodation for human  
25 beings.

26  
27 The term "homeless" does not include any individual imprisoned  
28 or otherwise detained pursuant to a state law or an Act of  
29 Congress.

30           Section 11. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Creates the State Office on Homelessness within the Department of Children and Family Services. Directs the Governor to appoint an executive director, and provides duties thereof. Creates the Council on Homelessness, consisting of representatives of public and private agencies, and laypersons, to develop and coordinate policy on homelessness in the state and to advise the state office. Provides membership and duties of the council. Requires an annual report to the Governor and the Legislature. Revises the definition of "homeless child" for purposes of the Florida School Code. Requires school districts to make reasonable efforts to remove barriers to enrollment of homeless children and to provide temporary exemptions from immunization, birth record, and health certificate requirements to allow admittance of such children. Provides for loans to homeless persons under the State Apartment Incentive Loan Program. Revises a limitation on loans for elderly persons under the program. Requires certain reports of the Florida Housing Finance Corporation to include numbers of homeless persons served in its programs. Adds a person representing the housing interests of homeless persons to the Affordable Housing Study Commission. Revises duties of the commission to include analyzing programs which could address the state's need for housing for persons who are homeless. Revises the definition of "homeless" in provisions relating to local coalitions for the homeless and local community grants-in-aid.