

1 A bill to be entitled
2 An act relating to homelessness; creating s. 414.161,
3 F.S.; establishing a homelessness prevention grant
4 program; requiring grant applicants to be ranked
5 competitively; providing preference for certain grant
6 applicants; providing eligibility requirements; providing
7 grant limitations and restrictions; requiring lead
8 agencies for local homeless assistance continuum of care
9 to track, monitor, and report on assisted families for a
10 specified period of time; amending s. 420.507, F.S.;
11 conforming a cross-reference; amending s. 420.621, F.S.;
12 conforming a cross-reference; revising, providing, and
13 deleting definitions; amending s. 420.622, F.S.;
14 increasing and revising membership on the Council on
15 Homelessness; removing a member from an obsolete
16 organization; correcting the name of a member organization
17 on the council; revising the date of an annual report;
18 amending s. 420.625, F.S.; conforming a cross-reference;
19 creating s. 420.6275, F.S.; creating the Housing First
20 program; providing legislative findings and intent;
21 providing methodology; providing components of the
22 program; creating s. 420.628, F.S.; providing legislative
23 findings and intent; amending s. 1003.01, F.S.; revising a
24 definition; amending ss. 1003.21, F.S.; conforming
25 terminology; providing a school attendance exemption for
26 certain children in foster care; amending s. 1003.22,
27 F.S.; conforming terminology; providing a school
28 certification of a school-entry health examination

29 exemption for certain children in foster care; repealing
 30 s. 414.16, F.S., relating to emergency assistance program;
 31 providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Section 414.161, Florida Statutes, is created
 36 to read:

37 414.161 Homelessness prevention grants.--

38 (1) ESTABLISHMENT OF PROGRAM.--There is hereby created a
 39 grant program to provide emergency financial assistance to
 40 families facing the loss of their current home due to a
 41 financial or other crisis. The State Office on Homelessness,
 42 with the concurrence of the Council on Homelessness, may accept
 43 and administer moneys appropriated to it to provide homelessness
 44 prevention grants annually to lead agencies for local homeless
 45 assistance continuum of care, as recognized by the State Office
 46 on Homelessness. These moneys shall consist of any sums that the
 47 state may appropriate, as well as money received from donations,
 48 gifts, bequests, or otherwise from any public or private source
 49 that is intended to assist families to prevent them from
 50 becoming homeless.

51 (2) GRANT APPLICATIONS.--Grant applicants shall be ranked
 52 competitively. Preference shall be given to applicants who
 53 leverage additional private funds and public funds, who
 54 demonstrate the effectiveness of their homelessness prevention
 55 programs in keeping families housed, and who demonstrate the
 56 commitment of other assistance and services to address the

57 family's health, employment, and education needs.

58 (3) ELIGIBILITY.--In order to qualify for a grant, a lead
59 agency must develop and implement a local homeless assistance
60 continuum of care plan for its designated catchment area. The
61 homelessness prevention program must be included in the
62 continuum of care plan.

63 (4) GRANT LIMITS.--The maximum grant amount per lead
64 agency may not exceed \$300,000. The grant assistance may be used
65 to pay past due rent or mortgage payments, past due utility
66 costs, other past due bills creating the family's financial
67 crisis, provision of case management services, and program
68 administration costs not to exceed 3 percent of the grant award.
69 The homelessness prevention program must develop a case plan for
70 each family to be assisted setting forth which costs will be
71 covered and the maximum level of assistance to be offered.

72 (5) PERFORMANCE.--The lead agency shall be required to
73 track, monitor, and report on the families assisted for at least
74 12 months following the last assistance provided to the family.
75 The goal for the homelessness prevention program shall be to
76 enable at least 85 percent of the families assisted to remain in
77 their home and avoid becoming homeless during the ensuing year.

78 Section 2. Paragraph (a) of subsection (22) of section
79 420.507, Florida Statutes, is amended to read:

80 420.507 Powers of the corporation.--The corporation shall
81 have all the powers necessary or convenient to carry out and
82 effectuate the purposes and provisions of this part, including
83 the following powers which are in addition to all other powers
84 granted by other provisions of this part:

85 (22) To develop and administer the State Apartment
 86 Incentive Loan Program. In developing and administering that
 87 program, the corporation may:

88 (a) Make first, second, and other subordinated mortgage
 89 loans including variable or fixed rate loans subject to
 90 contingent interest for all State Apartment Incentive Loans
 91 provided for in this chapter based upon available cash flow of
 92 the projects. The corporation shall make loans exceeding 25
 93 percent of project cost available only to nonprofit
 94 organizations and public bodies which are able to secure grants,
 95 donations of land, or contributions from other sources and to
 96 projects meeting the criteria of subparagraph 1. Mortgage loans
 97 shall be made available at the following rates of interest:

98 1. Zero to 3 percent interest for sponsors of projects
 99 that set aside at least 80 percent of their total units for
 100 residents qualifying as farmworkers as defined in this part, or
 101 commercial fishing workers as defined in this part, or the
 102 homeless as defined in s. 420.621(6)~~(4)~~ over the life of the
 103 loan.

104 2. Zero to 3 percent interest based on the pro rata share
 105 of units set aside for homeless residents if the total of such
 106 units is less than 80 percent of the units in the borrower's
 107 project.

108 3. One to 9 percent interest for sponsors of projects
 109 targeted at populations other than farmworkers, commercial
 110 fishing workers, and the homeless.

111 Section 3. Section 420.621, Florida Statutes, is amended
 112 to read:

113 420.621 Definitions; ss. 420.621-420.628 ~~420.621-~~
114 ~~420.627.~~--As used in ss. 420.621-420.628 ~~420.621-420.627~~, the
115 ~~term following terms shall have the following meanings, unless~~
116 ~~the context otherwise requires:~~

117 (1) "Children and youths experiencing homelessness," for
118 programs authorized under the McKinney-Vento Education
119 Assistance for Homeless Children and Youths, 42 U.S.C. ss. 11431
120 et seq., means children and youths who lack a fixed, regular,
121 and adequate nighttime residence, and includes:

122 (a) Children and youths who are sharing the housing of
123 other persons due to loss of housing, economic hardship, or a
124 similar reason; are living in motels, hotels, travel trailer
125 parks, or camping grounds due to the lack of alternative
126 adequate accommodations; are living in emergency or transitional
127 shelters; are abandoned in hospitals; or are awaiting foster
128 care placement.

129 (b) Children and youths who have a primary nighttime
130 residence that is a public or private place not designed for or
131 ordinarily used as a regular sleeping accommodation for human
132 beings.

133 (c) Children and youths who are living in cars, parks,
134 public spaces, abandoned buildings, bus or train stations, or
135 similar settings.

136 (d) Migratory children who are living in circumstances
137 described in paragraphs (a) - (c).

138 (2) "Continuum of care" means a community plan to organize
139 and deliver housing and services to meet the specific needs of
140 people who are homeless as they move to stable housing and

141 maximum self-sufficiency. It includes action steps to end
 142 homelessness and prevent a return to homelessness.

143 (3) "Council on Homelessness" means the council created in
 144 s. 420.622.

145 ~~(1) "AFDC" means Aid to Families with Dependent Children~~
 146 ~~as administered under chapter 409.~~

147 (4)~~(2)~~ "Department" means the Department of Children and
 148 Family Services.

149 (5)~~(3)~~ "District" means a service district of the
 150 department of Children and Family Services, as set forth in s.
 151 20.19.

152 (6)~~(4)~~ "Homeless," applied to an individual, or
 153 "individual experiencing homelessness" means "Homeless" refers
 154 ~~to~~ an individual who lacks a fixed, regular, and adequate
 155 nighttime residence and includes ~~or~~ an individual who has a
 156 primary nighttime residence that is:

157 (a) Is sharing the housing of other persons due to loss of
 158 housing, economic hardship, or a similar reason;

159 (b) Is living in a motel, hotel, travel trailer park, or
 160 camping ground due to a lack of alternative adequate
 161 accommodations;

162 (c) Is living in an emergency or transitional shelter; A
 163 ~~supervised publicly or privately operated shelter designed to~~
 164 ~~provide temporary living accommodations, including welfare~~
 165 ~~hotels, congregate shelters, and transitional housing for the~~
 166 ~~mentally ill;~~

167 ~~(b) An institution that provides a temporary residence for~~
 168 ~~individuals intended to be institutionalized; or~~

169 (d)~~(e)~~ Has a primary nighttime residence that is a public
 170 or private place not designed for, or ordinarily used as, a
 171 regular sleeping accommodation for human beings;

172 (e) Is living in a car, park, public space, abandoned
 173 building, bus or train station, or similar setting; or

174 (f) Is a migratory individual who qualifies as homeless
 175 because he or she is living in circumstances described in
 176 paragraphs (a) - (e).

177
 178 The terms defined in this subsection do ~~term does~~ not refer to
 179 any individual imprisoned or otherwise detained pursuant to
 180 state or federal law. The terms also do not include individuals
 181 or families who are sharing housing due to cultural preferences,
 182 voluntary arrangements, and traditional networks of support. The
 183 terms include an individual who has been released from jail,
 184 prison, the juvenile justice system, the child welfare system, a
 185 mental health and developmental disability facility, a
 186 residential addiction treatment program, or a hospital, for whom
 187 no subsequent residence has been identified, and who lacks the
 188 resources and support network to obtain housing.

189 (7)~~(5)~~ "Local coalition for the homeless" means a
 190 coalition established pursuant to s. 420.623.

191 (8)~~(6)~~ "New and temporary homeless" means those
 192 individuals or families who are homeless due to societal
 193 external factors, such as unemployment or other loss of income,
 194 personal or family life crises, or the shortage of low income
 195 housing.

196 (9) "Societal causes of homelessness" means factors such
 197 as lack of housing for individuals and families with low
 198 incomes, lack of employment opportunities for those with a high
 199 school education or less, and lack of day care, transportation,
 200 and other institutional supports.

201 ~~(10)(7)~~ "State Office on Homelessness" means the state
 202 office created in s. 420.622 ~~"Secretary" means the secretary of~~
 203 ~~the Department of Children and Family Services.~~

204 Section 4. Subsections (2) and (9) of section 420.622,
 205 Florida Statutes, are amended to read:

206 420.622 State Office on Homelessness; Council on
 207 Homelessness.--

208 (2) The Council on Homelessness is created to consist of a
 209 17-member ~~15-member~~ council of public and private agency
 210 representatives who shall develop policy and advise the State
 211 Office on Homelessness. The council members shall be: the
 212 Secretary of Children and Family Services, or his or her
 213 designee; the Secretary of Community Affairs, or his or her
 214 designee; the State Surgeon General, or his or her designee; the
 215 Executive Director of Veterans' Affairs, or his or her designee;
 216 the Secretary of Corrections, or his or her designee; the
 217 Secretary of Health Care Administration, or his or her designee;
 218 the Commissioner of Education, or his or her designee; the
 219 Director of Workforce Florida, Inc., or his or her designee; one
 220 representative of the Florida Association of Counties; one
 221 representative from the Florida League of Cities; one
 222 representative of the Florida ~~Coalition for~~ Supportive Housing
 223 Coalition; the Executive Director of the Florida Housing Finance

224 Corporation, or his or her designee; one representative of the
 225 Florida Coalition for the Homeless; ~~one representative of the~~
 226 ~~Florida State Rural Development Council~~; and four members
 227 appointed by the Governor. The council members shall be
 228 volunteer, nonpaid persons and shall be reimbursed for travel
 229 expenses only. The appointed members of the council shall serve
 230 staggered 2-year terms, and the council shall meet at least four
 231 times per year. The importance of minority, gender, and
 232 geographic representation must be considered when appointing
 233 members to the council.

234 (9) The council shall, by June 30 ~~December 31~~ of each
 235 year, beginning in 2008, issue to the Governor, the President of
 236 the Senate, the Speaker of the House of Representatives, and the
 237 Secretary of Children and Family Services an evaluation of the
 238 executive director's performance in fulfilling the statutory
 239 duties of the office, a report summarizing the council's
 240 recommendations to the office and the corresponding actions
 241 taken by the office, and any recommendations to the Legislature
 242 for proposals to reduce homelessness in this state.

243 Section 5. Paragraph (d) of subsection (3) of section
 244 420.625, Florida Statutes, is amended to read:

245 420.625 Grant-in-aid program.--

246 (3) ESTABLISHMENT.--There is hereby established a grant-
 247 in-aid program to help local communities in serving the needs of
 248 the homeless through a variety of supportive services, which may
 249 include, but are not limited to:

250 (d) Emergency financial assistance for persons who are
251 totally without shelter or facing loss of shelter, ~~but who are~~
252 ~~not eligible for such assistance under s. 414.16.~~

253 Section 6. Section 420.6275, Florida Statutes, is created
254 to read:

255 420.6275 Housing First.--

256 (1) LEGISLATIVE FINDINGS AND INTENT.--

257 (a) The Legislature finds that many communities plan to
258 manage homelessness rather than plan to end it.

259 (b) The Legislature also finds that for most of the past
260 two decades, public and private solutions to homelessness have
261 focused on providing individuals and families who are
262 experiencing homelessness with emergency shelter, transitional
263 housing, or a combination of both. While emergency shelter
264 programs may provide critical access to services for individuals
265 and families in crisis, they often fail to address the long-term
266 needs of those who are homeless.

267 (c) The Legislature further finds that Housing First is an
268 alternative approach to the current system of emergency shelter
269 or transitional housing which tends to reduce the length of time
270 of homelessness and has proven to be cost-effective to homeless
271 programs.

272 (d) It is therefore the intent of the Legislature to
273 encourage local coalitions for the homeless, established
274 pursuant to s. 420.623, to adopt the Housing First approach to
275 ending homelessness for individuals and families.

276 (2) HOUSING FIRST METHODOLOGY.--

277 (a) The Housing First approach to homelessness differs
278 from traditional approaches by providing housing assistance,
279 case management, and support services responsive to individual
280 or family needs after housing is obtained. By using the Housing
281 First approach when appropriate, communities can significantly
282 reduce the amount of time that individuals and families are
283 homeless and prevent further episodes of homelessness. Housing
284 First emphasizes that social services provided to enhance
285 individual and family well-being can be more effective when
286 people are in their own home, and:

- 287 1. The housing is not time-limited.
288 2. The housing is not contingent on compliance with
289 services. Instead, participants must comply with a standard
290 lease agreement and are provided with the services and support
291 that are necessary to help them do so successfully.

292 (b) The Housing First approach addresses the societal
293 causes of homelessness and advocates for the immediate return of
294 individuals and families back into housing and communities.
295 Housing First provides a critical link between the emergency and
296 transitional housing system and community-based social service,
297 educational, and health care organizations and consists of four
298 components:

- 299 1. Crisis intervention and short-term stabilization.
300 2. Screening, intake, and needs assessment.
301 3. Provision of housing resources.
302 4. Provision of case management.

303 Section 7. Section 420.628, Florida Statutes, is created
304 to read:

305 420.628 Children and young adults leaving foster care;
306 legislative findings and intent.--

307 (1) The Legislature finds that the transition from
308 childhood to adulthood is filled with opportunity and risk. Most
309 young people who receive adequate support make this transition
310 successfully and will become healthy adults who will be prepared
311 for work and be able to become responsible, fulfilled members of
312 their families and communities.

313 (2) The Legislature finds that there are also many young
314 people who will enter adulthood without the knowledge, skills,
315 attitudes, habits, and relationships that will enable them to be
316 productive members of society. Those young people, who through
317 no fault of their own, live in foster families, group homes, and
318 institutions are among those at greatest risk.

319 (3) The Legislature finds that these young people face
320 numerous barriers to a successful transition to adulthood. Those
321 barriers include changes in foster care placements and schools,
322 limited opportunities for participation in age-appropriate
323 normal activities, and the inability to achieve economic
324 stability, make connections with permanent supportive adults or
325 family, and access housing. The main barriers to safe and
326 affordable housing for youth aging out of the foster care system
327 are cost, lack of availability, the unwillingness of many
328 landlords to rent to them, and their own lack of knowledge about
329 how to be good tenants.

330 (4) The Legislature also finds that young adults who
331 emancipate from the child welfare system are at risk of becoming
332 homeless and those who were formerly in foster care are

333 disproportionately represented in the homeless population. Only
334 about two-fifths of eligible young people receive independent
335 living services and, of those who do, few receive adequate
336 housing assistance. Without the stability of safe housing all
337 other services, training, and opportunities may not be
338 effective.

339 (5) The Legislature further finds that research on young
340 people who emancipate from foster care suggests a nexus between
341 foster care involvement and later episodes of homelessness and
342 that interventions in the foster care system might help to
343 prevent homelessness. Responding to the needs of young people
344 leaving the foster care system with developmentally appropriate
345 supportive housing models organized in a continuum of decreasing
346 supervision may increase their ability to live independently in
347 the future.

348 (6) It is therefore the intent of the Legislature to
349 encourage the Department of Children and Family Services, its
350 agents, and community-based care providers operating pursuant to
351 s. 409.1671, to develop and implement procedures designed to
352 reduce the number of young adults who become homeless after
353 leaving the child welfare system.

354 Section 8. Subsection (12) of section 1003.01, Florida
355 Statutes, is amended to read:

356 1003.01 Definitions.--As used in this chapter, the term:

357 (12) "Children and youths who are experiencing
358 homelessness," for programs authorized under subtitle B,
359 Education for Homeless Children and Youths, of title VII of the
360 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et

361 seq., means children and youths who lack a fixed, regular, and
 362 adequate nighttime residence; and includes:

363 (a) Children and youths who are sharing the housing of
 364 other persons due to loss of housing, economic hardship, or a
 365 similar reason; are living in motels, hotels, travel trailer
 366 parks, or camping grounds due to the lack of alternative
 367 adequate accommodations; are living in emergency or transitional
 368 shelters; are abandoned in hospitals; or are awaiting foster
 369 care placement.

370 (b) Children and youths who have a primary nighttime
 371 residence that is a public or private place not designed for or
 372 ordinarily used as a regular sleeping accommodation for human
 373 beings.

374 (c) Children and youths who are living in cars, parks,
 375 public spaces, abandoned buildings, bus or train stations, or
 376 similar settings.

377 (d) Migratory children who are living in circumstances
 378 described in paragraphs (a) - (c).

379 ~~(12) "Homeless child" means:~~

380 ~~(a) One who lacks a fixed, regular nighttime residence;~~

381 ~~(b) One who has a primary nighttime residence that is:~~

382 ~~1. A supervised publicly or privately operated shelter~~
 383 ~~designed to provide temporary living accommodations, including~~
 384 ~~welfare hotels, congregate shelters, and transitional housing~~
 385 ~~for the mentally ill;~~

386 ~~2. An institution that provides a temporary residence for~~
 387 ~~individuals intended to be institutionalized; or~~

388 ~~3. A public or private place not designed for, or~~
 389 ~~ordinarily used as, a regular sleeping accommodation for human~~
 390 ~~beings; or~~

391 ~~(c) One who temporarily resides with an adult other than~~
 392 ~~his or her parent because the parent is suffering financial~~
 393 ~~hardship.~~

394
 395 ~~A child who is imprisoned, detained, or in the custody of the~~
 396 ~~state pursuant to a state or federal law is not a homeless~~
 397 ~~child.~~

398 Section 9. Paragraph (f) of subsection (1) and paragraph
 399 (g) of subsection (4) of section 1003.21, Florida Statutes, are
 400 amended to read:

401 1003.21 School attendance.--

402 (1)

403 (f) Children and youths who are experiencing homelessness
 404 ~~Homeless children~~, as defined in s. 1003.01, must have access to
 405 a free public education and must be admitted to school in the
 406 school district in which they or their families live. School
 407 districts shall assist such ~~homeless~~ children to meet the
 408 requirements of subsection (4) and s. 1003.22, as well as local
 409 requirements for documentation.

410 (4) Before admitting a child to kindergarten, the
 411 principal shall require evidence that the child has attained the
 412 age at which he or she should be admitted in accordance with the
 413 provisions of subparagraph (1) (a)2. The district school
 414 superintendent may require evidence of the age of any child whom
 415 he or she believes to be within the limits of compulsory

416 attendance as provided for by law. If the first prescribed
 417 evidence is not available, the next evidence obtainable in the
 418 order set forth below shall be accepted:

419 (g) If none of these evidences can be produced, an
 420 affidavit of age sworn to by the parent, accompanied by a
 421 certificate of age signed by a public health officer or by a
 422 public school physician, or, if neither of these is available in
 423 the county, by a licensed practicing physician designated by the
 424 district school board, which certificate states that the health
 425 officer or physician has examined the child and believes that
 426 the age as stated in the affidavit is substantially correct.

427 Children and youths who are experiencing homelessness ~~A homeless~~
 428 ~~child~~, as defined in s. 1003.01, and children who are in foster
 429 care until the time of achieving either reunification or a
 430 permanent placement shall be given temporary exemption from this
 431 section for 30 school days.

432 Section 10. Subsection (1) and paragraph (e) of subsection
 433 (5) of section 1003.22, Florida Statutes, are amended to read:

434 1003.22 School-entry health examinations; immunization
 435 against communicable diseases; exemptions; duties of Department
 436 of Health.--

437 (1) Each district school board and the governing authority
 438 of each private school shall require that each child who is
 439 entitled to admittance to kindergarten, or is entitled to any
 440 other initial entrance into a public or private school in this
 441 state, present a certification of a school-entry health
 442 examination performed within 1 year prior to enrollment in
 443 school. Each district school board, and the governing authority

444 of each private school, may establish a policy that permits a
445 student up to 30 school days to present a certification of a
446 school-entry health examination. Children and youths who are
447 experiencing homelessness ~~A homeless child~~, as defined in s.
448 1003.01, and children who are in foster care until the time of
449 achieving either reunification or a permanent placement shall be
450 given a temporary exemption for 30 school days. Any district
451 school board that establishes such a policy shall include
452 provisions in its local school health services plan to assist
453 students in obtaining the health examinations. However, any
454 child shall be exempt from the requirement of a health
455 examination upon written request of the parent of the child
456 stating objections to the examination on religious grounds.

457 (5) The provisions of this section shall not apply if:

458 (e) An authorized school official issues a temporary
459 exemption, for a period not to exceed 30 school days, to permit
460 a student who transfers into a new county to attend class until
461 his or her records can be obtained. Children and youths who are
462 experiencing homelessness ~~A homeless child~~, as defined in s.
463 1003.01, and children who are in foster care until the time of
464 achieving either reunification or a permanent placement shall be
465 given a temporary exemption for 30 school days. The public
466 school health nurse or authorized private school official is
467 responsible for followup of each such student until proper
468 documentation or immunizations are obtained. An exemption for 30
469 days may be issued for a student who enters a juvenile justice
470 program to permit the student to attend class until his or her
471 records can be obtained or until the immunizations can be

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472 | obtained. An authorized juvenile justice official is responsible
473 | for followup of each student who enters a juvenile justice
474 | program until proper documentation or immunizations are
475 | obtained.

476 | Section 11. Section 414.16, Florida Statutes, is repealed.

477 | Section 12. This act shall take effect July 1, 2008.