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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/15/2008	.	
	.	
	.	

1 The Committee on Children, Families, and Elder Affairs
 2 (Villalobos) recommended the following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause
 6 and insert:

7 Section 1. Paragraph (a) of subsection (22) of section
 8 420.507, Florida Statutes, is amended to read:

9 420.507 Powers of the corporation.--The corporation shall
 10 have all the powers necessary or convenient to carry out and
 11 effectuate the purposes and provisions of this part, including
 12 the following powers which are in addition to all other powers
 13 granted by other provisions of this part:

14 (22) To develop and administer the State Apartment
 15 Incentive Loan Program. In developing and administering that
 16 program, the corporation may:

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17 (a) Make first, second, and other subordinated mortgage
18 loans including variable or fixed rate loans subject to
19 contingent interest for all State Apartment Incentive Loans
20 provided ~~for~~ in this chapter based upon available cash flow of
21 the projects. The corporation shall make loans exceeding 25
22 percent of project cost available only to nonprofit organizations
23 and public bodies which are able to secure grants, donations of
24 land, or contributions from other sources and to projects meeting
25 the criteria of subparagraph 1. Mortgage loans shall be made
26 available at the following rates of interest:

27 1. Zero to 3 percent interest for sponsors of projects that
28 set aside at least 80 percent of their total units for residents
29 qualifying as farmworkers as defined in this part, or commercial
30 fishing workers as defined in this part, or the homeless as
31 defined in s. 420.621 ~~420.621(4)~~ over the life of the loan.

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

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

39 Section 2. Section 420.621, Florida Statutes, is amended to
40 read:

41 420.621 Definitions; ~~ss. 420.621-420.627.~~ --As used in ss.
42 420.621-420.628 ~~420.621-420.627~~, the term ~~following terms~~ shall
43 ~~have the following meanings, unless the context otherwise~~
44 ~~requires:~~

45 (1) "Children and youths experiencing homelessness," for
46 programs authorized under the McKinney-Vento Education Assistance

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47 for Homeless Children and Youths, 42 U.S.C. ss. 11431 et seq.,
48 means children and youths who lack a fixed, regular, and adequate
49 nighttime residence, and includes:

50 (a) Children and youths who are sharing the housing of
51 other persons due to loss of housing, economic hardship, or a
52 similar reason; are living in motels, hotels, travel trailer
53 parks, or camping grounds due to the lack of alternative adequate
54 accommodations; are living in emergency or transitional shelters;
55 are abandoned in hospitals; or are awaiting foster care
56 placement.

57 (b) Children and youths who have a primary nighttime
58 residence that is a public or private place not designed for, or
59 ordinarily used as, a regular sleeping accommodation for human
60 beings.

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

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

66 (2) "Continuum of care" means a community plan to organize
67 and deliver housing and services to meet the specific needs of
68 people who are homeless as they move to stable housing and
69 maximum self-sufficiency. It includes action steps to end
70 homelessness and prevent a return to homelessness.

71 (3) "Council on Homelessness" means the council created in
72 s. 420.622.

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

75 (4)(2) "Department" means the Department of Children and
76 Family Services.



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77 ~~(5)(3)~~ "District" means a service district of the
78 department ~~of Children and Family Services~~, as set forth in s.
79 20.19.

80 ~~(6)(4)~~ "Homeless," applied to an individual or "individual
81 experiencing homelessness" means ~~"Homeless" refers to an~~
82 individual who lacks a fixed, regular, and adequate nighttime
83 residence and includes ~~or~~ an individual who ~~has a primary~~
84 ~~nighttime residence that is:~~

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

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

90 (c) Is living in an emergency or transitional shelter; A
91 ~~supervised publicly or privately operated shelter designed to~~
92 ~~provide temporary living accommodations, including welfare~~
93 ~~hotels, congregate shelters, and transitional housing for the~~
94 ~~mentally ill;~~

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

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

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

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



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106 The terms do term ~~does~~ not refer to an any individual imprisoned
107 ~~or otherwise detained~~ pursuant to state or federal law or to
108 individuals or families who are sharing housing due to cultural
109 preferences, voluntary arrangements, and traditional networks of
110 support. The terms include an individual who has been released
111 from jail, prison, the juvenile justice system, the child welfare
112 system, a mental health and developmental disability facility, a
113 residential addiction treatment program, or a hospital, for whom
114 no subsequent residence has been identified, and who lacks the
115 resources and support network to obtain housing.

116 ~~(7)(5)~~ "Local coalition for the homeless" means a coalition
117 established pursuant to s. 420.623.

118 ~~(8)(6)~~ "New and temporary homeless" means ~~those~~ individuals
119 or families who are homeless due to societal ~~external~~ factors,
120 ~~such as unemployment or other loss of income, personal or family-~~
121 ~~life crises, or the shortage of low-income housing.~~

122 ~~(9)(7)~~ "State Office on Homelessness" means the state
123 office created in s. 420.622 ~~"Secretary" means the secretary of~~
124 ~~the Department of Children and Family Services.~~

125 Section 3. Subsections (2) and (9) of section 420.622,
126 Florida Statutes, are amended to read:

127 420.622 State Office on Homelessness; Council on
128 Homelessness.--

129 (2) The Council on Homelessness is created to consist of a
130 17-member ~~15-member~~ council of public and private agency
131 representatives who shall develop policy and advise the State
132 Office on Homelessness. The council members shall be: the
133 Secretary of Children and Family Services, or his or her
134 designee; the Secretary of Community Affairs, or his or her
135 designee, to advise the council on issues related to rural

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136 development; the State Surgeon General, or his or her designee;
137 the Executive Director of Veterans' Affairs, or his or her
138 designee; the Secretary of Corrections, or his or her designee;
139 the Secretary of Health Care Administration, or his or her
140 designee; the Commissioner of Education, or his or her designee;
141 the Director of Workforce Florida, Inc., or his or her designee;
142 one representative of the Florida Association of Counties; one
143 representative from the Florida League of Cities; one
144 representative of the Florida ~~Coalition for~~ Supportive Housing
145 Coalition; the Executive Director of the Florida Housing Finance
146 Corporation, or his or her designee; one representative of the
147 Florida Coalition for the Homeless; ~~one representative of the~~
148 ~~Florida State Rural Development Council;~~ and four members
149 appointed by the Governor. The council members shall be
150 volunteer, nonpaid persons and shall be reimbursed for travel
151 expenses only. The appointed members of the council shall serve
152 staggered 2-year terms, and the council shall meet at least four
153 times per year. The importance of minority, gender, and
154 geographic representation must be considered when appointing
155 members to the council.

156 (9) The council shall, by June 30 ~~December 31~~ of each year,
157 beginning in 2009, issue to the Governor, the President of the
158 Senate, the Speaker of the House of Representatives, and the
159 Secretary of Children and Family Services an evaluation of the
160 executive director's performance in fulfilling the statutory
161 duties of the office, a report summarizing the council's
162 recommendations to the office and the corresponding actions taken
163 by the office, and any recommendations to the Legislature for
164 proposals to reduce homelessness in this state.



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165 Section 4. Section 420.6275, Florida Statutes, is created
166 to read:

167 420.6275 Housing First.--

168 (1) LEGISLATIVE FINDINGS AND INTENT.--

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

171 (b) The Legislature also finds that for most of the past
172 two decades, public and private solutions to homelessness have
173 focused on providing individuals and families who are
174 experiencing homelessness with emergency shelter, transitional
175 housing, or a combination of both. While emergency shelter
176 programs may provide critical access to services for individuals
177 and families in crisis, they often fail to address the long-term
178 needs of those who are homeless.

179 (c) The Legislature further finds that Housing First is an
180 alternative approach to the current system of emergency shelter
181 or transitional housing which tends to reduce the length of time
182 of homelessness and has proven to be cost-effective.

183 (d) It is therefore the intent of the Legislature to
184 encourage local coalitions for the homeless, established pursuant
185 to s. 420.623, to adopt the Housing First approach to ending
186 homelessness for individuals and families.

187 (2) HOUSING FIRST METHODOLOGY.--

188 (a) The Housing First approach to homelessness differs from
189 traditional approaches by providing housing assistance, case
190 management, and support services responsive to individual or
191 family needs after housing is obtained. By using this approach
192 when appropriate, communities can significantly reduce the amount
193 of time that individuals and families are homeless and prevent
194 further episodes of homelessness. Housing First emphasizes that

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195 social services provided to enhance individual and family well-
196 being can be more effective when people are in their own home,
197 and:

198 1. The housing is not time-limited.

199 2. The housing is not contingent on compliance with
200 services. Instead, participants must comply with a standard lease
201 agreement and are provided with the services and support that are
202 necessary to help them do so successfully.

203 3. A background check and any rehabilitation necessary to
204 combat an addiction related to alcoholism or substance abuse has
205 been completed by the individual for whom assistance or support
206 services have been provided.

207 (b) The Housing First approach addresses the societal
208 causes of homelessness and advocates for the immediate return of
209 individuals and families back into housing and communities.
210 Housing First provides a critical link between the emergency and
211 transitional housing system and community-based social service,
212 educational, and health care organizations and consists of four
213 components:

214 1. Crisis intervention and short-term stabilization.

215 2. Screening, intake, and needs assessment.

216 3. Provision of housing resources.

217 4. Provision of case management.

218 Section 5. Section 420.628, Florida Statutes, is created to
219 read:

220 420.628 Young adults leaving foster care; legislative
221 findings.--

222 (1) The Legislature finds that the transition from
223 childhood to adulthood is filled with opportunity and risk. Most
224 young people who receive adequate support make this transition



225 successfully and become healthy adults who are prepared for work
226 and are able to become responsible, fulfilled members of their
227 families and communities.

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

234 (3) The Legislature finds that these young people face
235 numerous barriers to a successful transition to adulthood. Those
236 barriers include changes in foster care placements and schools,
237 limited opportunities for participation in age-appropriate
238 activities, and the inability to achieve economic stability, make
239 connections with permanent supportive adults or family, and
240 access housing. The main barriers to safe and affordable housing
241 for youth who leave foster care due to age are cost, lack of
242 availability, the unwillingness of many landlords to rent to
243 them, and their own lack of knowledge about how to be good
244 tenants.

245 (4) The Legislature also finds that young adults who
246 emancipate from the child welfare system are at risk of becoming
247 homeless and those who were formerly in foster care are
248 disproportionately represented in the homeless population. Only
249 about two-fifths of eligible young people receive independent
250 living services and, of those who do, few receive adequate
251 housing assistance. Without the stability of safe housing other
252 services, training, and opportunities may not be effective.

253 (5) The Legislature further finds that research on young
254 people who emancipate from foster care suggests a nexus between



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255 foster care involvement and later episodes of homelessness and
256 that interventions in the foster care system might help to
257 prevent homelessness. Responding to the needs of young people
258 leaving the foster care system with developmentally appropriate
259 supportive housing models organized in a continuum of decreasing
260 supervision may increase their ability to live independently.

261 (6) It is therefore the intent of the Legislature to
262 encourage the Department of Children and Family Services, its
263 agents, and community-based care providers operating pursuant to
264 s. 409.1671, to develop and implement procedures designed to
265 reduce the number of young adults who become homeless after
266 leaving the child welfare system.

267 Section 6. Subsection (12) of section 1003.01, Florida
268 Statutes, is amended to read:

269 1003.01 Definitions.--As used in this chapter, the term:

270 (12) "Children and youths who are experiencing
271 homelessness," for programs authorized under subtitle B,
272 Education for Homeless Children and Youths, of title VII of the
273 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
274 seq., means children and youths who lack a fixed, regular, and
275 adequate nighttime residence; and includes:

276 (a) Children and youths who are sharing the housing of
277 other persons due to loss of housing, economic hardship, or a
278 similar reason; are living in motels, hotels, travel trailer
279 parks, or camping grounds due to the lack of alternative adequate
280 accommodations; are living in emergency or transitional shelters;
281 are abandoned in hospitals; or are awaiting foster care
282 placement.

283 (b) Children and youths who have a primary nighttime
284 residence that is a public or private place not designed for or

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285 ordinarily used as a regular sleeping accommodation for human
286 beings.

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

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

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

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

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

295 ~~1. A supervised publicly or privately operated shelter~~
296 ~~designed to provide temporary living accommodations, including~~
297 ~~welfare hotels, congregate shelters, and transitional housing for~~
298 ~~the mentally ill;~~

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

301 ~~3. A public or private place not designed for, or~~
302 ~~ordinarily used as, a regular sleeping accommodation for human~~
303 ~~beings; or~~

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

307
308 ~~A child who is imprisoned, detained, or in the custody of the~~
309 ~~state pursuant to a state or federal law is not a homeless child.~~

310 Section 7. Paragraph (f) of subsection (1) and paragraph
311 (g) of subsection (4) of section 1003.21, Florida Statutes, are
312 amended to read:

313 1003.21 School attendance.--

314 (1)



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315 (f) Children and youths who are experiencing homelessness
316 ~~Homeless children~~, as defined in s. 1003.01, must have access to
317 a free public education and must be admitted to school in the
318 school district in which they or their families live. School
319 districts shall assist such ~~homeless~~ children to meet the
320 requirements of subsection (4) and s. 1003.22, as well as local
321 requirements for documentation.

322 (4) Before admitting a child to kindergarten, the principal
323 shall require evidence that the child has attained the age at
324 which he or she should be admitted in accordance with the
325 provisions of subparagraph (1)(a)2. The district school
326 superintendent may require evidence of the age of any child whom
327 he or she believes to be within the limits of compulsory
328 attendance as provided for by law. If the first prescribed
329 evidence is not available, the next evidence obtainable in the
330 order set forth below shall be accepted:

331 (g) If none of these evidences can be produced, an
332 affidavit of age sworn to by the parent, accompanied by a
333 certificate of age signed by a public health officer or by a
334 public school physician, or, if ~~neither of these~~ are not ~~is~~
335 available in the county, by a licensed practicing physician
336 designated by the district school board, which certificate states
337 that the health officer or physician has examined the child and
338 believes that the age as stated in the affidavit is substantially
339 correct. Children and youths who are experiencing homelessness ~~A~~
340 ~~homeless child~~, as defined in s. 1003.01, shall be given
341 temporary exemption from this section for 30 school days.

342 Section 8. Subsection (1) and paragraph (e) of subsection
343 (5) of section 1003.22, Florida Statutes, are amended to read:



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344 1003.22 School-entry health examinations; immunization
345 against communicable diseases; exemptions; duties of Department
346 of Health.--

347 (1) Each district school board and the governing authority
348 of each private school shall require that each child who is
349 entitled to admittance to kindergarten, or is entitled to any
350 other initial entrance into a public or private school in this
351 state, present a certification of a school-entry health
352 examination performed within 1 year prior to enrollment in
353 school. Each district school board, and the governing authority
354 of each private school, may establish a policy that permits a
355 student up to 30 school days to present a certification of a
356 school-entry health examination. Children and youths who are
357 experiencing homelessness ~~A homeless child~~, as defined in s.
358 1003.01, shall be given a temporary exemption for 30 school days.
359 Any district school board that establishes such a policy shall
360 include provisions in its local school health services plan to
361 assist students in obtaining the health examinations. However, a
362 ~~any~~ child shall be exempt from the requirement of a health
363 examination upon written request of the parent of the child
364 stating objections to the examination on religious grounds.

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

366 (e) An authorized school official issues a temporary
367 exemption, for up to a period not to exceed 30 school days, to
368 permit a student who transfers into a new county to attend class
369 until his or her records can be obtained. Children and youths who
370 are experiencing homelessness ~~A homeless child~~, as defined in s.
371 1003.01, shall be given a temporary exemption for 30 school days.
372 The public school health nurse or authorized private school
373 official is responsible for followup of each such student until



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374 | proper documentation or immunizations are obtained. An exemption
 375 | for 30 days may be issued for a student who enters a juvenile
 376 | justice program to permit the student to attend class until his
 377 | or her records can be obtained or until the immunizations can be
 378 | obtained. An authorized juvenile justice official is responsible
 379 | for followup of each student who enters a juvenile justice
 380 | program until proper documentation or immunizations are obtained.

381 | Section 9. This act shall take effect July 1, 2008.

382 |
 383 |
 384 | ===== T I T L E A M E N D M E N T =====

385 | And the title is amended as follows:

386 | Delete everything before the enacting clause
 387 | and insert:

388 | A bill to be entitled

389 | An act relating to homelessness; amending s. 420.507,
 390 | F.S.; conforming a cross-reference; amending s. 420.621,
 391 | F.S.; revising, providing, and deleting definitions;
 392 | amending s. 420.622, F.S.; increasing and revising
 393 | membership on the Council on Homelessness; removing a
 394 | member from an obsolete organization; correcting the name
 395 | of a member organization on the council; revising the date
 396 | of an annual report; creating s. 420.6275, F.S.; creating
 397 | the Housing First program; providing legislative findings
 398 | and intent; providing methodology; providing components of
 399 | the program; creating s. 420.628, F.S.; providing
 400 | legislative findings and intent relating to young adults
 401 | leaving foster care; amending s. 1003.01, F.S.; revising a
 402 | definition; amending ss. 1003.21 and 1003.22, F.S.;
 403 | conforming terminology; providing an effective date.

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