

By the Committee on Children, Families, and Elder Affairs; and
Senator Crist

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1 A bill to be entitled

2 An act relating to homelessness; amending s. 420.507,
3 F.S.; conforming a cross-reference; amending s. 420.621,
4 F.S.; revising, providing, and deleting definitions;
5 amending s. 420.622, F.S.; increasing and revising
6 membership on the Council on Homelessness; removing a
7 member from an obsolete organization; correcting the name
8 of a member organization on the council; revising the date
9 of an annual report; creating s. 420.6275, F.S.; creating
10 the Housing First program; providing legislative findings
11 and intent; providing methodology; providing components of
12 the program; creating s. 420.628, F.S.; providing
13 legislative findings and intent relating to young adults
14 leaving foster care; amending s. 1003.01, F.S.; revising a
15 definition; amending ss. 1003.21 and 1003.22, F.S.;
16 conforming terminology; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (a) of subsection (22) of section
21 420.507, Florida Statutes, is amended to read:

22 420.507 Powers of the corporation.--The corporation shall
23 have all the powers necessary or convenient to carry out and
24 effectuate the purposes and provisions of this part, including
25 the following powers which are in addition to all other powers
26 granted by other provisions of this part:

27 (22) To develop and administer the State Apartment
28 Incentive Loan Program. In developing and administering that
29 program, the corporation may:

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

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

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

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

52 Section 2. Section 420.621, Florida Statutes, is amended to
53 read:

54 420.621 Definitions; ~~ss. 420.621-420.627.~~ --As used in ss.
55 420.621-420.628 ~~420.621-420.627~~, the term ~~following terms~~ shall
56 ~~have the following meanings, unless the context otherwise~~
57 ~~requires:~~

58 (1) "Children and youths experiencing homelessness," for

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59 programs authorized under the McKinney-Vento Education Assistance
60 for Homeless Children and Youths, 42 U.S.C. ss. 11431 et seq.,
61 means children and youths who lack a fixed, regular, and adequate
62 nighttime residence, and includes:

63 (a) Children and youths who are sharing the housing of
64 other persons due to loss of housing, economic hardship, or a
65 similar reason; are living in motels, hotels, travel trailer
66 parks, or camping grounds due to the lack of alternative adequate
67 accommodations; are living in emergency or transitional shelters;
68 are abandoned in hospitals; or are awaiting foster care
69 placement.

70 (b) Children and youths who have a primary nighttime
71 residence that is a public or private place not designed for, or
72 ordinarily used as, a regular sleeping accommodation for human
73 beings.

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

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

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

84 (3) "Council on Homelessness" means the council created in
85 s. 420.622.

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

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88 (4)~~(2)~~ "Department" means the Department of Children and
89 Family Services.

90 (5)~~(3)~~ "District" means a service district of the
91 department ~~of Children and Family Services~~, as set forth in s.
92 20.19.

93 (6)~~(4)~~ "Homeless," applied to an individual or "individual
94 experiencing homelessness" means "~~Homeless~~" refers to an
95 individual who lacks a fixed, regular, and adequate nighttime
96 residence and includes ~~or~~ an individual who ~~has a primary~~
97 ~~nighttime residence that is:~~

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

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

103 (c) Is living in an emergency or transitional shelter; ~~A~~
104 ~~supervised publicly or privately operated shelter designed to~~
105 ~~provide temporary living accommodations, including welfare~~
106 ~~hotels, congregate shelters, and transitional housing for the~~
107 ~~mentally ill;~~

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

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

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

115 (f) Is a migratory individual who qualifies as homeless
116 because he or she is living in circumstances described in

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117 paragraphs (a)-(e).

118

119 The terms do ~~term does~~ not refer to an ~~any~~ individual imprisoned
120 ~~or otherwise detained~~ pursuant to state or federal law or to
121 individuals or families who are sharing housing due to cultural
122 preferences, voluntary arrangements, and traditional networks of
123 support. The terms include an individual who has been released
124 from jail, prison, the juvenile justice system, the child welfare
125 system, a mental health and developmental disability facility, a
126 residential addiction treatment program, or a hospital, for whom
127 no subsequent residence has been identified, and who lacks the
128 resources and support network to obtain housing.

129 (7) ~~(5)~~ "Local coalition for the homeless" means a coalition
130 established pursuant to s. 420.623.

131 (8) ~~(6)~~ "New and temporary homeless" means ~~those~~ individuals
132 or families who are homeless due to societal ~~external~~ factors,
133 ~~such as unemployment or other loss of income, personal or family-~~
134 ~~life crises, or the shortage of low-income housing.~~

135 (9) ~~(7)~~ "State Office on Homelessness" means the state
136 office created in s. 420.622 "~~Secretary~~" ~~means the secretary of~~
137 ~~the Department of Children and Family Services.~~

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

140 420.622 State Office on Homelessness; Council on
141 Homelessness.--

142 (2) The Council on Homelessness is created to consist of a
143 17-member ~~15-member~~ council of public and private agency
144 representatives who shall develop policy and advise the State
145 Office on Homelessness. The council members shall be: the

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146 Secretary of Children and Family Services, or his or her
147 designee; the Secretary of Community Affairs, or his or her
148 designee, to advise the council on issues related to rural
149 development; the State Surgeon General, or his or her designee;
150 the Executive Director of Veterans' Affairs, or his or her
151 designee; the Secretary of Corrections, or his or her designee;
152 the Secretary of Health Care Administration, or his or her
153 designee; the Commissioner of Education, or his or her designee;
154 the Director of Workforce Florida, Inc., or his or her designee;
155 one representative of the Florida Association of Counties; one
156 representative from the Florida League of Cities; one
157 representative of the Florida ~~Coalition for~~ Supportive Housing
158 Coalition; the Executive Director of the Florida Housing Finance
159 Corporation, or his or her designee; one representative of the
160 Florida Coalition for the Homeless; ~~one representative of the~~
161 ~~Florida State Rural Development Council~~; and four members
162 appointed by the Governor. The council members shall be
163 volunteer, nonpaid persons and shall be reimbursed for travel
164 expenses only. The appointed members of the council shall serve
165 staggered 2-year terms, and the council shall meet at least four
166 times per year. The importance of minority, gender, and
167 geographic representation must be considered when appointing
168 members to the council.

169 (9) The council shall, by June 30 ~~December 31~~ of each year,
170 beginning in 2009, issue to the Governor, the President of the
171 Senate, the Speaker of the House of Representatives, and the
172 Secretary of Children and Family Services an evaluation of the
173 executive director's performance in fulfilling the statutory
174 duties of the office, a report summarizing the council's

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175 recommendations to the office and the corresponding actions taken
176 by the office, and any recommendations to the Legislature for
177 proposals to reduce homelessness in this state.

178 Section 4. Section 420.6275, Florida Statutes, is created
179 to read:

180 420.6275 Housing First.--

181 (1) LEGISLATIVE FINDINGS AND INTENT.--

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

184 (b) The Legislature also finds that for most of the past
185 two decades, public and private solutions to homelessness have
186 focused on providing individuals and families who are
187 experiencing homelessness with emergency shelter, transitional
188 housing, or a combination of both. While emergency shelter
189 programs may provide critical access to services for individuals
190 and families in crisis, they often fail to address the long-term
191 needs of those who are homeless.

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

196 (d) It is therefore the intent of the Legislature to
197 encourage local coalitions for the homeless, established pursuant
198 to s. 420.623, to adopt the Housing First approach to ending
199 homelessness for individuals and families.

200 (2) HOUSING FIRST METHODOLOGY.--

201 (a) The Housing First approach to homelessness differs from
202 traditional approaches by providing housing assistance, case
203 management, and support services responsive to individual or

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204 family needs after housing is obtained. By using this approach
205 when appropriate, communities can significantly reduce the amount
206 of time that individuals and families are homeless and prevent
207 further episodes of homelessness. Housing First emphasizes that
208 social services provided to enhance individual and family well-
209 being can be more effective when people are in their own home,
210 and:

- 211 1. The housing is not time-limited.
- 212 2. The housing is not contingent on compliance with
213 services. Instead, participants must comply with a standard lease
214 agreement and are provided with the services and support that are
215 necessary to help them do so successfully.
- 216 3. A background check and any rehabilitation necessary to
217 combat an addiction related to alcoholism or substance abuse has
218 been completed by the individual for whom assistance or support
219 services have been provided.

220 (b) The Housing First approach addresses the societal
221 causes of homelessness and advocates for the immediate return of
222 individuals and families back into housing and communities.
223 Housing First provides a critical link between the emergency and
224 transitional housing system and community-based social service,
225 educational, and health care organizations and consists of four
226 components:

- 227 1. Crisis intervention and short-term stabilization.
- 228 2. Screening, intake, and needs assessment.
- 229 3. Provision of housing resources.
- 230 4. Provision of case management.

231 Section 5. Section 420.628, Florida Statutes, is created to
232 read:

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233 420.628 Young adults leaving foster care; legislative
234 findings.--

235 (1) The Legislature finds that the transition from
236 childhood to adulthood is filled with opportunity and risk. Most
237 young people who receive adequate support make this transition
238 successfully and become healthy adults who are prepared for work
239 and are able to become responsible, fulfilled members of their
240 families and communities.

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

247 (3) The Legislature finds that these young people face
248 numerous barriers to a successful transition to adulthood. Those
249 barriers include changes in foster care placements and schools,
250 limited opportunities for participation in age-appropriate
251 activities, and the inability to achieve economic stability, make
252 connections with permanent supportive adults or family, and
253 access housing. The main barriers to safe and affordable housing
254 for youth who leave foster care due to age are cost, lack of
255 availability, the unwillingness of many landlords to rent to
256 them, and their own lack of knowledge about how to be good
257 tenants.

258 (4) The Legislature also finds that young adults who
259 emancipate from the child welfare system are at risk of becoming
260 homeless and those who were formerly in foster care are
261 disproportionately represented in the homeless population. Only

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262 about two-fifths of eligible young people receive independent
263 living services and, of those who do, few receive adequate
264 housing assistance. Without the stability of safe housing other
265 services, training, and opportunities may not be effective.

266 (5) The Legislature further finds that research on young
267 people who emancipate from foster care suggests a nexus between
268 foster care involvement and later episodes of homelessness and
269 that interventions in the foster care system might help to
270 prevent homelessness. Responding to the needs of young people
271 leaving the foster care system with developmentally appropriate
272 supportive housing models organized in a continuum of decreasing
273 supervision may increase their ability to live independently.

274 (6) It is therefore the intent of the Legislature to
275 encourage the Department of Children and Family Services, its
276 agents, and community-based care providers operating pursuant to
277 s. 409.1671, to develop and implement procedures designed to
278 reduce the number of young adults who become homeless after
279 leaving the child welfare system.

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

282 1003.01 Definitions.--As used in this chapter, the term:

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

289 (a) Children and youths who are sharing the housing of
290 other persons due to loss of housing, economic hardship, or a

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291 similar reason; are living in motels, hotels, travel trailer
292 parks, or camping grounds due to the lack of alternative adequate
293 accommodations; are living in emergency or transitional shelters;
294 are abandoned in hospitals; or are awaiting foster care
295 placement.

296 (b) Children and youths who have a primary nighttime
297 residence that is a public or private place not designed for or
298 ordinarily used as a regular sleeping accommodation for human
299 beings.

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

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

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

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

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

308 ~~1. A supervised publicly or privately operated shelter~~
309 ~~designed to provide temporary living accommodations, including~~
310 ~~welfare hotels, congregate shelters, and transitional housing for~~
311 ~~the mentally ill;~~

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

314 ~~3. A public or private place not designed for, or~~
315 ~~ordinarily used as, a regular sleeping accommodation for human~~
316 ~~beings; or~~

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

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320
321 ~~A child who is imprisoned, detained, or in the custody of the~~
322 ~~state pursuant to a state or federal law is not a homeless child.~~

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

326 1003.21 School attendance.--

327 (1)

328 (f) Children and youths who are experiencing homelessness
329 ~~Homeless children~~, as defined in s. 1003.01, must have access to
330 a free public education and must be admitted to school in the
331 school district in which they or their families live. School
332 districts shall assist such ~~homeless~~ children to meet the
333 requirements of subsection (4) and s. 1003.22, as well as local
334 requirements for documentation.

335 (4) Before admitting a child to kindergarten, the principal
336 shall require evidence that the child has attained the age at
337 which he or she should be admitted in accordance with the
338 provisions of subparagraph (1)(a)2. The district school
339 superintendent may require evidence of the age of any child whom
340 he or she believes to be within the limits of compulsory
341 attendance as provided for by law. If the first prescribed
342 evidence is not available, the next evidence obtainable in the
343 order set forth below shall be accepted:

344 (g) If none of these evidences can be produced, an
345 affidavit of age sworn to by the parent, accompanied by a
346 certificate of age signed by a public health officer or by a
347 public school physician, or, if ~~neither of these~~ are not ~~is~~
348 available in the county, by a licensed practicing physician

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349 designated by the district school board, which certificate states
350 that the health officer or physician has examined the child and
351 believes that the age as stated in the affidavit is substantially
352 correct. Children and youths who are experiencing homelessness A
353 ~~homeless child~~, as defined in s. 1003.01, shall be given
354 temporary exemption from this section for 30 school days.

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

357 1003.22 School-entry health examinations; immunization
358 against communicable diseases; exemptions; duties of Department
359 of Health.--

360 (1) Each district school board and the governing authority
361 of each private school shall require that each child who is
362 entitled to admittance to kindergarten, or is entitled to any
363 other initial entrance into a public or private school in this
364 state, present a certification of a school-entry health
365 examination performed within 1 year prior to enrollment in
366 school. Each district school board, and the governing authority
367 of each private school, may establish a policy that permits a
368 student up to 30 school days to present a certification of a
369 school-entry health examination. Children and youths who are
370 experiencing homelessness A ~~homeless child~~, as defined in s.
371 1003.01, shall be given a temporary exemption for 30 school days.
372 Any district school board that establishes such a policy shall
373 include provisions in its local school health services plan to
374 assist students in obtaining the health examinations. However, a
375 ~~any~~ child shall be exempt from the requirement of a health
376 examination upon written request of the parent of the child
377 stating objections to the examination on religious grounds.

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378 (5) The provisions of this section shall not apply if:
379 (e) An authorized school official issues a temporary
380 exemption, for up to a period not to exceed 30 school days, to
381 permit a student who transfers into a new county to attend class
382 until his or her records can be obtained. Children and youths who
383 are experiencing homelessness ~~A homeless child~~, as defined in s.
384 1003.01, shall be given a temporary exemption for 30 school days.
385 The public school health nurse or authorized private school
386 official is responsible for followup of each such student until
387 proper documentation or immunizations are obtained. An exemption
388 for 30 days may be issued for a student who enters a juvenile
389 justice program to permit the student to attend class until his
390 or her records can be obtained or until the immunizations can be
391 obtained. An authorized juvenile justice official is responsible
392 for followup of each student who enters a juvenile justice
393 program until proper documentation or immunizations are obtained.
394 Section 9. This act shall take effect July 1, 2008.