

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.
4 420.621, F.S.; revising, providing, and deleting
5 definitions; amending s. 420.622, F.S.; increasing and
6 revising membership on the Council on Homelessness;
7 removing a member from an obsolete organization;
8 correcting the name of a member organization on the
9 council; revising the date of an annual report;
10 creating s. 420.6275, F.S.; creating the Housing First
11 program; providing legislative findings and intent;
12 providing methodology; providing components of the
13 program; providing that local continuums of care that
14 adopt the program be given funding priority; creating
15 s. 420.628, F.S.; providing legislative findings and
16 intent relating to young adults leaving foster care;
17 amending s. 1003.01, F.S.; revising a definition;
18 amending ss. 1003.21 and 1003.22, F.S.; conforming
19 terminology; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (a) of subsection (22) of section
24 420.507, Florida Statutes, is amended to read:

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

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30 (22) To develop and administer the State Apartment
31 Incentive Loan program. In developing and administering that
32 program, the corporation may:

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

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

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

53 3. One to 9 percent interest for sponsors of projects
54 targeted at populations other than farmworkers, commercial
55 fishing workers, or ~~and~~ the homeless.

56 Section 2. Section 420.621, Florida Statutes, is amended to
57 read:

58 420.621 Definitions; ~~ss. 420.621-420.627.~~—As used in ss.

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59 ~~420.621-420.628~~ ~~420.621-420.627~~, the term following terms shall
60 have the following meanings, unless the context otherwise
61 requires:

62 (1) "Continuum of care" means the community components
63 needed to organize and deliver housing and services to meet the
64 specific needs of people who are homeless as they move to stable
65 housing and maximum self-sufficiency. It includes action steps
66 to end homelessness and prevent a return to homelessness.

67 (2) "Council on Homelessness" means the council created in
68 s. 420.622.

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

71 ~~(3)-(2)~~ "Department" means the Department of Children and
72 Family Services.

73 ~~(4)-(3)~~ "District" means a service district of the
74 department of Children and Family Services, as set forth in s.
75 20.19.

76 ~~(5)-(4)~~ "Homeless," applied to an individual, or "individual
77 experiencing homelessness" means "Homeless" refers to an
78 individual who lacks a fixed, regular, and adequate nighttime
79 residence and includes ~~or~~ an individual who has a primary
80 nighttime residence that is:

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

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

86 (c) Is living in an emergency or transitional shelter; A
87 supervised publicly or privately operated shelter designed to

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88 ~~provide temporary living accommodations, including welfare~~
89 ~~hotels, congregate shelters, and transitional housing for the~~
90 ~~mentally ill;~~

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

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

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

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

101
102 The terms do term ~~does~~ not refer to an any individual imprisoned
103 ~~or otherwise detained~~ pursuant to state or federal law or to
104 individuals or families who are sharing housing due to cultural
105 preferences, voluntary arrangements, or traditional networks of
106 support. The terms include an individual who has been released
107 from jail, prison, the juvenile justice system, the child
108 welfare system, a mental health and developmental disability
109 facility, a residential addiction treatment program, or a
110 hospital, for whom no subsequent residence has been identified,
111 and who lacks the resources and support network to obtain
112 housing.

113 (6)(5) "Local coalition for the homeless" means a coalition
114 established pursuant to s. 420.623.

115 (7)(6) "New and temporary homeless" means ~~these~~ individuals
116 or families who are homeless due to societal ~~external~~ factors,

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117 ~~such as unemployment or other loss of income, personal or~~
118 ~~family-life crises, or the shortage of low-income housing.~~

119 (8) (7) "State Office on Homelessness" means the state
120 office created in s. 420.622 "Secretary" means the secretary of
121 the Department of Children and Family Services.

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

124 420.622 State Office on Homelessness; Council on
125 Homelessness.—

126 (2) The Council on Homelessness is created to consist of a
127 17-member ~~15-member~~ council of public and private agency
128 representatives who shall develop policy and advise the State
129 Office on Homelessness. The council members shall be: the
130 Secretary of Children and Family Services, or his or her
131 designee; the Secretary of Community Affairs, or his or her
132 designee, to advise the council on issues related to rural
133 development; the State Surgeon General, or his or her designee;
134 the Executive Director of Veterans' Affairs, or his or her
135 designee; the Secretary of Corrections, or his or her designee;
136 the Secretary of Health Care Administration, or his or her
137 designee; the Commissioner of Education, or his or her designee;
138 the Director of Workforce Florida, Inc., or his or her designee;
139 one representative of the Florida Association of Counties; one
140 representative from the Florida League of Cities; one
141 representative of the Florida ~~Coalition for~~ Supportive Housing
142 Coalition; the Executive Director of the Florida Housing Finance
143 Corporation, or his or her designee; one representative of the
144 Florida Coalition for the Homeless; ~~one representative of the~~
145 ~~Florida State Rural Development Council;~~ and four members

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146 appointed by the Governor. The council members shall be
147 volunteer, nonpaid persons and shall be reimbursed for travel
148 expenses only. The appointed members of the council shall be
149 appointed to ~~serve~~ staggered 2-year terms, and the council shall
150 meet at least four times per year. The importance of minority,
151 gender, and geographic representation must be considered when
152 appointing members to the council.

153 (9) The council shall, by June 30 ~~December 31~~ of each year,
154 beginning in 2010, issue to the Governor, the President of the
155 Senate, the Speaker of the House of Representatives, and the
156 Secretary of Children and Family Services an evaluation of the
157 executive director's performance in fulfilling the statutory
158 duties of the office, a report summarizing the council's
159 recommendations to the office and the corresponding actions
160 taken by the office, and any recommendations to the Legislature
161 for proposals to reduce homelessness in this state.

162 Section 4. Section 420.6275, Florida Statutes, is created
163 to read:

164 420.6275 Housing First.-

165 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

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

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175 term needs.

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

180 (d) It is therefore the intent of the Legislature to
181 encourage homeless continuums of care to adopt the Housing First
182 approach to ending homelessness for individuals and families.

183 (2) HOUSING FIRST METHODOLOGY.—

184 (a) The Housing First approach to homelessness differs from
185 traditional approaches by providing housing assistance, case
186 management, and support services responsive to individual or
187 family needs after housing is obtained. By using this approach
188 when appropriate, communities can significantly reduce the
189 amount of time that individuals and families are homeless and
190 prevent further episodes of homelessness. Housing First
191 emphasizes that social services provided to enhance individual
192 and family well-being can be more effective when people are in
193 their own home, and:

194 1. The housing is not time-limited.

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

199 3. A background check and any rehabilitation necessary to
200 combat an addiction related to alcoholism or substance abuse has
201 been completed by the individual for whom assistance or support
202 services are provided.

203 (b) The Housing First approach addresses the societal

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204 causes of homelessness and advocates for the immediate return of
205 individuals and families into housing and communities. Housing
206 First provides a critical link between the emergency and
207 transitional housing system and community-based social service,
208 educational, and health care organizations and consists of four
209 components:

- 210 1. Crisis intervention and short-term stabilization.
- 211 2. Screening, intake, and needs assessment.
- 212 3. Provision of housing resources.
- 213 4. Provision of case management.

214 Section 5. Section 420.628, Florida Statutes, is created to
215 read:

216 420.628 Young adults leaving foster care; legislative
217 findings.—

218 (1) The Legislature finds that the transition from
219 childhood to adulthood is filled with opportunity and risk. Most
220 young people who receive adequate support make this transition
221 successfully and become healthy adults who are prepared for work
222 and are able to become responsible, fulfilled members of their
223 families and communities.

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

230 (3) The Legislature finds that these young people face
231 numerous barriers to a successful transition to adulthood. Those
232 barriers include changes in foster care placements and schools,

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233 limited opportunities for participation in age-appropriate
234 activities, and the inability to achieve economic stability,
235 make connections with permanent supportive adults or family, and
236 access housing. The main barriers to safe and affordable housing
237 for youth who leave foster care due to age are cost, lack of
238 availability, the unwillingness of many landlords to rent to
239 them, and their own lack of knowledge about how to be good
240 tenants.

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

249 (5) The Legislature further finds that research on young
250 people who emancipate from foster care suggests a nexus between
251 foster care involvement and later episodes of homelessness and
252 that interventions in the foster care system might help to
253 prevent homelessness. Responding to the needs of young people
254 leaving the foster care system with developmentally appropriate
255 supportive housing models organized in a continuum of decreasing
256 supervision may increase their ability to live independently.

257 (6) It is therefore the intent of the Legislature to
258 encourage the Department of Children and Family Services, its
259 agents, and community-based care providers operating pursuant to
260 s. 409.1671 to develop and implement procedures designed to
261 reduce the number of young adults who become homeless after

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262 leaving the child welfare system.

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

265 1003.01 Definitions.—As used in this chapter, the term:

266 (12) “Children and youths who are experiencing
267 homelessness,” for programs authorized under subtitle B,
268 Education for Homeless Children and Youths, of Title VII of the
269 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
270 seq., means children and youths who lack a fixed, regular, and
271 adequate nighttime residence, and includes:

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

279 (b) Children and youths who have a primary nighttime
280 residence that is a public or private place not designed for or
281 ordinarily used as a regular sleeping accommodation for human
282 beings.

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

286 (d) Migratory children who are living in circumstances
287 described in paragraphs (a)-(c). ~~“Homeless child” means:~~

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

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

290 ~~1. A supervised publicly or privately operated shelter~~

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291 ~~designed to provide temporary living accommodations, including~~
292 ~~welfare hotels, congregate shelters, and transitional housing~~
293 ~~for the mentally ill;~~

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

296 ~~3. A public or private place not designed for, or~~
297 ~~ordinarily used as, a regular sleeping accommodation for human~~
298 ~~beings; or~~

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

302
303 ~~A child who is imprisoned, detained, or in the custody of the~~
304 ~~state pursuant to a state or federal law is not a homeless~~
305 ~~child.~~

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

309 1003.21 School attendance.—

310 (1)

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

318 (4) Before admitting a child to kindergarten, the principal
319 shall require evidence that the child has attained the age at

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

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

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

341 1003.22 School-entry health examinations; immunization
342 against communicable diseases; exemptions; duties of Department
343 of Health.—

344 (1) Each district school board and the governing authority
345 of each private school shall require that each child who is
346 entitled to admittance to kindergarten, or is entitled to any
347 other initial entrance into a public or private school in this
348 state, present a certification of a school-entry health

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

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

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

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378 enters a juvenile justice program until proper documentation or
379 immunizations are obtained.

380 Section 9. This act shall take effect July 1, 2009.