



414608

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: C
04/29/2009 05:38 PM	.	05/01/2009 10:42 AM
	.	

Senator Storms moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(22) To develop and administer the State Apartment



414608

13 Incentive Loan program. In developing and administering that
14 program, the corporation may:

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

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

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

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

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

40 420.621 Definitions; ~~ss. 420.621-420.627.~~—As used in ss.
41 420.621-420.628 ~~420.621-420.627~~, the term ~~following terms shall~~



414608

42 ~~have the following meanings, unless the context otherwise~~
43 ~~requires:~~

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

49 (2) "Council on Homelessness" means the council created in
50 s. 420.622.

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

53 (3)-(2) "Department" means the Department of Children and
54 Family Services.

55 (4)-(3) "District" means a service district of the
56 department of Children and Family Services, as set forth in s.
57 20.19.

58 (5)-(4) "Homeless," applied to an individual, or "individual
59 experiencing homelessness" means "Homeless" refers to an
60 individual who lacks a fixed, regular, and adequate nighttime
61 residence and includes ~~or~~ an individual who has a primary
62 nighttime residence that is:

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

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

68 (c) Is living in an emergency or transitional shelter; A
69 supervised publicly or privately operated shelter designed to
70 provide temporary living accommodations, including welfare



414608

71 ~~hotels, congregate shelters, and transitional housing for the~~
72 ~~mentally ill;~~

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

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

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

80 ~~(f) Is a migratory individual who qualifies as homeless~~
81 ~~because he or she is living in circumstances described in~~
82 ~~paragraphs (a)-(e).~~

83
84 The ~~terms do term does~~ not refer to an any individual imprisoned
85 ~~or otherwise detained~~ pursuant to state or federal law or to
86 individuals or families who are sharing housing due to cultural
87 preferences, voluntary arrangements, or traditional networks of
88 support. The terms include an individual who has been released
89 from jail, prison, the juvenile justice system, the child
90 welfare system, a mental health and developmental disability
91 facility, a residential addiction treatment program, or a
92 hospital, for whom no subsequent residence has been identified,
93 and who lacks the resources and support network to obtain
94 housing.

95 ~~(6)(5)~~ "Local coalition for the homeless" means a coalition
96 established pursuant to s. 420.623.

97 ~~(7)(6)~~ "New and temporary homeless" means ~~those~~ individuals
98 or families who are homeless due to societal ~~external~~ factors,
99 ~~such as unemployment or other loss of income, personal or~~



414608

100 ~~family life crises, or the shortage of low income housing.~~

101 (8) (7) "State Office on Homelessness" means the state
102 office created in s. 420.622 "Secretary" means the secretary of
103 the Department of Children and Family Services.

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

106 420.622 State Office on Homelessness; Council on
107 Homelessness.—

108 (2) The Council on Homelessness is created to consist of a
109 17-member 15-member council of public and private agency
110 representatives who shall develop policy and advise the State
111 Office on Homelessness. The council members shall be: the
112 Secretary of Children and Family Services, or his or her
113 designee; the Secretary of Community Affairs, or his or her
114 designee, to advise the council on issues related to rural
115 development; the State Surgeon General, or his or her designee;
116 the Executive Director of Veterans' Affairs, or his or her
117 designee; the Secretary of Corrections, or his or her designee;
118 the Secretary of Health Care Administration, or his or her
119 designee; the Commissioner of Education, or his or her designee;
120 the Director of Workforce Florida, Inc., or his or her designee;
121 one representative of the Florida Association of Counties; one
122 representative from the Florida League of Cities; one
123 representative of the Florida ~~Coalition for~~ Supportive Housing
124 Coalition; the Executive Director of the Florida Housing Finance
125 Corporation, or his or her designee; one representative of the
126 Florida Coalition for the Homeless; ~~one representative of the~~
127 ~~Florida State Rural Development Council;~~ and four members
128 appointed by the Governor. The council members shall be



414608

129 volunteer, nonpaid persons and shall be reimbursed for travel
130 expenses only. The appointed members of the council shall be
131 appointed to ~~serve~~ staggered 2-year terms, and the council shall
132 meet at least four times per year. The importance of minority,
133 gender, and geographic representation must be considered when
134 appointing members to the council.

135 (9) The council shall, by June 30 ~~December 31~~ of each year,
136 beginning in 2010, issue to the Governor, the President of the
137 Senate, the Speaker of the House of Representatives, and the
138 Secretary of Children and Family Services an evaluation of the
139 executive director's performance in fulfilling the statutory
140 duties of the office, a report summarizing the council's
141 recommendations to the office and the corresponding actions
142 taken by the office, and any recommendations to the Legislature
143 for proposals to reduce homelessness in this state.

144 Section 4. Section 420.6275, Florida Statutes, is created
145 to read:

146 420.6275 Housing First.-

147 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

150 (b) The Legislature also finds that for most of the past
151 two decades, public and private solutions to homelessness have
152 focused on providing individuals and families who are
153 experiencing homelessness with emergency shelter, transitional
154 housing, or a combination of both. While emergency shelter
155 programs may provide critical access to services for individuals
156 and families in crisis, they often fail to address their long-
157 term needs.



414608

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

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

165 (2) HOUSING FIRST METHODOLOGY.—

166 (a) The Housing First approach to homelessness differs from
167 traditional approaches by providing housing assistance, case
168 management, and support services responsive to individual or
169 family needs after housing is obtained. By using this approach
170 when appropriate, communities can significantly reduce the
171 amount of time that individuals and families are homeless and
172 prevent further episodes of homelessness. Housing First
173 emphasizes that social services provided to enhance individual
174 and family well-being can be more effective when people are in
175 their own home, and:

176 1. The housing is not time-limited.

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

181 3. A background check and any rehabilitation necessary to
182 combat an addiction related to alcoholism or substance abuse has
183 been completed by the individual for whom assistance or support
184 services are provided.

185 (b) The Housing First approach addresses the societal
186 causes of homelessness and advocates for the immediate return of



414608

187 individuals and families into housing and communities. Housing
188 First provides a critical link between the emergency and
189 transitional housing system and community-based social service,
190 educational, and health care organizations and consists of four
191 components:

- 192 1. Crisis intervention and short-term stabilization.
- 193 2. Screening, intake, and needs assessment.
- 194 3. Provision of housing resources.
- 195 4. Provision of case management.

196 Section 5. Section 420.628, Florida Statutes, is created to
197 read:

198 420.628 Young adults leaving foster care; legislative
199 findings.—

200 (1) The Legislature finds that the transition from
201 childhood to adulthood is filled with opportunity and risk. Most
202 young people who receive adequate support make this transition
203 successfully and become healthy adults who are prepared for work
204 and are able to become responsible, fulfilled members of their
205 families and communities.

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

212 (3) The Legislature finds that these young people face
213 numerous barriers to a successful transition to adulthood. Those
214 barriers include changes in foster care placements and schools,
215 limited opportunities for participation in age-appropriate



414608

216 activities, and the inability to achieve economic stability,
217 make connections with permanent supportive adults or family, and
218 access housing. The main barriers to safe and affordable housing
219 for youth who leave foster care due to age are cost, lack of
220 availability, the unwillingness of many landlords to rent to
221 them, and their own lack of knowledge about how to be good
222 tenants.

223 (4) The Legislature also finds that young adults who
224 emancipate from the child welfare system are at risk of becoming
225 homeless and those who were formerly in foster care are
226 disproportionately represented in the homeless population. Only
227 about two-fifths of eligible young people receive independent
228 living services and, of those who do, few receive adequate
229 housing assistance. Without the stability of safe housing, other
230 services, training, and opportunities may not be effective.

231 (5) The Legislature further finds that research on young
232 people who emancipate from foster care suggests a nexus between
233 foster care involvement and later episodes of homelessness and
234 that interventions in the foster care system might help to
235 prevent homelessness. Responding to the needs of young people
236 leaving the foster care system with developmentally appropriate
237 supportive housing models organized in a continuum of decreasing
238 supervision may increase their ability to live independently.

239 (6) It is therefore the intent of the Legislature to
240 encourage the Department of Children and Family Services, its
241 agents, and community-based care providers operating pursuant to
242 s. 409.1671 to develop and implement procedures designed to
243 reduce the number of young adults who become homeless after
244 leaving the child welfare system.



414608

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

247 1003.01 Definitions.—As used in this chapter, the term:

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

254 (a) Children and youths who are sharing the housing of
255 other persons due to loss of housing, economic hardship, or a
256 similar reason; are living in motels, hotels, travel trailer
257 parks, or camping grounds due to the lack of alternative
258 adequate accommodations; are living in emergency or transitional
259 shelters; are abandoned in hospitals; or are awaiting foster
260 care placement.

261 (b) Children and youths who have a primary nighttime
262 residence that is a public or private place not designed for or
263 ordinarily used as a regular sleeping accommodation for human
264 beings.

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

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

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

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

272 ~~1. A supervised publicly or privately operated shelter~~
273 ~~designed to provide temporary living accommodations, including~~



414608

274 ~~welfare hotels, congregate shelters, and transitional housing~~
275 ~~for the mentally ill;~~

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

278 ~~3. A public or private place not designed for, or~~
279 ~~ordinarily used as, a regular sleeping accommodation for human~~
280 ~~beings; or~~

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

284
285 ~~A child who is imprisoned, detained, or in the custody of the~~
286 ~~state pursuant to a state or federal law is not a homeless~~
287 ~~child.~~

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

291 1003.21 School attendance.—

292 (1)

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

300 (4) Before admitting a child to kindergarten, the principal
301 shall require evidence that the child has attained the age at
302 which he or she should be admitted in accordance with the



414608

303 provisions of subparagraph (1)(a)2. The district school
304 superintendent may require evidence of the age of any child whom
305 he or she believes to be within the limits of compulsory
306 attendance as provided for by law. If the first prescribed
307 evidence is not available, the next evidence obtainable in the
308 order set forth below shall be accepted:

309 (g) If none of these evidences can be produced, an
310 affidavit of age sworn to by the parent, accompanied by a
311 certificate of age signed by a public health officer or by a
312 public school physician, or, if ~~neither of these~~ are not ~~is~~
313 available in the county, by a licensed practicing physician
314 designated by the district school board, which ~~certificate~~
315 states that the health officer or physician has examined the
316 child and believes that the age as stated in the affidavit is
317 substantially correct. Children and youths who are experiencing
318 homelessness ~~A homeless child, as defined in s. 1003.01,~~ shall
319 be given temporary exemption from this section for 30 school
320 days.

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

323 1003.22 School-entry health examinations; immunization
324 against communicable diseases; exemptions; duties of Department
325 of Health.—

326 (1) Each district school board and the governing authority
327 of each private school shall require that each child who is
328 entitled to admittance to kindergarten, or is entitled to any
329 other initial entrance into a public or private school in this
330 state, present a certification of a school-entry health
331 examination performed within 1 year before ~~prior to~~ enrollment



414608

332 in school. Each district school board, and the governing
333 authority of each private school, may establish a policy that
334 permits a student up to 30 school days to present a
335 certification of a school-entry health examination. Children and
336 youths who are experiencing homelessness ~~A homeless child, as~~
337 ~~defined in s. 1003.01,~~ shall be given a temporary exemption for
338 30 school days. Any district school board that establishes such
339 a policy shall include provisions in its local school health
340 services plan to assist students in obtaining the health
341 examinations. However, a ~~any~~ child shall be exempted ~~exempt~~ from
342 the requirement of a health examination upon written request of
343 the parent of the child stating objections to the examination on
344 religious grounds.

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

346 (e) An authorized school official issues a temporary
347 exemption, for up to ~~a period not to exceed~~ 30 school days, to
348 permit a student who transfers into a new county to attend class
349 until his or her records can be obtained. Children and youths
350 who are experiencing homelessness ~~A homeless child, as defined~~
351 ~~in s. 1003.01,~~ shall be given a temporary exemption for 30
352 school days. The public school health nurse or authorized
353 private school official is responsible for followup of each such
354 student until proper documentation or immunizations are
355 obtained. An exemption for 30 days may be issued for a student
356 who enters a juvenile justice program to permit the student to
357 attend class until his or her records can be obtained or until
358 the immunizations can be obtained. An authorized juvenile
359 justice official is responsible for followup of each student who
360 enters a juvenile justice program until proper documentation or



414608

361 immunizations are obtained.

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

363

364 ===== T I T L E A M E N D M E N T =====

365 And the title is amended as follows:

366 Delete everything before the enacting clause

367 and insert:

368 A bill to be entitled

369 An act relating to homelessness; amending s. 420.507,
370 F.S.; conforming a cross-reference; amending s.
371 420.621, F.S.; revising, providing, and deleting
372 definitions; amending s. 420.622, F.S.; increasing and
373 revising membership on the Council on Homelessness;
374 removing a member from an obsolete organization;
375 correcting the name of a member organization on the
376 council; revising the date of an annual report;
377 creating s. 420.6275, F.S.; creating the Housing First
378 program; providing legislative findings and intent;
379 providing methodology; providing components of the
380 program; providing that local continuums of care that
381 adopt the program be given funding priority; creating
382 s. 420.628, F.S.; providing legislative findings and
383 intent relating to young adults leaving foster care;
384 amending s. 1003.01, F.S.; revising a definition;
385 amending ss. 1003.21 and 1003.22, F.S.; conforming
386 terminology; providing an effective date.