

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

29 | children in foster care; amending s. 1003.22, F.S.;

30 | conforming terminology; providing a school certification

31 | of a school-entry health examination exemption for certain

32 | children in foster care; repealing s. 414.16, F.S.,

33 | relating to the emergency assistance program for families

34 | with children that have lost shelter or face loss of

35 | shelter due to an emergency; providing an effective date.

36 |

37 | Be It Enacted by the Legislature of the State of Florida:

38 |

39 | Section 1. Section 414.161, Florida Statutes, is created

40 | to read:

41 | 414.161 Homelessness prevention grants.--

42 | (1) ESTABLISHMENT OF PROGRAM.--There is hereby created a

43 | grant program to provide emergency financial assistance to

44 | families facing the loss of their current home due to a

45 | financial or other crisis. The State Office on Homelessness,

46 | with the concurrence of the Council on Homelessness, may accept

47 | and administer moneys appropriated to it to provide homelessness

48 | prevention grants annually to lead agencies for local homeless

49 | assistance continuum of care, as recognized by the State Office

50 | on Homelessness. These moneys shall consist of any sums that the

51 | state may appropriate, as well as money received from donations,

52 | gifts, bequests, or otherwise from any public or private source

53 | that is intended to assist families to prevent them from

54 | becoming homeless.

55 | (2) GRANT APPLICATIONS.--Grant applicants shall be ranked

56 | competitively. Preference shall be given to applicants who

57 leverage additional private funds and public funds, who
58 demonstrate the effectiveness of their homelessness prevention
59 programs in keeping families housed, and who demonstrate the
60 commitment of other assistance and services to address the
61 family's health, employment, and education needs.

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

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

76 (5) PERFORMANCE.--The lead agency shall be required to
77 track, monitor, and report on the families assisted for at least
78 12 months after the last assistance provided to the family. The
79 goal for the homelessness prevention program shall be to enable
80 at least 85 percent of the families assisted to remain in their
81 home and avoid becoming homeless during the ensuing year.

82 Section 2. Paragraph (a) of subsection (22) of section
83 420.507, Florida Statutes, is amended to read:

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

89 (22) To develop and administer the State Apartment
90 Incentive Loan Program. In developing and administering that
91 program, the corporation may:

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

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

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

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

115 Section 3. Section 420.621, Florida Statutes, is amended
116 to read:

117 420.621 Definitions; ss. 420.621-420.628 ~~420.621-~~
118 ~~420.627.~~--As used in ss. 420.621-420.628 ~~420.621-420.627~~, the
119 ~~term following terms shall have the following meanings, unless~~
120 ~~the context otherwise requires:~~

121 (1) "Children and youths who are experiencing
122 homelessness," for programs authorized under the federal
123 Education for Homeless Children and Youths program, Subtitle B
124 of Title VII of the McKinney-Vento Homeless Assistance Act, 42
125 U.S.C. ss. 11431 et seq., means children and youths who lack a
126 fixed, regular, and adequate nighttime residence, and includes:

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

134 (b) Children and youths who have a primary nighttime
135 residence that is a public or private place not designed for or
136 ordinarily used as a regular sleeping accommodation for human
137 beings.

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

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

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

148 (3) "Council on Homelessness" means the council created in
 149 s. 420.622.

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

152 (4)(2) "Department" means the Department of Children and
 153 Family Services.

154 (5)(3) "District" means a service district of the
 155 ~~department of Children and Family Services,~~ as set forth in s.
 156 20.19.

157 (6)(4) "Homeless," applied to an individual, or
 158 "individual experiencing homelessness" means "Homeless" refers
 159 ~~to~~ an individual who lacks a fixed, regular, and adequate
 160 nighttime residence and includes ~~or~~ an individual who has a
 161 ~~primary nighttime residence that is:~~

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

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

167 (c) Is living in an emergency or transitional shelter; A
168 supervised publicly or privately operated shelter designed to
169 provide temporary living accommodations, including welfare
170 hotels, congregate shelters, and transitional housing for the
171 mentally ill;

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

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

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

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

182
183 The terms defined in this subsection do ~~term does~~ not refer to
184 any individual imprisoned or otherwise detained pursuant to
185 state or federal law. The terms also do not include individuals
186 or families who are sharing housing due to cultural preferences,
187 voluntary arrangements, and traditional networks of support. The
188 terms include an individual who has been released from jail,
189 prison, the juvenile justice system, the child welfare system, a
190 mental health and developmental disability facility, a
191 residential addiction treatment program, or a hospital, for whom

192 no subsequent residence has been identified, and who lacks the
 193 resources and support network to obtain housing.

194 ~~(7)(5)~~ "Local coalition for the homeless" means a
 195 coalition established pursuant to s. 420.623.

196 ~~(8)(6)~~ "New and temporary homeless" means those
 197 individuals or families who are homeless due to societal
 198 ~~external factors, such as unemployment or other loss of income,~~
 199 ~~personal or family-life crises, or the shortage of low-income~~
 200 ~~housing.~~

201 (9) "Societal causes of homelessness" means factors such
 202 as lack of housing for individuals and families with low
 203 incomes, lack of employment opportunities for those with a high
 204 school education or less, and lack of day care, transportation,
 205 and other institutional supports.

206 ~~(10)(7)~~ "State Office on Homelessness" means the state
 207 office created in s. 420.622 ~~"Secretary" means the secretary of~~
 208 ~~the Department of Children and Family Services.~~

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

211 420.622 State Office on Homelessness; Council on
 212 Homelessness.--

213 (2) The Council on Homelessness is created to consist of a
 214 17-member ~~15-member~~ council of public and private agency
 215 representatives who shall develop policy and advise the State
 216 Office on Homelessness. The council members shall be: the
 217 Secretary of Children and Family Services, or his or her
 218 designee; the Secretary of Community Affairs, or his or her
 219 designee; the State Surgeon General, or his or her designee; the

220 Executive Director of Veterans' Affairs, or his or her designee;
 221 the Secretary of Corrections, or his or her designee; the
 222 Secretary of Health Care Administration, or his or her designee;
 223 the Commissioner of Education, or his or her designee; the
 224 Director of Workforce Florida, Inc., or his or her designee; one
 225 representative of the Florida Association of Counties; one
 226 representative from the Florida League of Cities; one
 227 representative of the Florida ~~Coalition for~~ Supportive Housing
 228 Coalition; the Executive Director of the Florida Housing Finance
 229 Corporation, or his or her designee; one representative of the
 230 Florida Coalition for the Homeless; ~~one representative of the~~
 231 ~~Florida State Rural Development Council;~~ and four members
 232 appointed by the Governor. The council members shall be
 233 volunteer, nonpaid persons and shall be reimbursed for travel
 234 expenses only. The appointed members of the council shall serve
 235 staggered 2-year terms, and the council shall meet at least four
 236 times per year. The importance of minority, gender, and
 237 geographic representation must be considered when appointing
 238 members to the council.

239 (9) The council shall, by June 30 ~~December 31~~ of each
 240 year, beginning in 2010, issue to the Governor, the President of
 241 the Senate, the Speaker of the House of Representatives, and the
 242 Secretary of Children and Family Services an evaluation of the
 243 executive director's performance in fulfilling the statutory
 244 duties of the office, a report summarizing the council's
 245 recommendations to the office and the corresponding actions
 246 taken by the office, and any recommendations to the Legislature
 247 for proposals to reduce homelessness in this state.

248 Section 5. Paragraph (d) of subsection (3) of section
 249 420.625, Florida Statutes, is amended to read:

250 420.625 Grant-in-aid program.--

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

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

258 Section 6. Section 420.6275, Florida Statutes, is created
 259 to read:

260 420.6275 Housing First.--

261 (1) LEGISLATIVE FINDINGS AND INTENT.--

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

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

272 (c) The Legislature further finds that Housing First is an
 273 alternative approach to the current system of emergency shelter
 274 or transitional housing which tends to reduce the length of time

275 of homelessness and has proven to be cost-effective to homeless
276 programs.

277 (d) It is therefore the intent of the Legislature to
278 encourage local coalitions for the homeless continuums of care,
279 established pursuant to s. 420.623, to adopt the Housing First
280 approach to ending homelessness for individuals and families.

281 (2) HOUSING FIRST METHODOLOGY.--

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

292 1. The housing is not time-limited.

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

297 (b) The Housing First approach addresses the societal
298 causes of homelessness and advocates for the immediate return of
299 individuals and families back into housing and communities.
300 Housing First provides a critical link between the emergency and
301 transitional housing system and community-based social service,

302 educational, and health care organizations and consists of four
 303 components:

- 304 1. Crisis intervention and short-term stabilization.
- 305 2. Screening, intake, and needs assessment.
- 306 3. Provision of housing resources.
- 307 4. Provision of case management.

308 Section 7. Section 420.628, Florida Statutes, is created
 309 to read:

310 420.628 Children and young adults leaving the child
 311 welfare system; legislative findings and intent.--

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

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

324 (3) The Legislature finds that these young people face
 325 numerous barriers to a successful transition to adulthood. Those
 326 barriers include changes in foster care placements and schools,
 327 limited opportunities for participation in age-appropriate
 328 normal activities, and the inability to achieve economic
 329 stability, make connections with permanent supportive adults or

330 family, and access housing. The main barriers to safe and
331 affordable housing for youth aging out of the foster care system
332 are cost, lack of availability, the unwillingness of many
333 landlords to rent to them, and their own lack of knowledge about
334 how to be good tenants.

335 (4) The Legislature also finds that young adults who
336 emancipate from the child welfare system are at risk of becoming
337 homeless and those who were formerly in the child welfare system
338 are disproportionately represented in the homeless population.
339 Only about two-fifths of eligible young people receive
340 independent living services and, of those who do, few receive
341 adequate housing assistance. Without the stability of safe
342 housing all other services, training, and opportunities may not
343 be effective.

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

353 (6) It is therefore the intent of the Legislature to
354 encourage the Department of Children and Family Services, its
355 agents, and community-based care providers operating pursuant to
356 s. 409.1671, to develop and implement procedures designed to

357 reduce the number of young adults who become homeless after
 358 leaving the child welfare system.

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

361 1003.01 Definitions.--As used in this chapter, the term:

362 (12) "Children and youths who are experiencing
 363 homelessness," for programs authorized under the federal
 364 Education for Homeless Children and Youths program, Subtitle B
 365 of Title VII of the McKinney-Vento Homeless Assistance Act, 42
 366 U.S.C. ss. 11431 et seq., means children and youths who lack a
 367 fixed, regular, and adequate nighttime residence, and includes:

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

375 (b) Children and youths who have a primary nighttime
 376 residence that is a public or private place not designed for or
 377 ordinarily used as a regular sleeping accommodation for human
 378 beings.

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

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

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

- 385 ~~(a) One who lacks a fixed, regular nighttime residence;~~
 386 ~~(b) One who has a primary nighttime residence that is:~~
 387 ~~1. A supervised publicly or privately operated shelter~~
 388 ~~designed to provide temporary living accommodations, including~~
 389 ~~welfare hotels, congregate shelters, and transitional housing~~
 390 ~~for the mentally ill;~~
 391 ~~2. An institution that provides a temporary residence for~~
 392 ~~individuals intended to be institutionalized; or~~
 393 ~~3. A public or private place not designed for, or~~
 394 ~~ordinarily used as, a regular sleeping accommodation for human~~
 395 ~~beings; or~~
 396 ~~(c) One who temporarily resides with an adult other than~~
 397 ~~his or her parent because the parent is suffering financial~~
 398 ~~hardship.~~

399
 400 ~~A child who is imprisoned, detained, or in the custody of the~~
 401 ~~state pursuant to a state or federal law is not a homeless~~
 402 ~~child.~~

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

406 1003.21 School attendance.--

407 (1)

408 (f) Children and youths who are experiencing homelessness
 409 ~~Homeless children~~, as defined in s. 1003.01, must have access to
 410 a free public education and must be admitted to school in the
 411 school district in which they or their families live. School
 412 districts shall assist such ~~homeless~~ children to meet the

413 requirements of subsection (4) and s. 1003.22, as well as local
 414 requirements for documentation.

415 (4) Before admitting a child to kindergarten, the
 416 principal shall require evidence that the child has attained the
 417 age at which he or she should be admitted in accordance with the
 418 provisions of subparagraph (1)(a)2. The district school
 419 superintendent may require evidence of the age of any child whom
 420 he or she believes to be within the limits of compulsory
 421 attendance as provided for by law. If the first prescribed
 422 evidence is not available, the next evidence obtainable in the
 423 order set forth below shall be accepted:

424 (g) If none of these evidences can be produced, an
 425 affidavit of age sworn to by the parent, accompanied by a
 426 certificate of age signed by a public health officer or by a
 427 public school physician, or, if neither of these is available in
 428 the county, by a licensed practicing physician designated by the
 429 district school board, which certificate states that the health
 430 officer or physician has examined the child and believes that
 431 the age as stated in the affidavit is substantially correct.
 432 Children and youths who are experiencing homelessness ~~A homeless~~
 433 ~~child~~, as defined in s. 1003.01, and children who are in foster
 434 care until the time of achieving either reunification or a
 435 permanent placement shall be given temporary exemption from this
 436 section for 30 school days.

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

439 1003.22 School-entry health examinations; immunization
 440 against communicable diseases; exemptions; duties of Department
 441 of Health.--

442 (1) Each district school board and the governing authority
 443 of each private school shall require that each child who is
 444 entitled to admittance to kindergarten, or is entitled to any
 445 other initial entrance into a public or private school in this
 446 state, present a certification of a school-entry health
 447 examination performed within 1 year prior to enrollment in
 448 school. Each district school board, and the governing authority
 449 of each private school, may establish a policy that permits a
 450 student up to 30 school days to present a certification of a
 451 school-entry health examination. Children and youths who are
 452 experiencing homelessness ~~A homeless child~~, as defined in s.
 453 1003.01, and children who are in foster care until the time of
 454 achieving either reunification or a permanent placement shall be
 455 given a temporary exemption for 30 school days. Any district
 456 school board that establishes such a policy shall include
 457 provisions in its local school health services plan to assist
 458 students in obtaining the health examinations. However, any
 459 child shall be exempt from the requirement of a health
 460 examination upon written request of the parent of the child
 461 stating objections to the examination on religious grounds.

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

463 (e) An authorized school official issues a temporary
 464 exemption, for a period not to exceed 30 school days, to permit
 465 a student who transfers into a new county to attend class until
 466 his or her records can be obtained. Children and youths who are

467 experiencing homelessness ~~A homeless child~~, as defined in s.
468 1003.01, and children who are in foster care until the time of
469 achieving either reunification or a permanent placement shall be
470 given a temporary exemption for 30 school days. The public
471 school health nurse or authorized private school official is
472 responsible for followup of each such student until proper
473 documentation or immunizations are obtained. An exemption for 30
474 days may be issued for a student who enters a juvenile justice
475 program to permit the student to attend class until his or her
476 records can be obtained or until the immunizations can be
477 obtained. An authorized juvenile justice official is responsible
478 for followup of each student who enters a juvenile justice
479 program until proper documentation or immunizations are
480 obtained.

481 Section 11. Section 414.16, Florida Statutes, is repealed.

482 Section 12. This act shall take effect July 1, 2009.