

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; providing that local continuums of care that
13 adopt the program be given funding priority; creating s.
14 420.628, F.S.; providing legislative findings and intent
15 relating to young adults leaving foster care; amending s.
16 1003.01, F.S.; revising a definition; amending ss. 1003.21
17 and 1003.22, F.S.; conforming terminology; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:
21

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

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

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

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

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

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

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~~
 70 ~~as 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
 77 "individual experiencing homelessness" means "Homeless" refers
 78 to an individual who lacks a fixed, regular, and adequate
 79 nighttime residence and includes or an individual who has a
 80 primary 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~~
 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
 114 coalition established pursuant to s. 420.623.

115 (7)(6) "New and temporary homeless" means ~~those~~
 116 individuals or families who are homeless due to societal
 117 ~~external factors, such as unemployment or other loss of income,~~
 118 ~~personal or family-life crises, or the shortage of low-income~~

119 housing.

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

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

125 420.622 State Office on Homelessness; Council on
126 Homelessness.--

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

149 expenses only. The appointed members of the council shall be
150 appointed to ~~serve~~ staggered 2-year terms, and the council shall
151 meet at least four times per year. The importance of minority,
152 gender, and geographic representation must be considered when
153 appointing members to the council.

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

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

165 420.6275 Housing First.--

166 (1) LEGISLATIVE FINDINGS AND INTENT.--

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

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

177 (c) The Legislature further finds that Housing First is an
178 alternative approach to the current system of emergency shelter

179 or transitional housing which tends to reduce the length of time
180 of homelessness and has proven to be cost-effective.

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

184 (2) HOUSING FIRST METHODOLOGY.--

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

195 1. The housing is not time-limited.

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

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

204 (b) The Housing First approach addresses the societal
205 causes of homelessness and advocates for the immediate return of
206 individuals and families into housing and communities. Housing
207 First provides a critical link between the emergency and
208 transitional housing system and community-based social service,

209 educational, and health care organizations and consists of four
210 components:

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

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

217 420.628 Young adults leaving foster care; legislative
218 findings.--

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

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

231 (3) The Legislature finds that these young people face
232 numerous barriers to a successful transition to adulthood. Those
233 barriers include changes in foster care placements and schools,
234 limited opportunities for participation in age-appropriate
235 activities, and the inability to achieve economic stability,
236 make connections with permanent supportive adults or family, and
237 access housing. The main barriers to safe and affordable housing
238 for youth who leave foster care due to age are cost, lack of

239 availability, the unwillingness of many landlords to rent to
 240 them, and their own lack of knowledge about how to be good
 241 tenants.

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

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

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

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

266 1003.01 Definitions.--As used in this chapter, the term:

267 (12) "Children and youths who are experiencing
 268 homelessness," for programs authorized under subtitle B,

269 Education for Homeless Children and Youths, of Title VII of the
 270 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
 271 seq., means children and youths who lack a fixed, regular, and
 272 adequate nighttime residence, and includes:

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

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

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

287 (d) Migratory children who are living in circumstances
 288 described in paragraphs (a)-(c). "Homeless child" means:

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

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

291 ~~1. A supervised publicly or privately operated shelter~~
 292 ~~designed to provide temporary living accommodations, including~~
 293 ~~welfare hotels, congregate shelters, and transitional housing~~
 294 ~~for the mentally ill;~~

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

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

299 ~~beings; or~~

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

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

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

310 1003.21 School attendance.--

311 (1)

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

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

328 (g) If none of these evidences can be produced, an

329 affidavit of age sworn to by the parent, accompanied by a
 330 certificate of age signed by a public health officer or by a
 331 public school physician, or, if ~~neither of these~~ are not ~~is~~
 332 available in the county, by a licensed practicing physician
 333 designated by the district school board, which ~~certificate~~
 334 states that the health officer or physician has examined the
 335 child and believes that the age as stated in the affidavit is
 336 substantially correct. Children and youths who are experiencing
 337 homelessness ~~A homeless child, as defined in s. 1003.01,~~ shall
 338 be given temporary exemption from this section for 30 school
 339 days.

340 Section 8. Subsection (1) and paragraph (e) of subsection
 341 (5) of section 1003.22, Florida Statutes, are amended to read:
 342 1003.22 School-entry health examinations; immunization
 343 against communicable diseases; exemptions; duties of Department
 344 of Health.--

345 (1) Each district school board and the governing authority
 346 of each private school shall require that each child who is
 347 entitled to admittance to kindergarten, or is entitled to any
 348 other initial entrance into a public or private school in this
 349 state, present a certification of a school-entry health
 350 examination performed within 1 year before ~~prior to~~ enrollment
 351 in school. Each district school board, and the governing
 352 authority of each private school, may establish a policy that
 353 permits a student up to 30 school days to present a
 354 certification of a school-entry health examination. Children and
 355 youths who are experiencing homelessness ~~A homeless child, as~~
 356 ~~defined in s. 1003.01,~~ shall be given a temporary exemption for
 357 30 school days. Any district school board that establishes such
 358 a policy shall include provisions in its local school health

359 services plan to assist students in obtaining the health
360 examinations. However, a ~~any~~ child shall be exempted ~~exempt~~ from
361 the requirement of a health examination upon written request of
362 the parent of the child stating objections to the examination on
363 religious grounds.

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

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

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