

## ENROLLED

CS/HB 597, Engrossed 2

2009 Legislature

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:

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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.

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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~~  
 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~~

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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~~

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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

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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

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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,

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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



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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,

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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~~

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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

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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

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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.