

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1351 Homeless Youth  
**SPONSOR(S):** Civil Justice Subcommittee; Glorioso  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1662

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Access Subcommittee	15 Y, 0 N	Batchelor	Schoolfield
2) Civil Justice Subcommittee	15 Y, 0 N, As CS	Caridad	Bond
3) Health & Human Services Committee	16 Y, 0 N	Batchelor	Gormley

### SUMMARY ANALYSIS

Federal law defines a "homeless youth" as an individual who lacks a fixed, regular, and adequate nighttime residence. The bill:

- Defines "certified homeless youth" to mean a minor, homeless child or youth as defined under federal law.
- Provides that a certified homeless youth or a minor who has had the disabilities of nonage removed in accordance with statute must be issued a certified copy of his or her birth certificate upon request.
- Creates a provision to provide that an unaccompanied certified homeless youth who is 16 years of age or older may petition the circuit court to have the disabilities of nonage removed. Such youth will have court filing fees waived and the court must expedite the proceedings.

The bill does not appear to have a fiscal impact on state or local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

###### *Homelessness in Florida*

Florida has the third largest homeless population in the state, with roughly 60,000 people facing homelessness daily.<sup>1</sup> During the 2009-10 school year, 49,000 school-aged children were identified as homeless in the state.<sup>2</sup>

###### *Homeless Children and Youths*

According to the National Alliance to End Homelessness, the prevalence of youth homelessness is difficult to measure; however, researchers estimate that perhaps 1.6 million youth, aged 13-17, are homeless in the U.S.<sup>3</sup> While the reasons for youth homelessness vary by individual, the primary causes appear to be a family breakdown or a systems failure of mainstream programs like child welfare, juvenile corrections, and mental health programs.<sup>4</sup> Between 20,000 and 25,000 youth ages 16 and older transition from foster care to legal emancipation, or “age out” of the system annually with few resources and multiple challenges.<sup>5</sup> As a result, former foster care children and youth are disproportionately represented in the homeless population. Twenty-five percent of former foster youth nationwide report that they have been homeless at least one night within two-and-a-half to four years after exiting foster care.<sup>6</sup>

Federal law defines “homeless children and youths” as follows:

- (a) [I]ndividuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302 (a)(1) of this title); and
- (b) [I]ncludes—
  - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302 (a)(1) of this title);
  - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - (iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (1) through (iii).<sup>7</sup>

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<sup>1</sup> Council on Homelessness Annual Report 2011. Florida Department of Children and Families. <http://www.dcf.state.fl.us/programs/homelessness/council/index.shtml> (last visited Jan. 26, 2012).

<sup>2</sup> *Id.*

<sup>33</sup> The Heterogeneity of Homeless Youth in America. National Alliance to End Homelessness. September 2011.

<sup>4</sup> Fundamental Issues to Prevent and End Youth Homelessness. Youth Homelessness Series, Brief No. 1. National Alliance to End Homelessness. May, 2006.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> 42 U.S.C. §11434a.

The term, “unaccompanied youth,” as defined in federal law means youth not in the physical custody of a parent or guardian.<sup>8</sup>

### *School District Homeless Liaison*

The Florida Department of Education has established a “school district homeless liaison” for each of the 67 counties.<sup>9</sup> The duties of the liaison include:<sup>10</sup>

- Assisting homeless children and youth who do not have immunizations or medical records to obtain necessary immunizations or medical records.
- Helping unaccompanied youth choose and enroll in a school, after considering the youths’ wishes, and provide youth with notice of their right to appeal an enrollment decision that is contrary to their wishes.
- Ensuring that unaccompanied youth are enrolled in school immediately pending the resolution of any dispute that may arise over school enrollment or placement.
- Collaborating and coordinating with State Coordinators for Homeless Education and community and school personnel responsible for the provision of education and related services to children and youth who are homeless.

### *Emergency Shelter Program funded by U.S. Department of Housing and Urban Development*

The Emergency Shelter Program is funded by the Department of Housing and Urban Development and is designed as the first step in the Continuum of Care. The Emergency Shelter Grants Program provides funds for emergency shelters — immediate alternatives to the street — and transitional housing that helps individuals reach independent living. States use grant funds to rehabilitate and operate these facilities, provide essential social services, and prevent homelessness.<sup>11</sup> The providers of service must document that any youth served meets the federal definition of a homeless person.<sup>12</sup>

### *Runway or Homeless Basic Youth Centers and Transitional Living Programs funded by U.S. Health and Human Services*

The Basic Youth Center Program works to establish or strengthen community-based programs that meet the immediate needs of runaway and homeless youth and their families.<sup>13</sup> The programs provide youth up to age 18 with emergency shelter, food, clothing, counseling and referrals for health care.<sup>14</sup> Basic centers seek to reunite young people with their families, whenever possible, or to locate appropriate alternative placements.<sup>15</sup> The providers of service must maintain individual case files on the youth in the program.<sup>16</sup>

The Transitional Living Programs supports projects that provide long-term residential services to homeless youth.<sup>17</sup> The Program accepts youth ages 16-21. The services offered are designed to help

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<sup>8</sup> *Id.*

<sup>9</sup> Florida Department of Education, District Liaison List.

<http://search.fldoe.org/default.asp?cx=012683245092260330905%3Aaol4lmikgz4&cof=FORID%3A11&q=school+district+homeless+liaison> (last visited Jan. 26, 2012).

<sup>10</sup> *Id.*

<sup>11</sup> U.S. Department of Housing and Homeless Development, Homelessness Resource Exchange.

<http://www.hudhre.info/index.cfm?do=viewEsgProgram> (last visited Jan. 20, 2012).

<sup>12</sup> U.S. Department of Housing and Homeless Development, Emergency Shelter Grant Desk Guide, Program Requirements and Responsibilities. <http://www.hudhre.info/index.cfm?do=viewEsgDeskguideSec4#4-4> (last visited Jan. 20, 2012).

<sup>13</sup> U.S. Department of Health and Human Services, Administration for Children and Families, Fact Sheet Basic Center Program.

<http://www.acf.hhs.gov/programs/fysb/content/youthdivision/programs/bcpfactsheet.htm> (last visited Jan. 20, 2012).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> U.S. Department of Health and Human Services, Administration for Children and Families, Fact Sheet Transitional Program.

<http://www.acf.hhs.gov/programs/fysb/content/youthdivision/programs/bcpfactsheet.htm> (last visited Jan. 20, 2012).

homeless youth make a successful transition to self-sufficient living.<sup>18</sup> Transitional living programs are required to provide youth with stable, safe living accommodations, and services that help them develop the skills necessary to become independent.<sup>19</sup> Living accommodations may include host-family homes, group homes, maternity group homes, or supervised apartments owned by the program or rented in the community.<sup>20</sup> The providers of services must maintain individual case files on the youth in the program.<sup>21</sup> Such documentation constitutes the basis for a certification under the proposed bill.<sup>22</sup>

### *Disabilities of Nonage*

Under current law, minors who meet certain conditions can be granted the same rights as an adult. This process is known in current law as “having the disabilities of nonage removed” and is provided if:

- The minor is married or has been married or subsequently becomes married, including one whose marriage is dissolved, or who is widowed, or widowed;<sup>23</sup> or
- A circuit court removes the disabilities of nonage of a minor, age 16 or older, residing in this state upon a petition filed by the minor’s natural or legal guardian or, if there is none, by a guardian ad litem.<sup>24</sup>

In the case of a minor who has been married or subsequently becomes married, including one whose marriage is dissolved, or who is widowed, or widowed, the minor is permitted to assume management of his or her estate, contract and be contracted with, sue and be sued and perform all the acts an adult can.<sup>25</sup>

In the case of a minor who has had the court remove the disabilities of nonage, a court would authorize the minor to perform all acts that the minor could do if he or she was 18 years of age.<sup>26</sup>

### *Birth Certificates*

The Florida Department of Health, Office of Vital Statistics, maintains all vital records for the state. Under current law, homeless children are not specifically given the ability to obtain their birth certificate. Current law provides that a person must be of legal age to obtain their birth certificate, and if they are not of legal age, the birth certificate can be obtained by a parent, guardian, or other legal representative.<sup>27</sup> Therefore, homeless children not of legal age and without a parent, guardian or other legal representative are unable to obtain their birth certificate.

### **Effect of the Bill**

The bill defines “certified homeless youth” as a minor who is a homeless child or youth, including an unaccompanied youth, as defined in federal law and has been certified as homeless or unaccompanied by:

- A school district homeless liaison;
- The director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director’s designee; or

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Section 743.01, F.S.

<sup>24</sup> Section 743.015, F.S.

<sup>25</sup> Section 743.01, F.S.

<sup>26</sup> Section 743.015, F.S.

<sup>27</sup> Section 382.025 (1)(a) 1., F.S.

- The director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director's designee.<sup>28</sup>

In addition, the bill expands instances where the department must provide an individual with a copy of an original, new or amended birth certificate or affidavits thereof. The department must provide such to the registrant if he or she is a certified homeless youth, or is a minor who has had the disabilities of nonage removed under ss. 743.01 or 743.015, F.S.

The bill creates s. 743.067 F.S., and provides that an unaccompanied youth as defined in 42 U.S.C. s. 11434a, who is also a certified homeless youth, and is 16 years of age or older may petition the circuit court to have the disabilities of nonage removed under s. 743.015, F.S. The youth shall qualify as a person not required to prepay costs and fees provided in s. 57.081, F.S. The court must advance the cause on the calendar.

#### B. SECTION DIRECTORY:

Section 1 amends s. 382.002, F.S., relating to definitions.

Section 2 amends s. 382.0085, F.S., relating to stillbirth registration.

Section 3 amends s. 382.025, F.S., relating to certified copies of vital records.

Section 4 amends s. 743.067, F.S., relating to unaccompanied youths.

Section 5 provides an effective date of July 1, 2012.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The bill does not appear to have any impact on state revenues.

##### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

##### 2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

#### D. FISCAL COMMENTS:

None.

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<sup>28</sup> The emergency shelter program and the runaway or homeless youth basic center or transitional living program maintain documentation of homeless status for youth in the respective programs.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill does not appear to create a need for rulemaking or rulemaking authority.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 31, 2012, the Civil Justice Subcommittee adopted a proposed committee substitute for HB 1351. The PCS differs from the bill as filed in that the PCS removed a provision that would have allowed an unaccompanied youth who is also a certified homeless youth and who is 16 years of age or older to have the same rights as a minor who has had the disabilities of nonage removed under Florida statute. The PCS also provides that any unaccompanied youth applying to a court to have the disabilities of nonage removed is exempt from paying court costs and the court must expedite the case.

This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.