

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 1577 Homeless Youth

SPONSOR(S): Health & Human Services Committee and Children, Families & Seniors Subcommittee, Woodson and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1708

FINAL HOUSE FLOOR ACTION: 117 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/CS/HB 1577 passed the House on March 2, 2022, and subsequently passed the Senate on March 4, 2022. Part of the bill also passed the House and Senate in HB 7065 on March 4, 2022.

Homeless youth, often referred to as unaccompanied homeless youth, are individuals under the age of 18 who lack parental, foster, or institutional care. Each year, an estimated 4.2 million youth and young adults experience homelessness in the United States. Unaccompanied homeless youth, because of their disability of nonage and lack of finances, face particular challenges, such as accessing routine health care. During the 2019-20 school year, 6,926 of Florida's students were unaccompanied homeless youth.

A homeless youth who is 16 or older and meets federal requirements may receive certain benefits, including an identification card at no cost, the ability to petition the court to have the disability of nonage removed, and the ability to consent to certain medical treatment.

CS/CS/HB 1577 addresses the needs of homeless children and young adults. Specifically, the bill:

- requires district school boards to issue a certified unaccompanied homeless youth a card that includes information on the youth's rights and available benefits, and allows health care providers to accept the issued card as proof of the status as a certified unaccompanied homeless youth.
- expands the Keys-to-Independence program to unaccompanied homeless youth who meet certain requirements.
- waives fees for copies of a birth certificate for certified unaccompanied homeless youth and young adults who aged out of foster care.
- requires postsecondary institutions to have liaisons to assist former foster children and young adults and those experiencing homelessness to help students with issues related to the use of a tuition and fee exemption, and directs the Office of Program Policy Analysis and Government Accountability to evaluate their effectiveness.
- requires postsecondary institutions to retain original documents on a student's tuition and fee exemption, and prohibits additional requests for such documentation.
- aligns Florida's eligibility for a tuition and fee exemption with federal law.
- requires any student determined to be an unaccompanied homeless youth for a tuition and fee exemption for a preceding year to be presumed homeless for subsequent years unless an institution has conflicting information.

The bill has no fiscal impact on state government or local governments.

The bill was approved by the Governor on April 6, 2022, ch. 2022-65, L.O.F., and will become effective on July 1, 2022.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Homeless Youth and Children

Unaccompanied homeless youth are homeless individuals under the age of 18 who lack parental, foster, or institutional care.¹ Each year, an estimated 4.2 million youth experience homelessness in the United States.² Unaccompanied homeless youth, because of their disability of nonage³ and lack of finances, face particular challenges in accessing routine health care. They disproportionately suffer high rates of mental illness, substance abuse, pregnancy, and sexually transmitted diseases.⁴

As of January 2020, an estimated 27,487 individuals were homeless in Florida on any given day.⁵ Of that total, 2,294 were family households, 2,436 were veterans, 1,331 were unaccompanied homeless young adults (aged 18-24), and 5,182 were individuals experiencing chronic homelessness.⁶

During the 2019-20 school year, an estimated 79,781 of Florida's public school students experienced homelessness over the course of a year.⁷ Of that total, 6,926 were unaccompanied homeless youth.

McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act (Act) was originally authorized in 1987 and re-authorized in December 2015 by the Every Student Succeeds Act. The Act is designed to address the challenges that homeless children and youth face in enrolling, attending, and succeeding in school.

Under the Act, state educational agencies must ensure that each homeless child or youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth.⁸ State and local educational agencies⁹ must review and undertake steps to revise laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youth.¹⁰

The Act defines an "unaccompanied homeless youth" as an individual who lacks a fixed, regular, and adequate nighttime residence and is not in the physical custody of a parent or guardian, and includes children that are:

¹ National Coalition for Homeless, *Youth Homelessness*, <https://nationalhomeless.org/issues/youth/> (last visited Jan. 31, 2022).

² Morton, M.H., Dworsky, A., Samuels, G.M., & Patel, S. (2018). *Missed opportunities: Youth homelessness in rural America*. Chicago, IL: Chapin Hall at the University of Chicago.

³ Disability of nonage refers to a minor's lack of legal ability to enter into binding contracts. However, minors who meet certain conditions can be granted the same rights as adults through a court process of having the disability of nonage removed; See s.743.015, F.S.

⁴ Yvonne Vissing, *Homeless Children and Youth: An Examination of Legal Challenges and Directions*, 13 J.L. Society 455, 504 (2012).

⁵ United States Interagency Council on Homelessness, *Florida Homelessness Statistics*, <https://www.usich.gov/homelessness-statistics/fl>.

⁶ *Id.*

⁷ Florida Department of Education, *District Homeless Record Counts*, (Nov. 18, 2020), <https://www.fldoe.org/core/fileparse.php/19996/urlt/2019-2020-Homeless-Student-Counts-ADA-COMPLIANT.pdf>.

⁸ U.S. Department of Education, *Education for Homeless Children and Youths Program, non-Regulatory Guidance* (Aug. 2018), <https://oese.ed.gov/files/2020/07/160240ehcyguidanceupdated082718.pdf>.

⁹ A local educational agency is a public board of education or other public authority legally constituted within a State for either administrative control or direction of, to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools (20 U.S.C. § 7801(30)(A)).

¹⁰ *Supra* note 8.

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- Living in emergency or transitional shelters or are abandoned in hospitals;
- Utilizing for a primary nighttime residence that is a public or private place but not designated for or ordinarily used as a regular sleeping accommodation for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children living in circumstances described above.¹¹

Unaccompanied homeless youth have a right to services under the Act, including transportation to and from school, remaining at the school of origin for the duration of the homelessness if in the child's best interest, participating in all available education programs and extracurricular activities, and any school services for which the youth meets eligibility criteria.¹² The federal Higher Education Act also allows unaccompanied homeless youth, as defined in the McKinney-Vento Homeless Assistance Act, to qualify for federal financial aid.¹³

The McKinney-Vento Act requires all local educational agencies to designate an appropriate staff person as a local homeless liaison.¹⁴ Local homeless liaisons must ensure, in part, that homeless children and youth are identified by school personnel and through coordination activities with other entities. Each school district has at least one homeless liaison.¹⁵

Certified Unaccompanied Homeless Youth

Under Florida law, certain individuals may certify unaccompanied homeless so the youth can receive certain services. Section 743.067, F.S., allows a youth who is an unaccompanied homeless youth to become certified as such if he or she is 16 years of age or older and is:

- Found by a school district's liaison for homeless children and youth to be an unaccompanied homeless youth eligible for services pursuant to the McKinney-Vento Homeless Assistance Act; or
- Believed to qualify as an unaccompanied homeless youth under the McKinney-Vento Homeless Assistance Act by:
 - The director of an emergency shelter program funded by the U.S. Department of Housing and Urban Development;
 - The director of a runaway or homeless youth basic center¹⁶ or transitional living program funded by the U.S. Department of Health and Human Services; or
 - A continuum of care lead agency.¹⁷

A standardized form is used when one of the individuals listed above certifies an unaccompanied homeless youth.¹⁸

¹¹ 42 U.S.C. § 11434a.

¹² 42 U.S.C. § 11432.

¹³ 20 U.S.C. § 1087w(d)(1)(H).

¹⁴ *Supra* note 8.

¹⁵ Florida Department of Education, Florida McKinney-Vento Program District Contact Directory, <https://www.fldoe.org/core/fileparse.php/19996/urlt/Title-IX-District-Contact-List-11-05-21-ADA-COMPLIANT.pdf>.

¹⁶ The U.S., Department of Health and Human Services, Family and Youth Services Bureau, funds the Basic Youth Center Program which provides youth up to age 18 with emergency shelter, food, clothing, counseling, and referrals for health care. U.S. Department of Health and Human Services, Family and Youth Services Bureau, Basic Center Program Fact Sheet, <https://www.acf.hhs.gov/fysb/fact-sheet/basic-center-program-fact-sheet> (last visited Jan. 31, 2022).

¹⁷ S. 743.067(2)(a), F.S.

¹⁸ *Id.*

Once certified, an unaccompanied homeless youth may use the certification form to:

- Obtain, at no charge, an identification card issued by the Department of Highway Safety and Motor Vehicles.
- Petition the circuit court to have the disability of nonage removed.
- Consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment, including preventive care for himself or herself (or for a child, if the unaccompanied homeless youth is unmarried, is the parent of the child, and has actual custody of the child).¹⁹

A health care provider may accept the written certification form as proof of the minor's status as a certified unaccompanied homeless youth and may keep a copy of the certificate in the youth's medical file.²⁰

Under current law, a certified unaccompanied homeless youth only receives a copy of the completed certification form as proof of certification for available benefits.

Former Foster Youth

Young adults who age out of the foster care system have trouble achieving self-sufficiency. Compared to young adults without foster care involvement, these young adults are less likely to earn a high school diploma or GED, or attend college. They are more likely to suffer from mental health problems, have a higher rate of criminal justice system involvement, have difficulty achieving financial independence, need public assistance, and experience housing instability and homelessness.

In Federal Fiscal Year 2017, around 189,000 teens and young adults spent at least one day in foster care.²¹ Of those who left care during that year, more than 19,000 aged out of care. This generally means youth reached a state's legal age of adulthood without reaching permanency.

In State Fiscal Year (SFY) 2020-21, 1,047 young adults started the year at 17 years of age in Florida's foster care system.²² Of those, 862 (82%) aged out of care at the age of 18. Such foster youth can elect to enter Florida's extended foster care program if they meet certain requirements. Of these, 477 entered extended foster care and were eligible to receive foster care services until age 21 (or 22 if disabled).²³

Florida provides independent living services to older youth to help them transition out of foster care and to prepare them to become self-sufficient adults. Florida's independent living services include extended foster care, which applies to young adults who were in licensed foster care upon turning 18.²⁴ Florida also offers two other independent living programs: Postsecondary Education Services and Supports (PESS) and Aftercare Services.

Keys-to-Independence

The state-funded Keys-to-Independence program is designed to remove barriers to obtaining a driver license for foster youth and former foster youth.²⁵ The program pays the cost of driver education, licensure and other costs incidental to licensure and motor vehicle insurance for children in out-of-home care who have successfully completed a driver education program.²⁶ Program services are provided to

¹⁹ S. 743.067(2)(b) and (3), F.S.

²⁰ S. 743.067(2)(c), F.S.

²¹ Congressional Research Services, *John H. Chafee Foster Care Program for Successful Transition to Adulthood* (Jan. 15, 2019) <https://fas.org/sqp/crs/misc/IF11070.pdf>

²² Email from John Paul Fiore, Legislative Affairs Director, Florida Department of Children and Families, Updated Info, Jan. 20, 2022 (on file with the House Children, Families, and Seniors Subcommittee).

²³ *Id.*

²⁴ Ch. 2013-178, L.O.F.

²⁵ S. 409.1454, F.S.

²⁶ S. 409.1454(2), F.S.

eligible youth to the extent funding permits.

Young adults in extended foster care under s. 39.6251, F.S., or receiving services through the Postsecondary Education Services and Support programs under s. 409.1451(2), F.S., are eligible to participate in the Keys-to-Independence program.

In SFY 2020-21, there were 2,659 young adults enrolled in the Keys-to-Independence program.²⁷ Over 6,200 young adults have been enrolled in the program since it began in 2017.

Birth Certificates

The Florida Department of Health (DOH), Office of Vital Statistics, maintains all vital records for Florida. Certified copies of original birth certificates or new or amended certificates, or affidavits thereof, are confidential and exempt from the provisions of s. 119.07(1), F.S.²⁸ Certified copies of an original birth certificate or a new or amended certificate may be issued by DOH upon request and payment of a fee by a person who is named as the child on the birth certificate, if that person is of legal age, is a certified unaccompanied homeless youth, or is a minor with the disability of nonage removed.²⁹

DOH charges a \$20 fee for each certified copy of a Florida birth record and \$16 for additional copies, when requested at the same time. All fees are paid by the person requesting the record, are due and payable at time services are requested, and are nonrefundable, unless no vital record is found.³⁰

Current law requires DOH to waive all fees for a certified copy of a birth certificate issued for an inmate to acquire a state identification card before release pursuant to s. 994.605(7), F.S., and for a juvenile offender in the custody or under the supervision of the Department of Juvenile Justice and receives services under s. 985.461, F.S. Current law does not allow DOH to waive fees when a certified homeless youth or former foster youth requests a copy of the youth's birth certificate.

Postsecondary Education

Campus Liaisons

Section 409.1452, F.S., requires the Department of Children and Families (DCF) to work in collaboration with the Board of Governors, the Florida College System, and the Department of Education to address the need for a comprehensive support structure in the academic arena to assist current or former foster youth in making the transition from a structured care system into an independent living setting.

To accomplish this, campus coaches employed by the educational institutions provide current and former foster youth with dedicated, on-campus support. DCF determines which state universities or colleges must offer a campus coach based on demographic data indicating the greatest need.³¹ The Chancellors of the Florida College System and the Board of Governors must report annually to DCF specific data about the children and young adults served by the campus coaches.

Seven out of 12 Florida universities and seven out of 28 Florida colleges have campus coaches.³²

Tuition and Fee Exemption

²⁷ Florida Department of Children and Families, *2022 Agency Bill Analysis for HB 1577* (Jan. 20, 2022).

²⁸ S. 382.025(1), F.S.

²⁹ S. 382.025(1)(a)1., F.S.

³⁰ *Id.*

³¹ S. 409.1452, F.S.

³² *Supra* note 22.

Section 1009.25(1)(f), F.S., exempts homeless students from tuition and fees at a school district workforce education program, Florida College System institution, or state university. To qualify for the exemption, the homeless student must either:

- lack a fixed, regular, and adequate nighttime residence; or
- have primary nighttime residence in a public or private shelter designed to provide temporary residence, transitional living program, or a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Recent changes made by federal law allow any student who is determined to be an unaccompanied homeless youth for a preceding award year to be presumed homeless for each subsequent year at the same institution unless the student informs the institution that circumstances have changed or the institution has specific conflicting information otherwise.³³ This eliminates a federal requirement that unaccompanied homeless youth status be redetermined every year. Current state law is silent on whether students must provide documentation to prove eligibility for a tuition and fee exemption each year.

Eligibility for the state tuition and fee exemption is narrower than the eligibility for federal financial aid for homeless students.³⁴ Homeless children and youth in Florida that do not qualify for the tuition and fee exemption could qualify as homeless children or youth for purposes of obtaining federal financial aid.

Effect of Proposed Changes

The bill addresses the needs of certified unaccompanied homeless youth, children and young adults experiencing homelessness, and children and young adults currently and formerly in foster care.

Certified Unaccompanied Homeless Youth

The bill expands the range of young adults considered “unaccompanied homeless youth” to include individuals 16 years of age or older and not in the physical custody of a parent or guardian, including a youth who has run away from home, who has been forced to leave home, or whose parents have left the area and left the youth behind. This will expand the number of young adults eligible for statutorily authorized benefits.

The bill amends s. 1001.42, F.S., to require district school boards to provide each student who is a certified unaccompanied homeless youth a card that includes information on the youth’s rights and available benefits, as well as contact information for the school district’s liaison for homeless children and youth. The bill requires the card to be similar in size to a student’s identification card. Specifically:

- The front of the card must include the circumstances that qualify the youth as an unaccompanied homeless youth, the date the youth was certified, and the name, title, and signature of the certifying individual.
- The back of the card must include the provisions of s. 743.067, F.S., that provide authority to the certified unaccompanied homeless youth to consent to medical and other care for himself or herself or for the youth’s child if the certified youth is unmarried, is the parent of the child, and has custody of the child.

The bill amends s. 743.067, F.S., to allow a health care provider to accept the issued card as proof of the youth’s status as a certified unaccompanied homeless youth for purposes of consent to medical treatment. The bill also expands the categories of care for which the youth may consent to include

³³ 20 U.S.C. § 1187uu-2(d)(1).

³⁴ *Supra* note 13.

behavioral health care services, including counseling and treatment, psychiatric treatment, and substance abuse prevention and treatment services.

Keys-to-Independence

The bill amends s. 409.1454, F.S., to expand the Keys-to-Independence program to include certified unaccompanied homeless youth. To be eligible, the certified unaccompanied homeless youth must be a citizen of the United States or legal resident of Florida who:

- is completing secondary education;
- is employed at least part time;
- is attending any postsecondary education program at least part time; or
- has a disability that precludes full-time work or education.

Birth Certificate Fees

The bill amends s. 382.055, F.S., to waive the fees associated with obtaining a copy of a birth certificate for certified unaccompanied homeless youth and young adults who aged out of foster care.

Postsecondary Education

Campus Liaisons

The bill amends s. 409.1452, F.S., to require postsecondary institutions where a student may use a tuition and fee exemption under s. 1009.25, F.S., to have an on-campus liaison, rather than a campus coach, who is, at a minimum, a knowledgeable, accessible, and responsive staff member to help with any problems related to the use of the exemption. This ensures that all state colleges and universities to have an on-campus liaison to assist eligible youth.

The bill requires postsecondary institutions to give the liaison's contact information to each student using a tuition and fee exemption and to DCF and community-based care lead agencies. The schools must also publish liaison contact information on its website.

This bill allows postsecondary institutions to provide coaching services and other supports, in addition to campus liaisons, to promote successful completion of postsecondary education and transition to independent living.

The bill also requires DCF to collaborate with individual state university institutions, instead of the Board of Governors that oversees them, to address the needs of current and former foster youth making the transition into an independent living setting.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study to evaluate the effectiveness of the campus liaisons and of local school districts' delivery of benefits and services required under the McKinney-Vento Homeless Assistance Act. The study must include, at a minimum:

- Current use of liaisons by all colleges and universities, the number of children and young adults served by such liaisons, the type and prevalence of the services requested by such children and young adults, and the experiences of the students served by the liaisons.
- Local school districts' delivery of benefits and services to unaccompanied homeless youth eligible for services under s. 743.067, F.S., and the McKinney-Vento Homeless Assistance Act and school districts' adherence to provisions of the act.

The bill requires OPPAGA to include in the study recommendations for any changes needed to:

- Ensure all eligible children and young adults who seek such support receive services.
- Improve the outcomes of children and young adults who receive services and benefits from campus liaisons or under the McKinney-Vento Homeless Assistance Act.

- Ensure campus liaisons in local school districts and postsecondary institutions are qualified to provide adequate information and support and are knowledgeable about the relevant programs and benefits that may be accessed by the children and young adults they serve.

The bill further requires OPPAGA to consult with DCF, the Board of Governors of the State University System, the Florida College System, the Department of Education, local school districts, and any other relevant stakeholders, including, but not limited to, students eligible for assistance from a liaison.

The bill requires OPPAGA to submit the report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2022.

Tuition and Fee Exemption

The bill requires postsecondary institutions to maintain the original documentation that proves eligibility for the tuition and fee exemption, and prohibits additional requests for such documentation.

The bill amends s. 1009.25(1)(f), F.S., to presume that any student determined to be an unaccompanied homeless youth for the tuition and fee exemption for a preceding year to be homeless for each subsequent year unless the institution has specific conflicting information.

The bill expands eligibility for the tuition and fee exemption for homeless children or youth by amending s. 1009.25(1)(f), F.S., to align with federal eligibility for financial aid for homeless students. This will increase the number of students who qualify for a tuition and fee exemption, reducing their need for federal financial aid.

The bill provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has an indeterminate, significant, negative revenue impact on state colleges and universities relating to the bill's provisions expanding the tuition and fee exemption to additional individuals. It is unknown how many additional individuals will qualify for and use the tuition and fee exemption.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.