

By Senator Rouson

16-00522-24

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1 A bill to be entitled
2 An act relating to homeless service professionals;
3 amending s. 420.621, F.S.; defining the term "person
4 with lived experience"; creating s. 420.6241, F.S.;
5 providing legislative findings and intent; providing
6 qualifications for certification as a person with
7 lived experience; requiring the Department of Children
8 and Families to conduct background screening;
9 specifying disqualifying offenses for a person
10 applying for certification; authorizing a person who
11 does not meet background screening requirements to
12 request an exemption from disqualification from the
13 department; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Present subsection (6) of section 420.621,
18 Florida Statutes, is redesignated as subsection (7), and a new
19 subsection (6) is added to that section, to read:

20 420.621 Definitions.—As used in ss. 420.621-420.628, the
21 term:

22 (6) "Person with lived experience" means any person with
23 current or past experience of homelessness as defined in 24
24 C.F.R. s. 578.3, including individuals who have accessed or
25 sought homeless services while fleeing domestic violence.

26 Section 2. Section 420.6241, Florida Statutes, is created
27 to read:

28 420.6241 Person with lived experience.—

29 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the

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30 ability to provide adequate homeless services is limited due to
31 a shortage of professionals and paraprofessionals in the field.
32 Persons with the lived experience of homelessness are qualified
33 to provide effective support services because they share common
34 life experiences with the people they assist. A person with
35 lived experience may have a criminal history that prevents him
36 or her from meeting background screening requirements.

37 (2) QUALIFICATIONS.—A person may seek certification as a
38 person with lived experience if he or she has received homeless
39 services. A Continuum of Care lead agency serving the homeless
40 will include documentation of the homeless services received
41 when requesting a background check of the applicant.

42 (3) DUTIES OF THE DEPARTMENT.—The department shall ensure
43 that an applicant's background screening required for achieving
44 certification is conducted as provided in subsection (4).

45 (4) BACKGROUND SCREENING.—

46 (a) The background screening conducted under this
47 subsection must ensure that the qualified applicant, during the
48 previous 3 years, has not been arrested for and is awaiting
49 final disposition of, been found guilty of, regardless of
50 adjudication, or entered a plea of nolo contendere or guilty to,
51 or been adjudicated delinquent and the record has not been
52 sealed or expunged for, any felony.

53 (b) The background screening conducted under this
54 subsection must ensure that the qualified applicant has not been
55 arrested for and is awaiting final disposition of, been found
56 guilty of, regardless of adjudication, or entered a plea of nolo
57 contendere or guilty to, or been adjudicated delinquent and the
58 record has not been sealed or expunged for, any offense

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59 prohibited under any of the following state laws or similar laws
60 of another jurisdiction:

61 1. Section 393.135, relating to sexual misconduct with
62 certain developmentally disabled clients and reporting of such
63 sexual misconduct.

64 2. Section 394.4593, relating to sexual misconduct with
65 certain mental health patients and reporting of such sexual
66 misconduct.

67 3. Section 409.920, relating to Medicaid provider fraud, if
68 the offense was a felony of the first or second degree.

69 4. Section 415.111, relating to abuse, neglect, or
70 exploitation of vulnerable adults.

71 5. Any offense that constitutes domestic violence as
72 defined in s. 741.28.

73 6. Section 777.04, relating to attempts, solicitation, and
74 conspiracy to commit an offense listed in this paragraph.

75 7. Section 782.04, relating to murder.

76 8. Section 782.07, relating to manslaughter, aggravated
77 manslaughter of an elderly person or a disabled adult,
78 aggravated manslaughter of a child, or aggravated manslaughter
79 of an officer, a firefighter, an emergency medical technician,
80 or a paramedic.

81 9. Section 782.071, relating to vehicular homicide.

82 10. Section 782.09, relating to killing an unborn child by
83 injury to the mother.

84 11. Chapter 784, relating to assault, battery, and culpable
85 negligence, if the offense was a felony.

86 12. Section 787.01, relating to kidnapping.

87 13. Section 787.02, relating to false imprisonment.

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88 14. Section 787.025, relating to luring or enticing a
89 child.

90 15. Section 787.04(2), relating to leading, taking,
91 enticing, or removing a minor beyond state limits, or concealing
92 the location of a minor, with criminal intent pending custody
93 proceedings.

94 16. Section 787.04(3), relating to leading, taking,
95 enticing, or removing a minor beyond state limits, or concealing
96 the location of a minor, with criminal intent pending dependency
97 proceedings or proceedings concerning alleged abuse or neglect
98 of a minor.

99 17. Section 790.115(1), relating to exhibiting firearms or
100 weapons within 1,000 feet of a school.

101 18. Section 790.115(2)(b), relating to possessing an
102 electric weapon or device, a destructive device, or any other
103 weapon on school property.

104 19. Section 794.011, relating to sexual battery.

105 20. Former s. 794.041, relating to prohibited acts of
106 persons in familial or custodial authority.

107 21. Section 794.05, relating to unlawful sexual activity
108 with certain minors.

109 22. Section 794.08, relating to female genital mutilation.

110 23. Section 796.07, relating to procuring another to commit
111 prostitution, except for those offenses expunged pursuant to s.
112 943.0583.

113 24. Section 798.02, relating to lewd and lascivious
114 behavior.

115 25. Chapter 800, relating to lewdness and indecent
116 exposure.

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- 117 26. Section 806.01, relating to arson.
- 118 27. Section 810.02, relating to burglary, if the offense
119 was a felony of the first degree.
- 120 28. Section 810.14, relating to voyeurism, if the offense
121 was a felony.
- 122 29. Section 810.145, relating to video voyeurism, if the
123 offense was a felony.
- 124 30. Section 812.13, relating to robbery.
- 125 31. Section 812.131, relating to robbery by sudden
126 snatching.
- 127 32. Section 812.133, relating to carjacking.
- 128 33. Section 812.135, relating to home-invasion robbery.
- 129 34. Section 817.034, relating to communications fraud, if
130 the offense was a felony of the first degree.
- 131 35. Section 817.234, relating to false and fraudulent
132 insurance claims, if the offense was a felony of the first or
133 second degree.
- 134 36. Section 817.50, relating to fraudulently obtaining
135 goods or services from a health care provider and false reports
136 of a communicable disease.
- 137 37. Section 817.505, relating to patient brokering.
- 138 38. Section 817.568, relating to fraudulent use of personal
139 identification, if the offense was a felony of the first or
140 second degree.
- 141 39. Section 825.102, relating to abuse, aggravated abuse,
142 or neglect of an elderly person or a disabled adult.
- 143 40. Section 825.1025, relating to lewd or lascivious
144 offenses committed upon or in the presence of an elderly person
145 or a disabled person.

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146 41. Section 825.103, relating to exploitation of an elderly
147 person or a disabled adult, if the offense was a felony.

148 42. Section 826.04, relating to incest.

149 43. Section 827.03, relating to child abuse, aggravated
150 child abuse, or neglect of a child.

151 44. Section 827.04, relating to contributing to the
152 delinquency or dependency of a child.

153 45. Former s. 827.05, relating to negligent treatment of
154 children.

155 46. Section 827.071, relating to sexual performance by a
156 child.

157 47. Section 831.30, relating to fraud in obtaining
158 medicinal drugs.

159 48. Section 831.31, relating to the sale, manufacture,
160 delivery, or possession with intent to sell, manufacture, or
161 deliver any counterfeit controlled substance, if the offense was
162 a felony.

163 49. Section 843.01, relating to resisting arrest with
164 violence.

165 50. Section 843.025, relating to depriving a law
166 enforcement, correctional, or correctional probation officer of
167 the means of protection or communication.

168 51. Section 843.12, relating to aiding in an escape.

169 52. Section 843.13, relating to aiding in the escape of
170 juvenile inmates of correctional institutions.

171 53. Chapter 847, relating to obscenity.

172 54. Section 874.05, relating to encouraging or recruiting
173 another to join a criminal gang.

174 55. Chapter 893, relating to drug abuse prevention and

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175 control, if the offense was a felony of the second degree or
176 greater severity.

177 56. Section 895.03, relating to racketeering and collection
178 of unlawful debts.

179 57. Section 896.101, relating to the Florida Money
180 Laundering Act.

181 58. Section 916.1075, relating to sexual misconduct with
182 certain forensic clients and reporting of such sexual
183 misconduct.

184 59. Section 944.35(3), relating to inflicting cruel or
185 inhuman treatment on an inmate, resulting in great bodily harm.

186 60. Section 944.40, relating to escape.

187 61. Section 944.46, relating to harboring, concealing, or
188 aiding an escaped prisoner.

189 62. Section 944.47, relating to introduction of contraband
190 into a correctional institution.

191 63. Section 985.701, relating to sexual misconduct in
192 juvenile justice programs.

193 64. Section 985.711, relating to introduction of contraband
194 into a detention facility.

195 (5) EXEMPTION REQUESTS.—An applicant who desires to become
196 a certified person with lived experience but is disqualified
197 under subsection (4) may apply to the department for an
198 exemption from disqualification pursuant to s. 435.07, as
199 applicable. The department shall accept or reject an application
200 for exemption within 90 days after receiving the application.

201 Section 3. This act shall take effect July 1, 2024.