

Tab 1 SB 554 by Bradley; (Similar to H 00591) Hot Car Death Prevention

Tab 2 SB 558 by Rouson; (Similar to H 00563) Homeless Service Professionals

Tab 3 SB 564 by Garcia; (Similar to H 00631) Young Adult Aftercare Services

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS
Senator Garcia, Chair
Senator Thompson, Vice Chair

MEETING DATE: Wednesday, January 10, 2024
TIME: 10:30 a.m.—12:00 noon
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Garcia, Chair; Senator Thompson, Vice Chair; Senators Avila, Baxley, Book, Bradley, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 554 Bradley (Similar H 591)	Hot Car Death Prevention; Citing this act as "Ariya's Act"; designating the month of April as "Hot Car Death Prevention Month"; providing that certain agencies and local governments are encouraged to sponsor events for a specified purpose, etc.	CF 01/10/2024 RC
2	SB 558 Rouson (Similar H 563)	Homeless Service Professionals; Providing qualifications for certification as a person with lived experience; requiring the Department of Children and Families to conduct background screening; specifying disqualifying offenses for a person applying for certification; authorizing a person who does not meet background screening requirements to request an exemption from disqualification from the department, etc.	CF 01/10/2024 AHS FP
3	SB 564 Garcia (Similar H 631)	Young Adult Aftercare Services; Revising eligibility requirements for aftercare services for certain young adults; authorizing the Department of Children and Families to distribute federal funds to eligible young adults in certain circumstances, etc.	CF 01/10/2024 AHS FP
4	Other Related Meeting Documents		

By Senator Bradley

6-00986-24

2024554__

1 A bill to be entitled
2 An act relating to hot car death prevention; providing
3 a short title; creating s. 683.336, F.S.; designating
4 the month of April as "Hot Car Death Prevention
5 Month"; providing that certain agencies and local
6 governments are encouraged to sponsor events for a
7 specified purpose; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

11 Section 1. This act may be cited as "Ariya's Act."

12 Section 2. Section 683.336, Florida Statutes, is created to
13 read:

14 683.336 Hot Car Death Prevention Month.—

15 (1) The month of April is designated as "Hot Car Death
16 Prevention Month" to raise awareness of the dangers of leaving
17 children unattended in motor vehicles and how to prevent hot car
18 deaths from occurring.

19 (2) The Department of Children and Families, the Department
20 of Health, local governments, and other agencies are encouraged
21 to sponsor events that promote public awareness and education on
22 the dangers of leaving children unattended in motor vehicles and
23 how to prevent hot car deaths, including, but not limited to,
24 all of the following:

25 (a) Motor vehicle safety for children.

26 (b) Criminal penalties associated with leaving a child
27 unattended or unsupervised in a motor vehicle.

28 (c) Steps a bystander can take to rescue a child who is
29 unattended in a motor vehicle and vulnerable or in imminent

6-00986-24

2024554__

30 danger of suffering harm, as provided in s. 768.139(2).

31 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 554

INTRODUCER: Senator Bradley

SUBJECT: Hot Car Death Prevention

DATE: January 8, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Woodruff	Tuszynski	CF	Pre-meeting
2.			RC	

I. Summary:

Heatstroke is exposure to high temperatures for an extended period of time. Vehicular heatstroke involves being trapped in a vehicle under these circumstances. Young children, pets, and the elderly are at a high risk of vehicular heatstroke, usually because they are more likely to be left or become trapped in vehicles. The national average of child heatstroke deaths per year since 1998 is 38. Since 1998, Florida has had the second largest number of child heatstroke deaths in vehicles (110), second only to Texas (143). This year, seven children have died in Florida due to heatstroke in vehicles.

SB 554 designates April as “Hot Car Prevention Month” to raise awareness of the dangers of leaving children unattended in motor vehicles and educate the public on how to prevent hot car deaths. The bill encourages the Florida Department of Children and Families, Florida Department of Health, local governments, and other agencies to sponsor events on specific topics that promote public awareness and education on the dangers of leaving children unattended in motor vehicles and how to prevent hot car deaths.

The bill may be cited as “Ariya’s Act” in memoriam of a 10-month-old infant that died of heatstroke after being left in a vehicle.

There is no anticipated fiscal impact on state or local governments.

The bill is effective upon becoming law.

II. Present Situation:

Child Heatstroke Deaths in Vehicles

Heatstroke is the most serious heat-related illness and occurs when a person is exposed to high temperatures for an extended period of time.¹ In this condition, the body can no longer control its temperature: the body's temperature rises rapidly, the sweating mechanism fails, and the body is unable to cool down.² When heat stroke occurs, the body temperature can rise to 106 degrees F or higher within 10 to 15 minutes causing permanent disability or death if the person does not receive emergency treatment.³ Vehicular heatstroke involves being trapped in a vehicle under these conditions. Vehicular heatstroke can become fatal when the internal body core temperature reaches 107 degrees F at which point the body is unable to cool itself down through normal processes such as perspiration.⁴ Young children, pets, and the elderly are at a higher risk of vehicular heatstroke, usually because they are more likely to be left or become trapped in vehicles.⁵

Since 1998, 968 children have died nationwide due to vehicular heatstroke.⁶ The national average of child heatstroke deaths per year since 1998 is 38 and have ranged in age from 5 days old to 14 years.⁷ More than half the deaths (55 percent) are children under two years of age.⁸ Since 1998, Florida has had the largest number of child heatstroke deaths in vehicles (110), second only to Texas (143).⁹

¹ The Centers for Disease Control and Prevention, The National Institute for Occupational Safety and Health, *Heat Stress – Heat Related Illness*, available at: <https://www.cdc.gov/niosh/topics/heatstress/heatrelillness.html> (last visited Jan. 5, 2024).

² *Id.*

³ *Id.*

⁴ Seattle Children's Hospital Research Foundation, *Hot Cars and Kids – a Deadly Combination*, available at <https://pulse.seattlechildrens.org/hot-cars-and-kids-a-deadly-combination/> (last visited Jan. 5, 2024).

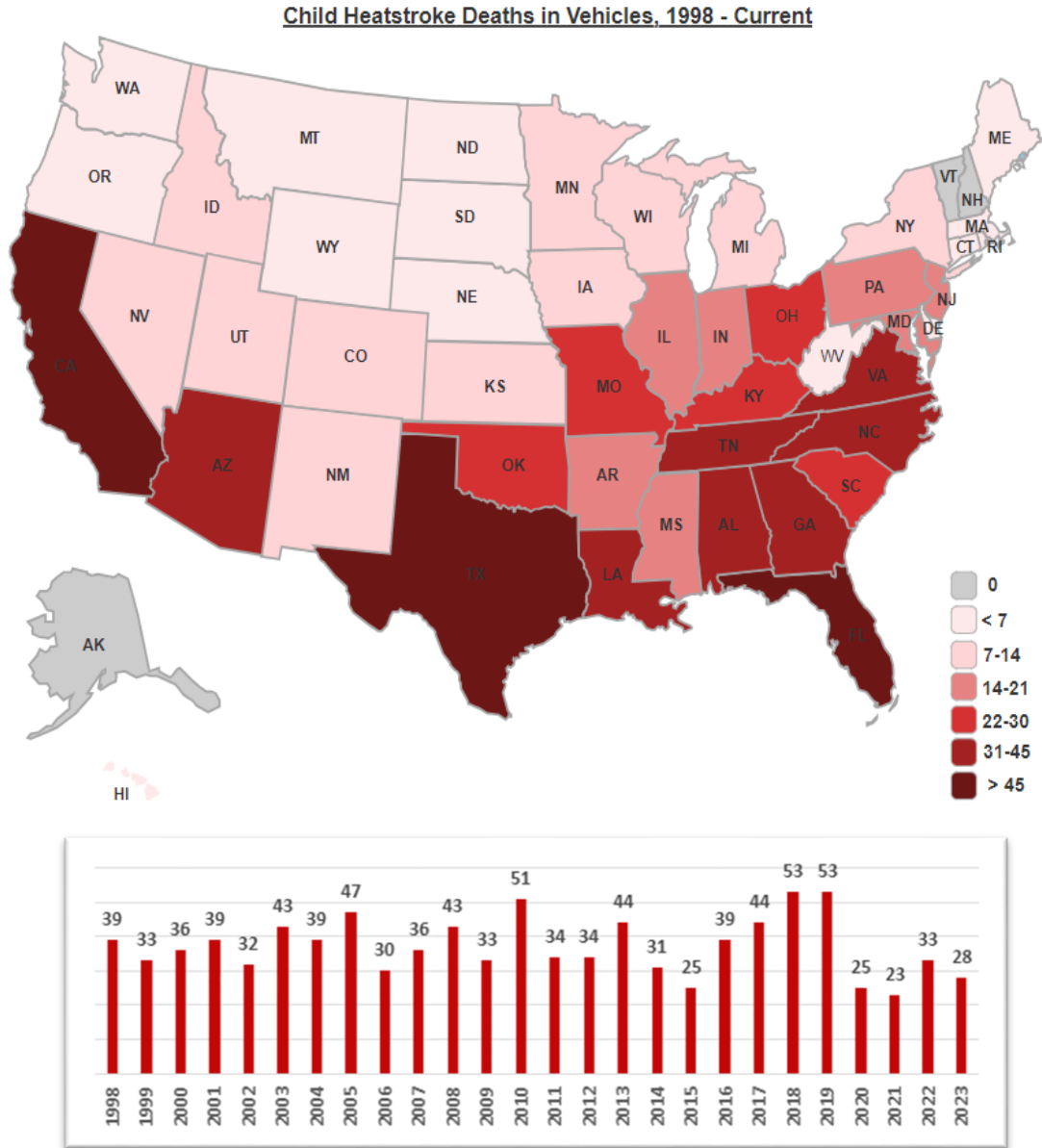
⁵ *Id.*

⁶ U.S. Department of Transportation, Traffic Safety marketing, *Child Safety: Heatstroke Prevention*, available at: https://www.trafficsafetymarketing.gov/get-materials/child-safety/heatstroke-prevention?_ga=2.56158690.870054613.1615229487-1650636428.1615229487 (last visited Jan. 5, 2024).

⁷ U.S. Department of Transportation, Traffic Safety Marketing, *Heatstroke Deaths of Children in Vehicles*, available at: <https://www.noheatstroke.org/index.htm> (last visited Jan. 5, 2024).

⁸ *Id.*

⁹ National Safety Council, *Hot Car Deaths*, available at: <https://injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/hotcars/data-details/> (last visited Jan. 5, 2024).



In 2023, seven children died in Florida due to vehicular heatstroke.¹⁰ In July 2023, a 10-month-old in Baker County died after her babysitter left her in a car for five hours during 95-degree weather.¹¹ The Baker County Sheriff’s Office subsequently arrested the babysitter and charged her with aggravated manslaughter of a child in violation of s. 782.07, F.S.¹²

¹⁰ *Id.*

¹¹ Baker County Sheriff’s Office, Arrest Report Number BCSO023CR00421S, available at: <https://s3.documentcloud.org/documents/23883703/23-1585-arrest-jewell.pdf> (last visited Jan. 4, 2024).

¹² *Id.*

State Laws Protecting Children in Motor Vehicles

Section 316.6135, F.S., prohibits a caregiver¹³ from leaving a child younger than six years of age unattended or unsupervised in a motor vehicle longer than 15 minutes, or for any period of time while the motor vehicle is running, the health of the child is in danger, or the child appears to be in distress. Each of these violations has its own penalties:

- Pursuant to s. 316.6135(2), F.S., a caregiver who leaves a child younger than six years of age unattended or unsupervised in a motor vehicle longer than 15 minutes commits a second-degree misdemeanor punishable up to 60 days in jail and a \$500 maximum fine.
- Pursuant s. 316.6135(3), F.S., a caregiver who leaves a child younger than six years of age unattended or unsupervised in a motor vehicle for any period of time while the vehicle is running, the health of the child is in danger, or the child appears to be in distress is guilty of a noncriminal traffic infraction punishable by a fine not less than \$50 and not more than \$500.

If the caregiver leaves a child younger than six years of age unattended or unsupervised in a vehicle longer than 15 minutes, or for any period of time while the motor vehicle is running, the child's health is in danger, or the child appears to be in distress, and that action causes great bodily harm, permanent disability, or permanent disfigurement to a child, then the person commits a third degree felony punishable as provided in ss. 775.082, 775.083, and 775.084, F.S.

Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle may use whatever means reasonably necessary to protect the child and remove the child from the motor vehicle.¹⁴ If the law enforcement officer is unable to locate a caregiver, the child must be placed in the custody of the Florida Department of Children and Families.¹⁵

Additionally, s. 768.136, F.S., removes civil liability for damages to a vehicle if a person has a good faith and reasonable belief that entry into a locked vehicle is necessary to prevent harm to a vulnerable person.

Statewide Educational and Prevention Efforts

Department of Children and Families

The Department of Children and Families (DCF) is responsible for providing services that support child and family well-being. The DCF contracts with the Ounce of Prevention Fund of Florida, Inc. (Ounce)¹⁶ for the development and completion of an annual statewide Child Abuse Prevention Public Awareness Campaign with the goal of preventing child maltreatment and fatalities.¹⁷ The Ounce hosts annual events in March and April as part of the public awareness campaign that includes developing and distributing tool kits and parent resource packets.¹⁸

¹³ A caregiver includes a parent, legal guardian, or other person responsible for the child.

¹⁴ Section 316.6135(5), F.S.

¹⁵ Section 316.6135(7), F.S.

¹⁶ The Ounce is a private, nonprofit corporation dedicated to shaping prevention policy and investing in innovative prevention programs that provide measurable benefits to Florida's children, families, and communities. See The Ounce of Prevention of Florida, available at: <http://www.ounce.org> (last visited Jan. 5, 2024).

¹⁷ Contract No. LJ976

¹⁸ *Id.*

Department of Health

Safe Kids Florida within the Florida Department of Health (DOH) promotes children’s safety and prevention of unintentional childhood injuries, including heatstroke prevention.¹⁹ The DOH’s Injury Prevention Section is the lead organization for Safe Kids Florida.²⁰ There are currently 15 local Safe Kids coalitions covering 42 counties throughout Florida.²¹ Safe Kids Florida, through its local coalitions, promote prevention efforts by hosting educational events for parents and caregivers.²²

III. Effect of Proposed Changes:

Section 1 of the bill allows the act to be cited as “Ariya’s Act” in memoriam of a 10-month-old infant that died of a heatstroke after being left in a vehicle.

Section 2 of the bill creates s. 683.336, F.S., to designate April as “Hot Car Death Prevention Month” to raise awareness of the dangers of leaving children unattended in motor vehicles and educate the public on how to prevent hot car deaths.

The bill encourages the DCF, the DOH, local governments, and other agencies to sponsor events that promote public awareness and education on the dangers of leaving children unattended in motor vehicles and how to prevent hot car deaths, including, but not limited to:

- Motor vehicle safety for children.
- Criminal penalties associated with leaving a child unattended or unsupervised in a motor vehicle.
- Steps a bystander can take to rescue a child who is unattended in a motor vehicle and vulnerable or in imminent danger of suffering harm, as provided in s. 768.139(2), F.S.

Section 3 of the bill provides that the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁹ Florida Department of Health, *Safe Kids Florida*, available at <https://www.floridahealth.gov/programs-and-services/safe-kids-florida/index.html> (last visited Jan. 5, 2024).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates s. 683.336 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
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.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 558

INTRODUCER: Senator Rouson

SUBJECT: Homeless Service Professionals

DATE: January 8, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	Pre-meeting
2.			AHS	
3.			FP	

I. Summary:

SB 558 creates a process for former homeless individuals to become a certified “person with lived experience” to provide support services to individuals who are currently experiencing homelessness. The bill requires an individual seeking certification to have received services from a Continuum of Care lead agency (CoC) and to go through a background screening process.

The bill requires a CoC lead agency to provide documentation of the homeless services an individual received from the CoC lead agency to the Department of Children and Families (DCF) when requesting a background check of the applicant.

The bill further requires the DCF to ensure an adequate background screen of an applicant. The bill also makes an applicant ineligible for certification under certain circumstances.

The bill will have an indeterminate, likely insignificant, negative fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Homelessness

Homelessness is defined in several ways, but a person is commonly considered homeless if he or she stays in a homeless shelter, lives in transitional housing, or sleeps in a place not meant for

human habitation.¹ To receive federally funded homelessness services, a person is considered homeless if he or she:²

- Is living in a place not meant for human habitation, in emergency shelter, in transitional housing, or exiting an institution where they temporarily resided.³
- Will imminently lose a primary nighttime residence within 14 days and lacks resources or support networks to remain in permanent housing.⁴
- Is part of a family with children or an unaccompanied youth who is unstably housed and likely to continue in that state.
- Is fleeing or attempting to flee from domestic violence, has no other residence, and lacks the resources or support networks to obtain permanent housing.

Annually, the United States Department of Housing and Urban Development (HUD) releases what is known as a point-in-time snapshot (PIT) or a count of the number of individuals who experience homeless on a single night.⁵ Based on the 2023 PIT, roughly 653,100 people in America experienced homelessness on a single night.⁶ Sixty percent experienced sheltered homelessness (i.e., living in emergency shelter, transitional housing, or a safe haven program) whereas 40 percent were unsheltered.⁷ From 2022 to 2023, the number of individuals experiencing homelessness increased by 12 percent, or roughly 70,650 additional individuals.⁸ This is the highest PIT count of persons experiencing homelessness since reporting began in 2007.⁹

In a 2023 PIT count of Florida's homeless population, an estimated 30,809 individuals were experiencing homelessness, with 15,706 considered unsheltered homeless (i.e., living outside in a car, park, or another place not meant for human habitation).¹⁰ The 2023 PIT count represents a 34 percent increase from the 11,746 individuals who were experiencing homelessness in 2022.¹¹ Additionally, the highest number of individuals who experienced homelessness in 2023 were persons aged 55-64, totaling 5,861.¹²

¹ Center for Disease Control and Prevention, *About Homelessness*, available at: <https://www.cdc.gov/orr/science/homelessness/about.html> (last visited Jan. 3, 2024).

² 24 C.F.R. 578.3

³ This includes a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; a supervised publicly or privately operated shelter designed to provide temporary living arrangement; or exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

⁴ Provided that the primary nighttime residence will be lost within 14 days of the date of application for homeless assistance; no subsequent residence has been identified; and the individual lacks the resources or support networks.

⁵ U.S. Department of Housing and Urban Development, *The 2023 Annual Homelessness Assessment Report (AHAR) to Congress*, available at: (last visited Jan. 2, 2024).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Florida Department of Children and Families, Florida's Council on Homelessness, *2023 Annual Report*, available at: <https://www.myflfamilies.com/sites/default/files/2023-07/Florida%27s%20Council%20On%20Homelessness%20Annual%20Report%202023.pdf> (last visited Jan. 2, 2024).

¹¹ *Id.*

¹² *Id.*

Being homeless causes negative effects on an individual's physical and mental health.¹³ Homeless individuals have higher rates of mortality, mental illness, communicable diseases, sexually transmitted diseases, and substance abuse.¹⁴ Both federal and state services and programs provide support to homeless individuals that attempt to address the associated effects of homelessness.¹⁵

Federal – U.S. Department of Housing and Urban Development

In recent years, the federal government has recognized the benefit of working with individuals with lived experiences because such individuals can contribute insight from their personal experience and better inform public policy. Engaging individuals with lived experiences in policy considerations can also help policymakers better understand vulnerable populations and how to best serve them by learning and determining unintended consequences of current or proposed policy and how it can be adjusted to better benefit the public.¹⁶

The United States Department of Housing and Urban Development is responsible for implementing national policies that address the nation's homelessness and housing needs.¹⁷ HUD administers programs, such as subsidized housing for low-income families and services for individuals experiencing homelessness.¹⁸

HUD prioritizes working with people who have received supports and services from HUD (lived experience) to better inform policy and achieve housing justice.¹⁹ HUD utilizes the knowledge and information provided by its customers to create effective policy and programs.²⁰ For example, HUD has involved persons with lived experience in developed training materials, policy, and other resources for providers who serve homeless populations.²¹

¹³ Jessica Richards, Randall Kuhn, *Unsheltered Homelessness and Health: A Literature Review*, <https://doi.org/10.1016/j.focus.2022.100043> (last visited Jan. 2, 2024).

¹⁴ *Id.*

¹⁵ U.S. Department of Health and Human Services, *Homelessness*, available at: <https://www.hhs.gov/programs/social-services/homelessness/index.html> (last visited 1/02/24).

¹⁶ U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, *Methods and Emerging Strategies to Engage People with Lived Experience*, available at: <https://aspe.hhs.gov/sites/default/files/documents/47f62cae96710d1fa13b0f590f2d1b03/lived-experience-brief.pdf> (last visited Dec. 14, 2023).

¹⁷ U.S. Department of Housing and Urban Development, *Questions and Answers about HUD*, available at: <https://www.hud.gov/about/qaintro> (last visited Dec. 28, 2023).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ U.S. Department of Housing & Urban Development, *Fiscal Year 2022-2026 Strategic Plan*, available at: <https://www.hud.gov/sites/dfiles/CFO/documents/FY2022-2026HUDStrategicPlan.pdf> (last visited Dec. 24, 2023).

²¹ U.S. Department of Housing and Urban Development, HUD Exchange, *Centering Lived Experience*, available at: <https://www.hudexchange.info/programs/coc/centering-lived-experience/> (last visited Jan. 4, 2024); U.S. Department of Housing and Urban Development, HUD Exchange, *CoC Program Special NOFO Digest: Inclusion of People with Lived Experience and Expertise of Homelessness*, available at: <https://www.hudexchange.info/programs/e-snaps/coc-supplemental-nofo-to-address-unsheltered-rural-homelessness/coc-program-special-nofo-digest-inclusion-of-people-with-lived-experience-and-expertise-of-homelessness/> (last visited Jan. 4, 2024).

Florida

State Office on Homelessness

The State Office on Homelessness (State Office) within the Department of Children and Families (DCF) was created in 2001 as a central point of contact within state government on homelessness.²² Section 420.622, F.S., requires the State Office to coordinate resources and programs across all levels of government and with private providers that serve the homeless pursuant to policies set by the Council on Homelessness and available funding.²³

The inter-agency Council on Homelessness (Council) is a 19-member council²⁴ required to develop policy and advise the State Office on how to reduce homelessness statewide. The Council is statutorily required to submit an annual report to the Governor, Legislature, and the DCF's Secretary that summarizes the extent of homelessness in Florida and recommendations for ending homelessness.²⁵

The Council's 2023 report recognized the strong investments made during the 2023 Legislative session that increased funding for affordable housing and recommended a holistic approach to homelessness prevention by coordinating between government, nonprofits, and communities to implement comprehensive strategies to address underlying causes of homelessness.²⁶

Continuums of Care

Continuums of Care (CoC) groups organize to coordinate, plan, and pursue ending homelessness in designated areas throughout Florida.²⁷ Section 420.621(1), F.S., requires CoCs to be composed of representatives from certain organizations, including, but not limited to:

- Nonprofit homeless providers,
- Victim services providers,

²² Ch. 2001-98, Laws of Fla.

²³ Section 420.622(3), F.S.

²⁴ The individuals and agencies included in the Council of Homelessness are: the Secretary of Children and Families, or his or her designee; the Secretary of Economic Opportunity, or his or her designee, who shall advise the council on issues related to rural development; the State Surgeon General, or his or her designee; the Executive Director of Veterans' Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; the Executive Director of CareerSource Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative of the Florida League of Cities; one representative of the Florida Supportive Housing Coalition; one representative of the Florida Housing Coalition; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless; the secretary of the Department of Elder Affairs, or his or her designee; and four members appointed by the Governor.

²⁵ Section 420.622, F.S.

²⁶ The Department of Children and Families, *Florida's Council on Homelessness Annual Report*, available at: <https://www.myflfamilies.com/sites/default/files/2023-07/Florida%27s%20Council%20On%20Homelessness%20Annual%20Report%202023.pdf> (last visited Jan. 3, 2024).

²⁷ Section 420.621, F.S. The Office of Economic Self-Sufficiency (Office) within the Department of Children and Families employs a Continuum of Care (CoC) model to provide services for individuals experiencing homelessness. Local CoCs are organizations composed of representatives of nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, etc. The Office designates local CoC entities to serve as lead agencies for homeless services throughout Florida. The DCF, *Homelessness*, available at: <https://www.myflfamilies.com/services/public-assistance/homelessness> (last visited Dec. 28, 2023).

- Faith-based organizations,
- Governments,
- Businesses,
- Advocates,
- Public housing agencies,
- School districts,
- Social service providers,
- Mental health agencies,
- Hospitals,
- Universities,
- Affordable housing developers,
- Law enforcement, and
- Organizations that serve homeless and formerly homeless persons.²⁸

The purpose of a CoC is to coordinate community efforts to prevent and end homelessness in a catchment area designated by the State Office. Florida’s designated catchment areas must be consistent with the CoC catchment areas recognized by HUD for the purpose of awarding federal homeless assistance grant funding.²⁹ The State Office recognizes one CoC lead agency for each designated catchment area.³⁰

The following table lists Florida's CoC lead agencies and the counties served by each.³¹

CoC Lead Agency	Counties Served
Opening Doors of NWFL	Escambia and Santa Rosa
Homelessness & Housing Alliance	Okaloosa and Walton
Doorways of Northwest Florida	Bay, Calhoun, Gulf, Holmes, Jackson, and Washington
Big Bend Continuum of Care	Franklin, Gadsen, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla
United Way of Suwannee Valley	Columbia, Hamilton, Lafayette, and Suwannee
United Way of North Central Florida	Alachua, Bradford, Gilchrist, Levy, and Putnam
Changing Homelessness	Clay, Duval, and Nassau
Volusia/Flagler Coalition for the Homeless	Flagler and Volusia
Flagler Hospital – St. Augustine	St. Johns
Ocala/Marion Joint Office on Homelessness	Marion
Mid Florida Homeless Coalition	Citrus, Hernando, Lake, and Sumter
Coalition for the Homeless of Pasco County	Pasco

²⁸ Section 420.621(1), F.S.

²⁹ Section 420.6225(3), F.S.

³⁰ Section 420.6225(4), F.S.

³¹ Florida Department of Children and Families, *Continuums of Care and Local Providers of Service*, available at: <https://www.myflfamilies.com/continuums-care-and-local-providers-service> (last visited Jan. 6, 2024).

CoC Lead Agency	Counties Served
Homeless Services Network of Central Florida	Orange, Osceola, and Seminole
Tampa Hillsborough Homeless Initiative	Hillsborough
Homeless Coalition of Polk County	Polk
Brevard Homeless Coalition	Brevard
Treasure Coast Homeless Services Council	Indian River, Martin, and St Lucie
Heartland Coalition for the Homeless	DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee
Big Bend Continuum of Care	Marion
United Way of North Central Florida	Pasco
Gulf Coast Partnership	Charlotte
Lee County Human & Veteran Services	Lee
Hunter & Homeless Coalition of Collier County	Collier
Palm Beach County Human & Veteran Services	Palm Beach
Broward Homeless Initiative Partnership	Broward
Monroe County Homeless Services Continuum of Care	Monroe
Miami-Dade County Homeless Trust	Miami-Dade
Manatee-Sarasota Suncoast Partnership	Manatee and Sarasota

Each CoC must create a continuum of care plan to implement an effective and efficient housing crisis response system to prevent and end homelessness in its designated catchment area. A continuum of care plan must include all of the following:³²

- Outreach to unsheltered individuals and families to link them with appropriate housing interventions.
- A coordinated entry system that is compliant with federal requirements and is designed to coordinate intake, utilize common assessment tools, prioritize households for housing interventions, and refer households to the appropriate housing intervention.
- Emergency shelter, designed to provide safe temporary shelter while the household is in the process of obtaining permanent housing.
- Supportive services, designed to maximize housing stability once the household is in permanent housing.
- Permanent supportive housing, designed to provide long-term affordable housing and support services to persons with disabilities who are moving out of homelessness.
- Rapid ReHousing, as specified in s. 420.6265, F.S.
- Permanent housing, including links to affordable housing, subsidized housing, long-term rental assistance, housing vouchers, and mainstream private sector housing.
- An ongoing planning mechanism to end homelessness for all subpopulations of persons experiencing homelessness.

³² Section 420.6225(5), F.S.

Background Screening and Disqualifying Offenses for Employment

Florida law requires background screening of certain prospective employees to ensure the protection of vulnerable persons.³³ Every person required by law to be screened pursuant to Chapter 435, F.S., must submit a complete set of information necessary to conduct a background screening to his or her employer.³⁴

Chapter 435, F.S., outlines the required background screening requirements. There are two levels of background screening that may be required by law:

- Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website.³⁵ It may also include criminal records checks through local law enforcement agencies.
- Level 2 background screening includes, at a minimum, fingerprinting for statewide criminal history records checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation. It may also include local criminal records checks through local law enforcement agencies.³⁶

For both screening levels, an employer must submit the necessary screening information to the FDLE within five working days after receiving it.³⁷ The FDLE then performs a state and federal criminal history record check for any disqualifying offenses.³⁸ If an individual has a disqualifying offense, he or she is disqualified from employment unless an exemption is received.

The screening employer³⁹ ensures that the applicant has good moral character by reviewing the completed background screening and checking for disqualifying offenses. An applicant is disqualified from employment if he or she has been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the following 52 offenses under Florida law, or similar law of another jurisdiction:⁴⁰

- Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section 415.111, F.S., relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

³³ Chapter 435, F.S.

³⁴ Section 435.05(1)(a), F.S.

³⁵ The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. See U.S. Department of Justice, Dru Sjodin, National Sex Offender Public Website, available at: <https://www.nsopw.gov/> (last visited on Jan. 6, 2024).

³⁶ Section 435.04, F.S.

³⁷ Section 435.05(1)(b)-(c), F.S.

³⁸ *Id.*

³⁹ Section 435.02(3), F.S., defines employer as any person or entity required by law to conduct screenings of employees pursuant to Ch. 435, F.S.

⁴⁰ Section 435.04(2), F.S.

- Section 777.04, F.S., relating to attempts, solicitation, and conspiracy to commit an offense listed in s. 435.04(2), F.S.
- Section 782.04, F.S., relating to murder.
- Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section 782.071, F.S., relating to vehicular homicide.
- Section 782.09, F.S., relating to killing of an unborn child by injury to the mother.
- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 784.011, F.S., relating to assault, if the victim of the offense was a minor.
- Section 784.03, F.S., relating to battery, if the victim of the offense was a minor.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.
- Section 787.04(2), F.S., relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Chapter 796, F.S., relating to prostitution.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure.
- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary.
- Section 810.14, F.S., relating to voyeurism, if the offense is a felony.
- Section 810.145, F.S., relating to video voyeurism, if the offense is a felony.
- Chapter 812, F.S., relating to theft, robbery, and related crimes, if the offense is a felony.
- Section 817.563, F.S., relating to fraudulent sale of controlled substances, only if the offense was a felony.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section 825.103, F.S., relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.

- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter 847, F.S., relating to obscene literature.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.
- Chapter 893, F.S., relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional facility.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to contraband introduced into detention facilities.

Exemption from Disqualification

If an individual is disqualified due to one or more of the disqualifying offenses above, s. 435.07, F.S., allows the secretary of the appropriate agency to exempt the applicant from an employment disqualification under certain circumstances:⁴¹

- Three years have elapsed since the individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or
- The applicant has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

Receiving an exemption allows an individual to be employed despite the disqualifying offense. However, an individual who is considered a sexual predator,⁴² career offender,⁴³ or registered sexual offender⁴⁴ cannot be exempted from a disqualification.⁴⁵

⁴¹ Section 435.07(1), F.S.

⁴² Section 775.21, F.S.

⁴³ Section 775.261, F.S.

⁴⁴ Section 943.0435, F.S.

⁴⁵ Section 435.07(4)(b), F.S.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 420.621, F.S., to define a “person with lived experience” to conform with changes made by the bill that creates a process for an individual who has experienced homelessness to seek certification as a person with lived experience and provide support to individuals currently experiencing homelessness.

Section 2 of the bill creates s. 420.6241, F.S., to allow a former homeless individual to seek certification as a person with lived experience and provide homeless services to an individual currently experiencing homelessness.

The bill makes legislative findings that persons who have experienced homelessness can provide effective support services to a person currently experiencing homelessness because of their shared experiences. Currently, such persons may be prevented from providing services because of their criminal history.

The bill allows a former homeless individual to seek certification as a person with lived experience if that person received homeless services from a CoC. The bill requires the Coc that served the individual to include documentation to the DCF of the homeless services provided to the individual when requesting a background check of the applicant.

The bill creates background screening requirements for applicant’s seeking certification and requires the DCF to ensure an applicant’s background screening follows these requirements. Specifically, the background screening must ensure the applicant has not been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for:

- Any felony during the previous 3 years.
- Any offense prohibited under any of the following laws of Florida or similar laws of another jurisdiction:
 - Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
 - Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
 - Section 409.920, F.S., relating to Medicaid provider fraud, if the offense was a felony of the first or second degree.
 - Section 415.111, F.S., relating to abuse, neglect, or exploitation of vulnerable adults.
 - Any offense that constitutes domestic violence as defined in s. 741.28.
 - Section 777.04, F.S., relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.
 - Section 782.04, F.S., relating to murder.
 - Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or a disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
 - Section 782.071, F.S., relating to vehicular homicide.
 - Section 782.09, F.S., relating to killing an unborn child by injury to the mother.

- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.
- Section 787.04(2), F.S., relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Section 794.08, F.S., relating to female genital mutilation.
- Section 796.07, F.S., relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s.943.0583.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure.
- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary, if the offense was a felony of the first degree.
- Section 810.14, F.S., relating to voyeurism, if the offense was a felony.
- Section 810.145, F.S., relating to video voyeurism, if the offense was a felony.
- Section 812.13, F.S., relating to robbery.
- Section 812.131, F.S., relating to robbery by sudden snatching.
- Section 812.133, F.S., relating to carjacking.
- Section 812.135, F.S., relating to home-invasion robbery.
- Section 817.034, F.S., relating to communications fraud, if the offense was a felony of the first degree.
- Section 817.234, F.S., relating to false and fraudulent insurance claims, if the offense was a felony of the first or second degree.
- Section 817.50, F.S., relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.
- Section 817.505, F.S., relating to patient brokering.
- Section 817.568, F.S., relating to fraudulent use of personal identification, if the offense was a felony of the first or second degree.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.
- Section 825.103, F.S., relating to exploitation of an elderly person or a disabled adult, if the offense was a felony.

- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.
- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.
- Section 831.30, F.S., relating to fraud in obtaining medicinal drugs.
- Section 831.31, F.S., relating to the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.
- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates of correctional institutions.
- Chapter 847, F.S., relating to obscenity.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.
- Chapter 893, F.S., relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- Section 895.03, F.S., relating to racketeering and collection of unlawful debts.
- Section 896.101, F.S., relating to the Florida Money Laundering Act.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate, resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional institution.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to introduction of contraband into a detention facility.

The bill allows an applicant that is disqualified due to any of the listed offenses above to apply to the DCF for an exemption pursuant to s. 435.07, F.S. The bill requires the DCF to accept or reject the exemption within 90 days after receiving the application.

Section 3 of the bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have an indeterminate, likely insignificant, negative fiscal impact on state government due to the potential increase in background screenings being conducted, and exemptions from disqualifications requested.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 420. 621 and creates s. 420.6241 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Garcia

36-00592-24

2024564__

1 A bill to be entitled
 2 An act relating to young adult aftercare services;
 3 amending s. 409.1451, F.S.; revising eligibility
 4 requirements for aftercare services for certain young
 5 adults; authorizing the Department of Children and
 6 Families to distribute federal funds to eligible young
 7 adults in certain circumstances; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Present subsection (11) of section 409.1451,
 13 Florida Statutes, is redesignated as subsection (12), a new
 14 subsection (11) is added to that section, and paragraph (a) of
 15 subsection (3) of that section is amended, to read:

16 409.1451 The Road-to-Independence Program.—

17 (3) AFTERCARE SERVICES.—

18 (a)~~1~~. Aftercare services are available to a young adult who
 19 has reached 18 years of age but is not yet 23 years of age and,
 20 pursuant to a court order under s. 39.811, was placed and lived
 21 in out-of-home care for at least 6 months after turning 14 years
 22 of age. Young adults who receive support under subsection (2) or
 23 s. 39.6251 are only eligible for aftercare services and support
 24 services that are not already provided by those programs ~~is:~~

25 ~~a. Not in foster care.~~

26 ~~b. Temporarily not receiving financial assistance under~~
 27 ~~subsection (2) to pursue postsecondary education.~~

28 ~~2. Subject to available funding, aftercare services as~~
 29 ~~specified in subparagraph (b) 8. are also available to a young~~

36-00592-24

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30 ~~adult who is between the ages of 18 and 22, is receiving~~
31 ~~financial assistance under subsection (2), is experiencing an~~
32 ~~emergency situation, and whose resources are insufficient to~~
33 ~~meet the emergency situation. Such assistance shall be in~~
34 ~~addition to any amount specified in paragraph (2)(b).~~

35 (11) FUNDING DURING EMERGENCY.—Notwithstanding the
36 eligibility criteria in subsections (2) and (3), the department
37 may distribute federal funds to all young adults deemed eligible
38 by the funding source in the event of a state or national
39 emergency.

40 Section 2. This act shall take effect July 1, 2024.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 564

INTRODUCER: Senator Garcia

SUBJECT: Young Adult Aftercare Services

DATE: January 8, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	Pre-meeting
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

I. Summary:

Florida law provides services and supports to young adults who are transitioning out of the foster care system to help them achieving self-sufficiency. Such programs include extended foster care (EFC), Postsecondary Education Services and Support (PESS), and Aftercare.

SB 564 expands Aftercare eligibility by allowing young adults who turned 18 years of age, but are not yet 23 years of age, and were placed in out-of-home care for at least six months after turning 14 years of age, to access Aftercare. The bill also allows young adults who receive PESS or are in EFC to receive Aftercare only if needed services are not provided by the other independent living programs. This will allow more young adults to access needed services.

The bill permits the Department of Children and Families to distribute federal funds to all young adults deemed eligible by the funding source in the event of a state or national emergency even if the young adult does not meet eligibility requirements for PESS or Aftercare.

The bill has an indeterminate, negative fiscal impact on state government. The bill has no fiscal impact on the private sector. *See* Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

Florida's Child Welfare System

Chapter 39, F.S., creates Florida's dependency system charged with protecting children who have been abused, neglected, or abandoned. Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations. The Department of Children and Families (DCF) and community-based care lead agencies (CBCs) work with those families to address the problems endangering children, if possible. If those identified problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.¹

When children are placed in out-of-home care, the DCF and CBCs must find safe, permanent homes for them as quickly as possible. In most cases, children are reunified with their families upon the parents' completion of a specific case plan. When reunification is not possible, the DCF will seek to place a child in a permanent home with relatives or a possible adoptive home. The DCF strives to achieve permanency for all children in care before their 18th birthday.² However, a child will age out of care at the age of 18 if a permanent placement is not found.³

Young adults who age out of foster care have challenges 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.⁴ 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.⁵

From October 1, 2022, to September 30, 2023, there were 801 young adults who aged out of Florida's foster care system.⁶

Federal - The Chafee Foster Care Independence Program

States can receive federal reimbursement to assist in providing services to young adults transitioning to adulthood after aging out of care. The Chafee Foster Care Independence Program (Chafee) is a capped entitlement for which states are entitled reimbursement for claims it submits to the federal government, up to a certain level, related to preparing young adults for self-sufficiency. With federal reimbursement provided by Chafee, a state can provide independent living services and support to

¹ Chapter 39, F.S.

² Section 39.01, F.S. Section 39.621, F.S., lists the permanency goals in order of preference as 1. reunification; 2. adoption, if a petition for termination of parental rights has been or will be filed; 3. permanent guardianship; 4. permanent placement with a fit and willing relative; or 5. placement in another planned permanent living arrangement.

³ Rule 65C-30.022, F.A.C.

⁴ Gypen, L., Vanderfaeillie, J., et al., "Outcomes of Children Who Grew Up in Foster Care: Systematic-Review", Children and Youth Services Review, vol. 76, pp. 74-83, available at <http://dx.doi.org/10.1016/j.childyouth.2017.02.035> (last visited December 11, 2023).

⁵ *Id.*

⁶ Florida Department of Children and Families, *Office of Child and Family Well-Being Dashboard*, available at: <https://www.myflfamilies.com/ocfw-dashboard> (last visited Jan. 4, 2024).

young adults, such as education, employment, financial management, housing, emotional support, and connections to caring adults.⁷

Federal eligibility for Chafee programs includes:

- Youth in foster care, ages 14 and older.
- Young people in or formerly in foster care, ages 18 to 21, or 23 in some jurisdiction.
- Youth who left foster care through adoption or guardianship at age 16 or older.
- Youth “likely to age out of foster care” to receive assistance to participate in age appropriate and normative activities.

In 2022, Florida was allotted \$7,175,951 in federal dollars through Chafee to help fund its independent living services.⁸

Florida’s Independent Living Services

Florida provides independent living services to young adults 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 (EFC), which applies to young adults who were in licensed foster care upon turning 18 years of age.⁹ Florida also offers two other independent living programs: Postsecondary Education Services and Support (PESS) and Aftercare services (Aftercare). The following table provides information on the eligibility requirements to participate in Florida’s independent living programs and the services provided by each.

Program	Eligibility	Services
Extended Foster Care (EFC) ¹⁰	Young adults who turned 18 in foster care and are: <ul style="list-style-type: none"> • Completing high school or its equivalent; or • Enrolled in college or vocational schooling; or • Working at least 80 hours per month. To stay in EFC, the young adult must: <ul style="list-style-type: none"> • Meet with a case manager every month. • Continue to participate in a required activity. • Attend court reviews every six months. 	Young adults may choose to remain in licensed foster care and receive foster care services until the age of 21 (22 with a disability).
Postsecondary Education Services and Support (PESS) ¹¹	<ol style="list-style-type: none"> 1. Young adults who turned 18 in foster care and spent at least 6 months in licensed out-of-home care before turning 18. 2. Young adults who are at least 18 and were adopted from foster care after age 16 or were 	\$1,720 per month for: <ul style="list-style-type: none"> • Housing • Utilities • Living expenses Available until the age 23.

⁷ U.S. Department of Health & Human Services Children’s Bureau, *John H. Chafee Foster Care Program for Successful Transition to Adulthood*, available at: <https://www.acf.hhs.gov/cb/grant-funding/john-h-chafee-foster-care-independence-program> (last visited Dec. 11 2023).

⁸ Administration for Children and Families U.S. Department of Health and Human Services, *FY 2022 Allotment for Chafee Foster Care Program for Successful Transition to Adulthood Grants*, available at: <https://www.acf.hhs.gov/cb/policy-guidance/pi-23-01> (last visited Jan. 6, 2024).

⁹ Ch. 2013-178, Laws of Florida

¹⁰ Section 39.6251, F.S.

¹¹ Section 409.1451(2), F.S.

Program	Eligibility	Services
	placed with a court-approved guardian after sending at least 6 months in licensed foster care within the 12 months immediately preceding such adoption or placement; and <ul style="list-style-type: none"> • Have earned a high school diploma or equivalent; and • Are attending a college or vocational school that is Florida Bright Futures eligible. 	
Aftercare ¹²	Young adults who turned 18 while in licensed foster care, but are not yet 23, and <ul style="list-style-type: none"> • Are not in EFC; or • Are not in PESS. 	Mentoring Tutoring Substance abuse treatment Counseling Job and career skills training Temporary financial assistance for necessities

To prepare an older youth for the possibility of aging out of care, current law requires DCF and CBCs to develop a transition plan with the youth during the year after he or she reaches 16 years of age, with the requirement to update the plan before reaching 18 years of age.¹³ The transition plan must provide information on independent living services that are tailored to the individual needs and plans of the youth, the advantages and disadvantages of participation in each program, and the financial value of each program.¹⁴

The following table shows the total number of young adults receiving independent living services by program type for the last two state fiscal years (SFY).¹⁵

SFY	Aftercare	EFC	PESS
2020-21	366	1498	832
2021-22	433	1418	864

Aftercare Services (Aftercare)

Section 409.1451(3), F.S., allows a young adult to receive Aftercare if he or she turned 18 years of age while in licensed foster care, but has not yet turned 23 years of age, and:

- Is not in EFC; or
- Is not receiving PESS.

¹² Section 409.1451(3), F.S.

¹³ Section 39.6035, F.S.

¹⁴ *Id.*

¹⁵ Florida Department of Children and Families, *Independent Living Services Annual Report February 2023*, available at: https://www.myflfamilies.com/sites/default/files/2023-07/Independent_Living_Services_Report_2022.pdf (last visited Jan. 5, 2024).

The Aftercare provided to a young adult is based on a needs assessment and is intended to be temporary.¹⁶ The services are often used as a bridge to EFC and PESS and may include mentoring, tutoring, mental health, substance abuse, counseling, and financial assistance.¹⁷ Aftercare is currently used as a safety net for a young adult who does not meet eligibility criteria for more long-term independent living programs.¹⁸

However, current eligible requirements for Aftercare limits similarly situated young adults from accessing needed services by:

- Allowing only young adults who were in licensed foster care at the age of 18 to be eligible for services. Young adults who were placed by the court with a relative, nonrelative, or another responsible adult are not considered to be in licensed foster care and therefore are not eligible for Aftercare even if permanency was not achieved by the age of 18.
- Making young adults ineligible for Aftercare if they are in EFC. A young adult in licensed foster care on his or her 18th birthday can choose to remain in licensed care until the age of 21 (or 22 with a disability).¹⁹ While in EFC, the young adult lives independently but is provided supervision, case management, and supportive services.²⁰ While Aftercare and EFC offer some overlapping services, young adults in EFC are not eligible to receive certain financial benefits that only Aftercare provides, such as financial assistance for an emergency.²¹
- Making young adults ineligible for Aftercare if they are receiving PESS. A young adult who currently receives PESS is only eligible for temporary financial assistance under Aftercare to address emergency situations, including, but not limited to, automobile repairs or large medical expenses.²² However, other Aftercare services, such as tutoring, mentoring, or financial literacy training, could be beneficial for young adults receiving PESS even if there is not an emergency.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 409.1451(3), F.S., to expand the eligibility requirements for Aftercare. The bill makes Aftercare available to a young adult who:

- Has reached 18 years of age, but is not 23 years of age; and
- Was placed and lived in out-of-home care for at least 6 months after turning 14 years of age, pursuant to a court order under s. 39.811, F.S.

The bill also allows a young adult to receive Aftercare even if he or she is also receiving PESS or is in EFC, if services and supports are not provided by those programs. This ensures young adults do not receive duplicate services but allows access to needed Aftercare even if they are participating in PESS or EFC.

The bill removes the eligibility requirement that prohibits a young adult from receiving Aftercare if the young adult is not in foster care. By removing the “in foster care” requirement and expanding the eligibility criteria to certain young adults who were in out-of-home care, the bill allows more young

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 39.6251, F.S.

²⁰ *Id.*

²¹ R 65C-41, F.A.C.; R. 65C-42.003, F.A.C.

²² Section 409.1451(3)(a)2., F.S.

adults who were formerly in care, regardless of the out-of-home placement type, to receive services, if a permanent placement is not achieved by 18.

The bill removes the criteria that a young adult who receives financial assistance from PESS is ineligible to receive Aftercare services. This change permits young adults to receive both PESS funds as well as Aftercare services, provided that none of the services are duplicated.

The bill expands the eligibility of young adults to receive funding during emergency situations. The bill removes the provision that permits a young adult between the ages of 18 and 22 who receives PESS funds and is experiencing an emergency situation, but lacks resources to cover the emergency situation, to receive Aftercare. The bill expands this eligibility to permit the DCF to distribute federal funds to all young adults deemed eligible by the funding source in the event of a state or national emergency, notwithstanding the eligibility criteria established.

Section 2 of the bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate negative fiscal impact on the DCF due to the potential increase of young adults that will be eligible for Aftercare services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 409.1451 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/09/2024	.	
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The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment

Delete line 20
and insert:
who, having been placed by a court pursuant to chapter 39,
has lived



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LEGISLATIVE ACTION

Senate

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House

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