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**DATE:** March 12, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LOCAL GOVERNMENT & VETERANS AFFAIRS  
ANALYSIS**

**BILL #:** HB 427

**RELATING TO:** Homelessness

**SPONSOR(S):** Representative Fiorentino

**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS
  - (2) EDUCATION INNOVATION
  - (3) COUNCIL FOR SMARTER GOVERNMENT
  - (4)
  - (5)
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**I. SUMMARY:**

This bill incorporates the recommendations of the Commission on the Homeless, establishing the State Office on Homelessness within the Department of Children and Family Services and creating the Council on Homelessness to develop and coordinate policy and advise the State Office on Homelessness. This bill redefines the terms "homeless" and "homeless child"; amends public school admissions requirements for homeless children; provides a temporary exemption from required immunizations, proof-of-age requirements and school-entry health examination requirements.

This bill also adds the homeless to the list of tenant groups for which funds must be reserved under the State Apartment Incentive Loan program and requires the Affordable Housing Study Commission to analyze ways to address the acute need for housing for the homeless.

This bill appears to have a fiscal impact on the Department of Children and Families.

The sponsor proposes a strike-everything amendment. The amendment significantly modifies the bill.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |

1. The bill creates the State Office of Homelessness within the Department of Children and Families and creates the Council on Homelessness (council). Please see the "Section-by-Section Analysis" in Section 1.

B. PRESENT SITUATION:

*Florida's Homeless Population*

Homelessness is one of the nation's most visible social problems, generating widespread calls for governmental intervention. State and federal government appropriate millions of dollars for the homeless. At the local level, units of government, agencies, organizations, churches and charities remain the main provider of services to the homeless. In Florida, there are at least 57,400 homeless people on any given day, up 9 percent from FY 1997-98. Women account for 21% and children comprise 29% of the state's total homeless population. Homeless veterans make up approximately 16% of the total. This is a critical problem for the State of Florida.

The major causes of homelessness in Florida include poverty, a shortage of affordable housing, unemployment and poor wages, mental illness, alcoholism, drug abuse, family disintegration, and lack of education and training. Additional causes of homelessness identified by the 20 local homeless coalitions include the institutional release of people from prisons and institutions without employment, housing, or a viable means of self-support; school failure and lack of education; impediments to employment such as lack of affordable child care, after school programs and transportation; life skill deficiencies; emergency situations such as eviction and illness; and migration and immigration of people to Florida without means of self-support.\*

Being homeless is defined in section 420.621(4)(a)(b), Florida Statutes (F.S.), as:

"having a nighttime residence in a public or private emergency shelter; such as, an armory, school, church, government building or, where a temporary voucher is provided by a public or private agency, in a hotel, apartment, or boarding home or on the streets or under a bridge or aqueduct, in a park, subway, bus terminal, railroad station, airport, abandoned building, or vehicle, or in any other public or private space that is not designed for shelter."

\*The Department of Children & Families is required by section 420.623(4), F.S., to prepare an Annual Report on Homeless Conditions in Florida to the Governor and Legislature. The statistics were taken from the most recent annual report that covers FY 1998-99.

*Federal and State Programs for the Homeless*

In 1987, Congress enacted the Stewart B. McKinney Homeless Assistance Act. The original act consisted of 14 programs providing a range of services to homeless people, including outreach, prevention, emergency shelter, transitional and supported housing, job training, health care, alcohol, drug abuse and mental treatment, education, veterans' reintegration, and permanent housing. Most of the money funding these programs are distributed directly to service providers in the community. The Florida Department of Children and Families estimates that federal spending for Florida's homeless has been approximately \$400 million since 1987.

In Florida, many financial and social services for the homeless are provided through 25 local coalitions for the homeless created by the Department of Children and Family Services (section 420.623, F.S.). The major functions of the local homeless coalitions are:

- planning and coordinating homeless services;
- promoting public awareness about the needs of the homeless;
- providing information and referral to help homeless people obtain the services they require;
- gathering and reporting data on homeless conditions in Florida; and
- seeking federal, state and local resources to assist the homeless (\$31 million in FY 1998-99).

In fiscal year 2000-01, the Legislature appropriated \$189,00 to provide administrative support to 20 of the 25 homeless coalitions in the state.

Local coalitions prepare local plans of action that identify and rank local needs related to problems of homelessness, and include a spending plan. Local homeless coalitions can apply for state funding through a competitive grants-in-aid program administered by the department through its districts (section 420.625, F.S.). In FY 2000-01, \$798,422 was allocated for these grants. Organizations contracting to provide services through financial assistance provided through the grant program must provide a minimum of 25 percent of the funding necessary for the support of project operations.

The focus of many of the community-based homeless programs is on the delivery of shelter and other emergency services. According to the local homeless coalitions, there are 177 homeless shelters in Florida with a total bed capacity of 7,148. These facilities meet only 12% of the shelter needs of Florida's 57,400 homeless. It is estimated that there are now 299 transitional and supported housing facilities for the homeless with 10,576 beds. Eighteen of the homeless coalitions provide a continuum of care for the homeless that involves the coordination between multiple community agencies to provide outreach services, emergency shelter, transitional and permanent housing and other support services.

Several other state initiatives benefit the homeless:

- In FY 2000-01, the state was awarded \$2,264,000 through the Federal Emergency Shelter Grant program to fund community projects and services.
- The Emergency Financial Assistance for Housing Program, authorized by section 414.16, F.S., was allocated \$1.8 million in FY 2000-01 to help homeless families and those at immediate risk of homelessness due to natural and household disasters, loss of wages, and other conditions that cause an imminent loss of housing. Up to four thousand families each year are served by this program.
- The Department of Children and Family Services, through the Florida Coalition for the Homeless, implemented the Temporary Housing Assistance for Homeless Families program to provide short-term financial assistance to homeless families. Up to \$2000 per family has been available for services to sustain housing and employment. This program was funded from a one-time TANF grant of \$5 million.

- The Florida Network of Youth and Family Services funds and operates a statewide network of 29 homeless and runaway youth shelters.
- Additional programs that benefit the homeless include the State Domestic Abuse Program and the Education of Homeless Children and Youth Program operated by Florida A&M University.

#### *Local Option Food and Beverage Tax*

Section 212.0306, F.S., authorizes Miami-Dade County to levy up to 1% local option food and beverage tax, by ordinance, to fund services for the homeless. In addition, 15% of the tax proceeds must be used to fund the construction and operation of domestic violence centers. The tax is levied on the sale of food, beverages and alcoholic beverages in establishments licensed by the state to sell alcoholic beverages for consumption on the premises, except hotels and motels. Exemptions from the tax include restaurants with less than \$400,000 per year in gross revenues, veterans' organizations, and all transactions that are exempt from the state sales tax.

Eighty-five percent of the tax proceeds must be used to assist persons who are or are about to become homeless. Authorized uses included providing emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment, employment and training, education, and housing. Tax proceeds may also be used as collateral or pledged for construction projects.

As a condition of levying the tax, the county had to develop a task force to prepare a plan, subject to the county commission's approval, to address the needs of the homeless.

#### *The Florida Housing Finance Corporation (FHFC)*

The Florida Housing Finance Corporation is the primary state agency responsible for building affordable housing in Florida. The State Housing Initiatives Partnerships (SHIP) program and the State Apartment Incentive Loan (SAIL) program are two FHFC programs that provide housing for low-income persons.

The SHIP program (section 420.9072, F.S.) was created to provide funds to counties and cities as an incentive to create local housing partnerships and to preserve and expand production of affordable housing. Funds are distributed to counties and eligible municipalities on an entitlement basis. SHIP funds, estimated at \$162.4 million for fiscal year 2001-02, are allocated by population, with each county receiving at least \$350,000. SHIP funds emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching for federal housing grants and programs, and home ownership counseling.

At least 65 percent of each local government's SHIP funds must be used for home ownership and 75 percent must be used for construction, rehabilitation, or emergency repairs. At least 30 percent of funds must be reserved for awards to benefit very-low-income households or eligible sponsors that will serve very-low-income households. Another 30 percent of funds must be awarded to low-income households. Up to 10 percent of funds may be used for administrative costs. In FY 1997-98, local governments reported that SHIP funds were used to construct 286 units for homeless persons, 257 of which were in Duval County.

The SAIL program (section 420.5087(3), F.S.) is designed to stimulate production of affordable, multi-family rental housing for very-low income individuals and families. SAIL leverages state loan funds, local government contributions, developer equity and private bond financing. Section 420.5087(3), F.S., requires at least 10% of SAIL funds be reserved for each of three tenant groups: commercial fishing workers and farm-workers; families; and elderly persons. It is estimated that \$36.4 million will be available in FY 2000-01 for distribution.

### *The Affordable Housing Study Commission*

Section 420.609, F.S., established the Affordable Housing Study Commission to analyze solutions and programs that address the state's acute need for housing for very-low-income, low-income, and moderate-income persons and elderly persons. The commission is charged to review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives. The commission must annually submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing its findings and making specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

### *Commission on the Homeless*

Chapter 2000-238, Laws of Florida, created the Commission on the Homeless to review the problems of the homeless in this state and propose solutions for reducing homelessness and improving the provision of social services to the homeless. The commission held five public meetings throughout the state, taking testimony on a wide range of topics related to homelessness. The commission held additional meetings to deliberate their findings and report to the Governor and Legislature. The report was issued on January 1, 2000, and contained specific recommendations and proposed legislation to address the problems of homelessness.

### *School Registration Requirements*

Section 232.032, F.S., mandates that school districts require a certification of immunization as a condition of initial entrance into a public or nonpublic school. However, the school board may establish a policy that permits a student up to 30 school days to present such certification. Section 232.03, F.S., requires that proof of age be provided as a condition of enrolling in pre-kindergarten or kindergarten. Section 232.0315, F.S., mandates that school districts require a school-entry health examination as a condition of initial entrance into a public or nonpublic school. However, the school board may establish a policy that permits a student up to 30 school days to present such certification.

Rule 6D-3.011, F.A.C., (Control of communicable diseases, public and nonpublic schools, grades preschool, and kindergarten through 12; forms and guidelines) provides clarification and guidelines related to the required immunizations for school attendance.

Rule 6A-6.024, F.A.C., (School Entry Health Examination) addresses the implementation of the school entry health examination. It identifies the licensure of health professionals who are authorized to perform and certify the general health examination required for school entry. It also includes information about the Department of Health form to be used to document the health examination and addresses the transfer of all student health records pursuant to requirements.

## **C. EFFECT OF PROPOSED CHANGES:**

This bill creates an unspecified section of law to establish the State Office on Homelessness within the Department of Children and Family Services. The executive director of the office is to be appointed by the Governor. The Council on Homelessness is created to develop and coordinate policy and advise the State Office on Homelessness.

This bill redefines the term "homeless child" for purposes of the Florida School Code and requires school districts to make reasonable efforts to remove barriers to the enrollment of homeless children. It also provides temporary exemptions from immunizations, birth records, and health records, for immediate admittance of homeless children to school.

This bill also adds the homeless to the list of tenant groups for which funds must be reserved under the SAIL program. The bill requires the Florida Housing Finance Corporation to address in its annual report the number of homeless persons served by its programs. The bill revises membership and duties of the Affordable Housing Study Commission and requires the Commission to analyze solutions and programs to address the state's need for housing for the homeless. The bill also revises the definition of "homeless" under statutory provisions governing homeless programs.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1.** Creates the State Office on Homelessness within the Department of Children and Family Services. The executive director of the office is to be appointed by the Governor. The executive director will administer, coordinate the functions of the state office and assist the Council on Homelessness in carrying out its duties. The Secretary of the Department will provide administrative oversight, interagency counsel, and other related coordination for the state office. This section also creates the Council on Homelessness to develop and coordinate policy and advise the State Office on Homelessness. The council consists of fifteen members from public and private agencies. The council members receive no compensation and are reimbursed for travel expenses only. The council will meet at least four times per year. The council is required to:

- Coordinate among state, local, and private agencies a statewide consolidated program and financial plan for homeless services, incorporating regionally developed programs and plans;
- Collect and maintain a database of information pertaining to the homeless;
- Annually evaluate state and local services and resources;
- Provide information on funding sources for services for the homeless, and provide technical assistance to obtain these funds;
- Monitor and provide recommendations for coordination of the activities and programs of local coalitions for the homeless; promote the effectiveness of programs that address the needs of person who are homeless;
- Establish, maintain, expand and provide technical assistance to local homeless assistance continuums of care;
- Develop and assist in the coordination of policies relating to the discharge or transfer of persons from state supported or regulated facilities who are homeless or at risk for homelessness;
- Spearhead outreach efforts for maximizing access by people who are homeless or at risk for homelessness to state and federal programs and resources;
- Promote a federal policy agenda to assist the state's homeless;
- Develop and promote outcome and accountability measures for homeless programs;
- Formulate policies and legislative proposals and coordinate the implementation of state and federal policies;
- Convene meetings and workshops to address homeless issues;
- Conduct or promote research on homeless programs;
- Advocate for homeless issues; and
- Collaborate and coordinate programs for the homeless with faith-based organizations.

This section also authorizes the council and the Department of Children and Family Services to contract with private entities for "staff services and the provision of the functions set out" for the council. The council is directed to issue an annual report summarizing the "coalition's activities and making recommendations for reducing homelessness in the state."

**Section 2.** Subsection (35) of section 228.041, F.S., relating to definitions, is amended to redefine "homeless child" for use in the Florida School Code. The definition is expanded to include provisions from the definition of homeless person in federal law. In addition, it includes children who reside in a household in which no parent or guardian of the child is a member because of the

inability of all parents or guardians to supply adequate housing for the child. A child in the custody of the state will not be considered homeless. The school district will make the final determination as to whether a child, not in the custody of the state, is homeless. The provision clarifies the term "homeless" and does not include any individual imprisoned, detained by state law or an Act of Congress. The Department of Education will develop rules to be used in applying this definition to particular cases.

**Section 3.** Paragraph (f) of subsection (1) of section 232.01, F.S., relating to school attendance, is amended to require school districts to make reasonable efforts to relax or remove policies and procedures that create, either directly or indirectly, barriers to the enrollment or attendance of homeless students.

**Section 4.** Paragraph (e) of subsection (3) of section 232.032, F.S., relating to immunization against communicable diseases, is amended to require school districts, barring extenuating circumstances, to grant homeless children a temporary exemption for 30 school days.

**Section 5.** Subsection (3) of section 232.03, F.S., relating to evidence of date of birth, is created to require school districts to grant homeless children a temporary exemption for 30 school days.

**Section 6.** Subsection (1) of section 232.0315, F.S., relating to school-entry health examinations, is amended to require school districts, barring extenuating circumstances, to grant homeless children a temporary exemption for 30 school days. The public school health nurse or authorized nonpublic school official is responsible for follow-up of each such child until proper certification is obtained.

**Section 7.** Subsection (3) of section 420.5087, F.S., relating to the State Apartment Incentive Loan Program, is amended to include persons who are homeless in the tenant groups for which not less than 10% of State Apartment Incentive Loan Program (SAIL) funds are reserved.

**Section 8.** Paragraph (e) of subsection (3) of section 420.511, F.S., is amended to require the annual report of Florida Housing Finance Commission to list the number of homeless persons served under each housing program administered by the corporation.

**Section 9.** Section 420.609, F.S., relating to the Affordable Housing Study Commission, is amended to add one citizen, appointed by the Governor, to represent the housing interests of persons that are homeless to the Commission. This section requires the Affordable Housing Study Commission to analyze solutions and programs to address the state's need for housing for the homeless.

**Section 10.** Subsection (4) of section 420.621, F.S., relating to definitions, is amended to revise the definition of homeless, consistent with the definition in federal law. It is expanded to include: those who lack a fixed, regular, and adequate nighttime residence and those living in an institution that provides a temporary residence for individuals intended to be institutionalized. This provision also clarifies that it does not include any person imprisoned or otherwise detained pursuant to state or an Act of Congress.

**Section 11.** An effective date of July 1, 2001, is provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The Department of Children and Families will incur costs in providing support for the newly created State Office of Homeless Affairs and the Homeless Affairs Council. The Department of Children and Families submitted the following:

The proposed legislation does not provide the Department of Children and Families or the Council on Homelessness with the resources needed to carry out the multiple functions and responsibilities called for in the bill. The transfer of approximately \$200,000,000 funds for the operation of this program, which would include considerable contracting, will require resources to provide oversight of these potential contracts. The estimated non-recurring costs total \$408,734; and the estimated recurring costs total \$440,549.

This bill will impact the Family Safety program of the Department of Children and Families. While section 2 (228.041(b)(2)) of the bill excludes dependent children under Chapter 39, F.S., from those who are defined as homeless, the awareness of child protection should increase. Therefore, it can be anticipated that: 1) the number of family safety clients needing services will increase; and 2) there will be greater demands on referrals for service (i.e. counseling, therapy, housing, childcare, transportation, emergency assistance, case management, food banks and etc.).

The Governor has included approximately \$3 million in his proposed e-budget to defray, in part, these costs.

The Florida Housing Finance Corporation will incur additional administrative costs in compiling the information regarding the number of homeless persons served under each housing program administered by the corporation.

The Affordable Housing Study Commission may incur additional costs in analyzing solutions and programs to address the state's need for housing for the homeless.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill has no direct impact on local government revenues.

2. Expenditures:

This bill has no direct impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None



D. FISCAL COMMENTS:

None

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The Department of Children and Families, the Department of Education, the Department of Health, and the Department of Veterans Affairs are proponents of this bill.

The Department of Health submitted the following comments for House Bill 427:

The existing language does not specify that the requirements relating to school entry for homeless children are any different than for other children. Currently there are approximately 1,062 nurses assigned to 2,845 public schools statewide, according to 1999 – 2000 data. Follow up of children with high needs for assistance in accessing services is more easily accomplished in schools served by a school nurse with a low nurse to school ratio than in schools dependent on nurses who serve several schools. This legislation does not address two very significant barriers to assuring that homeless children access the needed services and miss fewer school days - minor's rights to care and identification of homeless children and families. Homeless teens living apart from parents have difficulty accessing services because of the need for parental consent. Additionally, homelessness is not always easily determined. Teens do not want the fact that they are living apart from adult supervision known, and parents that are unsuccessful in meeting their families' basic shelter needs are not anxious to have this fact known. In some counties, nurses and social workers have reported following school buses to determine where children go after school.

There should also be some concern about the risk of exposure of children to communicable diseases, especially airborne diseases such as tuberculosis. A recent occurrence in a south

Florida county provides an example of the workload and turmoil that can be created. In this instance, a child was admitted to school without documentation that a skin test had been performed. A subsequent diagnosis of tuberculosis generated a tremendous workload for health care professionals in just dealing with the fear and concerns of school staff, students and parents in the two counties and multiple schools where the child had attended. In the schools and health department, the costs and workload were immediately and exponentially greater as all exposed staff and children needed to be screened with skin tests and possibly x-rays. In any cases involving families with multiple children in the schools, several classrooms would require records to be reviewed to determine if skin testing was appropriate (eliminating those with previous history of positive skin tests). Costs increase dramatically if, as a result of this exposure, some of the students and staff required medication and direct observation to assure that they were complying with the medication regimen.

School health nurses have been integral partners in assuring that to the extent possible, all children receive the same follow up to assure access to services. In those schools with assigned nurses, this proposal is not anticipated to have any significant impact in the follow up routines.

The broad language regarding the information the Council on Homelessness has access to and what it can do with that information could have far reaching confidentiality consequences. This needs to be amended to assure that the confidentiality of sensitive information is maintained.

The Florida Coalition for the Homeless (FCH) expresses strong support for HB 427 as an important response by the State to address the crisis of homelessness in Florida.

In section 3 of House Bill 427, regarding section 232.01, F.S., relating to school attendance, the sentence "School districts shall make reasonable efforts to relax or remove policies and procedures that create, either directly or indirectly, barriers to the enrollment or attendance of homeless students" is unclear and will entail different interpretations from school districts.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill proposes a strike-everything amendment, the amendment includes the substance of the bill as filed, some modifications to the bill as filed, and additional provisions to address the problem of homelessness in Florida.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

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Terri S. Boggis

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Joan Highsmith-Smith