

By Senator Crist

12-00466A-09

20091054__

1 A bill to be entitled
2 An act relating to homelessness; amending s. 420.507,
3 F.S.; conforming a cross-reference; amending s.
4 420.621, F.S.; revising, providing, and deleting
5 definitions; amending s. 420.622, F.S.; increasing and
6 revising membership on the Council on Homelessness;
7 removing a member from an obsolete organization;
8 correcting the name of a member organization on the
9 council; revising the date of an annual report;
10 creating s. 420.6275, F.S.; creating the Housing First
11 program; providing legislative findings and intent;
12 providing methodology; providing components of the
13 program; providing that local continuums of care that
14 adopt the program be given funding priority; directing
15 the State Office on Homelessness to develop procedures
16 for identifying and giving priority; creating s.
17 420.628, F.S.; providing legislative findings and
18 intent relating to young adults leaving foster care;
19 amending s. 1003.01, F.S.; revising a definition;
20 amending ss. 1003.21 and 1003.22, F.S.; conforming
21 terminology; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:
24

25 Section 1. Paragraph (a) of subsection (22) of section
26 420.507, Florida Statutes, is amended to read:

27 420.507 Powers of the corporation.—The corporation shall
28 have all the powers necessary or convenient to carry out and
29 effectuate the purposes and provisions of this part, including

12-00466A-09

20091054__

30 the following powers which are in addition to all other powers
31 granted by other provisions of this part:

32 (22) To develop and administer the State Apartment
33 Incentive Loan program. In developing and administering that
34 program, the corporation may:

35 (a) Make first, second, and other subordinated mortgage
36 loans including variable or fixed rate loans subject to
37 contingent interest for all State Apartment Incentive Loans
38 provided ~~for~~ in this chapter based upon available cash flow of
39 the projects. The corporation shall make loans exceeding 25
40 percent of project cost ~~available~~ only to nonprofit
41 organizations and public bodies that ~~which~~ are able to secure
42 grants, donations of land, or contributions from other sources
43 and to projects meeting the criteria of subparagraph 1. Mortgage
44 loans shall be made available at the following rates of
45 interest:

46 1. Zero to 3 percent interest for sponsors of projects that
47 set aside at least 80 percent of their total units for residents
48 qualifying as farmworkers ~~as defined in this part~~, ~~or~~ commercial
49 fishing workers ~~as defined in this part~~, or the homeless as
50 defined in s. 420.621 ~~420.621(4)~~ over the life of the loan.

51 2. Zero to 3 percent interest based on the pro rata share
52 of units set aside for homeless residents if the total of such
53 units is less than 80 percent of the units in the borrower's
54 project.

55 3. One to 9 percent interest for sponsors of projects
56 targeted at populations other than farmworkers, commercial
57 fishing workers, or ~~and~~ the homeless.

58 Section 2. Section 420.621, Florida Statutes, is amended to

12-00466A-09

20091054

59 read:

60 420.621 Definitions; ~~ss. 420.621-420.627.~~ As used in ss.
61 420.621-420.628 ~~420.621-420.627~~, the term following terms shall
62 have the following meanings, unless the context otherwise
63 requires:

64 (1) "Continuum of care" means the community components
65 needed to organize and deliver housing and services to meet the
66 specific needs of people who are homeless as they move to stable
67 housing and maximum self-sufficiency. It includes action steps
68 to end homelessness and prevent a return to homelessness.

69 (2) "Council on Homelessness" means the council created in
70 s. 420.622.

71 ~~(1) "AFDC" means Aid to Families with Dependent Children as~~
72 ~~administered under chapter 409.~~

73 ~~(3)-(2)~~ "Department" means the Department of Children and
74 Family Services.

75 ~~(4)-(3)~~ "District" means a service district of the
76 department of Children and Family Services, as set forth in s.
77 20.19.

78 ~~(5)-(4)~~ "Homeless," applied to an individual, or "individual
79 experiencing homelessness" means "Homeless" refers to an
80 individual who lacks a fixed, regular, and adequate nighttime
81 residence and includes ~~or~~ an individual who has a primary
82 nighttime residence that is:

83 (a) Is sharing the housing of other persons due to loss of
84 housing, economic hardship, or a similar reason;

85 (b) Is living in a motel, hotel, travel trailer park, or
86 camping ground due to a lack of alternative adequate
87 accommodations;

12-00466A-09

20091054

88 (c) Is living in an emergency or transitional shelter; A
89 ~~supervised publicly or privately operated shelter designed to~~
90 ~~provide temporary living accommodations, including welfare~~
91 ~~hotels, congregate shelters, and transitional housing for the~~
92 ~~mentally ill;~~

93 ~~(b) An institution that provides a temporary residence for~~
94 ~~individuals intended to be institutionalized; or~~

95 (d)-(e) Has a primary nighttime residence that is a public
96 or private place not designed for, or ordinarily used as, a
97 regular sleeping accommodation for human beings;

98 (e) Is living in a car, park, public space, abandoned
99 building, bus or train station, or similar setting; or

100 (f) Is a migratory individual who qualifies as homeless
101 because he or she is living in circumstances described in
102 paragraphs (a)-(e).

103
104 The terms do term does not refer to an any individual imprisoned
105 ~~or otherwise detained~~ pursuant to state or federal law or to
106 individuals or families who are sharing housing due to cultural
107 preferences, voluntary arrangements, or traditional networks of
108 support. The terms include an individual who has been released
109 from jail, prison, the juvenile justice system, the child
110 welfare system, a mental health and developmental disability
111 facility, a residential addiction treatment program, or a
112 hospital, for whom no subsequent residence has been identified,
113 and who lacks the resources and support network to obtain
114 housing.

115 (6)-(5) "Local coalition for the homeless" means a coalition
116 established pursuant to s. 420.623.

12-00466A-09

20091054__

117 (7)~~(6)~~ "New and temporary homeless" means ~~those~~ individuals
118 or families who are homeless due to societal ~~external~~ factors,
119 ~~such as unemployment or other loss of income, personal or~~
120 ~~family life crises, or the shortage of low-income housing.~~

121 (8)~~(7)~~ "State Office on Homelessness" means the state
122 office created in s. 420.622 "~~Secretary~~" ~~means the secretary of~~
123 ~~the Department of Children and Family Services.~~

124 Section 3. Subsections (2) and (9) of section 420.622,
125 Florida Statutes, are amended to read:

126 420.622 State Office on Homelessness; Council on
127 Homelessness.—

128 (2) The Council on Homelessness is created to consist of a
129 17-member ~~15-member~~ council of public and private agency
130 representatives who shall develop policy and advise the State
131 Office on Homelessness. The council members shall be: the
132 Secretary of Children and Family Services, or his or her
133 designee; the Secretary of Community Affairs, or his or her
134 designee, to advise the council on issues related to rural
135 development; the State Surgeon General, or his or her designee;
136 the Executive Director of Veterans' Affairs, or his or her
137 designee; the Secretary of Corrections, or his or her designee;
138 the Secretary of Health Care Administration, or his or her
139 designee; the Commissioner of Education, or his or her designee;
140 the Director of Workforce Florida, Inc., or his or her designee;
141 one representative of the Florida Association of Counties; one
142 representative from the Florida League of Cities; one
143 representative of the Florida ~~Coalition for~~ Supportive Housing
144 Coalition; the Executive Director of the Florida Housing Finance
145 Corporation, or his or her designee; one representative of the

12-00466A-09

20091054

146 Florida Coalition for the Homeless; ~~one representative of the~~
147 ~~Florida State Rural Development Council;~~ and four members
148 appointed by the Governor. The council members shall be
149 volunteer, nonpaid persons and shall be reimbursed for travel
150 expenses only. The appointed members of the council shall be
151 appointed to ~~serve~~ staggered 2-year terms, and the council shall
152 meet at least four times per year. The importance of minority,
153 gender, and geographic representation must be considered when
154 appointing members to the council.

155 (9) The council shall, by June 30 ~~December 31~~ of each year,
156 beginning in 2010, issue to the Governor, the President of the
157 Senate, the Speaker of the House of Representatives, and the
158 Secretary of Children and Family Services an evaluation of the
159 executive director's performance in fulfilling the statutory
160 duties of the office, a report summarizing the council's
161 recommendations to the office and the corresponding actions
162 taken by the office, and any recommendations to the Legislature
163 for proposals to reduce homelessness in this state.

164 Section 4. Section 420.6275, Florida Statutes, is created
165 to read:

166 420.6275 Housing First.-

167 (1) LEGISLATIVE FINDINGS AND INTENT.-

168 (a) The Legislature finds that many communities plan to
169 manage homelessness rather than plan to end it.

170 (b) The Legislature also finds that for most of the past
171 two decades, public and private solutions to homelessness have
172 focused on providing individuals and families who are
173 experiencing homelessness with emergency shelter, transitional
174 housing, or a combination of both. While emergency shelter

12-00466A-09

20091054__

175 programs may provide critical access to services for individuals
176 and families in crisis, they often fail to address their long-
177 term needs.

178 (c) The Legislature further finds that Housing First is an
179 alternative approach to the current system of emergency shelter
180 or transitional housing which tends to reduce the length of time
181 of homelessness and has proven to be cost-effective.

182 (d) It is therefore the intent of the Legislature to
183 encourage homeless continuums of care to adopt the Housing First
184 approach to ending homelessness for individuals and families.

185 (2) HOUSING FIRST METHODOLOGY.—

186 (a) The Housing First approach to homelessness differs from
187 traditional approaches by providing housing assistance, case
188 management, and support services responsive to individual or
189 family needs after housing is obtained. By using this approach
190 when appropriate, communities can significantly reduce the
191 amount of time that individuals and families are homeless and
192 prevent further episodes of homelessness. Housing First
193 emphasizes that social services provided to enhance individual
194 and family well-being can be more effective when people are in
195 their own home, and:

196 1. The housing is not time-limited.

197 2. The housing is not contingent on compliance with
198 services. Instead, participants must comply with a standard
199 lease agreement and are provided with the services and support
200 that are necessary to help them do so successfully.

201 3. A background check and any rehabilitation necessary to
202 combat an addiction related to alcoholism or substance abuse has
203 been completed by the individual for whom assistance or support

12-00466A-09

20091054__

204 services are provided.

205 (b) The Housing First approach addresses the societal
206 causes of homelessness and advocates for the immediate return of
207 individuals and families into housing and communities. Housing
208 First provides a critical link between the emergency and
209 transitional housing system and community-based social service,
210 educational, and health care organizations and consists of four
211 components:

212 1. Crisis intervention and short-term stabilization.

213 2. Screening, intake, and needs assessment.

214 3. Provision of housing resources.

215 4. Provision of case management.

216 (3) CONTINUUMS OF CARE.—

217 (a) Local homeless assistance continuums of care that adopt
218 and implement the Housing First approach in their communities,
219 as recognized by the State Office of Homelessness, shall receive
220 priority in all funding opportunities provided through the state
221 office to the lead agencies in their continuum of care area.

222 (b) The State Office on Homelessness with the concurrence
223 of the Council on Homelessness shall develop:

224 1. A procedure for verifying through the lead agency the
225 continuum of care's adoption and implementation of the Housing
226 First approach;

227 2. A process for giving scoring and ranking priority to
228 funding applications submitted by lead agencies whose homeless
229 continuums of care have adopted and implemented the Housing
230 First approach in their community.

231 Section 5. Section 420.628, Florida Statutes, is created to
232 read:

12-00466A-09

20091054__

233 420.628 Young adults leaving foster care; legislative
234 findings.-

235 (1) The Legislature finds that the transition from
236 childhood to adulthood is filled with opportunity and risk. Most
237 young people who receive adequate support make this transition
238 successfully and become healthy adults who are prepared for work
239 and are able to become responsible, fulfilled members of their
240 families and communities.

241 (2) The Legislature finds that there are also many young
242 people who enter adulthood without the knowledge, skills,
243 attitudes, habits, and relationships that enable them to be
244 productive members of society. Those young people who, through
245 no fault of their own, live in foster families, group homes, and
246 institutions are among those at greatest risk.

247 (3) The Legislature finds that these young people face
248 numerous barriers to a successful transition to adulthood. Those
249 barriers include changes in foster care placements and schools,
250 limited opportunities for participation in age-appropriate
251 activities, and the inability to achieve economic stability,
252 make connections with permanent supportive adults or family, and
253 access housing. The main barriers to safe and affordable housing
254 for youth who leave foster care due to age are cost, lack of
255 availability, the unwillingness of many landlords to rent to
256 them, and their own lack of knowledge about how to be good
257 tenants.

258 (4) The Legislature also finds that young adults who
259 emancipate from the child welfare system are at risk of becoming
260 homeless and those who were formerly in foster care are
261 disproportionately represented in the homeless population. Only

12-00466A-09

20091054__

262 about two-fifths of eligible young people receive independent
263 living services and, of those who do, few receive adequate
264 housing assistance. Without the stability of safe housing, other
265 services, training, and opportunities may not be effective.

266 (5) The Legislature further finds that research on young
267 people who emancipate from foster care suggests a nexus between
268 foster care involvement and later episodes of homelessness and
269 that interventions in the foster care system might help to
270 prevent homelessness. Responding to the needs of young people
271 leaving the foster care system with developmentally appropriate
272 supportive housing models organized in a continuum of decreasing
273 supervision may increase their ability to live independently.

274 (6) It is therefore the intent of the Legislature to
275 encourage the Department of Children and Family Services, its
276 agents, and community-based care providers operating pursuant to
277 s. 409.1671 to develop and implement procedures designed to
278 reduce the number of young adults who become homeless after
279 leaving the child welfare system.

280 Section 6. Subsection (12) of section 1003.01, Florida
281 Statutes, is amended to read:

282 1003.01 Definitions.—As used in this chapter, the term:

283 (12) “Children and youths who are experiencing
284 homelessness,” for programs authorized under subtitle B,
285 Education for Homeless Children and Youths, of Title VII of the
286 McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et
287 seq., means children and youths who lack a fixed, regular, and
288 adequate nighttime residence, and includes:

289 (a) Children and youths who are sharing the housing of
290 other persons due to loss of housing, economic hardship, or a

12-00466A-09

20091054__

291 similar reason; are living in motels, hotels, travel trailer
292 parks, or camping grounds due to the lack of alternative
293 adequate accommodations; are living in emergency or transitional
294 shelters; are abandoned in hospitals; or are awaiting foster
295 care placement.

296 (b) Children and youths who have a primary nighttime
297 residence that is a public or private place not designed for or
298 ordinarily used as a regular sleeping accommodation for human
299 beings.

300 (c) Children and youths who are living in cars, parks,
301 public spaces, abandoned buildings, bus or train stations, or
302 similar settings.

303 (d) Migratory children who are living in circumstances
304 described in paragraphs (a)-(c). "Homeless child" means:

305 ~~(a) One who lacks a fixed, regular nighttime residence;~~

306 ~~(b) One who has a primary nighttime residence that is:~~

307 ~~1. A supervised publicly or privately operated shelter~~
308 ~~designed to provide temporary living accommodations, including~~
309 ~~welfare hotels, congregate shelters, and transitional housing~~
310 ~~for the mentally ill;~~

311 ~~2. An institution that provides a temporary residence for~~
312 ~~individuals intended to be institutionalized; or~~

313 ~~3. A public or private place not designed for, or~~
314 ~~ordinarily used as, a regular sleeping accommodation for human~~
315 ~~beings; or~~

316 ~~(c) One who temporarily resides with an adult other than~~
317 ~~his or her parent because the parent is suffering financial~~
318 ~~hardship.~~

319

12-00466A-09

20091054__

320 ~~A child who is imprisoned, detained, or in the custody of the~~
321 ~~state pursuant to a state or federal law is not a homeless~~
322 ~~child.~~

323 Section 7. Paragraph (f) of subsection (1) and paragraph
324 (g) of subsection (4) of section 1003.21, Florida Statutes, are
325 amended to read:

326 1003.21 School attendance.—

327 (1)

328 (f) Children and youths who are experiencing homelessness
329 ~~Homeless children, as defined in s. 1003.01,~~ must have access to
330 a free public education and must be admitted to school in the
331 school district in which they or their families live. School
332 districts shall assist such homeless children in meeting ~~to meet~~
333 the requirements of subsection (4) and s. 1003.22, as well as
334 local requirements for documentation.

335 (4) Before admitting a child to kindergarten, the principal
336 shall require evidence that the child has attained the age at
337 which he or she should be admitted in accordance with the
338 provisions of subparagraph (1)(a)2. The district school
339 superintendent may require evidence of the age of any child whom
340 he or she believes to be within the limits of compulsory
341 attendance as provided for by law. If the first prescribed
342 evidence is not available, the next evidence obtainable in the
343 order set forth below shall be accepted:

344 (g) If none of these evidences can be produced, an
345 affidavit of age sworn to by the parent, accompanied by a
346 certificate of age signed by a public health officer or by a
347 public school physician, or, if ~~neither of these~~ are not ~~is~~
348 available in the county, by a licensed practicing physician

12-00466A-09

20091054

349 designated by the district school board, which ~~certificate~~
350 states that the health officer or physician has examined the
351 child and believes that the age as stated in the affidavit is
352 substantially correct. Children and youths who are experiencing
353 homelessness ~~A homeless child, as defined in s. 1003.01,~~ shall
354 be given temporary exemption from this section for 30 school
355 days.

356 Section 8. Subsection (1) and paragraph (e) of subsection
357 (5) of section 1003.22, Florida Statutes, are amended to read:

358 1003.22 School-entry health examinations; immunization
359 against communicable diseases; exemptions; duties of Department
360 of Health.—

361 (1) Each district school board and the governing authority
362 of each private school shall require that each child who is
363 entitled to admittance to kindergarten, or is entitled to any
364 other initial entrance into a public or private school in this
365 state, present a certification of a school-entry health
366 examination performed within 1 year before ~~prior to~~ enrollment
367 in school. Each district school board, and the governing
368 authority of each private school, may establish a policy that
369 permits a student up to 30 school days to present a
370 certification of a school-entry health examination. Children and
371 youths who are experiencing homelessness ~~A homeless child, as~~
372 ~~defined in s. 1003.01,~~ shall be given a temporary exemption for
373 30 school days. Any district school board that establishes such
374 a policy shall include provisions in its local school health
375 services plan to assist students in obtaining the health
376 examinations. However, a ~~any~~ child shall be exempted ~~exempt~~ from
377 the requirement of a health examination upon written request of

12-00466A-09

20091054__

378 the parent of the child stating objections to the examination on
379 religious grounds.

380 (5) The provisions of this section shall not apply if:

381 (e) An authorized school official issues a temporary
382 exemption, for up to ~~a period not to exceed~~ 30 school days, to
383 permit a student who transfers into a new county to attend class
384 until his or her records can be obtained. Children and youths
385 who are experiencing homelessness ~~A homeless child, as defined~~
386 ~~in s. 1003.01,~~ shall be given a temporary exemption for 30
387 school days. The public school health nurse or authorized
388 private school official is responsible for followup of each such
389 student until proper documentation or immunizations are
390 obtained. An exemption for 30 days may be issued for a student
391 who enters a juvenile justice program to permit the student to
392 attend class until his or her records can be obtained or until
393 the immunizations can be obtained. An authorized juvenile
394 justice official is responsible for followup of each student who
395 enters a juvenile justice program until proper documentation or
396 immunizations are obtained.

397 Section 9. This act shall take effect July 1, 2009.