

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1577 Homeless Youth

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

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Children, Families & Seniors Subcommittee	14 Y, 0 N, As CS	Woodruff	Brazzell
2) Health & Human Services Committee	20 Y, 0 N, As CS	Woodruff	Calamas

SUMMARY ANALYSIS

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

An unaccompanied homeless youth who is 16 or older and meets the federal definition of an "unaccompanied homeless youth" may become certified to receive certain benefits, including obtaining an identification card at no cost, the ability to petition the court to have the disabilities of nonage removed, and to consent to certain medical treatment.

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

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

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

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Homeless Youth and Children

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

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

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

McKinney-Vento Homeless Assistance Act

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

Under the Act, state educational agencies (SEAs) must ensure that each homeless child or youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth.⁸ SEAs and local educational agencies (LEAs) must review and undertake steps to revise laws, regulations, practices, or policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youth.⁹

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

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

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

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

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

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

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

⁶ *Id.*

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

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

⁹ *Id.*

- Living in emergency or transitional shelters or are abandoned in hospitals;
- Utilizing for a primary nighttime residence a place that is a public or private but not designated for or ordinarily used as a regular sleeping accommodation for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children living in circumstances described above.¹⁰

Children and youth that meet the definition of an “unaccompanied homeless youth” have a right to services under the Act. Such services include receiving transportation to and from school, remaining at the school of origin for the duration of the homelessness if in the child’s best interest, participating in all available education programs and extracurricular activities, and receiving any school services for which the youth meets eligibility criteria.¹¹

The Act requires all LEAs to designate an appropriate staff person as a local homeless liaison.¹² Local homeless liaisons must ensure, in part, that homeless children and youth, including unaccompanied homeless youth, are identified by school personnel and through coordination activities with other entities. Each school district has at least one homeless liaison.¹³

Certified Unaccompanied Homeless Youth

Florida law provides a mechanism for unaccompanied homeless youth to become certified to receive certain services. Section 743.067, F.S., allows a youth who is an unaccompanied homeless youth to become certified as such if he or she is 16 years of age or older and is:

- Found by a school district’s liaison for homeless children and youths to be an unaccompanied homeless youth eligible for services pursuant to the McKinney-Vento Homeless Assistance Act; or
- Believed to qualify as an unaccompanied homeless youth, as the term is defined in the McKinney-Vento Homeless Assistance Act by:
 - The director of an emergency shelter program funded by the U.S. Department of Housing and Urban Development;
 - The director of a runaway or homeless youth basic center¹⁴ or transitional living program funded by the U.S. Department of Health and Human Services; or
 - A continuum of care lead agency.¹⁵

There is a standardized form that must be used when one of the enumerated individuals above certifies an unaccompanied homeless youth.¹⁶

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

- Apply, at no charge, for an identification card issued by the Department of Highway Safety and Motor Vehicles.
- Petition the circuit court to have the disability of nonage removed.
- Consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment, including preventive care for himself or herself, or a child, if the unaccompanied homeless youth is unmarried, is the parent of the child, and has actual custody of the child.¹⁷

¹⁰ 42 U.S.C. s. 11434a.

¹¹ 42 U.S.C. s. 11432.

¹² *Supra* note 8.

¹³ Florida Department of Education, Florida McKinney-Vento Program District Contact Directory, <https://www.fldoe.org/core/fileparse.php/19996/urlt/Title-IX-District-Contact-List-11-05-21-ADA-COMPLIANT.pdf>.

¹⁴ The U.S., Department of Health and Human Services, Family and Youth Services Bureau, funds the Basic Youth Center Program which provide youth up to age 18 with emergency shelter, food, clothing, counseling, and referrals for health care. U.S. Department of Health and Human Services, Family and Youth Services Bureau, Basic Center Program Fact Sheet, <https://www.acf.hhs.gov/fysb/fact-sheet/basic-center-program-fact-sheet> (last visited Jan. 31, 2022).

¹⁵ S. 743.067(2)(a), F.S.

¹⁶ S. 743.067(2)(a), F.S.

¹⁷ S. 743.067(2)(b) and (3), F.S.

A health care provider may accept the written certification form as proof of the minor's status as a certified unaccompanied homeless youth and may keep a copy of the certificate in the youth's medical file.¹⁸

Currently, the certified unaccompanied homeless youth only receives a copy of the certification form as proof that he or she has been certified pursuant to s. 743.067, F.S.

Keys-to-Independence

The Keys-to-Independence program is a state-funded program designed to remove barriers to obtaining a driver license for foster youth and former foster youth.¹⁹ The program pays the cost of driver education, licensure and other costs incidental to licensure and motor vehicle insurance for children in out-of-home care who have successfully completed a driver education program.²⁰ Program services are provided to eligible youth to the extent funding permits.

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

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

Birth Certificates

The Florida Department of Health (DOH), Office of Vital Statistics, maintains all vital records for Florida. Florida law provides that certified copies of original birth certificates or a new or amended certificate, or affidavits thereof, are confidential and exempt from the provisions of s. 119.07(1), F.S.²² Certified copies of an original birth certificate or a new or amended certificate may be issued by DOH upon request and payment of a fee by a person who is named as the child on the birth certificate, if that person is of legal age, is a certified unaccompanied homeless youth, or is a minor who has had the disabilities of nonage removed.²³

DOH charges a \$20 fee for each certified copy of a Florida birth record and \$16 for additional copies, when requested at the same time. All fees are paid by the person requesting the record, are due and payable at time services are requested, and are nonrefundable, unless when a search is conducted and no vital record is found.²⁴

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

¹⁸ S. 743.067(2)(c), F.S.

¹⁹ S. 409.1454, F.S.

²⁰ S. 409.1454(2), F.S.

²¹ Florida Department of Children and Families, 2022 Agency Bill Analysis for HB 1577 (Jan. 20, 2022).

²² S. 382.025(1), F.S.

²³ S. 382.025(1)(a)1., F.S.

²⁴ *Id.*

Postsecondary Education

Campus Liaisons

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

To accomplish this, campus coaching positions provide current and former foster youth with dedicated, on-campus support. DCF determines which state universities or colleges offer a campus coaching position based on departmental demographic data indicating the greatest need.²⁵ The campus coaching positions are employees of the educational institutions. The Chancellors of the Florida College System and the Board of Governors must report annually to DCF specific data about the children and young adults served by the campus coaches.

Seven out of 12 Florida universities and seven out of 28 Florida colleges have a campus-based coach identified on campus.²⁶

Tuition and Fee Exemption

Section 1009.25(1)(f), F.S., allows homeless students to be exempt from paying tuition and fees at a school district that provides workforce education programs, Florida College System institution, or state university. To qualify for the exemption, the homeless student must either:

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

Recent changes made by federal law allow any student who is determined to be an unaccompanied homeless youth for a preceding award year to be presumed homeless for each subsequent year at the same institution unless the student informs the institution that circumstances have changed or the institution has specific conflicting information otherwise.²⁷ This eliminates the requirement that unaccompanied homeless youths' status be redetermined every year.

The definition in s. 1009.25(1)(f), F.S., is inconsistent with the federal definition of homeless children and youth. Current law is also silent on whether documentation must be provided to prove eligibility for a tuition and fee exemption each year.

Effect of Proposed Changes

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

Certified Unaccompanied Youth

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

²⁵ S. 409.1452, F.S.

²⁶ *Supra* note 23.

²⁷ U.S.C. § 1187uu-2(d)(1).

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

The bill amends s. 743.067, F.S., to allow a health care provider to accept the issued card as proof of the minor's status as a certified unaccompanied homeless youth. The bill also expands the categories of medical and other care for which the youth may consent to include behavioral health care services, including counseling and treatment, psychiatric treatment, and substance abuse prevention and treatment services.

The bill amends s. 409.1454, F.S., to expand the Keys-to-Independence program to certified unaccompanied youth who is a citizen of the United States or legal resident of Florida and who is:

- Completing secondary education;
- Employed at least part time;
- Attending any postsecondary education program at least part time; or
- Has a disability that precludes full-time work or education.

Further, the bill expands the scope of young adults who may be considered "unaccompanied homeless youth" by including individuals who are 16 years of age or older and are not in the physical custody of a parent or guardian, including a youth who has run away from home, who has been forced to leave his or her home, or whose parents have left the area and left the youth behind, in the definition of "unaccompanied homeless youth" in s. 743.067, F.S.

Birth Certificate Fees

The bill amends s. 382.055, F.S., to waive the fees associated with obtaining a copy of a birth certificate for unaccompanied homeless youth certified under s. 743.067, F.S., and young adults who aged out of foster care.

Postsecondary Education

The bill amends s. 409.1452, F.S., to require the use of postsecondary education liaisons, instead of campus coaches, to provide current or former foster youth or those who are experiencing homelessness with on-campus support. The bill requires institutions where a student may use a tuition and fee exemption under s. 1009.25, F.S., to have, at a minimum, a knowledgeable, accessible, and responsive staff member to help students with any problems related to the use of the exemption. The bill also requires a liaison's contact information to be provided to each student using the exemption, on the institution's website, and to DCF and community-based care lead agencies. Further, it requires postsecondary institutions to maintain the original documentation that proves a child or young adult's eligibility for the tuition and fee exemption and prohibits additional requests for such documentation.

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

The bill also removes reference of Board of Governors in s. 409.1452, F.S., and replaces it with the State University System to clarify that DCF should collaborate with individual state university institutions and not to the board that oversees these institutions. It also removes DCF's discretion to determine which state colleges and universities offer campus liaison positions. This ensures that all state colleges and universities have an on-campus liaison to assist eligible youth.

Campus Liaisons

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study to evaluate the effectiveness of campus liaisons provided under s. 409.1452, F.S., and of local school districts' delivery of benefits and services required under the McKinney-Vento Homeless Assistance Act. The study must include, at a minimum:

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

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

- Ensure all eligible children and young adults who seek such support receive services.
- Improve the outcomes of children and young adults who receive services and benefits from campus liaisons or under the McKinney-Vento Homeless Assistance Act.
- Ensure campus liaisons in local school districts and postsecondary institutions are qualified to provide adequate information and support and are knowledgeable about the relevant programs and benefits that may be accessed by the children and young adults they serve.

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

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

Tuition and Fee Exemption

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

The bill amends s. 1009.25(1)(f), F.S., to align the definition of homeless children and youth with federal law.

B. SECTION DIRECTORY:

Section 1: Amending s. 382.0255, F.S., relating to fees.

Section 2: Amending s. 409.1452, F.S., relating to collaboration with Board of Governors, Florida College System, and Department of Education to assist children and young adults who have been or are in foster care.

Section 3: Amending s. 409.1454, F.S., relating to motor vehicle insurance and driver licenses for children in care.

Section 4: Amending s. 743.067, F.S., relating to certified unaccompanied homeless youths.

Section 5: Amending s. 1001.42, F.S., relating to powers and duties of district school boards.

Section 6: Amending s. 1003.01, F.S., relating to definitions.

Section 7: Amending s. 1009.25, F.S., relating to fee exemptions.

Section 7: Requiring a report.

Section 8: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require rulemaking to implement.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 3, 2022, the Children, Families & Seniors Subcommittee adopted an amendment to the bill. The amendment aligns the definition of which students qualify for a tuition and fee exemption as homeless children and youth with federal law and authorizes documentation that meets the standards of federal law to be adequate to prove a homeless child or youth qualifies for a tuition and fee exemption.

On February 17, 2022, the Health & Human Services Committee adopted an amendment and reported the bill favorably. The amendment:

- requires school district programs, institutions, and universities to have a campus liaison to help students who are exempt from the payment of tuition and fees.
- requires a liaison's contact information to be provided to each student using the exemption, on the institution's website, and to DCF and community-based care lead agencies
- requires postsecondary programs and institutions to retain original tuition and fee exemption documentation and prohibits additional request for such documentation.
- allows postsecondary institutions to provide coaching services and other supports, in addition to campus liaisons, to promote successful completion of postsecondary education and transition to independent living.

The analysis is drafted to the amended bill as passed by the Health & Human Services Committee.