

## Council Substitute for House Bill No. 597

An act relating to homelessness; amending s. 420.507, F.S.; conforming a cross-reference; amending s. 420.621, F.S.; revising, providing, and deleting definitions; amending s. 420.622, F.S.; increasing and revising membership on the Council on Homelessness; removing a member from an obsolete organization; correcting the name of a member organization on the council; revising the date of an annual report; creating s. 420.6275, F.S.; creating the Housing First program; providing legislative findings and intent; providing methodology; providing components of the program; providing that local continuums of care that adopt the program be given funding priority; creating s. 420.628, F.S.; providing legislative findings and intent relating to young adults leaving foster care; amending s. 1003.01, F.S.; revising a definition; amending ss. 1003.21 and 1003.22, F.S.; conforming terminology; providing an effective date.

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

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

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

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

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

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

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

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

Section 2. Section 420.621, Florida Statutes, is amended to read:

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

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

(2) “Council on Homelessness” means the council created in s. 420.622.

~~(1) “AFDC” means Aid to Families with Dependent Children as administered under chapter 409.~~

~~(3)(2)~~ “Department” means the Department of Children and Family Services.

~~(4)(3)~~ “District” means a service district of the department of Children and Family Services, as set forth in s. 20.19.

~~(5)(4)~~ “Homeless,” applied to an individual, or “individual experiencing homelessness” means “Homeless” refers to an individual who lacks a fixed, regular, and adequate nighttime residence and includes or an individual who has a primary nighttime residence that is:

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

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

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

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

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

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

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

The ~~terms do term~~ does not refer to an any individual imprisoned ~~or otherwise detained~~ pursuant to state or federal law or to individuals or families

who are sharing housing due to cultural preferences, voluntary arrangements, or traditional networks of support. The terms include an individual who has been released from jail, prison, the juvenile justice system, the child welfare system, a mental health and developmental disability facility, a residential addiction treatment program, or a hospital, for whom no subsequent residence has been identified, and who lacks the resources and support network to obtain housing.

(6)(5) “Local coalition for the homeless” means a coalition established pursuant to s. 420.623.

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

(8)(7) “State Office on Homelessness” means the state office created in s. 420.622 “Secretary” means the secretary of the Department of Children and Family Services.

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

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of a 17-member ~~15-member~~ council of public and private agency representatives who shall develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Family Services, or his or her designee; the Secretary of Community Affairs, or his or her designee, to 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 Director of Workforce Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative from the Florida League of Cities; one representative of the Florida Coalition for Supportive 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; ~~one representative of the Florida State Rural Development Council;~~ and four members appointed by the Governor. The council members shall be volunteer, nonpaid persons and shall be reimbursed for travel expenses only. The appointed members of the council shall be appointed to serve staggered 2-year terms, and the council shall meet at least four times per year. The importance of minority, gender, and geographic representation must be considered when appointing members to the council.

(9) The council shall, by ~~June 30~~ December 31 of each year, beginning in 2010, issue to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of Children and Family Services an evaluation of the executive director’s performance in fulfilling the

statutory duties of the office, a report summarizing the council's recommendations to the office and the corresponding actions taken by the office, and any recommendations to the Legislature for proposals to reduce homelessness in this state.

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

420.6275 Housing First.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

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

(b) The Legislature also finds that for most of the past two decades, public and private solutions to homelessness have focused on providing individuals and families who are experiencing homelessness with emergency shelter, transitional housing, or a combination of both. While emergency shelter programs may provide critical access to services for individuals and families in crisis, they often fail to address their long-term needs.

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

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

(2) HOUSING FIRST METHODOLOGY.—

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

1. The housing is not time-limited.

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

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

(b) The Housing First approach addresses the societal causes of homelessness and advocates for the immediate return of individuals and families

into housing and communities. Housing First provides a critical link between the emergency and transitional housing system and community-based social service, educational, and health care organizations and consists of four components:

1. Crisis intervention and short-term stabilization.
2. Screening, intake, and needs assessment.
3. Provision of housing resources.
4. Provision of case management.

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

420.628 Young adults leaving foster care; legislative findings.—

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

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

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

(4) The Legislature also finds that young adults who emancipate from the child welfare system are at risk of becoming homeless and those who were formerly in foster care are disproportionately represented in the homeless population. Only about two-fifths of eligible young people receive independent living services and, of those who do, few receive adequate housing assistance. Without the stability of safe housing, other services, training, and opportunities may not be effective.

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

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

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

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

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

(a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

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

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

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

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

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

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

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

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

(e) One who temporarily resides with an adult other than his or her parent because the parent is suffering financial hardship.

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

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

1003.21 School attendance.—

(1)

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

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

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if ~~neither of these are not~~ is available in the county, by a licensed practicing physician designated by the district school board, which ~~certificate~~ certifies states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. Children and youths who are experiencing homelessness ~~A homeless child, as defined in s. 1003.01,~~ shall be given temporary exemption from this section for 30 school days.

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

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

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

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

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

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

Approved by the Governor June 11, 2009.

Filed in Office Secretary of State June 11, 2009.