

CHAPTER 2022-65

Committee Substitute for Committee Substitute for House Bill No. 1577

An act relating to homeless youth; amending s. 382.0255, F.S.; requiring the Department of Health to waive fees for certified copies of birth certificates issued to certain unaccompanied homeless youth and young adults; amending s. 409.1452, F.S.; requiring the Department of Children and Families to collaborate with specified entities for a certain purpose; requiring liaisons and coaching services to provide specified assistance for certain students at certain school district programs, Florida College System institutions, or state universities; providing requirements for such liaisons; requiring a liaison's contact information to be used in certain ways; requiring certain school district programs, Florida College System institutions, and state universities to maintain certain documentation; requiring certain entities to report certain information annually to the department; conforming provisions to changes made by the act; deleting obsolete language; amending s. 409.1454, F.S.; revising legislative findings; revising eligibility and requirements for a certain driver education, licensure, and insurance program to include certain unaccompanied homeless youth; revising program operation and administration requirements; amending s. 743.067, F.S.; revising the definition of the term "unaccompanied homeless youth"; specifying certification criteria for unaccompanied homeless youth; authorizing certain unaccompanied homeless youth to use a specified form to receive birth certificates; authorizing health care providers to accept such form for certain purposes; authorizing certain unaccompanied homeless youth to consent to specified medical and other care; amending s. 1001.42, F.S.; requiring district school boards to provide cards that contain specified information to certain unaccompanied homeless youth; specifying requirements for the card; amending s. 1003.01, F.S.; revising the definition of the term "children and youths who are experiencing homelessness"; defining the term "certified unaccompanied homeless youth"; amending s. 1009.25, F.S.; revising the standards certain students must meet to be eligible for certain fee exemptions; providing for the adequacy of certain documentation; providing a presumption; providing a way to overcome such presumption; requiring the Office of Program Policy Analysis and Government Accountability to conduct a specified study; specifying the scope of the study; requiring the study to include specified recommendations; requiring the office to consult with specified entities; requiring the office to submit a report on the study to the Legislature by a specified date; providing an effective date.

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

Section 1. Subsection (3) of section 382.0255, Florida Statutes, is amended to read:

382.0255 Fees.—

(3) Fees ~~must shall~~ be established by rule. However, until rules are adopted, the fees assessed pursuant to this section ~~must shall~~ be the minimum fees cited. The fees established by rule must be sufficient to meet the cost of providing the service. All fees ~~must shall~~ be paid by the person requesting the record, are due and payable at the time services are requested, and are nonrefundable, except that, when a search is conducted and no vital record is found, any fees paid for additional certified copies shall be refunded. The department may waive all or part of the fees required under this section for any government entity. The department shall waive all fees required under this section for a certified copy of a birth certificate issued for an unaccompanied homeless youth certified under s. 743.067; for a young adult who is, or was at the time he or she reached 18 years of age, in the custody of the Department of Children and Families; for purposes of an inmate acquiring a state identification card before release pursuant to s. 944.605(7); and for a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and receiving services under s. 985.461.

Section 2. Section 409.1452, Florida Statutes, is amended to read:

409.1452 Collaboration with State University System Board of Governors, Florida College System, and Department of Education to assist children and young adults who have been or are in foster care or are experiencing homelessness; documentation regarding eligibility for tuition and fee exemptions.—The department shall collaborate with the State University System, the Florida College System, and the Department of Education to address the need for a comprehensive support structure in the academic arena to assist children and young adults who have been or remain in the foster care system in making the transition from a structured care system into an independent living setting.

(1)(a) Each school district program, Florida College System institution, or state university at which a student is exempt from the payment of tuition and fees under s. 1009.25 must have, at a minimum, a knowledgeable, accessible, and responsive employee who acts as a liaison and provides assistance to those students who are exempt from the payment of tuition and fees to assist in resolving any problems related to such exemption. The liaisons shall provide such students with on-campus support and must be employees of the program, institution, or university. The name and contact information of the liaison must be:

1. Provided to each student who is exempt from the payment of tuition and fees and who is attending that program, institution, or university.
2. Published on the website of the program, institution, or university.
3. Provided to the department and each community-based care lead agency.

(b) Each school district program, Florida College System institution, and state university must maintain the original documentation submitted by the student regarding his or her eligibility for the tuition and fee exemption under s. 1009.25 and may not make additional requests for such documentation.

~~(2) A school district program, Florida College System institution, or state university may also provide campus coaching services and other support to a student who is exempt from the payment of tuition and fees under s. 1009.25 to promote his or her successful completion of postsecondary education and transition to independent living. Effective July 1, 2013, the Department of Children and Families shall work in collaboration with the Board of Governors, the Florida College System, and the Department of Education to help address the need for a comprehensive support structure in the academic arena to assist children and young adults who have been or continue to remain in the foster care system in making the transition from a structured care system into an independent living setting. The State University System of Florida and the Florida College System shall provide postsecondary educational campus coaching positions that will be integrated into Florida College System institutions' and university institutions' general support services structure to provide current and former foster care children and young adults with dedicated, on-campus support. The Department of Children and Families has the sole discretion to determine which state college or university will offer a campus coaching position, based on departmental demographic data indicating greatest need. These campus coaching positions shall be employees of the selected educational institutions, focused on supporting children and young adults who have been or continue to remain in the foster care system.~~

(3) The Chancellors of the Division of Career and Adult Education, the Florida College System, and the State University System Board of Governors shall report annually to the department of Children and Families specific data, subject to privacy laws, about the students ~~children and young adults~~ served by the campus liaisons ~~coaches~~, including academic progress, retention rates for students enrolled in the program, financial aid requested and received, and information required by the National Youth in Transition Database.

Section 3. Section 409.1454, Florida Statutes, is amended to read:

409.1454 Motor vehicle insurance and driver licenses for children in care and certified unaccompanied homeless youth.—

(1) The Legislature finds that the costs of driver education, licensure and costs incidental to licensure, and motor vehicle insurance for a child in out-of-home care or certain unaccompanied homeless youth certified under s. 743.067 after such child obtains a driver license create an additional barrier to engaging in normal age-appropriate activities and gaining independence and may limit opportunities for obtaining employment and completing

educational goals. The Legislature also finds that the completion of an approved driver education course is necessary to develop safe driving skills.

(2) To the extent that funding is available, the department shall establish a program to pay the cost of driver education, licensure and other costs incidental to licensure, and motor vehicle insurance for a child who has completed a driver education program and who is: children

(a) In out-of-home care; or

(b) Certified under s. 743.067 as an unaccompanied homeless youth and who is a citizen of the United States or legal resident of this state who have successfully completed a driver education program.

(3) If a caregiver, or an individual or not-for-profit entity approved by the caregiver, adds a child to his or her existing insurance policy, the amount paid to the caregiver or approved purchaser may not exceed the increase in cost attributable to the addition of the child to the policy.

(4) Payment ~~must~~ shall be made to eligible recipients in the order of eligibility until available funds are exhausted. If a child determined to be eligible reaches permanency status or turns 18 years of age, the program may pay for that child to complete a driver education program and obtain a driver license for up to 6 months after the date the child reaches permanency status or 6 months after the date the child turns 18 years of age. A child may be eligible to have the costs of and incidental to licensure paid if he or she demonstrates that such costs are creating barriers to obtaining employment or completing educational goals, if the child meets any of the following criteria:

(a) Is continuing in care under s. 39.6251; ~~or who~~

(b) Was in licensed care when the child reached 18 years of age and is currently receiving postsecondary education services and support under s. 409.1451(2); or

(c) Is an unaccompanied homeless youth certified under s. 743.067 who is a citizen of the United States or legal resident of this state and is:

1. Completing secondary education;

2. Employed at least part time;

3. Attending any postsecondary education program at least part time; or

4. Has a disability that precludes full-time work or education; ~~may be eligible to have the costs of licensure and costs incidental to licensure paid if the child demonstrates that such costs are creating barriers for obtaining employment or completing educational goals.~~

(5) The department shall contract with a not-for-profit entity whose mission is to support youth aging out of foster care to develop procedures for operating and administering the program, including, but not limited to:

(a) Determining eligibility, including responsibilities for the child and caregivers.

(b) Developing application and payment forms.

(c) Notifying eligible children, caregivers, group homes, and residential programs, local educational agency liaisons for homeless children and youth, and governmental or nonprofit agencies that provide services to homeless children or youth of the program.

(d) Providing technical assistance to lead agencies, providers, group homes, and residential programs to support removing obstacles that prevent children in foster care from driving.

(e) Publicizing the program, engaging in outreach, and providing incentives to youth participating in the program to encourage the greatest number of eligible children to obtain driver licenses.

Section 4. Section 743.067, Florida Statutes, is amended to read:

743.067 Certified unaccompanied homeless youths.—

(1) DEFINITION.—For purposes of this section, an “unaccompanied homeless youth” is an individual who is 16 years of age or older and is 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.

(2) CERTIFICATION.—An unaccompanied homeless youth may become certified if he or she is:

(a) 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, 42 U.S.C. ss. 11431-11435; or

(b) Believed to qualify as an unaccompanied homeless youth, as that term is defined in the McKinney-Vento Homeless Assistance Act, by:

1. The director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director’s designee;

2. The director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director’s designee; or

3. A continuum of care lead agency, or its designee.

(3)(2) PROOF OF CERTIFICATION.—

(a) The State Office on Homelessness within the Department of Children and Families shall develop a standardized form that must be used by the entities specified in subsection (2) (4) to certify qualifying unaccompanied homeless youth. The front of the form must include the circumstances that qualify the youth; the date the youth was certified; and the name, title, and signature of the certifying individual. This section must be reproduced in its entirety on the back of the form.

(b) A certified unaccompanied homeless youth may use the completed form to:

1. Apply at no charge for an identification card issued by the Department of Highway Safety and Motor Vehicles pursuant to s. 322.051(9).

2. Receive a certified copy of his or her birth certificate at no charge under s. 382.0255.

(c) A health care provider may accept the completed form or the card issued under s. 1001.42 ~~written certificate~~ as proof of the minor's status as a certified unaccompanied homeless youth and may keep a copy of the form or card ~~certificate~~ in the youth's medical file.

(4)(3) REMOVAL OF DISABILITIES OF NONAGE.—A certified unaccompanied homeless youth may:

~~(a)~~ petition the circuit court to have the disabilities of nonage removed under s. 743.015. The youth shall qualify as a person not required to prepay costs and fees as provided in s. 57.081. The court shall advance the cause on the calendar.

(5)(b) MEDICAL AND OTHER CARE.—Notwithstanding s. 394.4625(1), a certified unaccompanied homeless youth may consent to medical care; ~~;~~ dental care; ~~;~~ behavioral health care services, including psychological counseling and treatment, psychiatric treatment, and substance abuse prevention and treatment services; ~~;~~ and surgical diagnosis and treatment, including preventative care and care by a facility licensed under chapter 394, chapter 395, or chapter 397 and any forensic medical examination for the purpose of investigating any felony offense under chapter 784, chapter 787, chapter 794, chapter 800, or chapter 827, for:

~~(a)1.~~ Himself or herself; or

~~(b)2.~~ His or her child, if the certified unaccompanied homeless youth is unmarried, is the parent of the child, and has actual custody of the child.

(6)(4) CONSTRUCTION.—This section does not affect the requirements of s. 390.01114.

Section 5. Present subsection (28) of section 1001.42, Florida Statutes, is redesignated as subsection (29), and a new subsection (28) is added to that section, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(28) UNACCOMPANIED HOMELESS YOUTH.—Provide to each student who is an unaccompanied homeless youth certified under s. 743.067 a card that includes information on the rights and benefits for such youth, as well as the contact information for the school district’s liaison for homeless children and youths. The card must be similar in size to the student identification card issued to students in the district and include all of the following information:

(a) On the front of the card, the following information from the standardized form developed by the Department of Children and Families under s. 743.067(3):

1. The circumstances that qualify the youth.
2. The date the youth was certified.
3. The name, title, and signature of the certifying individual.

(b) On the back of the card, the following statement:

Section 743.067, Florida Statutes, provides that this certified youth may consent to medical care; dental care; behavioral health care services, including psychological counseling and treatment, psychiatric treatment, and substance abuse prevention and treatment services; and surgical diagnosis and treatment, including preventative care and care by a facility licensed under chapter 394, chapter 395, or chapter 397 and any forensic medical examination for the purpose of investigating any felony offense under chapter 784, chapter 787, chapter 794, chapter 800, or chapter 827, for himself or herself or his or her child, if the certified youth is unmarried, is the parent of the child, and has actual custody of the child.

Section 6. Subsection (12) of section 1003.01, Florida Statutes, is amended, and subsection (17) is added to that section, 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; or 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).

(17) “Certified unaccompanied homeless youth” means a youth certified as an unaccompanied homeless youth pursuant to s. 743.067.

Section 7. Paragraph (f) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(f) A student who meets the definition of homeless children and youths in s. 725 of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. s. 11434a(2) lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This includes a student who would otherwise meet the requirements of this paragraph, as determined by a college or university, but for his or her residence in college or university dormitory housing. The State Board of Education may adopt rules and the Board of Governors may adopt regulations regarding documentation and procedures to implement this paragraph. Such rules and regulations must consider documentation of a student’s circumstance to be adequate if such documentation meets the standards under 20 U.S.C. s. 1087uu-2(a). Any student who is determined to be a homeless child or youth for a preceding award year is presumed to be a homeless child or youth for each subsequent year unless the student informs the institution that the student’s circumstances have changed or the institution has specific conflicting information about the student’s independence, and has informed the student of this information.

Section 8. (1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study to evaluate the effectiveness of campus liaisons provided pursuant to s. 409.1452, Florida Statutes, and of local school districts' delivery of benefits and services required under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431-11435. The study's scope must include, but need not be limited to:

(a) 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.

(b) Local school districts' delivery of benefits and services to unaccompanied homeless youth eligible for services under s. 743.067, Florida Statutes, and the McKinney-Vento Homeless Assistance Act and school districts' adherence to provisions of the act, such as the:

1. Ability for an unaccompanied homeless youth to remain in his or her school of origin for the duration of the period the youth is experiencing homelessness and until the end of an academic year in which the youth obtains permanent housing, if remaining in the school of origin is determined to be in the youth's best interest.

2. Extent to which school district liaisons make best interest determinations by considering specific student-centered factors when determining the best school for an unaccompanied homeless youth.

3. Ability of unaccompanied homeless youth to receive transportation to the school of origin from the applicable school district.

4. Prompt enrollment of an unaccompanied homeless youth in a school or classes while the school of origin arranges for the transfer of school and immunization records and other required enrollment documents to ensure compliance with s. 1003.21(1)(f), Florida Statutes.

5. Ability of an unaccompanied homeless youth to participate in all available education programs and extracurricular activities and receive any school services for which the youth meets all relevant eligibility criteria.

(2) The study must include recommendations for any changes needed to:

(a) Ensure all eligible children and young adults who seek such support receive services.

(b) Improve the outcomes of children and young adults who receive services and benefits from campus liaisons or under the McKinney-Vento Homeless Assistance Act.

(c) 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.

(3) In conducting the study, OPPAGA shall consult with the Department of Children and Families, 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 the assistance of a liaison.

(4) OPPAGA shall submit a report on its findings to the President of the Senate and the Speaker of the House of Representatives by December 1, 2022.

Section 9. This act shall take effect July 1, 2022.

Approved by the Governor April 6, 2022.

Filed in Office Secretary of State April 6, 2022.