

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Fiscal Policy

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BILL: SB 558

INTRODUCER: Senator Rouson

SUBJECT: Homeless Service Professionals

DATE: February 20, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	<b>Favorable</b>
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	<b>Favorable</b>
3.	<u>Rao</u>	<u>Yeatman</u>	<u>FP</u>	<b>Favorable</b>

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**I. Summary:**

SB 558 aims to address the ongoing shortage of professionals in the field of homeless services by creating a process for former homeless individuals to become certified as a “person with lived experience” to provide support services to individuals who are currently experiencing homelessness. The bill requires an individual seeking certification to complete a background screening.

The bill requires a Continuum of Care lead agency (CoC) serving the homeless to provide documentation of the homeless services an individual received from the CoC to the Department of Children and Families (DCF) when requesting a background check of the applicant.

The bill further requires the DCF to ensure an adequate background screening of an applicant. The bill makes an applicant ineligible for certification under certain circumstances.

The bill has an insignificant, indeterminate negative fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Homelessness**

Homelessness is defined in several ways, but a person is commonly considered homeless if he or she stays in a homeless shelter, lives in transitional housing, or sleeps in a place not meant for

human habitation.<sup>1</sup> To receive federally funded homelessness services, a person is considered homeless if he or she:<sup>2</sup>

- Is living in a place not meant for human habitation, in emergency shelter, in transitional housing, or exiting an institution where they temporarily resided.<sup>3</sup>
- Will imminently lose a primary nighttime residence within 14 days and lacks resources or support networks to remain in permanent housing.<sup>4</sup>
- Is part of a family with children or an unaccompanied youth who is unstably housed and likely to continue in that state.
- Is fleeing or attempting to flee from domestic violence, has no other residence, and lacks the resources or support networks to obtain permanent housing.

Annually, the United States Department of Housing and Urban Development (HUD) releases what is known as a point-in-time snapshot (PIT) or a count of the number of individuals who experience homeless on a single night.<sup>5</sup> Based on the 2023 PIT, roughly 653,100 people in America experienced homelessness on a single night.<sup>6</sup> Sixty percent experienced sheltered homelessness (i.e., living in emergency shelter, transitional housing, or a safe haven program) whereas 40 percent were unsheltered.<sup>7</sup> From 2022 to 2023, the number of individuals experiencing homelessness increased by 12 percent, or roughly 70,650 additional individuals.<sup>8</sup> This is the highest PIT count of persons experiencing homelessness since reporting began in 2007.<sup>9</sup>

In a 2023 PIT count of Florida's homeless population, an estimated 30,809 individuals were experiencing homelessness, with 15,706 considered unsheltered homeless (i.e., living outside in a car, park, or another place not meant for human habitation).<sup>10</sup> The 2023 PIT count represents a 34 percent increase from the 11,746 individuals who were experiencing homelessness in 2022.<sup>11</sup> Additionally, the highest number of individuals who experienced homelessness in 2023 were persons aged 55-64, totaling 5,861.<sup>12</sup>

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<sup>1</sup> Center for Disease Control and Prevention, *About Homelessness*, available at: <https://www.cdc.gov/orr/science/homelessness/about.html> (last visited Jan. 3, 2024).

<sup>2</sup> 24 C.F.R. 578.3

<sup>3</sup> This includes a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; a supervised publicly or privately operated shelter designed to provide temporary living arrangement; or exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

<sup>4</sup> Provided that the primary nighttime residence will be lost within 14 days of the date of application for homeless assistance; no subsequent residence has been identified; and the individual lacks the resources or support networks.

<sup>5</sup> U.S. Department of Housing and Urban Development, *The 2023 Annual Homelessness Assessment Report (AHAR) to Congress*, available at: (last visited Jan. 2, 2024).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Florida Department of Children and Families, Florida's Council on Homelessness, *2023 Annual Report*, available at: <https://www.myflfamilies.com/sites/default/files/2023-07/Florida%27s%20Council%20On%20Homelessness%20Annual%20Report%202023.pdf> (last visited Jan. 2, 2024).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

Being homeless causes negative effects on an individual's physical and mental health.<sup>13</sup> Homeless individuals have higher rates of mortality, mental illness, communicable diseases, sexually transmitted diseases, and substance abuse.<sup>14</sup> Both federal and state services and programs provide support to homeless individuals that attempt to address the associated effects of homelessness.<sup>15</sup>

### ***Federal – U.S. Department of Housing and Urban Development***

In recent years, the federal government has recognized the benefit of working with individuals with lived experiences because such individuals can contribute insight from their personal experience and better inform public policy. Engaging individuals with lived experiences in policy considerations can also help policymakers better understand vulnerable populations and how to best serve them by learning and determining unintended consequences of current or proposed policy and how it can be adjusted to better benefit the public.<sup>16</sup>

The United States Department of Housing and Urban Development (HUD) is responsible for implementing national policies that address the nation's homelessness and housing needs.<sup>17</sup> HUD administers programs, such as subsidized housing for low-income families and services for individuals experiencing homelessness.<sup>18</sup>

HUD prioritizes working with people who have received supports and services from HUD (lived experience) to better inform policy and achieve housing justice.<sup>19</sup> HUD utilizes the knowledge and information provided by its customers to create effective policy and programs.<sup>20</sup> For example, HUD has involved persons with lived experience in developed training materials, policy, and other resources for providers who serve homeless populations.<sup>21</sup>

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<sup>13</sup> Jessica Richards, Randall Kuhn, *Unsheltered Homelessness and Health: A Literature Review*, <https://doi.org/10.1016/j.focus.2022.100043> (last visited Jan. 2, 2024).

<sup>14</sup> *Id.*

<sup>15</sup> U.S. Department of Health and Human Services, *Homelessness*, available at: <https://www.hhs.gov/programs/social-services/homelessness/index.html> (last visited 1/02/24).

<sup>16</sup> U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, *Methods and Emerging Strategies to Engage People with Lived Experience*, available at: <https://aspe.hhs.gov/sites/default/files/documents/47f62cae96710d1fa13b0f590f2d1b03/lived-experience-brief.pdf> (last visited Dec. 14, 2023).

<sup>17</sup> U.S. Department of Housing and Urban Development, *Questions and Answers about HUD*, available at: <https://www.hud.gov/about/qaintro> (last visited Dec. 28, 2023).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> U.S. Department of Housing & Urban Development, *Fiscal Year 2022-2026 Strategic Plan*, available at: <https://www.hud.gov/sites/dfiles/CFO/documents/FY2022-2026HUDStrategicPlan.pdf> (last visited Dec. 24, 2023).

<sup>21</sup> U.S. Department of Housing and Urban Development, HUD Exchange, *Centering Lived Experience*, available at: <https://www.hudexchange.info/programs/coc/centering-lived-experience/> (last visited Jan. 4, 2024); U.S. Department of Housing and Urban Development, HUD Exchange, *CoC Program Special NOFO Digest: Inclusion of People with Lived Experience and Expertise of Homelessness*, available at: <https://www.hudexchange.info/programs/e-snaps/coc-supplemental-nofo-to-address-unsheltered-rural-homelessness/coc-program-special-nofo-digest-inclusion-of-people-with-lived-experience-and-expertise-of-homelessness/> (last visited Jan. 4, 2024).

## *Florida*

### State Office on Homelessness

The State Office on Homelessness (State Office) within the Department of Children and Families (DCF) was created in 2001 as a central point of contact within state government on homelessness.<sup>22</sup> Section 420.622, F.S., requires the State Office to coordinate resources and programs across all levels of government and with private providers that serve the homeless pursuant to policies set by the Council on Homelessness and available funding.<sup>23</sup>

The inter-agency Council on Homelessness (Council) is a 19-member council<sup>24</sup> required to develop policy and advise the State Office on how to reduce homelessness statewide. The Council is statutorily required to submit an annual report to the Governor, Legislature, and the DCF's Secretary that summarizes the extent of homelessness in Florida and recommendations for ending homelessness.<sup>25</sup>

The Council's 2023 report recognized the strong investments made during the 2023 Legislative session that increased funding for affordable housing and recommended a holistic approach to homelessness prevention by coordinating between government, nonprofits, and communities to implement comprehensive strategies to address underlying causes of homelessness.<sup>26</sup>

### Continuums of Care

Continuums of Care (CoC) groups organize to coordinate, plan, and pursue ending homelessness in designated areas throughout Florida.<sup>27</sup> Section 420.621(1), F.S., requires CoCs to be composed of representatives from certain organizations, including, but not limited to:

- Nonprofit homeless providers,
- Victim services providers,

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<sup>22</sup> Ch. 2001-98, Laws of Fla.

<sup>23</sup> Section 420.622(3), F.S.

<sup>24</sup> The individuals and agencies included in the Council of Homelessness are: the Secretary of Children and Families, or his or her designee; the Secretary of Economic Opportunity, or his or her designee, who shall 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 Executive Director of CareerSource Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative of the Florida League of Cities; one representative of the Florida Supportive Housing Coalition; one representative of the Florida 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; the secretary of the Department of Elder Affairs, or his or her designee; and four members appointed by the Governor.

<sup>25</sup> Section 420.622, F.S.

<sup>26</sup> The Department of Children and Families, *Florida's Council on Homelessness Annual Report*, available at: <https://www.myflfamilies.com/sites/default/files/2023-07/Florida%27s%20Council%20On%20Homelessness%20Annual%20Report%202023.pdf> (last visited Jan. 3, 2024).

<sup>27</sup> Section 420.621, F.S. The Office of Economic Self-Sufficiency (Office) within the Department of Children and Families employs a Continuum of Care (CoC) model to provide services for individuals experiencing homelessness. Local CoCs are organizations composed of representatives of nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, etc. The Office designates local CoC entities to serve as lead agencies for homeless services throughout Florida. The DCF, *Homelessness*, available at: <https://www.myflfamilies.com/services/public-assistance/homelessness> (last visited Dec. 28, 2023).

- Faith-based organizations,
- Governments,
- Businesses,
- Advocates,
- Public housing agencies,
- School districts,
- Social service providers,
- Mental health agencies,
- Hospitals,
- Universities,
- Affordable housing developers,
- Law enforcement, and
- Organizations that serve homeless and formerly homeless persons.<sup>28</sup>

The purpose of a CoC is to coordinate community efforts to prevent and end homelessness in a catchment area designated by the State Office. Florida’s designated catchment areas must be consistent with the CoC catchment areas recognized by HUD for the purpose of awarding federal homeless assistance grant funding.<sup>29</sup> The State Office recognizes one CoC lead agency for each designated catchment area.<sup>30</sup>

The following table lists Florida's CoC lead agencies and the counties served by each.<sup>31</sup>

CoC Lead Agency	Counties Served
Opening Doors of NWFL	Escambia and Santa Rosa
Homelessness & Housing Alliance	Okaloosa and Walton
Doorways of Northwest Florida	Bay, Calhoun, Gulf, Holmes, Jackson, and Washington
Big Bend Continuum of Care	Franklin, Gadsen, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla
United Way of Suwannee Valley	Columbia, Hamilton, Lafayette, and Suwannee
United Way of North Central Florida	Alachua, Bradford, Gilchrist, Levy, and Putnam
Changing Homelessness	Clay, Duval, and Nassau
Volusia/Flagler Coalition for the Homeless	Flagler and Volusia
Flagler Hospital – St. Augustine	St. Johns
Ocala/Marion Joint Office on Homelessness	Marion
Mid Florida Homeless Coalition	Citrus, Hernando, Lake, and Sumter
Coalition for the Homeless of Pasco County	Pasco

<sup>28</sup> Section 420.621(1), F.S.

<sup>29</sup> Section 420.6225(3), F.S.

<sup>30</sup> Section 420.6225(4), F.S.

<sup>31</sup> Florida Department of Children and Families, *Continuums of Care and Local Providers of Service*, available at: <https://www.myflfamilies.com/continuums-care-and-local-providers-service> (last visited Jan. 6, 2024).

CoC Lead Agency	Counties Served
Homeless Services Network of Central Florida	Orange, Osceola, and Seminole
Tampa Hillsborough Homeless Initiative	Hillsborough
Homeless Coalition of Polk County	Polk
Brevard Homeless Coalition	Brevard
Treasure Coast Homeless Services Council	Indian River, Martin, and St Lucie
Heartland Coalition for the Homeless	DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee
Big Bend Continuum of Care	Marion
United Way of North Central Florida	Pasco
Gulf Coast Partnership	Charlotte
Lee County Human & Veteran Services	Lee
Hunter & Homeless Coalition of Collier County	Collier
Palm Beach County Human & Veteran Services	Palm Beach
Broward Homeless Initiative Partnership	Broward
Monroe County Homeless Services Continuum of Care	Monroe
Miami-Dade County Homeless Trust	Miami-Dade
Manatee-Sarasota Suncoast Partnership	Manatee and Sarasota

Each CoC must create a continuum of care plan to implement an effective and efficient housing crisis response system to prevent and end homelessness in its designated catchment area. A continuum of care plan must include all of the following:<sup>32</sup>

- Outreach to unsheltered individuals and families to link them with appropriate housing interventions.
- A coordinated entry system that is compliant with federal requirements and is designed to coordinate intake, utilize common assessment tools, prioritize households for housing interventions, and refer households to the appropriate housing intervention.
- Emergency shelter, designed to provide safe temporary shelter while the household is in the process of obtaining permanent housing.
- Supportive services, designed to maximize housing stability once the household is in permanent housing.
- Permanent supportive housing, designed to provide long-term affordable housing and support services to persons with disabilities who are moving out of homelessness.
- Rapid ReHousing, as specified in s. 420.6265, F.S.
- Permanent housing, including links to affordable housing, subsidized housing, long-term rental assistance, housing vouchers, and mainstream private sector housing.
- An ongoing planning mechanism to end homelessness for all subpopulations of persons experiencing homelessness.

<sup>32</sup> Section 420.6225(5), F.S.

The CoCs receive state and federal funding through the DCF. State funding is authorized for challenge grants<sup>33</sup> and staffing grants through the General Appropriations Act. Staffing grant funds are disseminated evenly among the CoCs to assist with their operating and staffing costs and to help build capacity to coordinate care, carry out continuum planning and develop local and federal funding opportunities to end homelessness.

There are two main federal programs which distribute federal homelessness grant funding: the Emergency Solutions Grants (ESG) program and the Continuum of Care (CoC) program. The ESG program distributes grant funds primarily for emergency sheltering of the homeless. The CoC program distributes grant funds to assist with the longer-term housing and service needs of the homeless.

### **Background Screening and Disqualifying Offenses for Employment**

Florida law requires background screening of certain prospective employees to ensure the protection of vulnerable persons.<sup>34</sup> Every person required by law to be screened pursuant to ch. 435, F.S., must submit a complete set of information necessary to conduct a background screening to his or her employer.<sup>35</sup>

Chapter 435, F.S., outlines the required background screening requirements. There are two levels of background screening that may be required by law:

- Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website.<sup>36</sup> It may also include criminal records checks through local law enforcement agencies.
- Level 2 background screening includes, at a minimum, fingerprinting for statewide criminal history records checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation. It may also include local criminal records checks through local law enforcement agencies.<sup>37</sup>

For both screening levels, an employer must submit the necessary screening information to the FDLE within five working days after receiving it.<sup>38</sup> The FDLE then performs a state and federal criminal history record check for any disqualifying offenses.<sup>39</sup> If an individual has a disqualifying offense, he or she is disqualified from employment unless an exemption is received.

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<sup>33</sup> Section 420.624 (6), F.S.

<sup>34</sup> Chapter 435, F.S.

<sup>35</sup> Section 435.05(1)(a), F.S.

<sup>36</sup> The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. See U.S. Department of Justice, Dru Sjodin, National Sex Offender Public Website, available at: <https://www.nsopw.gov/> (last visited on Jan. 6, 2024).

<sup>37</sup> Section 435.04, F.S.

<sup>38</sup> Section 435.05(1)(b)-(c), F.S.

<sup>39</sup> *Id.*

The screening employer<sup>40</sup> ensures that the applicant has good moral character by reviewing the completed background screening and checking for disqualifying offenses. An applicant is disqualified from employment if he or she has been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for, any of the following 52 offenses under Florida law, or similar law of another jurisdiction:<sup>41</sup>

- Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section 415.111, F.S., relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section 777.04, F.S., relating to attempts, solicitation, and conspiracy to commit an offense listed in s. 435.04(2), F.S.
- Section 782.04, F.S., relating to murder.
- Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section 782.071, F.S., relating to vehicular homicide.
- Section 782.09, F.S., relating to killing of an unborn child by injury to the mother.
- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 784.011, F.S., relating to assault, if the victim of the offense was a minor.
- Section 784.03, F.S., relating to battery, if the victim of the offense was a minor.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.
- Section 787.04(2), F.S., relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Chapter 796, F.S., relating to prostitution.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure.

<sup>40</sup> Section 435.02(3), F.S., defines employer as any person or entity required by law to conduct screenings of employees pursuant to Ch. 435, F.S.

<sup>41</sup> Section 435.04(2), F.S.



- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary.
- Section 810.14, F.S., relating to voyeurism, if the offense is a felony.
- Section 810.145, F.S., relating to video voyeurism, if the offense is a felony.
- Chapter 812, F.S., relating to theft, robbery, and related crimes, if the offense is a felony.
- Section 817.563, F.S., relating to fraudulent sale of controlled substances, only if the offense was a felony.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section 825.103, F.S., relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.
- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer of means of protection or communication.
- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter 847, F.S., relating to obscene literature.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.
- Chapter 893, F.S., relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional facility.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to contraband introduced into detention facilities.

### ***Exemption from Disqualification***

If an individual is disqualified due to one or more of the disqualifying offenses listed above, s. 435.07, F.S., allows the DCF to exempt the applicant from an employment disqualification under certain circumstances:<sup>42</sup>

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<sup>42</sup> Section 435.07(1), F.S.

- Three years have elapsed since the individual has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a disqualifying felony; or
- The applicant has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by a court for a misdemeanor or an offense that was a felony at the time of commission but is now a misdemeanor.

Receiving an exemption allows an individual to be employed despite the disqualifying offense. However, an individual who is considered a sexual predator,<sup>43</sup> career offender,<sup>44</sup> or registered sexual offender<sup>45</sup> cannot be exempted from a disqualification.<sup>46</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 420.621, F.S., to define a “person with lived experience” to conform with changes made by the bill that creates a process for an individual who has experienced homelessness to seek certification as a person with lived experience and provide support to individuals currently experiencing homelessness.

**Section 2** creates s. 420.6241, F.S., to allow a former homeless individual to seek certification as a person with lived experience and provide homeless services to an individual currently experiencing homelessness.

The bill makes legislative findings that persons who have experienced homelessness can provide effective support services to a person currently experiencing homelessness because of their shared experiences. Currently, such persons may be prevented from providing services because of their criminal history.

The bill allows a former homeless individual to seek certification as a person with lived experience if that person received homeless services from a Continuum of Care lead agency (CoC). The bill requires the CoC that served the individual to include documentation to the Department of Children and Families (DCF) of the homeless services provided to the individual when requesting a background check of the applicant.

The bill creates background screening requirements for applicant’s seeking certification and requires the DCF to ensure an applicant’s background screening follows these requirements. Specifically, the background screening must ensure the applicant has not been arrested for and is awaiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent and the record has not been sealed or expunged for:

- Any felony during the previous 3 years.
- Any offense prohibited under any of the following laws of Florida or similar laws of another jurisdiction:

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<sup>43</sup> Section 775.21, F.S.

<sup>44</sup> Section 775.261, F.S.

<sup>45</sup> Section 943.0435, F.S.

<sup>46</sup> Section 435.07(4)(b), F.S.

- Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section 409.920, F.S., relating to Medicaid provider fraud, if the offense was a felony of the first or second degree.
- Section 415.111, F.S., relating to abuse, neglect, or exploitation of vulnerable adults.
- Any offense that constitutes domestic violence as defined in s. 741.28.
- Section 777.04, F.S., relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.
- Section 782.04, F.S., relating to murder.
- Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or a disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
- Section 782.071, F.S., relating to vehicular homicide.
- Section 782.09, F.S., relating to killing an unborn child by injury to the mother.
- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.
- Section 787.04(2), F.S., relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to leading, taking, enticing, or removing a minor beyond state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Section 794.08, F.S., relating to female genital mutilation.
- Section 796.07, F.S., relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s.943.0583.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure.
- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary, if the offense was a felony of the first degree.
- Section 810.14, F.S., relating to voyeurism, if the offense was a felony.
- Section 810.145, F.S., relating to video voyeurism, if the offense was a felony.
- Section 812.13, F.S., relating to robbery.
- Section 812.131, F.S., relating to robbery by sudden snatching.

- Section 812.133, F.S., relating to carjacking.
- Section 812.135, F.S., relating to home-invasion robbery.
- Section 817.034, F.S., relating to communications fraud, if the offense was a felony of the first degree.
- Section 817.234, F.S., relating to false and fraudulent insurance claims, if the offense was a felony of the first or second degree.
- Section 817.50, F.S., relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.
- Section 817.505, F.S., relating to patient brokering.
- Section 817.568, F.S., relating to fraudulent use of personal identification, if the offense was a felony of the first or second degree.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.
- Section 825.103, F.S., relating to exploitation of an elderly person or a disabled adult, if the offense was a felony.
- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.
- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.
- Section 831.30, F.S., relating to fraud in obtaining medicinal drugs.
- Section 831.31, F.S., relating to the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.
- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates of correctional institutions.
- Chapter 847, F.S., relating to obscenity.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.
- Chapter 893, F.S., relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.
- Section 895.03, F.S., relating to racketeering and collection of unlawful debts.
- Section 896.101, F.S., relating to the Florida Money Laundering Act.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate, resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional institution.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to introduction of contraband into a detention facility.

The bill allows an applicant that is disqualified due to any of the listed offenses above to apply to the DCF for an exemption pursuant to s. 435.07, F.S. The bill requires the DCF to accept or reject the exemption within 90 days after receiving the application.

**Section 3** provides an effective date of July 1, 2024.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have an insignificant negative fiscal impact on state government due to the potential increase in background screenings being conducted, and exemptions from disqualifications requested. The cost of the background screenings can be absorbed by the Continuum of Care lead agency and the Department of Children and Families.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 420. 621 of the Florida Statutes.

This bill creates section 420.6241 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.