

## Florida Homelessness Solutions

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### Policy Proposal 1: Increase Access to Involuntary Treatment Options

**Problem:** More than 3 out of every 4 unsheltered people suffer from substantial mental illness. But Florida has limited solutions to compel debilitatingly ill individuals into treatment.

- According to the Treatment Advocacy Center, the premier national advocate for psychiatric treatment, the state received a D grade in its 50-state report on commitment standards, ranking Florida 39th in the nation.
- One problem is that the state has no “psychiatric deterioration” standard. This means the state cannot help people until they are already severely mentally ill.
- Additionally, Florida is one of only four states that requires family or friends to refuse to help their loved ones for them to be eligible for some types of commitment
- Florida allows only professionals to petition for inpatient or outpatient commitment, rather than any responsible adult who is familiar with an individual’s behavior and needs.
- Florida, at 90 days, is one of only five states that allow for continued assisted outpatient treatment orders of less than 180 days, the recommended minimum.

**Solution:** Reform involuntary treatment options for those suffering from debilitating mental illness

- Add a psychiatric deterioration standard
  - Florida Title XXIX 394.467 (1) CRITERIA.—A person may be ordered for involuntary inpatient placement for treatment upon a finding of the court by clear and convincing evidence that:
    - (a) He or she has a mental illness and because of his or her mental illness:
      - 1.a. He or she has refused voluntary inpatient placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of inpatient placement for treatment; or
      - b. He or she is unable to determine for himself or herself whether inpatient placement is necessary; and

2.a. He or she is incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; or

b. There is substantial likelihood that in the near future he or she will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; ~~and~~ or

c. He or she has demonstrated a progressive, substantial impairment or decline of mental functioning that is likely to continue; and

(b) All available less restrictive treatment alternatives that would offer an opportunity for improvement of his or her condition have been judged to be inappropriate.

- Remove requirements for families to refuse care before allowing involuntary treatment.
  - Florida Title XXIX 394.467 (1)(a)(2.a.): “He or she is incapable of surviving alone ~~or with the help of willing and responsible family or friends~~, including available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being;”
- Allow an interested person to petition for an individual to receive inpatient or outpatient commitment. Petitions are still subject to processes that protect individuals from undue intervention.
  - Florida Title XXIX 394.4655 (4)(a): “A petition for involuntary outpatient services may be filed by:
    1. The administrator of a receiving facility; ~~or~~
    2. The administrator of a treatment facility; ~~or~~
    3. An interested person.Interested person defined as an adult who has a specific interest in the patient or proposed patient, including but not limited to a law enforcement officer or other public official; a health care or mental health provider or the provider's employee or agent; the legal guardian, spouse, parent, legal counsel, adult child, or next of kin; or other person designated by the patient or proposed patient.
- Increase the minimum duration of assisted outpatient treatment orders from 90 days to 180 days.

- Florida Title XXIX 394.4655 (7)(b)1. “If the court concludes that the patient meets the criteria for involuntary outpatient services pursuant to subsection (2), the court shall issue an order for involuntary outpatient services. The court order shall be for a period of up to ~~90~~-180 days. The order must specify the nature and extent of the patient’s mental illness. The order of the court and the treatment plan must be made part of the patient’s clinical record. The service provider shall discharge a patient from involuntary outpatient services when the order expires or any time the patient no longer meets the criteria for involuntary placement. Upon discharge, the service provider shall send a certificate of discharge to the court.”

## Policy Proposal 2: Align State Homelessness Grants with Treatment, Transitional Shelter, and Sanctioned Camping

**Problem:** Non-profits use \$25 million of Florida’s state homelessness grants to support a narrow set of expensive, anti-treatment Housing First programs, permitting rampant drug abuse and stifling program innovation.

- Unlike most states, Florida provides \$5 million in direct administrative support to Continuums of Care (CoC), the local groups that administer and prioritize federal homeless funding, through its “staffing” grants. Florida allocated \$5,205,056 to Homeless Housing Assistance Grants program in 2023, a \$2,205,056 increase in recurring funding. These funds will go to CoCs. See Specific Appropriation 352.
- Florida allocated \$20,016,822 in Challenge Grants that can be used by CoCs in 2023, a \$16,835,322 increase in recurring funding. See Specific Appropriation 350.

**Solution:** Florida can reform its existing grants allocations in Specific Allocations 350 and 352 by prohibiting their use for Housing First and anti-treatment programs. Instead, their use can be limited to support more innovative and recovery-oriented programs, such as mental health and substance abuse treatment, short-term and transitional shelters, and sanctioned camping sites.

- Staffing/Homeless Housing Assistance Grants—staffing grants can be used to push the CoCs in a recovery-oriented direction. These grants can be conditioned on how the CoCs assist with transitional and recovery housing services, or services that condition occupancy on housing on sobriety or mental health treatment. These services fall outside of current federal priorities.
- Challenge Grants—challenge grants can be used to encourage CoCs and municipalities to focus on immediately creating alternatives for the unsheltered population.
  - For cities that are concerned about creating safe locations after enforcing bans against camping, “challenge” grants can be used to set up sanctioned camping sites, safe parking areas, and tiny home villages in weeks or months with minimal up-front funds.

- Sanctioned camping and safe parking areas allow the homeless to bring in their own tents, cars, or possessions, and thus require only basic infrastructure and security, while some tiny homes can be secured for less than \$5,000 a unit. These locations can provide the safety and services the homeless need in one spot and will allow cities to end dangerous unauthorized camps.

### Examples from Other States

- Arizona recently [passed legislation](#) that would direct over \$100 million to treatment, shelter expansion, and other immediate interventions and grants that are conditioned on measurable reductions in homelessness.

## Policy Proposal 3: Align State Prison Funding with Homelessness Prevention and Accountable Outcomes

**Problem:** Studies show that roughly 8 in 10 homeless people have been incarcerated, with approximately 20 percent incarcerated immediately prior to becoming homeless.

**Solution:** Funding for correctional programs in Specific Allocations 741 and 748 should include housing preparedness programs and be designed to reward successful outcomes with additional funding.

- Florida allocated \$26.2 million using funds from the Inmate Welfare Trust Fund for inmate education and employment preparedness, and transitional programming. These programs should explicitly include housing preparedness and other strategies that can prevent people from becoming homeless after prison.
- All prison programs, but especially those that use external contractors or grantees, should have accountable, outcome-based funding structures wherein programs earn more funding when they are successful at achieving clear ultimate outcomes like stable employment, stable housing, and reduced recidivism.

## Policy Proposal 4: Deploy Federal Funds for Treatment, Transitional Shelter, and Sanctioned Camping

**Problem:** Florida spends millions of dollars in federally-provided funds on ineffective homelessness programs and potentially dangerous programs that are not recovery-oriented.

- Last year, the state spent more than \$65 million in federal Emergency Solutions Grants allocated from the coronavirus stimulus funds.
- Coronavirus State and Local Fiscal Recovery Funds (FRF) may be used for various affordable housing uses including development of affordable housing and permanent supportive housing, rental assistance, and mortgage assistance. Governmental entities receiving FRF funds have discretion in how those funds may be used to meet local needs.
- The state will be able to spend tens of millions more due to ongoing stimulus funds from the federal government.

**Solution:** The state can also ensure that of the incoming stimulus funds, none is used for permanent supportive housing and non-recovery-oriented treatment programs.

- The federal government offered several options for the use of such funds, and the state can mandate that they be spent on tiny homes for the unsheltered, services, and short-term housing assistance.
- Specific Allocations 354 (grants to shelters and Housing First), 365a (grants and aid to local government for shelters and Housing First), and 383 (COVID-19 Public Assistance for treatment services) should be reformed to prohibit use of state funds or federal funds not explicitly earmarked for Housing First from being used for permanent supportive housing or harm-reduction-oriented treatment. Instead, all applicable funds should be limited to use for recovery-oriented treatment, transitional shelter, or sanctioned camping.

## Policy Proposal 5: Remove Hazardous Unsanctioned Camps on State Land

**Problem:** Unsheltered people build hazardous camps in state parks and highways and refuse temporary shelter and treatment programs.

**Solution:** Florida can use its existing authority over state parks and highways to pass a law that forbids unauthorized camping on state land. State officials can then remove tent camps and encourage the homeless to move into temporary shelter and treatment programs.

- **Florida Title XLVI 810.091 (1) Trespass on State Lands for Unauthorized Shelter**

No person shall be permitted to use state or local government-owned lands for unauthorized sleeping, camping, or long-term shelters. Any violation of this subsection shall be a misdemeanor of the second degree, punishable as provided in s. 775.083; however, for the first offense such an individual shall be given a warning, and no citation shall be issued unless that individual refuses to move to any offered services or shelter. Upon repeated offense and refusal of services or shelter, an individual may be subject to petition for involuntary treatment under s. 394.467, if applicable, or a misdemeanor of the second degree, punishable as provided in s. 775.082.

## Policy Proposal 6: Compel Cities to Enforce Camping Bans and Pedestrian Safety

**Problem:** Many cities do not properly enforce their unsanctioned camping bans, allowing hazardous camps to grow in commercial and residential areas and individuals to refuse temporary shelter and treatment programs. Florida has approximately [10,623 unsheltered individuals](#) living in the state, while it has approximately [8,157 vacant shelter and transitional housing beds](#) available. Moreover, many cities allow individuals to harass and aggressively panhandle for money from pedestrians and passersby with impunity. Permitting this sort of behavior compromises public safety and further enables individuals in need to refuse treatment and more effective and accountable poverty interventions.

**Solution:** the legislature can empower the Attorney General to bring civil action against localities that allow street camps and aggressive panhandling. Texas set a national example for this kind of policy with

HB 1925.25 As Austin, Texas's experience showed, cities not currently seeing major problems are only one progressive mayor away from copying San Francisco's failed policies.

- **Florida Title XII 166.0453 Ordinances Related to Unauthorized Public Camping**

- (1) A municipality shall not adopt or enforce any ordinance that permits unauthorized public camping, sleeping, or obstruction of sidewalks.
- (2) A municipality shall not adopt or enforce any written policy under which the municipality prohibits the enforcement of any order or ordinance prohibiting unauthorized public camping, sleeping, or obstruction of sidewalks.
- (3) The provisions of this section shall not be construed to prohibit a municipality or county from adopting a policy that encourages diversion programs or that offers the provision of services in lieu of citation or arrest.
- (4) The Attorney General shall be authorized to bring a civil action in any court of competent jurisdiction against any municipality to enjoin a violation of this section. The Attorney General may recover reasonable expenses incurred in any successful civil action brought pursuant to this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

#### Examples from Other States

- Colorado Springs reduced street camping by [71 percent](#) in the first seven months of its camping ban in 2010.
- Austin, Texas has seen the unsheltered homeless population in its downtown area [drop by one-third](#) following the reinstatement of its camping ban in 2021. According to federally mandated point-in-time data, the current homeless population in Austin has declined by 5 percent compared to 2020, consisting of 19 percent more people seeking formal shelter and 20 percent fewer people unsheltered.
- Georgia recently [passed legislation](#) that compels municipalities to enforce camping bans. In doing so, the state's [5,245 unsheltered individuals](#) will be directed to the [3,818 vacant shelter beds](#) that are currently available, as well as additional temporary options like sanctioned camping facilities.
- Missouri's legislation that compels municipalities to enforce camping bans went into effect earlier this year, but its effect on the unsheltered population has not yet been analyzed. What is known, however, is that there are [6,000 shelter beds available](#) for a total statewide homeless population of approximately [4,800 individuals](#).
- Utah's legislature passed a [state law](#) compelling municipalities to enforce their camping bans in 2023. In doing so, the state's [780 unsheltered individuals](#) will be directed to the approximately [1,060 available](#) emergency shelter and transitional housing beds that are currently unfilled.

## Conclusion

The Cicero Institute is committed to bringing humanity, dignity, and safety to the streets of America's cities. The above policies reflect our commitment to policies that show compassion through their effectiveness as means to improving the lives of those affected by homelessness, rather than through well-intentioned paralysis

of action. Our team is at your disposal in effectuating positive change for homeless Floridians and the communities most heavily impacted by this worsening crisis.

Thank you for your consideration. Please reach out if you have questions.