

By the Committee on Children and Families; and Senator Dawson

300-1667-01

1 A bill to be entitled
2 An act relating to the care of children;
3 amending s. 39.5085, F.S., relating to the
4 Relative Caregiver Program; revising
5 eligibility guidelines; amending s. 230.2305,
6 F.S., relating to the prekindergarten early
7 intervention program; revising the list of
8 eligible children to include otherwise eligible
9 children for whom the state is paying a
10 relative caregiver payment; amending s.
11 239.117, F.S., relating to workforce
12 development postsecondary student fees;
13 exempting from the payment of specified fees
14 otherwise eligible students for whom the state
15 is paying a relative caregiver payment;
16 amending ss. 240.235, 240.35, F.S.; exempting
17 certain children in the custody of a relative
18 from payment of postsecondary undergraduate
19 fees; requiring the Department of Children and
20 Family Services to contract for a study of
21 relative caregiver families; requiring a report
22 to be submitted to the Department of Children
23 and Family Services and the Legislature;
24 providing an effective date.

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

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28 Section 1. Paragraph (c) of subsection (1) and
29 paragraph (a) of subsection (2) of section 39.5085, Florida
30 Statutes, are amended to read:

31 39.5085 Relative Caregiver Program.--

1 (1) It is the intent of the Legislature in enacting
2 this section to:

3 (c) Recognize that permanency in the best interests of
4 the child can be achieved through a variety of permanency
5 options, including long-term relative custody, guardianship,
6 or adoption, by providing additional placement options and
7 incentives that will achieve permanency and stability for many
8 children who are otherwise at risk of foster care placement
9 because of abuse, abandonment, or neglect, but who may
10 successfully be able to be placed by the ~~dependency~~ court in
11 the care of such relatives.

12 (2)(a) The Department of Children and Family Services
13 shall establish and operate the Relative Caregiver Program
14 pursuant to eligibility guidelines established in this section
15 as further implemented by rule of the department. The Relative
16 Caregiver Program shall, within the limits of available
17 funding, provide financial assistance to relatives who are
18 within the fifth degree by blood or marriage to the parent or
19 stepparent of a child and who are caring full-time for that
20 child or for a half-brother or half-sister of that child, in
21 the role of substitute parent as a result of a court's
22 determination of child abuse, neglect, or abandonment and
23 subsequent placement with the relative pursuant to this
24 chapter. Such placement may be either court-ordered temporary
25 legal custody to the relative under protective supervision of
26 the department pursuant to s. 39.521(1)(b)3., or court-ordered
27 placement in the home of a relative as a permanency option
28 pursuant to s. 39.622. The Relative Caregiver Program shall
29 offer financial assistance to caregivers who are relatives and
30 who would be unable to serve in that capacity without the
31 relative caregiver payment because of financial burden, thus

1 exposing the child to the trauma of placement in a shelter or
2 in foster care.

3 Section 2. Paragraph (a) of subsection (2) of section
4 230.2305, Florida Statutes, is amended to read:

5 230.2305 Prekindergarten early intervention program.--

6 (2) ELIGIBILITY.--There is hereby created the
7 prekindergarten early intervention program for children who
8 are 3 and 4 years of age. A prekindergarten early
9 intervention program shall be administered by a district
10 school board and shall receive state funds pursuant to
11 subsection (6). Each public school district shall make
12 reasonable efforts to accommodate the needs of children for
13 extended day and extended year services without compromising
14 the quality of the 6-hour, 180-day program. The school
15 district shall report on such efforts. School district
16 participation in the prekindergarten early intervention
17 program shall be at the discretion of each school district.

18 (a) At least 75 percent of the children projected to
19 be served by the district program shall be economically
20 disadvantaged 4-year-old children of working parents,
21 including migrant children or children whose parents
22 participate in the welfare transition program. Other children
23 projected to be served by the district program may include any
24 of the following up to a maximum of 25 percent of the total
25 number of children served:

26 1. Three-year-old and four-year-old children who are
27 referred to the school system who may not be economically
28 disadvantaged but who are abused, who are prenatally exposed
29 to alcohol or harmful drugs, who are ~~or~~ from foster homes, ~~or~~
30 who are marginal in terms of Exceptional Student Education

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1 placement, or for whom the state is paying a relative
2 caregiver payment under s. 39.5085.

3 2. Three-year-old children and four-year-old children
4 who may not be economically disadvantaged but who are eligible
5 students with disabilities and served in an exceptional
6 student education program with required special services,
7 aids, or equipment and who are reported for partial funding in
8 the K-12 Florida Education Finance Program. These students
9 may be funded from prekindergarten early intervention program
10 funds the portion of the time not funded by the K-12 Florida
11 Education Finance Program for the actual instructional time or
12 one full-time equivalent student membership, whichever is the
13 lesser. These students with disabilities shall be counted
14 toward the 25-percent student limit based on full-time
15 equivalent student membership funded part-time by
16 prekindergarten early intervention program funds. Also,
17 3-year-old or 4-year-old eligible students with disabilities
18 who are reported for funding in the K-12 Florida Education
19 Finance Program in an exceptional student education program as
20 provided in s. 236.081(1)(c) may be mainstreamed in the
21 prekindergarten early intervention program if such programming
22 is reflected in the student's individual educational plan; if
23 required special services, aids, or equipment are provided;
24 and if there is no operational cost to prekindergarten early
25 intervention program funds. Exceptional education students
26 who are reported for maximum K-12 Florida Education Finance
27 Program funding and who are not reported for early
28 intervention funding shall not count against the 75-percent or
29 25-percent student limit as stated in this paragraph.

30 3. Economically disadvantaged 3-year-old children.
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1 4. Economically disadvantaged children, children with
2 disabilities, and children at risk of future school failure,
3 from birth to age four, who are served at home through home
4 visitor programs and intensive parent education programs such
5 as the Florida First Start Program.

6 5. Children who meet federal and state requirements
7 for eligibility for the migrant preschool program but who do
8 not meet the criteria of "economically disadvantaged" as
9 defined in paragraph (b), who shall not pay a fee.

10 6. After the groups listed in subparagraphs 1., 2.,
11 3., and 4. have been served, 3-year-old and 4-year-old
12 children who are not economically disadvantaged and for whom a
13 fee is paid for the children's participation.

14 Section 3. Paragraph (c) of subsection (4) of section
15 239.117, Florida Statutes, is amended to read:

16 239.117 Workforce development postsecondary student
17 fees.--

18 (4) The following students are exempt from the payment
19 of registration, matriculation, and laboratory fees:

20 (c) A student for whom the state is paying a foster
21 care board payment pursuant to s. 409.145(3) or pursuant to
22 parts II and III of chapter 39, for whom the permanency
23 planning goal pursuant to ~~part III of~~ chapter 39 is long-term
24 foster care or independent living, who is or was at the time
25 he or she turned 18 years in the custody of a relative
26 pursuant to s. 39.5085, or who is adopted from the Department
27 of Children and Family Services after May 5, 1997. Such an
28 exemption includes fees associated with enrollment in
29 vocational-preparatory instruction and completion of the
30 college-level communication and computation skills testing
31 program. Such an exemption is ~~shall be~~ available to any

1 student who was in the custody of a relative pursuant to s.
2 39.5085 at the time he or she turned 18 years or was adopted
3 from the Department of Children and Family Services after May
4 5, 1997; however, the exemption remains ~~shall be~~ valid for no
5 more than 4 years after the date of graduation from high
6 school.

7 Section 4. Paragraph (a) of subsection (5) of section
8 240.235, Florida Statutes, is amended to read:

9 240.235 Fees.--

10 (5)(a) Any student for whom the state is paying a
11 foster care board payment pursuant to s. 409.145(3) or parts
12 II and III of chapter 39, for whom the permanency planning
13 goal pursuant to ~~part III of~~ chapter 39 is long-term foster
14 care or independent living, who is or was at the time he or
15 she turned 18 years old in the custody of a relative under s.
16 39.5085, or who is adopted from the Department of Children and
17 Family Services after May 5, 1997, shall be exempt from the
18 payment of all undergraduate fees, including fees associated
19 with enrollment in college-preparatory instruction or
20 completion of college-level communication and computation
21 skills testing programs. Before a fee exemption can be given,
22 the student shall have applied for and been denied financial
23 aid, pursuant to s. 240.404, which would have provided, at a
24 minimum, payment of all undergraduate fees. Such exemption
25 shall be available to any student who was in the custody of a
26 relative under s. 39.5085 at the time he or she turned 18
27 years old or was adopted from the Department of Children and
28 Family Services after May 5, 1997; however, the exemption
29 shall be valid for no more than 4 years after the date of
30 graduation from high school.

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1 Section 5. Paragraph (a) of subsection (2) of section
2 240.35, Florida Statutes, is amended to read:

3 240.35 Student fees.--Unless otherwise provided, the
4 provisions of this section apply only to fees charged for
5 college credit instruction leading to an associate in arts
6 degree, an associate in applied science degree, or an
7 associate in science degree and noncollege credit
8 college-preparatory courses defined in s. 239.105.

9 (2)(a) Any student for whom the state is paying a
10 foster care board payment pursuant to s. 409.145(3) or parts
11 II and III of chapter 39, for whom the permanency planning
12 goal pursuant to ~~part III~~ of chapter 39 is long-term foster
13 care or independent living, who is or was at the time he or
14 she turned 18 years old in the custody of a relative under s.
15 39.5085, or who is adopted from the Department of Children and
16 Family Services after May 5, 1997, shall be exempt from the
17 payment of all undergraduate fees, including fees associated
18 with enrollment in college-preparatory instruction or
19 completion of the college-level communication and computation
20 skills testing program. Before a fee exemption can be given,
21 the student shall have applied for and been denied financial
22 aid, pursuant to s. 240.404, which would have provided, at a
23 minimum, payment of all student fees. Such exemption shall be
24 available to any student who was in the custody of a relative
25 under s. 39.5085 at the time he or she turned 18 years old or
26 was adopted from the Department of Children and Family
27 Services after May 5, 1997; however, the exemption shall be
28 valid for no more than 4 years after the date of graduation
29 from high school.

30 Section 6. The Department of Children and Family
31 Services shall contract for a study of families headed by

1 grandparents raising grandchildren and other relative
2 caregivers in this state. This study will report to the
3 department, the President of the Senate, and the Speaker of
4 the House of Representatives by February 2002. The study will
5 include the best information available on the number and needs
6 of such families, including the number who have legal custody,
7 the source of the court order granting custody, and the
8 reasons for which the relatives took or accepted custody, such
9 as death, illness, protection of the children from abuse,
10 abandonment, or neglect.

11 Section 7. This act shall take effect July 1, 2001.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 1056

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17 Removes the proposed expansion of the Relative Caregiver
18 Program to the child who is at risk of foster care placement
19 and a court order has placed the child with the relative.

20 Corrects the addition of children in the Relative Caregiver
21 Program to the students who are exempt from the fees for the
22 workforce development education programs. Also clarifies that
23 these children are eligible for the fee exemption beyond the
24 age of 18 years but for no more than 4 years.

25 Provides the children in the Relative Caregiver Program with
26 an exemption from undergraduate fees for universities and
27 community colleges and continues this exemption beyond the age
28 of 18 years but for no more than 4 years.

29 Requires the Department of Children and Family Services to
30 contract for the conducting of a study of grandparents and
31 other caregivers who are raising their relative children.

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