

1 A bill to be entitled
2 An act relating to independent living transition services;
3 amending s. 409.1451, F.S.; authorizing community-based
4 providers to administer an independent living transition
5 services system; providing legislative intent regarding
6 assistance to older children in foster care; requiring the
7 Department of Children and Family Services to provide certain
8 skills assessment and training to such children; providing
9 guidelines to develop such training; providing certain
10 educational goals; revising provisions governing a young adult's
11 preparation for independent living; requiring the department to
12 conduct an assessment and inform the child of certain
13 scholarships, grants, and awards; providing that such assessment
14 be included in a certain report during judicial review; removing
15 life skills activities guidelines for young adults who were
16 formerly in foster care; revising aftercare services; providing
17 a limitation on the amount of an award; providing additional
18 qualifications to receive the award; providing that a young
19 adult who is eligible to receive such award may remain with the
20 foster family or group care provider beyond his or her age of
21 majority; providing a limitation on the number of diplomas,
22 certificates, or the equivalent an award recipient may receive;
23 revising payment options for aftercare, scholarship, or
24 transitional support funds; abolishing the independent living
25 services workgroup; creating the Independent Living Services
26 Advisory Council; providing duties and responsibilities;
27 requiring an annual report; providing membership criteria;
28 revising the department's rulemaking authority; amending s.
29 39.701, F.S.; requiring a judicial review hearing within a

HB 1981, Engrossed 1

2004

30 certain timeframe for each child in foster care; requiring that
 31 the court certify that such child has received certain
 32 information; providing that the department may be held in
 33 contempt; requiring that information from the preindependent
 34 living assessment be provided to the courts; requiring the court
 35 to determine the child's preparation for independence; amending
 36 s. 1009.25, F.S.; revising requirements specifying the students
 37 who are exempt from paying tuition and fees; requiring the
 38 Auditor General to perform an audit of program and submit a
 39 report; requiring the Office of Program Policy and Government
 40 Accountability to develop recommendations and submit a report;
 41 providing an effective date.

42

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

44

45 Section 1. Section 409.1451, Florida Statutes, is amended
 46 to read:

47 409.1451 Independent living transition services.--

48 (1) SYSTEM OF SERVICES.--

49 (a) The Department of Children and Family Services, ~~or~~ its
 50 agents, or community-based providers operating pursuant to s.
 51 409.1671 shall administer a system of independent living
 52 transition services to enable older children in foster care and
 53 young adults who exit foster care at age 18 to make the
 54 transition to self-sufficiency as adults.

55 (b) The goals of independent living transition services
 56 are to assist older children in foster care and young adults who
 57 were formerly in foster care to obtain life skills and education
 58 for independent living and employment, to have a quality of life

HB 1981, Engrossed 1

2004

59 appropriate for their age, and to assume personal responsibility
60 for becoming self-sufficient adults.

61 (c) State funds for foster care or federal funds shall be
62 used to establish a continuum of services for eligible children
63 in foster care and eligible young adults who were formerly in
64 foster care which accomplish the goals for the system of
65 independent living transition services by providing ~~and provide~~
66 ~~the service components for~~ services for foster children,
67 pursuant to as provided in subsection (4) ~~(3)~~, and services for
68 young adults who were formerly in foster care, pursuant to as
69 ~~provided in~~ subsection (5).

70 (d) For children in foster care, independent living
71 transition services are not an alternative to adoption.
72 Independent living transition services may occur concurrently
73 with continued efforts to locate and achieve placement in
74 adoptive families for older children in foster care.

75 (2) ELIGIBILITY.--

76 (a) The department shall serve children who have reached
77 are 13 years of age but are not yet to 18 years of age and who
78 are in foster care by providing services pursuant to ~~through the~~
79 ~~program component of services for foster children provided in~~
80 subsection (4) ~~(3)~~. Children to be served must meet the
81 eligibility requirements set forth for specific services as
82 provided in this section ~~and through department rule~~.

83 (b) The department shall serve young adults who have
84 reached are 18 years of age but are not yet to 23 years of age
85 and who were in foster care when they turned 18 years of age by
86 providing services pursuant to ~~through the program component of~~
87 ~~services for young adults who were formerly in foster care in~~

HB 1981, Engrossed 1

2004

88 subsection (5). Young adults ~~Children~~ to be served must meet the
 89 eligibility requirements set forth for specific services in this
 90 section ~~and through department rule.~~

91 (3) PREPARATION FOR INDEPENDENT LIVING.--

92 (a) It is the intent of the Legislature for the Department
 93 of Children and Family Services to assist older children in
 94 foster care and young adults who exit foster care at age 18 in
 95 making the transition to independent living and self-sufficiency
 96 as adults. The department shall provide such children and young
 97 adults with opportunities to participate in life skills
 98 activities in their foster families and communities which are
 99 reasonable and appropriate for their respective ages, and shall
 100 provide them with services to build the skills and increase
 101 their ability to live independently and become self-sufficient.
 102 To support the provision of opportunities for participation in
 103 age-appropriate life skills activities, the department shall:

104 1. Develop a list of age-appropriate activities and
 105 responsibilities to be offered to all children involved in
 106 independent living transition services and their foster parents.

107 2. Provide training for staff and foster parents to
 108 address the issues of older children in foster care in
 109 transitioning to adulthood, which shall include information on
 110 supporting education and employment and providing opportunities
 111 to participate in appropriate daily activities.

112 3. Develop procedures to maximize the authority of foster
 113 parents to approve participation in age-appropriate activities
 114 of children in their care.

115 4. Provide opportunities for older children in foster care
 116 to interact with mentors.

117 5. Develop and implement procedures for older children to
 118 directly access and manage the personal allowance they receive
 119 from the department in order to learn responsibility and
 120 participate in age-appropriate life skills activities to the
 121 extent feasible.

122 (b) It is further the intent of the Legislature that each
 123 child in foster care, his or her foster parents, if applicable,
 124 and the department or community-based provider set early
 125 achievement and career goals for the child's postsecondary
 126 educational and work experience. The department and community-
 127 based providers shall implement the model set forth in this
 128 paragraph to help ensure that children in foster care are ready
 129 for postsecondary education and the workplace.

130 1. Children in foster care entering the ninth grade, their
 131 foster parents, and the department or community-based provider
 132 shall be active participants in choosing a post-high school goal
 133 based upon both the abilities and interests of each child. The
 134 goal shall accommodate the needs of children served in
 135 exceptional education programs to the extent appropriate for
 136 each individual. Such children may continue to follow the
 137 courses outlined in the district school board student
 138 progression plan. Children in foster care, with the assistance
 139 of their foster parents, and the department or community-based
 140 provider shall choose one of the following postsecondary goals:

141 a. Attending a 4-year college or university, a community
 142 college plus university, or a military academy;

143 b. Receiving a 2-year postsecondary degree;

144 c. Attaining a postsecondary career and technical
 145 certificate or credential; or

146 d. Beginning immediate employment after completion of a
 147 high school diploma or its equivalent, or enlisting in the
 148 military.

149 2. In order to assist the child in foster care in
 150 achieving his or her chosen goal, the department or community-
 151 based provider shall, with the participation of the child and
 152 foster parents, identify:

153 a. The core courses necessary to qualify for a chosen
 154 goal.

155 b. Any elective courses which would provide additional
 156 help in reaching a chosen goal.

157 c. The grade point requirement and any additional
 158 information necessary to achieve a specific goal.

159 d. A teacher, other school staff member, employee of the
 160 department or community-based care provider, or community
 161 volunteer who would be willing to work with the child as an
 162 academic advocate or mentor if foster parent involvement is
 163 insufficient or unavailable.

164 3. In order to complement educational goals, the
 165 department and community-based providers are encouraged to form
 166 partnerships with the business community to support internships,
 167 apprenticeships, or other work-related opportunities.

168 4. The department and community-based providers shall
 169 ensure that children in foster care and their foster parents are
 170 made aware of the postsecondary goals available and shall assist
 171 in identifying the coursework necessary to enable the child to
 172 reach the chosen goal.

173 (c) All children in foster care and young adults formerly
 174 in foster care are encouraged to take part in learning

HB 1981, Engrossed 1

2004

175 opportunities that result from participation in community
 176 service activities.

177 (d) Children in foster care and young adults formerly in
 178 foster care shall be provided with the opportunity to change
 179 from one postsecondary goal to another, and each postsecondary
 180 goal shall allow for changes in each individual's needs and
 181 preferences. Any change, particularly a change that will result
 182 in additional time required to achieve a goal, shall be made
 183 with the guidance and assistance of the department or community-
 184 based provider.

185 (4)(3) PROGRAM COMPONENT OF SERVICES FOR FOSTER CHILDREN
 186 IN FOSTER CARE.--The department shall provide the following
 187 transition to independence services to children in foster care
 188 who meet prescribed conditions and are determined eligible by
 189 the department. The service categories available to children in
 190 foster care which facilitate successful transition into
 191 adulthood are:

192 (a) Preindependent-living services.--

193 1. Preindependent-living services include, but are not
 194 limited to, life skills training, educational field trips, and
 195 conferences. The specific services to be provided to a child
 196 shall be determined using a preindependent-living assessment.

197 2. A child who has reached 13 years of age but is not yet
 198 ~~to~~ 15 years of age who is in foster care is eligible for such
 199 services.

200 3. The department shall conduct an annual staffing for
 201 each child who has reached 13 years of age but is not yet 15
 202 years of age to ensure that the preindependent-living training
 203 and services to be provided as determined by the preindependent-

204 living assessment are being received and to evaluate the
 205 progress of the child in developing the needed independent
 206 living skills.

207 4. At the first annual staffing that occurs following a
 208 child's 14th birthday, and at each subsequent staffing, the
 209 department shall provide to each child detailed information on
 210 services provided by the Road-to-Independence Scholarship
 211 Program, including requirements for eligibility; on other
 212 grants, scholarships, and waivers that are available and should
 213 be sought by the child with assistance from the department,
 214 including, but not limited to, the Bright Futures Scholarship
 215 Program, as provided in ss. 1009.53-1009.538; on application
 216 deadlines; and on grade requirements for such programs.

217 5. Information related to both the preindependent-living
 218 assessment and all staffings, which shall be reduced to writing
 219 and signed by the child participant, shall be included as a part
 220 of the written report required to be provided to the court at
 221 each judicial review held pursuant to s. 39.701.

222 (b) Life skills services.--

223 1. Life skills services may include, but are not limited
 224 to, independent living skills training, including training to
 225 develop banking and budgeting skills, interviewing skills,
 226 parenting skills, educational support, employment training, and
 227 counseling. Children receiving these services should also be
 228 provided with information related to social security insurance
 229 benefits and public assistance. The specific services to be
 230 provided to a child shall be determined using an independent
 231 life skills assessment.

232 2. A child who has reached 15 years of age but is not yet
 233 ~~to~~ 18 years of age who is in foster care is eligible for such
 234 services.

235 3. The department shall conduct a staffing at least once
 236 every 6 months for each child who has reached 15 years of age
 237 but is not yet 18 years of age to ensure that the appropriate
 238 independent living training and services as determined by the
 239 independent life skills assessment are being received and to
 240 evaluate the progress of the child in developing the needed
 241 independent living skills.

242 4. The department shall provide to each child in foster
 243 care during the calendar month following the child's 17th
 244 birthday an independent-living assessment to determine the
 245 child's skills and abilities to live independently and become
 246 self-sufficient. Based on the results of the independent-living
 247 assessment, services and training shall be provided in order for
 248 the child to develop the necessary skills and abilities prior to
 249 the child's 18th birthday.

250 5. Information related to both the independent life skills
 251 assessment and all staffings, which shall be reduced to writing
 252 and signed by the child participant, shall be included as a part
 253 of the written report required to be provided to the court at
 254 each judicial review held pursuant to s. 39.701.

255 (c) Subsidized independent living services.--

256 1. Subsidized independent living services are living
 257 arrangements that allow the child to live independently of the
 258 daily care and supervision of an adult in a setting that is not
 259 required to be licensed under s. 409.175.

HB 1981, Engrossed 1

2004

260 2. A child who has reached 16 years of age but is not yet
261 ~~to~~ 18 years of age is eligible for such services if he or she:
262 a. Is adjudicated dependent under chapter 39; has been
263 placed in licensed out-of-home care for at least 6 months prior
264 to entering subsidized independent living; and has a permanency
265 goal of adoption, independent living, or long-term licensed
266 care; and
267 b. Is able to demonstrate independent living skills, as
268 determined by the department, using established procedures and
269 assessments.

270 3. Independent living arrangements established for a child
271 must be part of an overall plan leading to the total
272 independence of the child from the department's supervision. The
273 plan must include, but need not be limited to, a description of
274 the skills of the child and a plan for learning additional
275 identified skills; the behavior that the child has exhibited
276 which indicates an ability to be responsible and a plan for
277 developing additional responsibilities, as appropriate; a plan
278 for future educational, vocational, and training skills; present
279 financial and budgeting capabilities and a plan for improving
280 resources and ability; a description of the proposed residence;
281 documentation that the child understands the specific
282 consequences of his or her conduct in the independent living
283 program; documentation of proposed services to be provided by
284 the department and other agencies, including the type of service
285 and the nature and frequency of contact; and a plan for
286 maintaining or developing relationships with the family, other
287 adults, friends, and the community, as appropriate.

288 4. Subsidy payments in an amount established by the
 289 department may be made directly to a child under the direct
 290 supervision of a caseworker or other responsible adult approved
 291 by the department.

292 ~~(4) PARTICIPATION IN LIFE SKILLS ACTIVITIES. In order to~~
 293 ~~assist older children in foster care, ages 13 to 18 years of~~
 294 ~~age, with the transition to independent living as adults, the~~
 295 ~~program must provide them with opportunities to participate in~~
 296 ~~and learn from life skills activities in their foster families~~
 297 ~~and communities which are reasonable and appropriate for their~~
 298 ~~age. Such activities may include, but are not limited to,~~
 299 ~~managing money earned from a job, taking driver's education, and~~
 300 ~~participating in after-school or extracurricular activities.~~
 301 ~~To support these opportunities for participation in age-~~
 302 ~~appropriate life skills activities, the department may:~~

303 ~~(a) Develop, with children in the program and their foster~~
 304 ~~parents, a list of age-appropriate activities and~~
 305 ~~responsibilities to be presented to all children involved in~~
 306 ~~independent living transition services and their foster parents.~~

307 ~~(b) Provide training for staff and foster parents which~~
 308 ~~addresses issues of older children in foster care and the~~
 309 ~~transition to adulthood, including supporting education and~~
 310 ~~employment and providing opportunities to participate in~~
 311 ~~appropriate daily activities.~~

312 ~~(c) Develop procedures to maximize the authority of foster~~
 313 ~~parents to approve participation in age-appropriate activities~~
 314 ~~of children in their care.~~

315 ~~(d) Provide opportunities for older children in foster~~
 316 ~~care to interact with mentors.~~

HB 1981, Engrossed 1

2004

317 ~~(e) Develop and implement procedures for older children to~~
 318 ~~directly access and manage the personal allowance they receive~~
 319 ~~from the department in order to learn responsibility and~~
 320 ~~participate in age appropriate life skills activities to the~~
 321 ~~extent feasible.~~

322 (5) ~~PROGRAM COMPONENT OF~~ SERVICES FOR YOUNG ADULTS
 323 FORMERLY IN FOSTER CARE.--Based on the availability of funds,
 324 the department shall provide or arrange for the following
 325 services to young adults formerly in foster care who meet the
 326 prescribed conditions and are determined eligible by the
 327 department. The categories of services available to assist a
 328 young adult formerly in foster care to achieve independence are:

329 (a) Aftercare support services.--

330 1. Aftercare support services are available to assist
 331 young adults who were formerly in foster care in their efforts
 332 to continue to develop the skills and abilities necessary for
 333 independent living. The aftercare support services available
 334 include, but are not limited to, the following referrals to
 335 resources in the community for:

- 336 a. Mentoring and tutoring.
- 337 b. Mental health services and substance abuse counseling.
- 338 c. Life skills classes, including credit management and
- 339 preventive health activities.
- 340 d. Parenting classes.
- 341 e. Job skills training.
- 342 f. Counselor consultations.
- 343 g. Temporary financial assistance.

344

HB 1981, Engrossed 1

2004

345 The specific services to be provided under this subparagraph
 346 shall be determined by an aftercare services assessment and may
 347 be provided by the department or through referrals in the
 348 community. Temporary assistance ~~may be~~ provided to prevent
 349 homelessness shall be provided as expeditiously as possible and
 350 within the limitations defined by the department.

351 2. A young adult who has reached 18 years of age but is
 352 not yet ~~to~~ 23 years of age who leaves foster care at 18 years of
 353 age but who requests services prior to reaching 23 years of age
 354 is eligible for such services.

355 (b) Road-to-Independence Scholarship Program.--

356 1. The Road-to-Independence Scholarship Program is
 357 intended to help eligible students who are former foster
 358 children in this state to receive the educational and vocational
 359 training needed to achieve independence. The amount of the award
 360 shall be based on the living and educational needs of the young
 361 adult and may be up to, but shall not exceed equal the amount of
 362 earnings that the student would have been eligible to earn
 363 working a 40-hour-a-week federal minimum wage job, ~~after~~
 364 ~~considering other grants and scholarships that are in excess of~~
 365 ~~the educational institutions' fees and costs, and contingent~~
 366 ~~upon available funds. Students eligible for the Road-to-~~
 367 ~~Independence Scholarship Program may also be eligible for~~
 368 ~~educational fee waivers for workforce development postsecondary~~
 369 ~~programs, community colleges, and universities, pursuant to s.~~
 370 ~~1009.25(2)(c).~~

371 2. A young adult who has reached 18 years of age but is
 372 not yet ~~to~~ 21 years of age is eligible for the initial award,

HB 1981, Engrossed 1

2004

373 and a young adult under 23 years of age is eligible for renewal
 374 awards, if he or she:

375 a. Was ~~is~~ a dependent child, pursuant to chapter 39, and
 376 was ~~is~~ living in licensed foster care or in subsidized
 377 independent living at the time of his or her 18th birthday;

378 b. ~~Has~~ Spent at least 6 months living in foster care
 379 before reaching his or her 18th birthday;

380 c. Is a resident of this state as defined in s. 1009.40;
 381 and

382 d. Meets one of the following qualifications:

383 (I) Has earned a standard high school diploma or its
 384 equivalent as described in s. 1003.43 or s. 1003.435, or has
 385 earned a special diploma or special certificate of completion as
 386 described in s. 1003.438, and has been admitted for full-time
 387 enrollment in an eligible postsecondary education institution as
 388 defined in s. 1009.533;

389 (II) Is enrolled full time in an accredited high school,
 390 ~~is within 2 years of graduation, and has maintained a grade~~
 391 ~~point average of at least 2.0 on a scale of 4.0 for the two~~
 392 ~~semesters preceding the date of his or her 18th birthday; or~~

393 (III) Is enrolled full time in an accredited adult
 394 education program designed to provide the student with a high
 395 school diploma or its equivalent, ~~is making satisfactory~~
 396 ~~progress in that program as certified by the program, and is~~
 397 ~~within 2 years of graduation.~~

398 3. A young adult applying for a Road-to-Independence
 399 Scholarship must apply for any other grants and scholarships for
 400 which he or she may qualify. The department shall assist the
 401 young adult in the application process and may use the federal

HB 1981, Engrossed 1

2004

402 financial aid grant process to determine the funding needs of
403 the young adult.

404 4. The amount of the award, whether it is being used by a
405 young adult working towards completion of a high school diploma
406 or its equivalent or working towards completion of a
407 postsecondary education program, shall be determined based on an
408 assessment of the funding needs of the young adult. This
409 assessment shall consider the young adult's living and
410 educational costs and other grants, scholarships, waivers,
411 earnings, and other income to be received by the young adult. An
412 award shall be available only to the extent that other grants
413 and scholarships are not sufficient to meet the living and
414 educational needs of the young adult, but an award shall not be
415 less than \$25 in order to maintain Medicaid eligibility for the
416 young adult as provided in s. 409.903.

417 5.3-a. The department must advertise the availability of
418 the program and must ensure that the children and young adults
419 leaving foster care, foster parents, or family services
420 counselors are informed of the availability of the program and
421 the application procedures.

422 b. A young adult must apply for the initial award during
423 the 6 months immediately preceding his or her 18th birthday and
424 the department shall provide assistance with the application
425 process. A young adult who fails to make an initial application,
426 but who otherwise meets the criteria for an initial award, may
427 make one application for the initial award if such application
428 is made before the young adult's 21st birthday. If the young
429 adult does not apply for an initial award before his or her 18th

HB 1981, Engrossed 1

2004

430 birthday, the department shall inform that young adult of the
 431 opportunity to apply before turning 21 years of age.

432 c. If funding for the program is available, the department
 433 shall issue awards from the scholarship program for each young
 434 adult who meets all the requirements of the program.

435 d. An award shall be issued at the time the eligible
 436 student reaches 18 years of age.

437 e. A young adult who is eligible for the Road-to-
 438 Independence Program and who so desires shall be allowed to
 439 remain in the licensed foster family or group care provider with
 440 whom he or she was residing at the time of attaining his or her
 441 18th birthday.

442 ~~f.e.~~ If the award recipient transfers from one eligible
 443 institution to another and continues to meet eligibility
 444 requirements, the award must be transferred with the recipient.

445 ~~g.f.~~ Scholarship funds awarded to any eligible young adult
 446 under this program are in addition to any other services
 447 provided to the young adult by the department through its
 448 independent living transition services.

449 ~~h.g.~~ The department shall provide information concerning
 450 young adults receiving the Road-to-Independence Scholarship to
 451 the Department of Education for inclusion in the student
 452 financial assistance database, as provided in s. 1009.94.

453 ~~i.h.~~ Scholarship funds are intended to help eligible
 454 students who are former foster children in this state to receive
 455 the educational and vocational training needed to become
 456 independent and self-supporting. Such funds shall be terminated
 457 when the young adult has attained one of four postsecondary
 458 goals pursuant to subsection (3) a bachelor of arts or bachelor

459 ~~of science degree, or equivalent undergraduate degree,~~ or
 460 reaches 23 years of age, whichever occurs earlier. In order to
 461 initiate postsecondary education, to allow for a change in
 462 career goal, or to obtain additional skills in the same
 463 educational or vocational area, a young adult may earn no more
 464 than two diplomas, certificates, or credentials. A young adult
 465 attaining an associate of arts or associate of science degree
 466 shall be permitted to work towards completion of a bachelor of
 467 arts or a bachelor of science degree or an equivalent
 468 undergraduate degree. Road-to-Independence Scholarship funds
 469 shall not be used for education or training after a young adult
 470 has attained a bachelor of arts or a bachelor of science degree
 471 or an equivalent undergraduate degree.

472 j.±. The department shall evaluate and renew each award
 473 annually during the 90-day period before the young adult's
 474 birthday. In order to be eligible for a renewal award for the
 475 subsequent year, the young adult must:

476 (I) Complete the number of at least 12 semester hours, or
 477 the equivalent considered full time by the educational
 478 institution, in the last academic year in which the young adult
 479 earned a scholarship, except for a young adult who meets the
 480 requirements of s. 1009.41.

481 (II) Maintain appropriate progress as required by the
 482 educational institution ~~the cumulative grade point average~~
 483 ~~required by the scholarship program,~~ except that, if the young
 484 adult's progress is ~~grades are~~ insufficient to renew the
 485 scholarship at any time during the eligibility period, the young
 486 adult may restore eligibility by improving his or her progress
 487 ~~the grade point average~~ to the required level.

488 ~~k.j.~~ Scholarship funds may be terminated during the
489 interim between an award and the evaluation for a renewal award
490 if the department determines that the award recipient is no
491 longer enrolled in an educational institution as defined in sub-
492 subparagraph 2.d., or is no longer a state resident. The
493 department shall notify a student who is terminated and inform
494 the student of his or her right to appeal.

495 ~~l.k.~~ An award recipient who does not qualify for a renewal
496 award or who chooses not to renew the award may subsequently
497 apply for reinstatement. An application for reinstatement must
498 be made before the young adult reaches 23 years of age, and a
499 student may not apply for reinstatement more than once. In order
500 to be eligible for reinstatement, the young adult must meet the
501 eligibility criteria and the criteria for award renewal for the
502 scholarship program.

503 ~~1. A young adult receiving continued services of the~~
504 ~~foster care program under former s. 409.145(3) must transfer to~~
505 ~~the scholarship program by July 1, 2003.~~

506 (c) Transitional support services.--

507 1. In addition to any services provided through after care
508 support or the Road-to-Independence Scholarship, a young adult
509 formerly in foster care, may receive other appropriate short-
510 term services, which may include financial, housing, counseling,
511 employment, education, mental health, disability, and other
512 services, if the young adult demonstrates that the services are
513 critical to the young adult's own efforts to achieve self-
514 sufficiency and to develop a personal support system.

515 2. A young adult formerly in foster care is eligible to
516 apply for transitional support services if he or she has reached

HB 1981, Engrossed 1

2004

517 ~~is~~ 18 years of age but is not yet ~~to~~ 23 years of age, was a
518 dependent child pursuant to chapter 39, was living in licensed
519 foster care or in subsidized independent living at the time of
520 his or her 18th birthday, and had spent at least 6 months living
521 in foster care before that date.

522 3. If at any time the services are no longer critical to
523 the young adult's own efforts to achieve self-sufficiency and to
524 develop a personal support system, they shall be terminated.

525 (d) Payment of aftercare, scholarship, or transitional
526 support funds.--Payment of aftercare, scholarship, or
527 transitional support funds shall be made directly to the
528 recipient unless the recipient requests in writing to the
529 community-based care lead agency, or the department, that the
530 payments or a portion of the payments be made directly on their
531 behalf in order to secure services such as housing, counseling,
532 education or employment training as part of the young adult's
533 own efforts to achieve self-sufficiency ~~that the payments or a~~
534 ~~portion of the payments be made directly to a licensed foster~~
535 ~~family or group care provider with whom the recipient was~~
536 ~~residing at the time of attaining the 18th birthday and with~~
537 ~~whom the recipient desires to continue to reside. If a young~~
538 ~~adult and the former foster parent agree that the young adult~~
539 ~~shall continue to live in the foster home while receiving~~
540 ~~aftercare, scholarship, or transitional support funds, the~~
541 ~~caregiver shall establish written expectations for the young~~
542 ~~adult's behavior and responsibilities.~~ The young adult who
543 continues with a foster family shall not be included as a child
544 in calculating any licensing restriction on the number of
545 children in the foster home.

546 (e) Appeals process.--

547 1. The Department of Children and Family Services shall
 548 adopt by rule a procedure by which a young adult may appeal an
 549 eligibility determination or the department's failure to provide
 550 aftercare, scholarship, or transitional support services, or the
 551 termination of such services, if such funds are available.

552 2. The procedure developed by the department must be
 553 readily available to young adults, must provide timely
 554 decisions, and must provide for an appeal to the Secretary of
 555 Children and Family Services. The decision of the secretary
 556 constitutes final agency action and is reviewable by the court
 557 as provided in s. 120.68.

558 (6) ACCOUNTABILITY.--The department shall develop outcome
 559 measures for the program and other performance measures.

560 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL
 561 ~~WORKGROUP~~.--The Secretary of Children and Family Services shall
 562 establish the Independent Living Services Advisory Council for
 563 the purpose of reviewing and making recommendations concerning
 564 the implementation and operation of the independent living
 565 transition services. This advisory council shall continue to
 566 function as specified in this subsection until the Legislature
 567 determines that the advisory council can no longer provide a
 568 valuable contribution to the department's efforts to achieve the
 569 goals of the independent living transition services.

570 (a) Specifically, the advisory council ~~workgroup, which,~~
 571 ~~at a minimum, shall include representatives from the Department~~
 572 ~~of Children and Family Services, the Agency for Workforce~~
 573 ~~Innovation, the Department of Education, the Agency for Health~~
 574 ~~Care Administration, the State Youth Advisory Board, Workforce~~

HB 1981, Engrossed 1

2004

575 ~~Florida, Inc., and foster parents. The workgroup~~ shall assess
 576 the implementation and operation of the system of independent
 577 living transition services and advise the department on actions
 578 that would improve the ability of the independent living
 579 transition services to meet the established goals. The advisory
 580 council ~~workgroup~~ shall keep the department informed of problems
 581 being experienced with the services, barriers to the effective
 582 and efficient integration of services and support across
 583 systems, and successes that the system of independent living
 584 transition services has achieved. The department shall consider,
 585 but is not required to implement, the recommendations of the
 586 advisory council ~~workgroup~~.

587 (b) ~~For the 2002-2003 and 2003-2004 fiscal years,~~ The
 588 advisory council ~~workgroup~~ shall report to the appropriate
 589 substantive committees of the Senate and the House of
 590 Representatives on the status of the implementation of the
 591 system of independent living transition services; efforts to
 592 publicize the availability of aftercare support services, the
 593 Road-to-Independence Scholarship Program, and transitional
 594 support services; specific barriers to financial aid created by
 595 the scholarship and possible solutions; the success of the
 596 services; problems identified; recommendations for department or
 597 legislative action; and the department's implementation of the
 598 recommendations contained in the Independent Living Services
 599 Integration Workgroup Report submitted to the Senate and the
 600 House substantive committees December 31, 2002. This advisory
 601 council ~~workgroup~~ report shall ~~is to~~ be submitted by December 31
 602 of each year that the council is in existence ~~December 31, 2003,~~
 603 ~~and December 31, 2004,~~ and shall be accompanied by a report from

HB 1981, Engrossed 1

2004

604 the department which identifies the recommendations of the
 605 advisory council ~~workgroup~~ and either describes the department's
 606 actions to implement these recommendations or provides the
 607 department's rationale for not implementing the recommendations.

608 (c) Members of the advisory council shall be appointed by
 609 the secretary of the department. The membership of the advisory
 610 council must include, at a minimum, representatives from the
 611 headquarters and district offices of the Department of Children
 612 and Family Services, community-based care lead agencies, the
 613 Agency for Workforce Innovation, the Department of Education,
 614 the Agency for Health Care Administration, the State Youth
 615 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
 616 Ad Litem Office, foster parents, and advocates for foster
 617 children. The secretary shall determine the length of the term
 618 to be served by each member appointed to the advisory council,
 619 which may not exceed 4 years.

620 (8) PERSONAL PROPERTY.--Property acquired on behalf of
 621 clients of this program shall become the personal property of
 622 the clients and is not subject to the requirements of chapter
 623 273 relating to state-owned tangible personal property. Such
 624 property continues to be subject to applicable federal laws.

625 (9) RULEMAKING.--The department shall adopt by rule
 626 procedures to administer this section, including balancing
 627 ~~provision for the proportional reduction of scholarship awards~~
 628 ~~when adequate funds are not available for all applicants. These~~
 629 ~~rules shall balance~~ the goals of normalcy and safety for the
 630 youth and providing ~~provide~~ the caregivers with as much
 631 flexibility as possible to enable the youth to participate in
 632 normal life experiences. The department shall not adopt rules

HB 1981, Engrossed 1

2004

633 relating to reductions in scholarship awards. The department
 634 shall engage in appropriate planning to prevent, to the extent
 635 possible, a reduction in scholarship awards after issuance.

636 Section 2. Subsections (6) through (8) of section 39.701,
 637 Florida Statutes, are renumbered as subsections (7) through (9),
 638 respectively, present subsections (6) and (7) are amended, and a
 639 new subsection (6) is added to said section, to read:

640 39.701 Judicial review.--

641 (6)(a) In addition to the provisions of s. 39.701(1)(a)
 642 and (2)(a), the court shall hold a judicial review hearing
 643 within 90 days after a child's 17th birthday and shall continue
 644 to hold timely judicial review hearings. In addition, the court
 645 may review the status of the child more frequently during the
 646 year prior to the child's 18th birthday if necessary. At each
 647 review held pursuant to this subsection, in addition to any
 648 information or report provided to the court, the foster parent,
 649 legal custodian, guardian ad litem, and the child shall be given
 650 the opportunity to address the court with any information
 651 relevant to the child's best interests, particularly as it
 652 relates to the provision of independent living transition
 653 services. In addition to any information or report provided to
 654 the court, the department shall include in its judicial review
 655 social study report written verification that the child:

- 656 1. Has been provided with a current Medicaid card.
- 657 2. Has been provided with a certified copy of his or her
 658 birth certificate and, if the child does not have a valid
 659 driver's license, a Florida identification card issued pursuant
 660 to s. 322.051.
- 661 3. Has been provided information relating to Social

HB 1981, Engrossed 1

2004

662 Security Insurance benefits if the child is eligible for such
663 benefits. If the child has received these benefits and they are
664 being held in trust for the child, a full accounting of those
665 funds shall be provided and the child must be informed about how
666 to access those funds.

667 4. Has been provided with information and training related
668 to budgeting skills, interviewing skills, and parenting skills.

669 5. Has been provided with all relevant information related
670 to the Road-to-Independence Scholarship, including, but not
671 limited to, eligibility requirements, forms necessary to apply,
672 and assistance in completing the forms.

673 6. Has an open bank account, or has identification
674 necessary to open such an account, and has been provided with
675 essential banking skills.

676 7. Has been provided with information on public assistance
677 and how to apply.

678 8. Has been provided a clear understanding of where he or
679 she will be living on his or her 18th birthday, how living
680 expenses will be paid, and what educational program or school he
681 or she will be enrolled in.

682 (b) At the first judicial review hearing held subsequent
683 to the child's 17th birthday, in addition to the requirements of
684 subsection (7), the department shall provide the court with an
685 updated case plan that includes specific information related to
686 independent living services that have been provided since the
687 child's 13th birthday, or since the date the child came into
688 foster care, whichever came later.

689 (c) At the time of a judicial review hearing held pursuant
690 to this subsection, if, in the opinion of the court, the

691 department has not complied with its obligations as specified in
 692 the written case plan or in the provision of independent living
 693 services as required by s. 409.1451 and this subsection, the
 694 court shall issue a show cause order. If cause is shown for
 695 failure to comply, the court shall give the department 30 days
 696 within which to comply and, on failure to comply with this or
 697 any subsequent order, the department may be held in contempt.

698 (7)(6)(a) Prior to every judicial review hearing or
 699 citizen review panel hearing, the social service agency shall
 700 make an investigation and social study concerning all pertinent
 701 details relating to the child and shall furnish to the court or
 702 citizen review panel a written report that includes, but is not
 703 limited to:

704 1. A description of the type of placement the child is in
 705 at the time of the hearing, including the safety of the child
 706 and the continuing necessity for and appropriateness of the
 707 placement.

708 2. Documentation of the diligent efforts made by all
 709 parties to the case plan to comply with each applicable
 710 provision of the plan.

711 3. The amount of fees assessed and collected during the
 712 period of time being reported.

713 4. The services provided to the foster family or legal
 714 custodian in an effort to address the needs of the child as
 715 indicated in the case plan.

716 5. A statement that either:

717 a. The parent, though able to do so, did not comply
 718 substantially with the provisions of the case plan, and the
 719 agency recommendations;

720 b. The parent did substantially comply with the provisions
721 of the case plan; or

722 c. The parent has partially complied with the provisions
723 of the case plan, with a summary of additional progress needed
724 and the agency recommendations.

725 6. A statement from the foster parent or legal custodian
726 providing any material evidence concerning the return of the
727 child to the parent or parents.

728 7. A statement concerning the frequency, duration, and
729 results of the parent-child visitation, if any, and the agency
730 recommendations for an expansion or restriction of future
731 visitation.

732 8. The number of times a child has been removed from his
733 or her home and placed elsewhere, the number and types of
734 placements that have occurred, and the reason for the changes in
735 placement.

736 9. The number of times a child's educational placement has
737 been changed, the number and types of educational placements
738 which have occurred, and the reason for any change in placement.

739 10. If the child has reached 13 years of age but is not
740 yet 18 years of age, the results of the preindependent-living,
741 life-skills, or independent-living assessment, the specific
742 services needed, and the status of the delivery of the
743 identified services.

744 ~~11.10.~~ Copies of all medical, psychological, and
745 educational records that support the terms of the case plan and
746 that have been produced concerning the child, parents, or any
747 caregiver since the last judicial review hearing.

748 (b) A copy of the social service agency's written report
 749 and the written report of the guardian ad litem must be served
 750 on all parties whose whereabouts are known; to the foster
 751 parents or legal custodians; and to the citizen review panel, at
 752 least 72 hours before the judicial review hearing or citizen
 753 review panel hearing. The requirement for providing parents with
 754 a copy of the written report does not apply to those parents who
 755 have voluntarily surrendered their child for adoption or who
 756 have had their parental rights to the child terminated.

757 (c) In a case in which the child has been permanently
 758 placed with the social service agency, the agency shall furnish
 759 to the court a written report concerning the progress being made
 760 to place the child for adoption. If the child cannot be placed
 761 for adoption, a report on the progress made by the child towards
 762 alternative permanency goals or placements, including, but not
 763 limited to, guardianship, long-term custody, long-term licensed
 764 custody, or independent living, must be submitted to the court.
 765 The report must be submitted to the court at least 72 hours
 766 before each scheduled judicial review.

767 (d) In addition to or in lieu of any written statement
 768 provided to the court, the foster parent or legal custodian, or
 769 any preadoptive parent, shall be given the opportunity to
 770 address the court with any information relevant to the best
 771 interests of the child at any judicial review hearing.

772 (8)~~(7)~~ The court and any citizen review panel shall take
 773 into consideration the information contained in the social
 774 services study and investigation and all medical, psychological,
 775 and educational records that support the terms of the case plan;
 776 testimony by the social services agency, the parent, the foster

HB 1981, Engrossed 1

2004

777 parent or legal custodian, the guardian ad litem if one has been
 778 appointed for the child, and any other person deemed
 779 appropriate; and any relevant and material evidence submitted to
 780 the court, including written and oral reports to the extent of
 781 their probative value. These reports and evidence may be
 782 received by the court in its effort to determine the action to
 783 be taken with regard to the child and may be relied upon to the
 784 extent of their probative value, even though not competent in an
 785 adjudicatory hearing. In its deliberations, the court and any
 786 citizen review panel shall seek to determine:

787 (j) For a child who has reached 13 years of age but is not
 788 yet 18 years of age, the adequacy of the child's preparation for
 789 adulthood and independent living.

790 Section 3. Paragraph (c) of subsection (2) of section
 791 1009.25, Florida Statutes, is amended to read:

792 1009.25 Fee exemptions.--

793 (2) The following students are exempt from the payment of
 794 tuition and fees, including lab fees, at a school district that
 795 provides postsecondary career and technical programs, community
 796 college, or state university:

797 (c) A student ~~who to whom~~ the state has determined is
 798 eligible for the ~~awarded a~~ Road-to-Independence Scholarship,
 799 regardless of whether an award is issued or not, or a student
 800 who is or was at the time he or she reached 18 years of age in
 801 the custody of a relative under s. 39.5085, or who is adopted
 802 from the Department of Children and Family Services after May 5,
 803 1997. Such exemption includes fees associated with enrollment in
 804 vocational-preparatory instruction and completion of the
 805 college-level communication and computation skills testing

HB 1981, Engrossed 1

2004

806 program. Such an exemption is available to any student who was
807 in the custody of a relative under s. 39.5085 at the time he or
808 she reached 18 years of age or was adopted from the Department
809 of Children and Family Services after May 5, 1997; however, the
810 exemption remains valid for no more than 4 years after the date
811 of graduation from high school.

812 Section 4. Pursuant to s. 11.45(2), Florida Statutes, the
813 Auditor General shall perform both an operational audit and a
814 performance audit, as defined in s. 11.45(1), Florida Statutes,
815 of the independent living transition services program within the
816 Department of Children and Family Services and shall submit a
817 report to the Governor, the President of the Senate, the Speaker
818 of the House of Representatives, the Secretary of Children and
819 Family Services, and the appropriate substantive committees of
820 the Senate and the House of Representatives no later than
821 February 28, 2005.

822 Section 5. The Office of Program Policy and Government
823 Accountability shall develop recommendations for the minimum
824 system standards for the independent living transition services
825 system required in s. 409.1451(6), Florida Statutes. These
826 recommendations shall be developed with advise from the key
827 stakeholders in the independent living transition service
828 system, including, but not limited to, independent living
829 services staff of the Department of Children and Families and
830 community-based care lead agencies, representatives of the State
831 Youth Advisory Board, other youth and young adults who are or
832 have been in the foster care system, foster parents, and
833 representatives from other state agencies and community service
834 providers who are involved in serving this population. These

HB 1981, Engrossed 1

2004

835 recommendations shall be provided to the department on or before

836 November 30, 2004.

837 Section 6. This act shall take effect upon becoming a law.