

By the Committee on Children and Families; and Senator Campbell

300-941-04

1 A bill to be entitled
2 An act relating to independent living
3 transition services; amending s. 409.1451,
4 F.S.; authorizing the Department of Children
5 and Family Services, its agent, or certain
6 community-based providers to administer a
7 system of independent living services;
8 requiring each district of the Department of
9 Children and Family Services to identify
10 adolescent foster children with developmental
11 disabilities or special mental health needs and
12 assist such youth in the transition to
13 self-sufficiency; revising eligibility
14 requirements for independent living transition
15 services, participation in the
16 Road-to-Independence Scholarship Program, and
17 transitional support services; authorizing
18 Medicaid coverage for youth who are eligible
19 for transitional support services; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (1), paragraph (a) of subsection
25 (2), subsection (4), and paragraphs (b) and (c) of subsection
26 (5) of section 409.1451, Florida Statutes, are amended to
27 read:

28 409.1451 Independent living transition services.--
29 (1) SYSTEM OF SERVICES.--
30 (a) The Department of Children and Family Services, or
31 its agents, or community-based providers operating pursuant to

1 s. 409.1671 shall administer a system of independent living
2 transition services to enable older children in foster care
3 and young adults who exit foster care at age 18 to make the
4 transition to self-sufficiency as adults.

5 (b) The goals of independent living transition
6 services are to assist older children in foster care and young
7 adults who were formerly in foster care to obtain life skills
8 and education for independent living and employment, to have a
9 quality of life appropriate for their age, and to assume
10 personal responsibility for becoming self-sufficient adults.

11 (c) Each Department of Children and Family Services
12 district shall identify adolescent foster youth with
13 developmental disabilities or special mental health needs. The
14 department shall work with these foster youth to help them
15 make the transition to self-sufficiency and shall assist the
16 youth and young adults with reasonable accommodations for
17 their disabilities. The department shall assist the youth with
18 accessing support and funding from other sources, such as the
19 department's Developmental Disabilities Office and the
20 department's Mental Health Office. The department shall
21 coordinate the independent living plan for a youth with the
22 school's individual education plan for a child who is in a
23 special education program. The department shall give special
24 attention to 17-year-old foster children residing at
25 residential treatment facilities, therapeutic foster homes, or
26 other mental health placements who face a particularly
27 difficult transition to living as adults in the community.

28 (d)~~(c)~~ State funds for foster care or federal funds
29 shall be used to establish a continuum of services for
30 eligible children in foster care and eligible young adults who
31 were formerly in foster care which accomplish the goals for

1 the independent living transition services and provide the
2 service components for services for foster children, as
3 provided in subsection (3), and services for young adults who
4 were formerly in foster care, as provided in subsection (5).

5 ~~(e)(d)~~ For children in foster care, independent living
6 transition services are not an alternative to adoption.

7 Independent living transition services may occur concurrently
8 with continued efforts to locate and achieve placement in
9 adoptive families for older children in foster care.

10 (2) ELIGIBILITY.--

11 (a) The department shall serve children who are 13 to
12 18 years of age and who are in foster care through the program
13 component of services for foster children provided in
14 subsection (3). The department shall also serve former foster
15 youth who are 18 to 23 years of age and are in high school as
16 a special education student, in a high school equivalency
17 diploma program pursuant to s. 1003.435, or in an adult
18 education program pursuant to s. 1004.93, through the program
19 component of services for foster children provided in
20 subsection (3).Children to be served must meet the
21 eligibility requirements set forth for specific services as
22 provided in this section and through department rule.

23 (4) PARTICIPATION IN LIFE SKILLS ACTIVITIES.--In order
24 to assist older children in foster care, ages 13 to 18 years
25 of age, and former foster youth with disabilities, ages 18 to
26 23 years,with the transition to independent living as adults,
27 the program must provide them with opportunities to
28 participate in and learn from life skills activities in their
29 foster families and communities which are reasonable and
30 appropriate for their age. Such activities may include, but
31 are not limited to, managing money earned from a job, taking

1 driver's education, and participating in after-school or
2 extracurricular activities. To support these opportunities for
3 participation in age-appropriate life skills activities, the
4 department may:

5 (a) Develop, with children in the program and their
6 foster parents, a list of age-appropriate activities and
7 responsibilities to be presented to all children involved in
8 independent living transition services and their foster
9 parents.

10 (b) Provide training for staff and foster parents
11 which addresses issues of older children in foster care and
12 the transition to adulthood, including supporting education
13 and employment and providing opportunities to participate in
14 appropriate daily activities.

15 (c) Develop procedures to maximize the authority of
16 foster parents to approve participation in age-appropriate
17 activities of children in their care.

18 (d) Provide opportunities for older children in foster
19 care to interact with mentors.

20 (e) Develop and implement procedures for older
21 children to directly access and manage the personal allowance
22 they receive from the department in order to learn
23 responsibility and participate in age-appropriate life skills
24 activities to the extent feasible.

25 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS
26 FORMERLY IN FOSTER CARE.--Based on the availability of funds,
27 the department shall provide or arrange for the following
28 services to young adults formerly in foster care who meet the
29 prescribed conditions and are determined eligible by the
30 department. The categories of services available to assist a
31

1 young adult formerly in foster care to achieve independence
2 are:

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

4 1. The Road-to-Independence Scholarship Program is
5 intended to help eligible students who are former foster
6 children in this state to receive the educational and
7 vocational training needed to achieve independence. The amount
8 of the scholarship award shall equal the earnings that the
9 student would have been eligible to earn working a
10 40-hour-a-week federal minimum wage job, after considering
11 other grants and scholarships that are in excess of the
12 educational institutions' fees and costs, and contingent upon
13 available funds. Students eligible for the
14 Road-to-Independence Scholarship Program may also be eligible
15 for educational fee waivers for workforce development
16 postsecondary programs, community colleges, and universities,
17 pursuant to s. 1009.25(2)(c).

18 2. A young adult 18 to 23 ~~21~~ years of age is eligible
19 for the initial scholarship award, ~~and a young adult under 23~~
20 ~~years of age is eligible~~ for renewal awards, if he or she:

21 a. Is or was a dependent child, pursuant to chapter
22 39, and is living or has lived in licensed foster care or in
23 subsidized independent living within 6 months prior to ~~at the~~
24 ~~time of~~ his or her 18th birthday;

25 b. Has spent at least 6 months living in foster care
26 before reaching his or her 18th birthday;

27 c. Is a resident of this state as defined in s.
28 1009.40; and

29 d. Meets one of the following qualifications:

30 (I) Has earned a standard high school diploma or its
31 equivalent as described in s. 1003.43 or s. 1003.435, and has

1 | been admitted for full-time enrollment in an eligible
2 | postsecondary education institution as defined in s. 1009.533;

3 | (II) Is enrolled full time in and is attending an
4 | accredited high school, is within 2 years of graduation, and
5 | has maintained a grade point average of at least 2.0 on a
6 | scale of 4.0 for the two semesters preceding the date of his
7 | or her 18th birthday or, in the case of a student in a special
8 | education program in an accredited high school, has met the
9 | minimum grade point average required by that program to
10 | graduate; or

11 | (III) Is enrolled full time in and is attending an
12 | accredited adult education program or high school equivalency
13 | diploma program designed to provide the student with a high
14 | school diploma or its equivalent, is making satisfactory
15 | progress in that program as certified by the program, and is
16 | within 2 years of attaining a high school diploma or its
17 | equivalent graduation.

18 | 3.a. The department must advertise the availability of
19 | the scholarship program and must ensure that the children and
20 | young adults leaving foster care, foster parents, or family
21 | services counselors are informed of the availability of the
22 | program and the application procedures.

23 | b. A young adult may ~~must~~ apply for an ~~the~~ initial
24 | scholarship award during the 6 months immediately preceding
25 | his or her 18th birthday. A young adult who does not ~~fails to~~
26 | make an initial application at that time, but who otherwise
27 | meets the criteria for an initial award, may make one
28 | application for an ~~the~~ initial scholarship award if the ~~such~~
29 | application is made before the young adult's 23rd ~~21st~~
30 | birthday.

31 |

1 c. If funding for the program is available, the
2 department shall issue awards from the scholarship program for
3 each young adult who meets all the requirements of the
4 program.

5 d. An award shall be issued after ~~at the time~~ the
6 eligible student reaches 18 years of age.

7 e. If the award recipient transfers from one eligible
8 institution to another and continues to meet eligibility
9 requirements, the award must be transferred with the
10 recipient.

11 f. Scholarship funds awarded to any eligible young
12 adult under this program are in addition to any other services
13 provided to the young adult by the department through its
14 independent living transition services.

15 g. The department shall provide information concerning
16 young adults receiving the Road-to-Independence Scholarship to
17 the Department of Education for inclusion in the student
18 financial assistance database, as provided in s. 1009.94.

19 h. Scholarship funds shall be terminated when the
20 young adult has attained a bachelor of arts or bachelor of
21 science degree, or equivalent undergraduate degree, or reaches
22 23 years of age, whichever occurs earlier.

23 i. The department shall evaluate and renew each award
24 annually during the 90-day period before the young adult's
25 birthday. In order to be eligible for a renewal award for the
26 subsequent year, the young adult must:

27 (I) Complete at least 12 semester hours or the
28 equivalent in the last academic year in which the young adult
29 earned a scholarship, except for a young adult who meets the
30 requirements of s. 1009.41.

31

1 (II) Maintain the cumulative grade point average
2 required by the scholarship program, except that, if the young
3 adult's grades are insufficient to renew the scholarship at
4 any time during the eligibility period, the young adult may
5 restore eligibility by improving the grade point average to
6 the required level.

7 j. Scholarship funds may be terminated during the
8 interim between an award and the evaluation for a renewal
9 award if the department determines that the award recipient is
10 no longer enrolled in an educational institution as defined in
11 sub-subparagraph 2.d., or is no longer a state resident. The
12 department shall notify a student who is terminated and inform
13 the student of his or her right to appeal.

14 k. An award recipient who does not qualify for a
15 renewal award or who chooses not to renew the award may
16 subsequently apply for reinstatement. An application for
17 reinstatement must be made before the young adult reaches 23
18 years of age, and a student may not apply for reinstatement
19 more than once. In order to be eligible for reinstatement, the
20 young adult must meet the eligibility criteria and the
21 criteria for award renewal for the scholarship program.

22 l. A young adult who is eligible for the
23 Road-to-Independence Scholarship may, in lieu of the
24 scholarship award, choose to remain in foster care and
25 continue to receive the services of the children's foster care
26 program for as long as the young adult continues to qualify
27 for the Road-to-Independence Scholarship ~~receiving continued~~
28 ~~services of the foster care program under former s. 409.145(3)~~
29 ~~must transfer to the scholarship program by July 1, 2003.~~

30 (c) Transitional support services.--
31

1 1. In addition to any services provided through
2 aftercare ~~after care~~ support or the Road-to-Independence
3 Scholarship, a young adult formerly in foster care, may
4 receive other appropriate short-term services, which may
5 include financial, housing, counseling, employment, education
6 and other services, if the young adult demonstrates that the
7 services are critical to the young adult's own efforts to
8 achieve self-sufficiency and to develop a personal support
9 system.

10 2. A young adult formerly in foster care is eligible
11 to apply for transitional support services if he or she is 18
12 to 23 years of age, was a dependent child pursuant to chapter
13 39, was living in licensed foster care or in subsidized
14 independent living within 6 months prior to ~~at the time of~~ his
15 or her 18th birthday, or ~~and~~ had spent at least 6 months
16 living in foster care before that date.

17 3. Based on the availability of funds, a young adult
18 formerly in foster care who is eligible for transitional
19 support services pursuant to this subsection is also eligible
20 to receive Medicaid coverage through age 23.

21 ~~4.3.~~ If at any time the services are no longer
22 critical to the young adult's own efforts to achieve
23 self-sufficiency and to develop a personal support system,
24 they shall be terminated.

25 Section 2. This act shall take effect October 1, 2004.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 428

- * Recognizes that community-based providers are entities providing independent living transition services.
- * Stipulates the age range of 18 to 23 years for the youth with a disability, formerly in foster care, who would be provided with opportunities to participate in activities that teach life skills.
- * Provides as part of the educational requirement to receive a Road to Independence Scholarship that the youth not only be enrolled in but attend the high school or adult education program.
- * Corrects an inconsistent identification of the age by which the initial application for the Road to Independence Scholarship can be submitted.