

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Fiorentino offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 409.1451, Florida Statutes, is amended
6 to read:

7 409.1451 Independent living transition services.--

8 (1) SYSTEM OF SERVICES.--

9 (a) The Department of Children and Family Services, ~~or~~ its
10 agents, or community-based providers operating pursuant to s.
11 409.1671 shall administer a system of independent living
12 transition services to enable older children in foster care and
13 young adults who exit foster care at age 18 to make the
14 transition to self-sufficiency as adults.

15 (b) The goals of independent living transition services
16 are to assist older children in foster care and young adults who

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17 | were formerly in foster care to obtain life skills and education
18 | for independent living and employment, to have a quality of life
19 | appropriate for their age, and to assume personal responsibility
20 | for becoming self-sufficient adults.

21 | (c) State funds for foster care or federal funds shall be
22 | used to establish a continuum of services for eligible children
23 | in foster care and eligible young adults who were formerly in
24 | foster care which accomplish the goals for the system of
25 | independent living transition services by providing ~~and provide~~
26 | ~~the service components for~~ services for foster children,
27 | pursuant to as provided in subsection (4) (3), and services for
28 | young adults who were formerly in foster care, pursuant to as
29 | ~~provided in~~ subsection (5).

30 | (d) For children in foster care, independent living
31 | transition services are not an alternative to adoption.
32 | Independent living transition services may occur concurrently
33 | with continued efforts to locate and achieve placement in
34 | adoptive families for older children in foster care.

35 | (2) ELIGIBILITY.--

36 | (a) The department shall serve children who have reached
37 | ~~are~~ 13 years of age but are not yet to 18 years of age and who
38 | are in foster care by providing services pursuant to ~~through the~~
39 | ~~program component of services for foster children provided in~~
40 | subsection (4) (3). Children to be served must meet the
41 | eligibility requirements set forth for specific services as
42 | provided in this section ~~and through department rule~~.

43 | (b) The department shall serve young adults who have
44 | reached are 18 years of age but are not yet to 23 years of age

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45 and who were in foster care when they turned 18 years of age by
46 providing services pursuant to ~~through the program component of~~
47 ~~services for young adults who were formerly in foster care in~~
48 subsection (5). Young adults ~~Children~~ to be served must meet the
49 eligibility requirements set forth for specific services in this
50 section ~~and through department rule.~~

51 (3) PREPARATION FOR INDEPENDENT LIVING.--

52 (a) It is the intent of the Legislature for the Department
53 of Children and Family Services to assist older children in
54 foster care and young adults who exit foster care at age 18 in
55 making the transition to independent living and self-sufficiency
56 as adults. The department shall provide such children and young
57 adults with opportunities to participate in life skills
58 activities in their foster families and communities which are
59 reasonable and appropriate for their respective ages, and shall
60 provide them with services to build the skills and increase
61 their ability to live independently and become self-sufficient.
62 To support the provision of opportunities for participation in
63 age-appropriate life skills activities, the department shall:

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

67 2. Provide training for staff and foster parents to
68 address the issues of older children in foster care in
69 transitioning to adulthood, which shall include information on
70 supporting education and employment and providing opportunities
71 to participate in appropriate daily activities.

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72 3. Develop procedures to maximize the authority of foster
73 parents to approve participation in age-appropriate activities
74 of children in their care.

75 4. Provide opportunities for older children in foster care
76 to interact with mentors.

77 5. Develop and implement procedures for older children to
78 directly access and manage the personal allowance they receive
79 from the department in order to learn responsibility and
80 participate in age-appropriate life skills activities to the
81 extent feasible.

82 (b) It is further the intent of the Legislature that each
83 child in foster care, his or her foster parents, if applicable,
84 and the department or community-based provider set early
85 achievement and career goals for the child's postsecondary
86 educational and work experience. The department and community-
87 based providers shall implement the model set forth in this
88 paragraph to help ensure that children in foster care are ready
89 for postsecondary education and the workplace.

90 1. Children in foster care entering the ninth grade, their
91 foster parents, and the department or community-based provider
92 shall be active participants in choosing a post-high school goal
93 based upon both the abilities and interests of each child. The
94 goal shall accommodate the needs of children served in
95 exceptional education programs to the extent appropriate for
96 each individual. Such children may continue to follow the
97 courses outlined in the district school board student
98 progression plan. Children in foster care, with the assistance

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99 of their foster parents, and the department or community-based
100 provider shall choose one of the following postsecondary goals:

101 a. Attending a 4-year college or university, a community
102 college plus university, or a military academy;

103 b. Receiving a 2-year postsecondary degree;

104 c. Attaining a postsecondary career and technical
105 certificate or credential; or

106 d. Beginning immediate employment after completion of a
107 high school diploma or its equivalent, or enlisting in the
108 military.

109 2. In order to assist the child in foster care in
110 achieving his or her chosen goal, the department or community-
111 based provider shall, with the participation of the child and
112 foster parents, identify:

113 a. The core courses necessary to qualify for a chosen
114 goal.

115 b. Any elective courses which would provide additional
116 help in reaching a chosen goal.

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

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

124 3. In order to complement educational goals, the
125 department and community-based providers are encouraged to form

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126 partnerships with the business community to support internships,
127 apprenticeships, or other work-related opportunities.

128 4. The department and community-based providers shall
129 ensure that children in foster care and their foster parents are
130 made aware of the postsecondary goals available and shall assist
131 in identifying the coursework necessary to enable the child to
132 reach the chosen goal.

133 (c) All children in foster care and young adults formerly
134 in foster care are encouraged to take part in learning
135 opportunities that result from participation in community
136 service activities.

137 (d) Children in foster care and young adults formerly in
138 foster care shall be provided with the opportunity to change
139 from one postsecondary goal to another, and each postsecondary
140 goal shall allow for changes in each individual's needs and
141 preferences. Any change, particularly a change that will result
142 in additional time required to achieve a goal, shall be made
143 with the guidance and assistance of the department or community-
144 based provider.

145 (4)-(3) PROGRAM COMPONENT OF SERVICES FOR FOSTER CHILDREN
146 IN FOSTER CARE.--The department shall provide the following
147 transition to independence services to children in foster care
148 who meet prescribed conditions and are determined eligible by
149 the department. The service categories available to children in
150 foster care which facilitate successful transition into
151 adulthood are:

152 (a) Preindependent-living services.--

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

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

160 3. The department shall conduct an annual staffing for
161 each child who has reached 13 years of age but is not yet 15
162 years of age to ensure that the preindependent-living training
163 and services to be provided as determined by the preindependent-
164 living assessment are being received and to evaluate the
165 progress of the child in developing the needed independent
166 living skills.

167 4. At the first annual staffing that occurs following a
168 child's 14th birthday, and at each subsequent staffing, the
169 department shall provide to each child detailed information on
170 services provided by the Road-to-Independence Scholarship
171 Program, including requirements for eligibility; on other
172 grants, scholarships, and waivers that are available and should
173 be sought by the child with assistance from the department,
174 including, but not limited to, the Bright Futures Scholarship
175 Program, as provided in ss. 1009.53-1009.538; on application
176 deadlines; and on grade requirements for such programs.

177 5. Information related to both the preindependent-living
178 assessment and all staffings, which shall be reduced to writing
179 and signed by the child participant, shall be included as a part

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180 of the written report required to be provided to the court at
181 each judicial review held pursuant to s. 39.701.

182 (b) Life skills services.--

183 1. Life skills services may include, but are not limited
184 to, independent living skills training, including training to
185 develop banking and budgeting skills, interviewing skills,
186 parenting skills, educational support, employment training, and
187 counseling. Children receiving these services should also be
188 provided with information related to social security insurance
189 benefits and public assistance. The specific services to be
190 provided to a child shall be determined using an independent
191 life skills assessment.

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

195 3. The department shall conduct a staffing at least once
196 every 6 months for each child who has reached 15 years of age
197 but is not yet 18 years of age to ensure that the appropriate
198 independent living training and services as determined by the
199 independent life skills assessment are being received and to
200 evaluate the progress of the child in developing the needed
201 independent living skills.

202 4. The department shall provide to each child in foster
203 care during the calendar month following the child's 17th
204 birthday an independent-living assessment to determine the
205 child's skills and abilities to live independently and become
206 self-sufficient. Based on the results of the independent-living
207 assessment, services and training shall be provided in order for

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208 the child to develop the necessary skills and abilities prior to
209 the child's 18th birthday.

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

215 (c) Subsidized independent living services.--

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

220 2. A child who has reached 16 years of age but is not yet
221 ~~to~~ 18 years of age is eligible for such services if he or she:

222 a. Is adjudicated dependent under chapter 39; has been
223 placed in licensed out-of-home care for at least 6 months prior
224 to entering subsidized independent living; and has a permanency
225 goal of adoption, independent living, or long-term licensed
226 care; and

227 b. Is able to demonstrate independent living skills, as
228 determined by the department, using established procedures and
229 assessments.

230 3. Independent living arrangements established for a child
231 must be part of an overall plan leading to the total
232 independence of the child from the department's supervision. The
233 plan must include, but need not be limited to, a description of
234 the skills of the child and a plan for learning additional
235 identified skills; the behavior that the child has exhibited

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236 | which indicates an ability to be responsible and a plan for
237 | developing additional responsibilities, as appropriate; a plan
238 | for future educational, vocational, and training skills; present
239 | financial and budgeting capabilities and a plan for improving
240 | resources and ability; a description of the proposed residence;
241 | documentation that the child understands the specific
242 | consequences of his or her conduct in the independent living
243 | program; documentation of proposed services to be provided by
244 | the department and other agencies, including the type of service
245 | and the nature and frequency of contact; and a plan for
246 | maintaining or developing relationships with the family, other
247 | adults, friends, and the community, as appropriate.

248 | 4. Subsidy payments in an amount established by the
249 | department may be made directly to a child under the direct
250 | supervision of a caseworker or other responsible adult approved
251 | by the department.

252 | ~~(4) PARTICIPATION IN LIFE SKILLS ACTIVITIES. In order to~~
253 | ~~assist older children in foster care, ages 13 to 18 years of~~
254 | ~~age, with the transition to independent living as adults, the~~
255 | ~~program must provide them with opportunities to participate in~~
256 | ~~and learn from life skills activities in their foster families~~
257 | ~~and communities which are reasonable and appropriate for their~~
258 | ~~age. Such activities may include, but are not limited to,~~
259 | ~~managing money earned from a job, taking driver's education, and~~
260 | ~~participating in after-school or extracurricular activities.~~
261 | ~~To support these opportunities for participation in age-~~
262 | ~~appropriate life skills activities, the department may:~~

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263 ~~(a) Develop, with children in the program and their foster~~
264 ~~parents, a list of age appropriate activities and~~
265 ~~responsibilities to be presented to all children involved in~~
266 ~~independent living transition services and their foster parents.~~

267 ~~(b) Provide training for staff and foster parents which~~
268 ~~addresses issues of older children in foster care and the~~
269 ~~transition to adulthood, including supporting education and~~
270 ~~employment and providing opportunities to participate in~~
271 ~~appropriate daily activities.~~

272 ~~(c) Develop procedures to maximize the authority of foster~~
273 ~~parents to approve participation in age appropriate activities~~
274 ~~of children in their care.~~

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

277 ~~(e) Develop and implement procedures for older children to~~
278 ~~directly access and manage the personal allowance they receive~~
279 ~~from the department in order to learn responsibility and~~
280 ~~participate in age appropriate life skills activities to the~~
281 ~~extent feasible.~~

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

289 (a) Aftercare support services.--

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290 1. Aftercare support services are available to assist
291 young adults who were formerly in foster care in their efforts
292 to continue to develop the skills and abilities necessary for
293 independent living. The aftercare support services available
294 include, but are not limited to, the following referrals to
295 ~~resources in the community for:~~

- 296 a. Mentoring and tutoring.
- 297 b. Mental health services and substance abuse counseling.
- 298 c. Life skills classes, including credit management and
299 preventive health activities.
- 300 d. Parenting classes.
- 301 e. Job skills training.
- 302 f. Counselor consultations.
- 303 g. Temporary financial assistance.

304
305 The specific services to be provided under this subparagraph
306 shall be determined by an aftercare services assessment and may
307 be provided by the department or through referrals in the
308 community. Temporary assistance may be provided to prevent
309 homelessness shall be provided as expeditiously as possible and
310 within the limitations defined by the department.

311 2. A young adult who has reached 18 years of age but is
312 not yet to 23 years of age who leaves foster care at 18 years of
313 age but who requests services prior to reaching 23 years of age
314 is eligible for such services.

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

316 1. The Road-to-Independence Scholarship Program is
317 intended to help eligible students who are former foster

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318 children in this state to receive the educational and vocational
319 training needed to achieve independence. The amount of the award
320 shall be based on the living and educational needs of the young
321 adult and may be up to, but shall not exceed, equal the amount
322 of earnings that the student would have been eligible to earn
323 working a 40-hour-a-week federal minimum wage job, after
324 considering other grants and scholarships that are in excess of
325 the educational institutions' fees and costs, and contingent
326 upon available funds. Students eligible for the Road to-
327 Independence Scholarship Program may also be eligible for
328 educational fee waivers for workforce development postsecondary
329 programs, community colleges, and universities, pursuant to s.
330 1009.25(2)(c).

331 2. A young adult who has reached 18 years of age but is
332 not yet ~~to~~ 21 years of age is eligible for the initial award,
333 and a young adult under 23 years of age is eligible for renewal
334 awards, if he or she:

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

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

340 c. Is a resident of this state as defined in s. 1009.40;
341 and

342 d. Meets one of the following qualifications:

343 (I) Has earned a standard high school diploma or its
344 equivalent as described in s. 1003.43 or s. 1003.435, or has
345 earned a special diploma or special certificate of completion as

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346 described in s. 1003.438, and has been admitted for full-time
347 enrollment in an eligible postsecondary education institution as
348 defined in s. 1009.533;

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

353 (III) Is enrolled full time in an accredited adult
354 education program designed to provide the student with a high
355 school diploma or its equivalent, is making satisfactory
356 progress in that program as certified by the program, and is
357 within 2 years of graduation.

358 3. A young adult applying for a Road-to-Independence
359 Scholarship must apply for any other grants and scholarships for
360 which he or she may qualify. The department shall assist the
361 young adult in the application process and may use the federal
362 financial aid grant process to determine the funding needs of
363 the young adult.

364 4. The amount of the award, whether it is being used by a
365 young adult working towards completion of a high school diploma
366 or its equivalent or working towards completion of a
367 postsecondary education program, shall be determined based on an
368 assessment of the funding needs of the young adult. This
369 assessment shall consider the young adult's living and
370 educational costs and other grants, scholarships, waivers,
371 earnings, and other income to be received by the young adult. An
372 award shall be available only to the extent that other grants
373 and scholarships are not sufficient to meet the living and

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374 educational needs of the young adult, but an award shall not be
375 less than \$25 in order to maintain Medicaid eligibility for the
376 young adult as provided in s. 409.903.

377 5.3-a. The department must advertise the availability of
378 the program and must ensure that the children and young adults
379 leaving foster care, foster parents, or family services
380 counselors are informed of the availability of the program and
381 the application procedures.

382 b. A young adult must apply for the initial award during
383 the 6 months immediately preceding his or her 18th birthday and
384 the department shall provide assistance with the application
385 process. A young adult who fails to make an initial application,
386 but who otherwise meets the criteria for an initial award, may
387 make one application for the initial award if such application
388 is made before the young adult's 21st birthday. If the young
389 adult does not apply for an initial award before his or her 18th
390 birthday, the department shall inform that young adult of the
391 opportunity to apply before turning 21 years of age.

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

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

397 e. A young adult who is eligible for the Road-to-
398 Independence Program and who so desires shall be allowed to
399 remain in the licensed foster family or group care provider with
400 whom he or she was residing at the time of attaining his or her
401 18th birthday.

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

405 ~~g.f.~~ Scholarship funds awarded to any eligible young adult
406 under this program are in addition to any other services
407 provided to the young adult by the department through its
408 independent living transition services.

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

413 ~~i.h.~~ Scholarship funds are intended to help eligible
414 students who are former foster children in this state to receive
415 the educational and vocational training needed to become
416 independent and self-supporting. Such funds shall be terminated
417 when the young adult has attained one of four postsecondary
418 goals pursuant to subsection (3) a bachelor of arts or bachelor
419 of science degree, or equivalent undergraduate degree, or
420 reaches 23 years of age, whichever occurs earlier. In order to
421 initiate postsecondary education, to allow for a change in
422 career goal, or to obtain additional skills in the same
423 educational or vocational area, a young adult may earn no more
424 than two diplomas, certificates, or credentials. A young adult
425 attaining an associate of arts or associate of science degree
426 shall be permitted to work towards completion of a bachelor of
427 arts or a bachelor of science degree or an equivalent
428 undergraduate degree. Road-to-Independence Scholarship funds
429 shall not be used for education or training after a young adult

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430 has attained a bachelor of arts or a bachelor of science degree
431 or an equivalent undergraduate degree.

432 ~~j.i.~~ The department shall evaluate and renew each award
433 annually during the 90-day period before the young adult's
434 birthday. In order to be eligible for a renewal award for the
435 subsequent year, the young adult must:

436 (I) Complete the number of at least 12 semester hours, or
437 the equivalent considered full time by the educational
438 institution, in the last academic year in which the young adult
439 earned a scholarship, except for a young adult who meets the
440 requirements of s. 1009.41.

441 (II) Maintain appropriate progress as required by the
442 educational institution ~~the cumulative grade point average~~
443 ~~required by the scholarship program,~~ except that, if the young
444 adult's progress is ~~grades are~~ insufficient to renew the
445 scholarship at any time during the eligibility period, the young
446 adult may restore eligibility by improving his or her progress
447 ~~the grade point average~~ to the required level.

448 ~~k.j.~~ Scholarship funds may be terminated during the
449 interim between an award and the evaluation for a renewal award
450 if the department determines that the award recipient is no
451 longer enrolled in an educational institution as defined in sub-
452 subparagraph 2.d., or is no longer a state resident. The
453 department shall notify a student who is terminated and inform
454 the student of his or her right to appeal.

455 ~~l.k.~~ An award recipient who does not qualify for a renewal
456 award or who chooses not to renew the award may subsequently
457 apply for reinstatement. An application for reinstatement must

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458 be made before the young adult reaches 23 years of age, and a
459 student may not apply for reinstatement more than once. In order
460 to be eligible for reinstatement, the young adult must meet the
461 eligibility criteria and the criteria for award renewal for the
462 scholarship program.

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

466 (c) Transitional support services.--

467 1. In addition to any services provided through after care
468 support or the Road-to-Independence Scholarship, a young adult
469 formerly in foster care, may receive other appropriate short-
470 term services, which may include financial, housing, counseling,
471 employment, education, mental health, disability, and other
472 services, if the young adult demonstrates that the services are
473 critical to the young adult's own efforts to achieve self-
474 sufficiency and to develop a personal support system.

475 2. A young adult formerly in foster care is eligible to
476 apply for transitional support services if he or she has reached
477 is 18 years of age but is not yet to 23 years of age, was a
478 dependent child pursuant to chapter 39, was living in licensed
479 foster care or in subsidized independent living at the time of
480 his or her 18th birthday, and had spent at least 6 months living
481 in foster care before that date.

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

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485 (d) Payment of aftercare, scholarship, or transitional
486 support funds.--Payment of aftercare, scholarship, or
487 transitional support funds shall be made directly to the
488 recipient unless the recipient requests in writing to the
489 community-based care lead agency, or the department, that the
490 payments or a portion of the payments be made directly on the
491 recipient's behalf in order to secure services such as housing,
492 counseling, education, or employment training as part of the
493 young adult's own efforts to achieve self-sufficiency ~~that the~~
494 ~~payments or a portion of the payments be made directly to a~~
495 ~~licensed foster family or group care provider with whom the~~
496 ~~recipient was residing at the time of attaining the 18th~~
497 ~~birthday and with whom the recipient desires to continue to~~
498 ~~reside. If a young adult and the former foster parent agree that~~
499 ~~the young adult shall continue to live in the foster home while~~
500 ~~receiving aftercare, scholarship, or transitional support funds,~~
501 ~~the caregiver shall establish written expectations for the young~~
502 ~~adult's behavior and responsibilities.~~ The young adult who
503 continues with a foster family shall not be included as a child
504 in calculating any licensing restriction on the number of
505 children in the foster home.

506 (e) Appeals process.--

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

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512 2. The procedure developed by the department must be
513 readily available to young adults, must provide timely
514 decisions, and must provide for an appeal to the Secretary of
515 Children and Family Services. The decision of the secretary
516 constitutes final agency action and is reviewable by the court
517 as provided in s. 120.68.

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

520 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL
521 ~~WORKGROUP~~.--The Secretary of Children and Family Services shall
522 establish the Independent Living Services Advisory Council for
523 the purpose of reviewing and making recommendations concerning
524 the implementation and operation of the independent living
525 transition services. This advisory council shall continue to
526 function as specified in this subsection until the Legislature
527 determines that the advisory council can no longer provide a
528 valuable contribution to the department's efforts to achieve the
529 goals of the independent living transition services.

530 (a) Specifically, the advisory council ~~workgroup, which,~~
531 ~~at a minimum, shall include representatives from the Department~~
532 ~~of Children and Family Services, the Agency for Workforce~~
533 ~~Innovation, the Department of Education, the Agency for Health~~
534 ~~Care Administration, the State Youth Advisory Board, Workforce~~
535 ~~Florida, Inc., and foster parents. The workgroup shall assess~~
536 the implementation and operation of the system of independent
537 living transition services and advise the department on actions
538 that would improve the ability of the independent living
539 transition services to meet the established goals. The advisory

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540 council workgroup shall keep the department informed of problems
541 being experienced with the services, barriers to the effective
542 and efficient integration of services and support across
543 systems, and successes that the system of independent living
544 transition services has achieved. The department shall consider,
545 but is not required to implement, the recommendations of the
546 advisory council workgroup.

547 (b) ~~For the 2002-2003 and 2003-2004 fiscal years,~~ The
548 advisory council workgroup shall report to the appropriate
549 substantive committees of the Senate and the House of
550 Representatives on the status of the implementation of the
551 system of independent living transition services; efforts to
552 publicize the availability of aftercare support services, the
553 Road-to-Independence Scholarship Program, and transitional
554 support services; specific barriers to financial aid created by
555 the scholarship and possible solutions; the success of the
556 services; problems identified; recommendations for department or
557 legislative action; and the department's implementation of the
558 recommendations contained in the Independent Living Services
559 Integration Workgroup Report submitted to the Senate and the
560 House substantive committees December 31, 2002. This advisory
561 council workgroup report shall ~~is to~~ be submitted by December 31
562 of each year that the council is in existence ~~December 31, 2003,~~
563 ~~and December 31, 2004,~~ and shall be accompanied by a report from
564 the department which identifies the recommendations of the
565 advisory council workgroup and either describes the department's
566 actions to implement these recommendations or provides the
567 department's rationale for not implementing the recommendations.

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568 (c) Members of the advisory council shall be appointed by
569 the secretary of the department. The membership of the advisory
570 council must include, at a minimum, representatives from the
571 headquarters and district offices of the Department of Children
572 and Family Services, community-based care lead agencies, the
573 Agency for Workforce Innovation, the Department of Education,
574 the Agency for Health Care Administration, the State Youth
575 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
576 Ad Litem Office, foster parents, and advocates for foster
577 children. The secretary shall determine the length of the term
578 to be served by each member appointed to the advisory council,
579 which may not exceed 4 years.

580 (8) PERSONAL PROPERTY.--Property acquired on behalf of
581 clients of this program shall become the personal property of
582 the clients and is not subject to the requirements of chapter
583 273 relating to state-owned tangible personal property. Such
584 property continues to be subject to applicable federal laws.

585 (9) RULEMAKING.--The department shall adopt by rule
586 procedures to administer this section, including balancing
587 ~~provision for the proportional reduction of scholarship awards~~
588 ~~when adequate funds are not available for all applicants. These~~
589 ~~rules shall balance~~ the goals of normalcy and safety for the
590 youth and providing ~~provide~~ the caregivers with as much
591 flexibility as possible to enable the youth to participate in
592 normal life experiences. The department shall not adopt rules
593 relating to reductions in scholarship awards. The department
594 shall engage in appropriate planning to prevent, to the extent
595 possible, a reduction in scholarship awards after issuance.

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596 Section 2. Subsections (6) through (8) of section 39.701,
597 Florida Statutes, are renumbered as subsections (7) through (9),
598 respectively, present subsection (6) is amended, paragraph (j)
599 is added to present subsection (7), and a new subsection (6) is
600 added to said section, to read:

601 39.701 Judicial review.--

602 (6)(a) In addition to the provisions of s. 39.701(1)(a)
603 and (2)(a), the court shall hold a judicial review hearing
604 within 90 days after a child's 17th birthday and shall continue
605 to hold timely judicial review hearings. In addition, the court
606 may review the status of the child more frequently during the
607 year prior to the child's 18th birthday if necessary. At each
608 review held pursuant to this subsection, in addition to any
609 information or report provided to the court, the foster parent,
610 legal custodian, guardian ad litem, and the child shall be given
611 the opportunity to address the court with any information
612 relevant to the child's best interests, particularly as it
613 relates to the provision of independent living transition
614 services. In addition to any information or report provided to
615 the court, the department shall include in its judicial review
616 social study report written verification that the child:

617 1. Has been provided with a current Medicaid card.

618 2. Has been provided with a certified copy of his or her
619 birth certificate and, if the child does not have a valid
620 driver's license, a Florida identification card issued pursuant
621 to s. 322.051.

622 3. Has been provided information relating to Social
623 Security Insurance benefits if the child is eligible for such

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624 benefits. If the child has received these benefits and they are
625 being held in trust for the child, a full accounting of those
626 funds shall be provided and the child must be informed about how
627 to access those funds.

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

630 5. Has been provided with all relevant information related
631 to the Road-to-Independence Scholarship, including, but not
632 limited to, eligibility requirements, forms necessary to apply,
633 and assistance in completing the forms.

634 6. Has an open bank account, or has identification
635 necessary to open such an account, and has been provided with
636 essential banking skills.

637 7. Has been provided with information on public assistance
638 and how to apply.

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

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

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

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652 department has not complied with its obligations as specified in
653 the written case plan or in the provision of independent living
654 services as required by s. 409.1451 and this subsection, the
655 court shall issue a show cause order. If cause is shown for
656 failure to comply, the court shall give the department 30 days
657 within which to comply and, on failure to comply with this or
658 any subsequent order, the department may be held in contempt.

659 (7)(6)(a) Prior to every judicial review hearing or
660 citizen review panel hearing, the social service agency shall
661 make an investigation and social study concerning all pertinent
662 details relating to the child and shall furnish to the court or
663 citizen review panel a written report that includes, but is not
664 limited to:

665 1. A description of the type of placement the child is in
666 at the time of the hearing, including the safety of the child
667 and the continuing necessity for and appropriateness of the
668 placement.

669 2. Documentation of the diligent efforts made by all
670 parties to the case plan to comply with each applicable
671 provision of the plan.

672 3. The amount of fees assessed and collected during the
673 period of time being reported.

674 4. The services provided to the foster family or legal
675 custodian in an effort to address the needs of the child as
676 indicated in the case plan.

677 5. A statement that either:

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

681 b. The parent did substantially comply with the provisions
682 of the case plan; or

683 c. The parent has partially complied with the provisions
684 of the case plan, with a summary of additional progress needed
685 and the agency recommendations.

686 6. A statement from the foster parent or legal custodian
687 providing any material evidence concerning the return of the
688 child to the parent or parents.

689 7. A statement concerning the frequency, duration, and
690 results of the parent-child visitation, if any, and the agency
691 recommendations for an expansion or restriction of future
692 visitation.

693 8. The number of times a child has been removed from his
694 or her home and placed elsewhere, the number and types of
695 placements that have occurred, and the reason for the changes in
696 placement.

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

700 10. If the child has reached 13 years of age but is not
701 yet 18 years of age, the results of the preindependent-living,
702 life-skills, or independent-living assessment, the specific
703 services needed, and the status of the delivery of the
704 identified services.

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705 ~~11.10.~~ Copies of all medical, psychological, and
706 educational records that support the terms of the case plan and
707 that have been produced concerning the child, parents, or any
708 caregiver since the last judicial review hearing.

709 (b) A copy of the social service agency's written report
710 and the written report of the guardian ad litem must be served
711 on all parties whose whereabouts are known; to the foster
712 parents or legal custodians; and to the citizen review panel, at
713 least 72 hours before the judicial review hearing or citizen
714 review panel hearing. The requirement for providing parents with
715 a copy of the written report does not apply to those parents who
716 have voluntarily surrendered their child for adoption or who
717 have had their parental rights to the child terminated.

718 (c) In a case in which the child has been permanently
719 placed with the social service agency, the agency shall furnish
720 to the court a written report concerning the progress being made
721 to place the child for adoption. If the child cannot be placed
722 for adoption, a report on the progress made by the child towards
723 alternative permanency goals or placements, including, but not
724 limited to, guardianship, long-term custody, long-term licensed
725 custody, or independent living, must be submitted to the court.
726 The report must be submitted to the court at least 72 hours
727 before each scheduled judicial review.

728 (d) In addition to or in lieu of any written statement
729 provided to the court, the foster parent or legal custodian, or
730 any preadoptive parent, shall be given the opportunity to
731 address the court with any information relevant to the best
732 interests of the child at any judicial review hearing.

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733 (8)~~(7)~~ The court and any citizen review panel shall take
734 into consideration the information contained in the social
735 services study and investigation and all medical, psychological,
736 and educational records that support the terms of the case plan;
737 testimony by the social services agency, the parent, the foster
738 parent or legal custodian, the guardian ad litem if one has been
739 appointed for the child, and any other person deemed
740 appropriate; and any relevant and material evidence submitted to
741 the court, including written and oral reports to the extent of
742 their probative value. These reports and evidence may be
743 received by the court in its effort to determine the action to
744 be taken with regard to the child and may be relied upon to the
745 extent of their probative value, even though not competent in an
746 adjudicatory hearing. In its deliberations, the court and any
747 citizen review panel shall seek to determine:

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

751 Section 3. Paragraph (c) of subsection (2) of section
752 1009.25, Florida Statutes, is amended to read:

753 1009.25 Fee exemptions.--

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

758 (c) A student who ~~to whom~~ the state has determined is
759 eligible for the ~~awarded a~~ Road-to-Independence Scholarship,
760 regardless of whether an award is issued or not, or a student

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761 who is or was at the time he or she reached 18 years of age in
762 the custody of a relative under s. 39.5085, or who is adopted
763 from the Department of Children and Family Services after May 5,
764 1997. Such exemption includes fees associated with enrollment in
765 vocational-preparatory instruction and completion of the
766 college-level communication and computation skills testing
767 program. Such an exemption is available to any student who was
768 in the custody of a relative under s. 39.5085 at the time he or
769 she reached 18 years of age or was adopted from the Department
770 of Children and Family Services after May 5, 1997; however, the
771 exemption remains valid for no more than 4 years after the date
772 of graduation from high school.

773 Section 4. Pursuant to section 11.45(2), Florida Statutes,
774 the Auditor General shall perform both an operational audit and
775 a performance audit, as defined in s. 11.45(1), Florida
776 Statutes, of the independent living transition services program
777 within the Department of Children and Family Services and shall
778 submit a report to the Governor, the President of the Senate,
779 the Speaker of the House of Representatives, the Secretary of
780 Children and Family Services, and the appropriate substantive
781 committees of the Senate and the House of Representatives no
782 later than February 28, 2005.

783 Section 5. The Office of Program Policy Analysis and
784 Government Accountability develop recommendations for the
785 minimum system standards for the independent living transition
786 services system required in s. 409.1451(6), Florida Statutes.
787 These recommendations shall be developed with advice from the
788 key stakeholders in the independent living transition service

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789 system, including, but not limited to, independent living
790 services staff of the Department of Children and Family Services
791 and community-based care lead agencies, representatives of the
792 State Youth Advisory Board, other youth and young adults who are
793 or have been in the foster care system, foster parents, and
794 representatives from other state agencies and community service
795 providers who are involved in serving this population. These
796 recommendations shall be provided to the Department of Children
797 and Family Services on or before November 30, 2004.

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

799

800 ===== T I T L E A M E N D M E N T =====

801 Remove the entire title and insert:

802 A bill to be entitled

803 An act relating to independent living transition services;
804 amending s. 409.1451, F.S.; authorizing community-based
805 providers to administer an independent living transition
806 services system; providing legislative intent regarding
807 assistance to older children in foster care; requiring the
808 Department of Children and Family Services to provide certain
809 skills assessment and training to such children; providing
810 guidelines to develop such training; providing certain
811 educational goals; revising provisions governing a young adult's
812 preparation for independent living; requiring the department to
813 conduct an assessment and inform the child of certain
814 scholarships, grants, and awards; providing that such assessment
815 be included in a certain report during judicial review; removing
816 life skills activities guidelines for young adults who were

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817 formerly in foster care; revising aftercare services; providing
818 a limitation on the amount of an award; providing additional
819 qualifications to receive the award; providing that a young
820 adult who is eligible to receive such award may remain with the
821 foster family or group care provider beyond his or her age of
822 majority; providing a limitation on the number of diplomas,
823 certificates, or the equivalent an award recipient may receive;
824 revising payment options for aftercare, scholarship, or
825 transitional support funds; abolishing the independent living
826 services workgroup; creating the Independent Living Services
827 Advisory Council; providing duties and responsibilities;
828 requiring an annual report; providing membership criteria;
829 revising the department's rulemaking authority; amending s.
830 39.701, F.S.; requiring a judicial review hearing within a
831 certain timeframe for each child in foster care; requiring that
832 the court certify that such child has received certain
833 information; providing that the department may be held in
834 contempt; requiring that information from the preindependent
835 living assessment be provided to the courts; requiring the court
836 to determine the child's preparation for independence; amending
837 s. 1009.25, F.S.; revising requirements specifying the students
838 who are exempt from paying tuition and fees; requiring the
839 Auditor General to perform an audit of the program and submit a
840 report; requiring the Office of Program Policy Analysis and
841 Government Accountability to develop recommendations and submit
842 a report; providing an effective date.

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