

Bill No. CS for CS for CS for SB 512

Amendment No. ____ Barcode 624720

CHAMBER ACTION

Senate

House

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Senator Lynn moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

409.1451 Independent living transition services.--

(1) SYSTEM OF SERVICES.--

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

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

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1 personal responsibility for becoming self-sufficient adults.

2 (c) State funds for foster care or federal funds shall
3 be used to establish a continuum of services for eligible
4 children in foster care and eligible young adults who were
5 formerly in foster care which accomplish the goals for the
6 system of independent living transition services by providing
7 ~~and provide the service components for~~ services for foster
8 children, pursuant to as provided in subsection(4)(3), and
9 services for young adults who were formerly in foster care,
10 pursuant to as provided in subsection (5).

11 (d) For children in foster care, independent living
12 transition services are not an alternative to adoption.
13 Independent living transition services may occur concurrently
14 with continued efforts to locate and achieve placement in
15 adoptive families for older children in foster care.

16 (2) ELIGIBILITY.--

17 (a) The department shall serve children who have
18 reached are 13 years of age but are not yet to 18 years of age
19 and who are in foster care by providing services pursuant to
20 ~~through the program component of services for foster children~~
21 ~~provided in subsection(4)(3)~~. Children to be served must
22 meet the eligibility requirements set forth for specific
23 services as provided in this section ~~and through department~~
24 ~~rule~~.

25 (b) The department shall serve young adults who have
26 reached are 18 years of age but are not yet to 23 years of age
27 and who were in foster care when they turned 18 years of age
28 by providing services pursuant to through the program
29 ~~component of services for young adults who were formerly in~~
30 ~~foster care in subsection (5)~~. Young adults Children to be
31 served must meet the eligibility requirements set forth for

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1 ~~specific services in this section and through department rule.~~

2 (3) PREPARATION FOR INDEPENDENT LIVING.--

3 (a) It is the intent of the Legislature for the
4 Department of Children and Family Services to assist older
5 children in foster care and young adults who exit foster care
6 at age 18 in making the transition to independent living and
7 self-sufficiency as adults. The department shall provide such
8 children and young adults with opportunities to participate in
9 life skills activities in their foster families and
10 communities which are reasonable and appropriate for their
11 respective ages, and shall provide them with services to build
12 the skills and increase their ability to live independently
13 and become self-sufficient. To support the provision of
14 opportunities for participation in age-appropriate life skills
15 activities, the department shall:

16 1. Develop a list of age-appropriate activities and
17 responsibilities to be offered to all children involved in
18 independent living transition services and their foster
19 parents.

20 2. Provide training for staff and foster parents to
21 address the issues of older children in foster care in
22 transitioning to adulthood, which shall include information on
23 supporting education and employment and providing
24 opportunities to participate in appropriate daily activities.

25 3. Develop procedures to maximize the authority of
26 foster parents to approve participation in age-appropriate
27 activities of children in their care.

28 4. Provide opportunities for older children in foster
29 care to interact with mentors.

30 5. Develop and implement procedures for older children
31 to directly access and manage the personal allowance they

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1 receive from the department in order to learn responsibility
2 and participate in age-appropriate life skills activities to
3 the extent feasible.

4 (b) It is further the intent of the Legislature that
5 each child in foster care, his or her foster parents, if
6 applicable, and the department or community-based provider set
7 early achievement and career goals for the child's
8 postsecondary educational and work experience. The department
9 and community-based providers shall implement the model set
10 forth in this paragraph to help ensure that children in foster
11 care are ready for postsecondary education and the workplace.

12 1. Children in foster care entering the ninth grade,
13 their foster parents, and the department or community-based
14 provider shall be active participants in choosing a post-high
15 school goal based upon both the abilities and interests of
16 each child. The goal shall accommodate the needs of children
17 served in exceptional education programs to the extent
18 appropriate for each individual. Such children may continue to
19 follow the courses outlined in the district school board
20 student progression plan. Children in foster care, with the
21 assistance of their foster parents, and the department or
22 community-based provider shall choose one of the following
23 postsecondary goals:

24 a. Attending a 4-year college or university, a
25 community college plus university, or a military academy;

26 b. Receiving a 2-year postsecondary degree;

27 c. Attaining a postsecondary career and technical
28 certificate or credential; or

29 d. Beginning immediate employment after completion of
30 a high school diploma or its equivalent, or enlisting in the
31 military.

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

5 a. The core courses necessary to qualify for a chosen
6 goal.

7 b. Any elective courses which would provide additional
8 help in reaching a chosen goal.

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

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

16 3. In order to complement educational goals, the
17 department and community-based providers are encouraged to
18 form partnerships with the business community to support
19 internships, apprenticeships, or other work-related
20 opportunities.

21 4. The department and community-based providers shall
22 ensure that children in foster care and their foster parents
23 are made aware of the postsecondary goals available and shall
24 assist in identifying the coursework necessary to enable the
25 child to reach the chosen goal.

26 (c) All children in foster care and young adults
27 formerly in foster care are encouraged to take part in
28 learning opportunities that result from participation in
29 community service activities.

30 (d) Children in foster care and young adults formerly
31 in foster care shall be provided with the opportunity to

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1 change from one postsecondary goal to another, and each
 2 postsecondary goal shall allow for changes in each
 3 individual's needs and preferences. Any change, particularly a
 4 change that will result in additional time required to achieve
 5 a goal, shall be made with the guidance and assistance of the
 6 department or community-based provider.

7 ~~(4)(3) PROGRAM COMPONENT OF SERVICES FOR FOSTER~~
 8 CHILDREN IN FOSTER CARE.--The department shall provide the
 9 following transition to independence services to children in
 10 foster care who meet prescribed conditions and are determined
 11 eligible by the department. The service categories available
 12 to children in foster care which facilitate successful
 13 transition into adulthood are:

14 (a) Preindependent-living services.--

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

19 2. A child who has reached 13 years of age but is not
 20 yet to 15 years of age who is in foster care is eligible for
 21 such services.

22 3. The department shall conduct an annual staffing for
 23 each child who has reached 13 years of age but is not yet 15
 24 years of age to ensure that the preindependent-living training
 25 and services to be provided as determined by the
 26 preindependent-living assessment are being received and to
 27 evaluate the progress of the child in developing the needed
 28 independent living skills.

29 4. At the first annual staffing that occurs following
 30 a child's 14th birthday, and at each subsequent staffing, the
 31 department shall provide to each child detailed information on

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1 services provided by the Road-to-Independence Scholarship
2 Program, including requirements for eligibility; on other
3 grants, scholarships, and waivers that are available and
4 should be sought by the child with assistance from the
5 department, including, but not limited to, the Bright Futures
6 Scholarship Program, as provided in ss. 1009.53-1009.538; on
7 application deadlines; and on grade requirements for such
8 programs.

9 5. At the first annual staffing that occurs following
10 a child's 14th birthday, the department shall also identify
11 children in foster care with developmental disabilities and
12 special mental health needs. For the children in foster care
13 with developmental disabilities and special mental health
14 needs, the department shall:

15 a. Assist them with their special needs in making the
16 transition to self-sufficiency;

17 b. Assist them with reasonable accommodations for
18 their disabilities;

19 c. Assist them with accessing support and funding from
20 other sources, such as the department's Developmental
21 Disabilities Program Office and the department's Mental Health
22 Program Office; and

23 d. Coordinate their independent living plan with the
24 school's individual education plan when the child is in a
25 special education program.

26 6. Information related to both the
27 preindependent-living assessment and all staffings, which
28 shall be reduced to writing and signed by the child
29 participant, shall be included as a part of the written report
30 required to be provided to the court at each judicial review
31 held pursuant to s. 39.701.

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1 (b) Life skills services.--

2 1. Life skills services may include, but are not
3 limited to, independent living skills training, including
4 training to develop banking and budgeting skills, interviewing
5 skills, parenting skills, educational support, employment
6 training, and counseling. Children receiving these services
7 should also be provided with information related to social
8 security insurance benefits and public assistance. The
9 specific services to be provided to a child shall be
10 determined using an independent life skills assessment.

11 2. A child who has reached 15 years of age but is not
12 yet to 18 years of age who is in foster care is eligible for
13 such services.

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

21 4. The department shall provide to each child in
22 foster care during the calendar month following the child's
23 17th birthday an independent-living assessment to determine
24 the child's skills and abilities to live independently and
25 become self-sufficient. Based on the results of the
26 independent-living assessment, services and training shall be
27 provided in order for the child to develop the necessary
28 skills and abilities prior to the child's 18th birthday.

29 5. Information related to both the independent life
30 skills assessment and all staffings, which shall be reduced to
31 writing and signed by the child participant, shall be included

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1 as a part of the written report required to be provided to the
2 court at each judicial review held pursuant to s. 39.701.

3 (c) Subsidized independent living services.--

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

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

11 a. Is adjudicated dependent under chapter 39; has been
12 placed in licensed out-of-home care for at least 6 months
13 prior to entering subsidized independent living; and has a
14 permanency goal of adoption, independent living, or long-term
15 licensed care; and

16 b. Is able to demonstrate independent living skills,
17 as determined by the department, using established procedures
18 and assessments.

19 3. Independent living arrangements established for a
20 child must be part of an overall plan leading to the total
21 independence of the child from the department's supervision.

22 The plan must include, but need not be limited to, a
23 description of the skills of the child and a plan for learning
24 additional identified skills; the behavior that the child has
25 exhibited which indicates an ability to be responsible and a
26 plan for developing additional responsibilities, as
27 appropriate; a plan for future educational, vocational, and
28 training skills; present financial and budgeting capabilities
29 and a plan for improving resources and ability; a description
30 of the proposed residence; documentation that the child

31 understands the specific consequences of his or her conduct in

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1 the independent living program; documentation of proposed
2 services to be provided by the department and other agencies,
3 including the type of service and the nature and frequency of
4 contact; and a plan for maintaining or developing
5 relationships with the family, other adults, friends, and the
6 community, as appropriate.

7 4. Subsidy payments in an amount established by the
8 department may be made directly to a child under the direct
9 supervision of a caseworker or other responsible adult
10 approved by the department.

11 ~~(4) PARTICIPATION IN LIFE SKILLS ACTIVITIES.--In order~~
12 ~~to assist older children in foster care, ages 13 to 18 years~~
13 ~~of age, with the transition to independent living as adults,~~
14 ~~the program must provide them with opportunities to~~
15 ~~participate in and learn from life skills activities in their~~
16 ~~foster families and communities which are reasonable and~~
17 ~~appropriate for their age. Such activities may include, but~~
18 ~~are not limited to, managing money earned from a job, taking~~
19 ~~driver's education, and participating in after-school or~~
20 ~~extracurricular activities. To support these opportunities for~~
21 ~~participation in age-appropriate life skills activities, the~~
22 ~~department may:~~

23 ~~(a) Develop, with children in the program and their~~
24 ~~foster parents, a list of age-appropriate activities and~~
25 ~~responsibilities to be presented to all children involved in~~
26 ~~independent living transition services and their foster~~
27 ~~parents.~~

28 ~~(b) Provide training for staff and foster parents~~
29 ~~which addresses issues of older children in foster care and~~
30 ~~the transition to adulthood, including supporting education~~
31 ~~and employment and providing opportunities to participate in~~

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1 ~~appropriate daily activities.~~

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

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

7 ~~(e) Develop and implement procedures for older~~
8 ~~children to directly access and manage the personal allowance~~
9 ~~they receive from the department in order to learn~~
10 ~~responsibility and participate in age-appropriate life skills~~
11 ~~activities to the extent feasible.~~

12 (5) ~~PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS~~
13 ~~FORMERLY IN FOSTER CARE.~~--Based on the availability of funds,
14 the department shall provide or arrange for the following
15 services to young adults formerly in foster care who meet the
16 prescribed conditions and are determined eligible by the
17 department. The categories of services available to assist a
18 young adult formerly in foster care to achieve independence
19 are:

20 (a) Aftercare support services.--

21 1. Aftercare support services are available to assist
22 young adults who were formerly in foster care in their efforts
23 to continue to develop the skills and abilities necessary for
24 independent living. The aftercare support services available
25 include, but are not limited to, the following referrals to
26 resources in the community for:

27 a. Mentoring and tutoring.

28 b. Mental health services and substance abuse
29 counseling.

30 c. Life skills classes, including credit management
31 and preventive health activities.

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- 1 d. Parenting classes.
- 2 e. Job skills training.
- 3 f. Counselor consultations.
- 4 g. Temporary financial assistance.

5
 6 The specific services to be provided under this subparagraph
 7 shall be determined by an aftercare services assessment and
 8 may be provided by the department or through referrals in the
 9 community. Temporary assistance ~~may be~~ provided to prevent
 10 homelessness shall be provided as expeditiously as possible
 11 and within the limitations defined by the department.

12 2. A young adult who has reached 18 years of age but
 13 is not yet to 23 years of age who leaves foster care at 18
 14 years of age but who requests services prior to reaching 23
 15 years of age is eligible for such services.

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

17 1. The Road-to-Independence Scholarship Program is
 18 intended to help eligible students who are former foster
 19 children in this state to receive the educational and
 20 vocational training needed to achieve independence. The amount
 21 of the award shall be based on the living and educational
 22 needs of the young adult and may be up to, but shall not
 23 exceed equal the amount of earnings that the student would
 24 have been eligible to earn working a 40-hour-a-week federal
 25 minimum wage job, ~~after considering other grants and~~
 26 ~~scholarships that are in excess of the educational~~
 27 ~~institutions' fees and costs, and contingent upon available~~
 28 ~~funds. Students eligible for the Road-to-Independence~~
 29 ~~Scholarship Program may also be eligible for educational fee~~
 30 ~~waivers for workforce development postsecondary programs,~~
 31 ~~community colleges, and universities, pursuant to s.~~

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1 ~~1009.25(2)(c).~~

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

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

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

11 c. Is a resident of this state as defined in s.
12 1009.40; and

13 d. Meets one of the following qualifications:

14 (I) Has earned a standard high school diploma or its
15 equivalent as described in s. 1003.43 or s. 1003.435, or has
16 earned a special diploma or special certificate of completion
17 as described in s. 1003.438, and has been admitted for
18 full-time enrollment in an eligible postsecondary education
19 institution as defined in s. 1009.533;

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

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

30 3. A young adult applying for a Road-to-Independence
31 Scholarship must apply for any other grants and scholarships

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1 for which he or she may qualify. The department shall assist
2 the young adult in the application process and may use the
3 federal financial aid grant process to determine the funding
4 needs of the young adult.

5 4. The amount of the award, whether it is being used
6 by a young adult working towards completion of a high school
7 diploma or its equivalent or working towards completion of a
8 postsecondary education program, shall be determined based on
9 an assessment of the funding needs of the young adult. This
10 assessment shall consider the young adult's living and
11 educational costs and other grants, scholarships, waivers,
12 earnings, and other income to be received by the young adult.
13 An award shall be available only to the extent that other
14 grants and scholarships are not sufficient to meet the living
15 and educational needs of the young adult, but an award shall
16 not be less than \$25 in order to maintain Medicaid eligibility
17 for the young adult as provided in s. 409.903. For those young
18 adults who are attending high school or another education
19 program for which the financial aid grant process could not be
20 applied for the purpose of determining funding needs of the
21 young adult, the department may issue a base award of \$654 and
22 consider the young adult's living and educational needs in
23 issuing a higher award amount.

24 5.3-a. The department must advertise the availability
25 of the program and must ensure that the children and young
26 adults leaving foster care, foster parents, or family services
27 counselors are informed of the availability of the program and
28 the application procedures.

29 b. A young adult must apply for the initial award
30 during the 6 months immediately preceding his or her 18th
31 birthday and the department shall provide assistance with the

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1 application process. A young adult who fails to make an
2 initial application, but who otherwise meets the criteria for
3 an initial award, may make one application for the initial
4 award if such application is made before the young adult's
5 21st birthday. If the young adult does not apply for an
6 initial award before his or her 18th birthday, the department
7 shall inform that young adult of the opportunity to apply
8 before turning 21 years of age.

9 c. If funding for the program is available, the
10 department shall issue awards from the scholarship program for
11 each young adult who meets all the requirements of the
12 program.

13 d. If funding for the program is not available, the
14 department may temporarily cease issuing new awards until
15 funds are available.

16 e.d. An award shall be issued at the time the eligible
17 student reaches 18 years of age.

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

23 g.e. If the award recipient transfers from one
24 eligible institution to another and continues to meet
25 eligibility requirements, the award must be transferred with
26 the recipient.

27 h.f. Scholarship funds awarded to any eligible young
28 adult under this program are in addition to any other services
29 provided to the young adult by the department through its
30 independent living transition services.

31 i.g. The department shall provide information

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1 concerning young adults receiving the Road-to-Independence
2 Scholarship to the Department of Education for inclusion in
3 the student financial assistance database, as provided in s.
4 1009.94.

5 ~~j.h.~~ Scholarship funds are intended to help eligible
6 students who are former foster children in this state to
7 receive the educational and vocational training needed to
8 become independent and self-supporting. Such funds shall be
9 terminated when the young adult has attained one of four
10 postsecondary goals pursuant to subsection (3) a bachelor of
11 arts or bachelor of science degree, or equivalent
12 undergraduate degree, or reaches 23 years of age, whichever
13 occurs earlier. In order to initiate postsecondary education,
14 to allow for a change in career goal, or to obtain additional
15 skills in the same educational or vocational area, a young
16 adult may earn no more than two diplomas, certificates, or
17 credentials. A young adult attaining an associate of arts or
18 associate of science degree shall be permitted to work towards
19 completion of a bachelor of arts or a bachelor of science
20 degree or an equivalent undergraduate degree.

21 Road-to-Independence Scholarship funds shall not be used for
22 education or training after a young adult has attained a
23 bachelor of arts or a bachelor of science degree or an
24 equivalent undergraduate degree.

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

29 (I) Complete ~~the number of at least 12 semester hours,~~
30 or the equivalent considered full time by the educational
31 institution, in the last academic year in which the young

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1 adult earned a scholarship, except for a young adult who meets
2 the requirements of s. 1009.41.

3 (II) Maintain appropriate progress as required by the
4 educational institution ~~the cumulative grade point average~~
5 ~~required by the scholarship program~~, except that, if the young
6 adult's progress is ~~grades are~~ insufficient to renew the
7 scholarship at any time during the eligibility period, the
8 young adult may restore eligibility by improving his or her
9 progress ~~the grade point average~~ to the required level.

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

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

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

28 (c) Transitional support services.--

29 1. In addition to any services provided through after
30 care support or the Road-to-Independence Scholarship, a young
31 adult formerly in foster care, may receive other appropriate

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1 short-term services, which may include financial, housing,
2 counseling, employment, education, mental health, disability,
3 and other services, if the young adult demonstrates that the
4 services are critical to the young adult's own efforts to
5 achieve self-sufficiency and to develop a personal support
6 system.

7 2. A young adult formerly in foster care is eligible
8 to apply for transitional support services if he or she has
9 reached is 18 years of age but is not yet to 23 years of age,
10 was a dependent child pursuant to chapter 39, was living in
11 licensed foster care or in subsidized independent living at
12 the time of his or her 18th birthday, and had spent at least 6
13 months living in foster care before that date. Young adults
14 receiving an award from the Road-to-Independence Scholarship
15 Programs are not eligible for any financial assistance
16 provided through the transitional support services.

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

21 (d) Payment of aftercare, scholarship, or transitional
22 support funds.--Payment of aftercare, scholarship, or
23 transitional support funds shall be made directly to the
24 recipient unless the recipient requests that the payments or a
25 portion of the payments be made directly to a licensed foster
26 family or group care provider with whom the recipient was
27 residing at the time of attaining the 18th birthday and with
28 whom the recipient desires to continue to reside. ~~If a young~~
29 ~~adult and the former foster parent agree that the young adult~~
30 ~~shall continue to live in the foster home while receiving~~
31 ~~aftercare, scholarship, or transitional support funds, the~~

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1 ~~caregiver shall establish written expectations for the young~~
 2 ~~adult's behavior and responsibilities.~~ The young adult who
 3 continues with a foster family shall not be included as a
 4 child in calculating any licensing restriction on the number
 5 of children in the foster home.

6 (e) Appeals process.--

7 1. The Department of Children and Family Services
 8 shall adopt by rule a procedure by which a young adult may
 9 appeal an eligibility determination or the department's
 10 failure to provide aftercare, scholarship, or transitional
 11 support services, or the termination of such services, if such
 12 funds are available.

13 2. The procedure developed by the department must be
 14 readily available to young adults, must provide timely
 15 decisions, and must provide for an appeal to the Secretary of
 16 Children and Family Services. The decision of the secretary
 17 constitutes final agency action and is reviewable by the court
 18 as provided in s. 120.68.

19 (6) ACCOUNTABILITY.--

20 (a) The department shall develop outcome measures for
 21 the program and other performance measures.

22 (b) By January 31, 2005, the department shall
 23 establish minimum system standards for the independent living
 24 transition services system which must be met by each district
 25 and community-based care lead agency. The minimum system
 26 standards must be appropriate for specific age groups within
 27 the independent living transition services program and, at a
 28 minimum, must address the following aspects of the independent
 29 living transition services system: allocation of resources
 30 between youth under 18 years of age and young adults 18 years
 31 of age and older; an approach to ensure life skills

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1 development for youth under 18 years of age; an approach to
2 ensure continued life skills development for young adults 18
3 to 23 years of age when needed; linkages with other service
4 systems such as education, mental health, and developmental
5 disabilities, particularly for those youth approaching their
6 18th birthday; fiscal systems that ensure the timely issuance
7 of financial assistance from aftercare support services and
8 transitional support services and of scholarship awards; and
9 community partnerships.

10 (c)1. Each district and community-based care lead
11 agency shall annually prepare a written:

12 a. Plan for meeting the minimum system standards
13 established by the department pursuant to paragraph (b), which
14 shall be submitted to the department by April 30, 2005, and
15 annually thereafter; and

16 b. Report for the previous fiscal year which contains
17 a description of the outcomes of the district's or agency's
18 plan for meeting the minimum system standards and an
19 accounting of expenditures for independent living transition
20 services. The report shall be submitted to the department by
21 August 31, 2006, and annually thereafter.

22 2. For the fiscal year beginning July 1, 2005, and for
23 each fiscal year thereafter, a district or community-based
24 care lead agency may not expend funds for independent living
25 transition services until the plan required by subparagraph
26 1.a. is approved by the department.

27 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL
28 WORKGROUP.--The Secretary of Children and Family Services
29 shall establish the Independent Living Services Advisory
30 Council for the purpose of reviewing and making
31 recommendations concerning the implementation and operation of

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1 the independent living transition services. This advisory
2 council shall continue to function as specified in this
3 subsection until the Legislature determines that the advisory
4 council can no longer provide a valuable contribution to the
5 department's efforts to achieve the goals of the independent
6 living transition services.

7 (a) Specifically, the advisory council workgroup,
8 ~~which, at a minimum, shall include representatives from the~~
9 ~~Department of Children and Family Services, the Agency for~~
10 ~~Workforce Innovation, the Department of Education, the Agency~~
11 ~~for Health Care Administration, the State Youth Advisory~~
12 ~~Board, Workforce Florida, Inc., and foster parents. The~~
13 ~~workgroup~~ shall assess the implementation and operation of the
14 system of independent living transition services and advise
15 the department on actions that would improve the ability of
16 the independent living transition services to meet the
17 established goals. The advisory council workgroup shall keep
18 the department informed of problems being experienced with the
19 services, barriers to the effective and efficient integration
20 of services and support across systems, and successes that the
21 system of independent living transition services has achieved.
22 The department shall consider, but is not required to
23 implement, the recommendations of the advisory council
24 workgroup.

25 (b) ~~For the 2002-2003 and 2003-2004 fiscal years,~~ The
26 advisory council workgroup shall report to the appropriate
27 substantive committees of the Senate and the House of
28 Representatives on the status of the implementation of the
29 system of independent living transition services; efforts to
30 publicize the availability of aftercare support services, the
31 Road-to-Independence Scholarship Program, and transitional

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1 support services; specific barriers to financial aid created
2 by the scholarship and possible solutions; the success of the
3 services; problems identified; recommendations for department
4 or legislative action; and the department's implementation of
5 the recommendations contained in the Independent Living
6 Services Integration Workgroup Report submitted to the Senate
7 and the House substantive committees December 31, 2002. This
8 advisory council ~~workgroup~~ report shall is to be submitted by
9 December 31 of each year that the council is in existence
10 ~~December 31, 2003, and December 31, 2004,~~ and shall be
11 accompanied by a report from the department which identifies
12 the recommendations of the advisory council ~~workgroup~~ and
13 either describes the department's actions to implement these
14 recommendations or provides the department's rationale for not
15 implementing the recommendations.

16 (c) Members of the advisory council shall be appointed
17 by the secretary of the department. The membership of the
18 advisory council must include, at a minimum, representatives
19 from the headquarters and district offices of the Department
20 of Children and Family Services, community-based care lead
21 agencies, the Agency for Workforce Innovation, the Department
22 of Education, the Agency for Health Care Administration, the
23 State Youth Advisory Board, Workforce Florida, Inc., the
24 Statewide Guardian Ad Litem Office, foster parents, and
25 advocates for foster children. The secretary shall determine
26 the length of the term to be served by each member appointed
27 to the advisory council, which may not exceed 4 years.

28 (8) PERSONAL PROPERTY.--Property acquired on behalf of
29 clients of this program shall become the personal property of
30 the clients and is not subject to the requirements of chapter
31 273 relating to state-owned tangible personal property. Such

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1 property continues to be subject to applicable federal laws.

2 (9) RULEMAKING.--The department shall adopt by rule
 3 procedures to administer this section, including balancing
 4 ~~provision for the proportional reduction of scholarship awards~~
 5 ~~when adequate funds are not available for all applicants.~~
 6 ~~These rules shall balance~~ the goals of normalcy and safety for
 7 the youth and providing provide the caregivers with as much
 8 flexibility as possible to enable the youth to participate in
 9 normal life experiences. ~~The department shall engage in~~
 10 ~~appropriate planning to prevent, to the extent possible, a~~
 11 ~~reduction in scholarship awards after issuance.~~

12 Section 2. Subsections (6) through (8) of section
 13 39.701, Florida Statutes, are renumbered as subsections (7)
 14 through (9), respectively, present subsections (6) and (7) are
 15 amended, and a new subsection (6) is added to that section, to
 16 read:

17 39.701 Judicial review.--

18 (6)(a) In addition to the provisions of s.
 19 39.701(1)(a) and (2)(a), the court shall hold a judicial
 20 review hearing within 90 days after a child's 17th birthday
 21 and shall continue to hold timely judicial review hearings. In
 22 addition, the court may review the status of the child more
 23 frequently during the year prior to the child's 18th birthday
 24 if necessary. At each review held pursuant to this subsection,
 25 in addition to any information or report provided to the
 26 court, the foster parent, legal custodian, guardian ad litem,
 27 and the child shall be given the opportunity to address the
 28 court with any information relevant to the child's best
 29 interests, particularly as it relates to the provision of
 30 independent living transition services. In addition to any
 31 information or report provided to the court, the department

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1 shall include in its judicial review social study report
2 written verification that the child:

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

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

8 3. Has been provided information relating to Social
9 Security Insurance benefits if the child is eligible for such
10 benefits. If the child has received these benefits and they
11 are being held in trust for the child, a full accounting of
12 those funds shall be provided and the child must be informed
13 about how to access those funds.

14 4. Has been provided with information and training
15 related to budgeting skills, interviewing skills, and
16 parenting skills.

17 5. Has been provided with all relevant information
18 related to the Road-to-Independence Scholarship, including,
19 but not limited to, eligibility requirements, forms necessary
20 to apply, and assistance in completing the forms.

21 6. Has an open bank account, or has identification
22 necessary to open such an account, and has been provided with
23 essential banking skills.

24 7. Has been provided with information on public
25 assistance and how to apply.

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

30 (b) At the first judicial review hearing held
31 subsequent to the child's 17th birthday, in addition to the

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1 requirements of subsection (7), the department shall provide
2 the court with an updated case plan that includes specific
3 information related to independent living services that have
4 been provided since the child's 13th birthday, or since the
5 date the child came into foster care, whichever came later.

6 (c) At the time of a judicial review hearing held
7 pursuant to this subsection, if, in the opinion of the court,
8 the department has not complied with its obligations as
9 specified in the written case plan or in the provision of
10 independent living services as required by s. 409.1451 and
11 this subsection, the court shall issue a show cause order. If
12 cause is shown for failure to comply, the court shall give the
13 department 30 days within which to comply and, on failure to
14 comply with this or any subsequent order, the department may
15 be held in contempt.

16 ~~(7)~~(6)(a) Prior to every judicial review hearing or
17 citizen review panel hearing, the social service agency shall
18 make an investigation and social study concerning all
19 pertinent details relating to the child and shall furnish to
20 the court or citizen review panel a written report that
21 includes, but is not limited to:

22 1. A description of the type of placement the child is
23 in at the time of the hearing, including the safety of the
24 child and the continuing necessity for and appropriateness of
25 the placement.

26 2. Documentation of the diligent efforts made by all
27 parties to the case plan to comply with each applicable
28 provision of the plan.

29 3. The amount of fees assessed and collected during
30 the period of time being reported.

31 4. The services provided to the foster family or legal

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1 | custodian in an effort to address the needs of the child as
2 | indicated in the case plan.

3 | 5. A statement that either:

4 | a. The parent, though able to do so, did not comply
5 | substantially with the provisions of the case plan, and the
6 | agency recommendations;

7 | b. The parent did substantially comply with the
8 | provisions of the case plan; or

9 | c. The parent has partially complied with the
10 | provisions of the case plan, with a summary of additional
11 | progress needed and the agency recommendations.

12 | 6. A statement from the foster parent or legal
13 | custodian providing any material evidence concerning the
14 | return of the child to the parent or parents.

15 | 7. A statement concerning the frequency, duration, and
16 | results of the parent-child visitation, if any, and the agency
17 | recommendations for an expansion or restriction of future
18 | visitation.

19 | 8. The number of times a child has been removed from
20 | his or her home and placed elsewhere, the number and types of
21 | placements that have occurred, and the reason for the changes
22 | in placement.

23 | 9. The number of times a child's educational placement
24 | has been changed, the number and types of educational
25 | placements which have occurred, and the reason for any change
26 | in placement.

27 | 10. If the child has reached 13 years of age but is
28 | not yet 18 years of age, the results of the
29 | preindependent-living, life-skills, or independent-living
30 | assessment, the specific services needed, and the status of
31 | the delivery of the identified services.

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1 ~~11.10.~~ Copies of all medical, psychological, and
2 educational records that support the terms of the case plan
3 and that have been produced concerning the child, parents, or
4 any caregiver since the last judicial review hearing.

5 (b) A copy of the social service agency's written
6 report and the written report of the guardian ad litem must be
7 served on all parties whose whereabouts are known; to the
8 foster parents or legal custodians; and to the citizen review
9 panel, at least 72 hours before the judicial review hearing or
10 citizen review panel hearing. The requirement for providing
11 parents with a copy of the written report does not apply to
12 those parents who have voluntarily surrendered their child for
13 adoption or who have had their parental rights to the child
14 terminated.

15 (c) In a case in which the child has been permanently
16 placed with the social service agency, the agency shall
17 furnish to the court a written report concerning the progress
18 being made to place the child for adoption. If the child
19 cannot be placed for adoption, a report on the progress made
20 by the child towards alternative permanency goals or
21 placements, including, but not limited to, guardianship,
22 long-term custody, long-term licensed custody, or independent
23 living, must be submitted to the court. The report must be
24 submitted to the court at least 72 hours before each scheduled
25 judicial review.

26 (d) In addition to or in lieu of any written statement
27 provided to the court, the foster parent or legal custodian,
28 or any preadoptive parent, shall be given the opportunity to
29 address the court with any information relevant to the best
30 interests of the child at any judicial review hearing.

31 ~~(8)(7)~~ The court and any citizen review panel shall

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1 take into consideration the information contained in the
 2 social services study and investigation and all medical,
 3 psychological, and educational records that support the terms
 4 of the case plan; testimony by the social services agency, the
 5 parent, the foster parent or legal custodian, the guardian ad
 6 litem if one has been appointed for the child, and any other
 7 person deemed appropriate; and any relevant and material
 8 evidence submitted to the court, including written and oral
 9 reports to the extent of their probative value. These reports
 10 and evidence may be received by the court in its effort to
 11 determine the action to be taken with regard to the child and
 12 may be relied upon to the extent of their probative value,
 13 even though not competent in an adjudicatory hearing. In its
 14 deliberations, the court and any citizen review panel shall
 15 seek to determine:

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

19 Section 3. Paragraph (c) of subsection (2) of section
 20 1009.25, Florida Statutes, is amended to read:

21 1009.25 Fee exemptions.--

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

26 (c) A student who to whom the state has determined is
 27 eligible for the ~~awarded a~~ Road-to-Independence Scholarship,
 28 regardless of whether an award is issued or not, or a student
 29 who is or was at the time he or she reached 18 years of age in
 30 the custody of a relative under s. 39.5085, or who is adopted
 31 from the Department of Children and Family Services after May

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1 5, 1997. Such exemption includes fees associated with
2 enrollment in vocational-preparatory instruction and
3 completion of the college-level communication and computation
4 skills testing program. Such an exemption is available to any
5 student who was in the custody of a relative under s. 39.5085
6 at the time he or she reached 18 years of age or was adopted
7 from the Department of Children and Family Services after May
8 5, 1997; however, the exemption remains valid for no more than
9 4 years after the date of graduation from high school.

10 Section 4. Pursuant to section 11.45(2), Florida
11 Statutes, the Auditor General shall perform both an
12 operational audit and a performance audit, as defined in
13 section 11.45(1), Florida Statutes, of the independent living
14 transition services program within the Department of Children
15 and Family Services and shall submit a report to the Governor,
16 the President of the Senate, the Speaker of the House of
17 Representatives, the Secretary of Children and Family
18 Services, and the appropriate substantive committees of the
19 Senate and the House of Representatives no later than February
20 28, 2005.

21 Section 5. The Office of Program Policy and Government
22 Accountability shall develop recommendations for the minimum
23 system standards for the independent living transition
24 services system required in section 409.1451(6), Florida
25 Statutes. These recommendations shall be developed with advice
26 from the key stakeholders in the independent living transition
27 service system, including, but not limited to, independent
28 living services staff of the Department of Children and Family
29 Services and community-based care lead agencies,
30 representatives of the State Youth Advisory Board, other youth
31 and young adults who are or have been in the foster care

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1 system, foster parents, and representatives from other state
2 agencies, and community service providers who are involved in
3 serving this population. These recommendations shall be
4 provided to the Department of Children and Family Services on
5 or before November 30, 2004.

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

8
9

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15 A bill to be entitled
16 An act relating to independent living
17 transition services; amending s. 409.1451,
18 F.S.; authorizing community-based providers to
19 administer an independent living transition
20 services system; providing legislative intent
21 regarding assistance to older children in
22 foster care; requiring the Department of
23 Children and Family Services to provide certain
24 skills assessment and training to such
25 children; providing guidelines to develop such
26 training; providing certain educational goals;
27 revising provisions governing a young adult's
28 preparation for independent living; requiring
29 the department to conduct an assessment and
30 inform the child of certain scholarships,
31 grants, and awards; providing for the

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1 identification of and assistance to children
2 with developmental disabilities and special
3 mental health needs; providing that such
4 assessment be included in a certain report
5 during judicial review; removing life skills
6 activities guidelines for young adults who were
7 formerly in foster care; revising aftercare
8 services; providing a limitation on the amount
9 of an award; providing additional
10 qualifications to receive the award; providing
11 requirements and options for determining the
12 amount of the award; providing that a young
13 adult who is eligible to receive such award may
14 remain with the foster family or group care
15 provider beyond his or her age of majority;
16 providing a limitation on the number of
17 diplomas, certificates, or the equivalent an
18 award recipient may receive; expanding the
19 services available through the transitional
20 support service to include mental health and
21 disability services; prohibiting the provision
22 of financial assistance from transitional
23 support services to young adults receiving a
24 scholarship; requiring the department to
25 establish minimum system standards for
26 independent living transition service
27 providers; requiring a district or
28 community-based care lead agency to annually
29 submit a plan for meeting the minimum system
30 standards, a report containing outcomes, and an
31 accounting for the previous fiscal year;

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1 requiring department authorization of plans for
2 expenditure of specified funds; abolishing the
3 independent living services workgroup; creating
4 the Independent Living Services Advisory
5 Council; providing duties and responsibilities;
6 requiring an annual report; providing
7 membership criteria; limiting the department's
8 rulemaking authority; amending s. 39.701, F.S.;
9 requiring a judicial review hearing within a
10 certain timeframe for each child in foster
11 care; requiring that the court certify that
12 such child has received certain information;
13 providing that the department may be held in
14 contempt; requiring that information from the
15 preindependent living assessment be provided to
16 the courts; requiring the court to determine
17 the child's preparation for independence;
18 amending s. 1009.25, F.S.; revising
19 requirements specifying the students who are
20 exempt from paying tuition and fees; requiring
21 the Auditor General to perform an audit of the
22 program and submit a report; directing the
23 Office of Program Policy and Government
24 Accountability to develop recommendations for
25 minimum system standards; requiring that the
26 recommendations be provided to the department
27 by November 30, 2004; providing an effective
28 date.

29
30
31