

By Senator Lynn

7-70C-04

1 A bill to be entitled
2 An act relating to independent living
3 transition services; amending s. 409.1451,
4 F.S.; deleting references to children in foster
5 care; adding references to children in the
6 legal custody of the Department of Children and
7 Family Services; defining children in the legal
8 custody of the department to include children
9 in the legal custody of a lead community-based
10 provider; requiring each district or lead
11 community-based provider to submit an annual
12 plan for meeting the agency's specified
13 obligations; abolishing the Independent Living
14 Services Workgroup; creating the Independent
15 Living Services Advisory Group to review and
16 evaluate the operation of the department's
17 independent living transition services;
18 providing for the activities of the Independent
19 Living Services Advisory Group; requiring the
20 Independent Living Services Advisory Group to
21 report to the Senate and the House of
22 Representatives; providing for membership on
23 the advisory group; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsections (1), (2), (3), (4), (5), (6),
29 and (7) of section 409.1451, Florida Statutes, are amended to
30 read:

31 409.1451 Independent living transition services.--

1 (1) SYSTEM OF SERVICES.--

2 (a) The Department of Children and Family Services or
3 its agents shall administer a system of independent living
4 transition services to enable older children in the legal
5 custody of the department ~~foster care~~ and young adults who
6 exit the legal custody of the department ~~foster care~~ at age 18
7 to make the transition to self-sufficiency as adults.

8 (b) The goals of independent living transition
9 services are to assist older children in the legal custody of
10 the department ~~foster care~~ and young adults who were formerly
11 in the legal custody of the department ~~foster care~~ to obtain
12 life skills and education for independent living and
13 employment, to have a quality of life appropriate for their
14 age, and to assume personal responsibility for becoming
15 self-sufficient adults.

16 (c) State funds for foster care or federal funds shall
17 be used to establish a continuum of services for eligible
18 children in the legal custody of the department ~~foster care~~
19 and eligible young adults who were formerly in the legal
20 custody of the department ~~foster care~~ which accomplish the
21 goals for the independent living transition services and
22 provide the service components for services for ~~foster~~
23 children in the legal custody of the department, as provided
24 in subsection (3), and services for young adults who were
25 formerly in the legal custody of the department ~~foster care~~,
26 as provided in subsection (5).

27 (d) For children in the legal custody of the
28 department ~~foster care~~, independent living transition services
29 are not an alternative to adoption. Independent living
30 transition services may occur concurrently with continued
31 efforts to locate and achieve placement in adoptive families

1 for older children in the legal custody of the department
2 ~~foster care~~.

3 (e) As used in this section, the term "children in the
4 legal custody of the department" includes children in the
5 legal custody of a lead community-based provider operating
6 pursuant to s. 409.1671.

7 (2) ELIGIBILITY.--

8 (a) The department shall serve children who are 13 to
9 18 years of age and who are in the legal custody of the
10 department ~~foster care~~ through the program component of
11 services for ~~foster~~ children in the legal custody of the
12 department provided in subsection (3). Children to be served
13 must meet the eligibility requirements set forth for specific
14 services as provided in this section and through department
15 rule.

16 (b) The department shall serve young adults who are 18
17 to 23 years of age and who were in the legal custody of the
18 department ~~foster care~~ when they turned 18 years of age
19 through the program component of services for young adults who
20 were formerly in the legal custody of the department ~~foster~~
21 ~~care~~ in subsection (5). Children to be served must meet the
22 eligibility requirements set forth for specific services in
23 this section and through department rule.

24 (3) PROGRAM COMPONENT OF SERVICES FOR ~~FOSTER~~ CHILDREN
25 IN THE LEGAL CUSTODY OF THE DEPARTMENT.--The department shall
26 provide the following transition to independence services to
27 children in the legal custody of the department ~~foster care~~
28 who meet prescribed conditions and are determined eligible by
29 the department. The service categories available to children
30 in the legal custody of the department ~~foster care~~ which
31 facilitate successful transition into adulthood are:

1 (a) Preindependent-living services.--

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

6 2. A child 13 to 15 years of age who is in the legal
7 custody of the department ~~foster care~~ is eligible for such
8 services.

9 (b) Life skills services.--

10 1. Life skills services may include, but are not
11 limited to, independent living skills training, educational
12 support, employment training, and counseling. The specific
13 services to be provided to a child shall be determined using
14 an independent life skills assessment.

15 2. A child 15 to 18 years of age who is in the legal
16 custody of the department ~~foster care~~ is eligible for such
17 services.

18 (c) Subsidized independent living services.--

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

23 2. A child 16 to 18 years of age is eligible for such
24 services if he or she:

25 a. Is adjudicated dependent under chapter 39; has been
26 placed in licensed out-of-home care for at least 6 months
27 prior to entering subsidized independent living; and has a
28 permanency goal of adoption, independent living, or long-term
29 licensed care; and

30
31

1 b. Is able to demonstrate independent living skills,
2 as determined by the department, using established procedures
3 and assessments.

4 3. Independent living arrangements established for a
5 child must be part of an overall plan leading to the total
6 independence of the child from the department's supervision.
7 The plan must include, but need not be limited to, a
8 description of the skills of the child and a plan for learning
9 additional identified skills; the behavior that the child has
10 exhibited which indicates an ability to be responsible and a
11 plan for developing additional responsibilities, as
12 appropriate; a plan for future educational, vocational, and
13 training skills; present financial and budgeting capabilities
14 and a plan for improving resources and ability; a description
15 of the proposed residence; documentation that the child
16 understands the specific consequences of his or her conduct in
17 the independent living program; documentation of proposed
18 services to be provided by the department and other agencies,
19 including the type of service and the nature and frequency of
20 contact; and a plan for maintaining or developing
21 relationships with the family, other adults, friends, and the
22 community, as appropriate.

23 4. Subsidy payments in an amount established by the
24 department may be made directly to a child under the direct
25 supervision of a caseworker or other responsible adult
26 approved by the department.

27 (4) PARTICIPATION IN LIFE SKILLS ACTIVITIES.--In order
28 to assist older children in the legal custody of the
29 department and, in particular, children in foster care, ages
30 13 to 18 years of age, with the transition to independent
31 living as adults, the program must provide them with

1 opportunities to participate in and learn from life skills
2 activities in their foster families and communities which are
3 reasonable and appropriate for their age. Such activities may
4 include, but are not limited to, managing money earned from a
5 job, taking driver's education, and participating in
6 after-school or extracurricular activities. To support these
7 opportunities for participation in age-appropriate life skills
8 activities, the department may:

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

14 (b) Provide training for staff and foster parents
15 which addresses issues of older children ~~in foster care~~ and
16 their ~~the~~ transition to adulthood, including supporting
17 education and employment and providing opportunities to
18 participate in appropriate daily activities.

19 (c) Develop procedures to maximize the authority of
20 foster parents to approve participation in age-appropriate
21 activities of children in their care.

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

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

29 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS
30 FORMERLY IN THE LEGAL CUSTODY OF THE DEPARTMENT ~~FOSTER~~
31 ~~CARE~~--Based on the availability of funds, the department

1 shall provide or arrange for the following services to young
2 adults formerly in the legal custody of the department ~~foster~~
3 ~~care~~ who meet the prescribed conditions and are determined
4 eligible by the department. The categories of services
5 available to assist a young adult formerly in the legal
6 custody of the department ~~foster care~~ to achieve independence
7 are:

8 (a) Aftercare support services.--

9 1. Aftercare support services include, but are not
10 limited to, referrals to resources in the community for:

11 a. Mentoring and tutoring.

12 b. Mental health services and substance abuse
13 counseling.

14 c. Life skills classes, including credit management
15 and preventive health activities.

16 d. Parenting classes.

17 e. Job skills training.

18
19 The specific services to be provided under this subparagraph
20 shall be determined by an aftercare services assessment.
21 Temporary assistance may be provided to prevent homelessness
22 within the limitations defined by the department.

23 2. A young adult 18 to 23 years of age who leaves the
24 legal custody of the department ~~foster care~~ at 18 years of age
25 but who requests services prior to reaching 23 years of age is
26 eligible for such services.

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

28 1. The Road-to-Independence Scholarship Program is
29 intended to help eligible students who were formerly ~~are~~
30 ~~former foster~~ children in the legal custody of the department
31 ~~this state~~ to receive the educational and vocational training

1 needed to achieve independence. The amount of the scholarship
2 ~~award~~ shall equal the earnings that the student would have
3 been eligible to earn working a 40-hour-a-week federal minimum
4 wage job, after considering other grants and scholarships that
5 are in excess of the educational institutions' fees and costs,
6 and contingent upon available funds. Students eligible for the
7 Road-to-Independence Scholarship Program may also be eligible
8 for educational fee waivers for workforce development
9 postsecondary programs, community colleges, and universities,
10 pursuant to s. 1009.25(2)(c).

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

14 a. Is a dependent child, pursuant to chapter 39, and
15 is in the legal custody of the department ~~living in licensed~~
16 ~~foster care~~ or in subsidized independent living at the time of
17 his or her 18th birthday;

18 b. Has spent at least 6 months in the legal custody of
19 the department ~~living in foster care~~ before reaching his or
20 her 18th birthday;

21 c. Is a resident of this state as defined in s.
22 1009.40; and

23 d. Meets one of the following qualifications:

24 (I) Has earned a standard high school diploma or its
25 equivalent as described in s. 1003.43 or s. 1003.435, and has
26 been admitted for full-time enrollment in an eligible
27 postsecondary education institution as defined in s. 1009.533;

28 (II) Is enrolled full time in an accredited high
29 school, is within 2 years of graduation, and has maintained a
30 grade point average of at least 2.0 on a scale of 4.0 for the
31

1 two semesters preceding the date of his or her 18th birthday;
2 or

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

8 3.a. The department must advertise the availability of
9 the scholarship program and must ensure that the children and
10 young adults leaving the legal custody of the department
11 ~~foster care~~, foster parents, or family services counselors are
12 informed of the availability of the program and the
13 application procedures.

14 b. A young adult must apply for the initial award
15 during the 6 months immediately preceding his or her 18th
16 birthday. A young adult who fails to make an initial
17 application, but who otherwise meets the criteria for an
18 initial award, may make one application for the initial award
19 if such application is made before the young adult's 21st
20 birthday.

21 c. If funding for the scholarship program is
22 available, the department shall issue awards from the
23 scholarship program for each young adult who meets all the
24 requirements of the program.

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

27 e. If the award recipient transfers from one eligible
28 institution to another and continues to meet eligibility
29 requirements, the scholarship ~~award~~ must be transferred with
30 the recipient.

31

1 f. Scholarship funds awarded to any eligible young
2 adult under this program are in addition to any other services
3 provided to the young adult by the department through its
4 independent living transition services.

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

9 h. Scholarship funds shall be terminated when the
10 young adult has attained a bachelor of arts or bachelor of
11 science degree, or equivalent undergraduate degree, or reaches
12 23 years of age, whichever occurs earlier.

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

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

21 (II) Maintain the cumulative grade point average
22 required by the scholarship program, except that, if the young
23 adult's grades are insufficient to renew the scholarship at
24 any time during the eligibility period, the young adult may
25 restore eligibility by improving the grade point average to
26 the required level.

27 j. Scholarship funds may be terminated during the
28 interim between an award and the evaluation for a renewal
29 award if the department determines that the award recipient is
30 no longer enrolled in an educational institution as defined in
31 sub-subparagraph 2.d., or is no longer a state resident. The

1 department shall notify a student who is terminated and inform
2 the student of his or her right to appeal.

3 k. An award recipient who does not qualify for a
4 renewal award or who chooses not to renew the award may
5 subsequently apply for reinstatement. An application for
6 reinstatement must be made before the young adult reaches 23
7 years of age, and a student may not apply for reinstatement
8 more than once. In order to be eligible for reinstatement, the
9 young adult must meet the eligibility criteria and the
10 criteria for award renewal for the scholarship program.

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

14 (c) Transitional support services.--

15 1. In addition to any services provided through
16 aftercare ~~after care~~ support or the Road-to-Independence
17 Scholarship, a young adult formerly in the legal custody of
18 the department ~~foster care~~, may receive other appropriate
19 short-term services, which may include financial, housing,
20 counseling, employment, education and other services, if the
21 young adult demonstrates that the services are critical to the
22 young adult's own efforts to achieve self-sufficiency and to
23 develop a personal support system.

24 2. A young adult formerly in the legal custody of the
25 department ~~foster care~~ is eligible to apply for transitional
26 support services if he or she is 18 to 23 years of age, was a
27 dependent child pursuant to chapter 39, was in the legal
28 custody of the department ~~living in licensed foster care~~ or in
29 subsidized independent living at the time of his or her 18th
30 birthday, and had spent at least 6 months in the legal custody
31 of the department ~~living in foster care~~ before that date.

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

5 (d) Payment of aftercare, scholarship, or transitional
6 support funds.--Payment of aftercare, scholarship, or
7 transitional support funds shall be made directly to the
8 recipient unless the recipient requests that the payments or a
9 portion of the payments be made directly to a licensed foster
10 family or group care provider with whom the recipient was
11 residing at the time of attaining the 18th birthday and with
12 whom the recipient desires to continue to reside. If a young
13 adult and the former foster parent agree that the young adult
14 shall continue to live in the foster home while receiving
15 aftercare, scholarship, or transitional support funds, the
16 caregiver shall establish written expectations for the young
17 adult's behavior and responsibilities. The young adult who
18 continues with a foster family shall not be included as a
19 child in calculating any licensing restriction on the number
20 of children in the foster home.

21 (e) Appeals process.--

22 1. The Department of Children and Family Services
23 shall adopt by rule a procedure by which a young adult may
24 appeal an eligibility determination or the department's
25 failure to provide aftercare, scholarship, or transitional
26 support services if such funds are available.

27 2. The procedure developed by the department must be
28 readily available to young adults and must provide for an
29 appeal to the Secretary of Children and Family Services. The
30 decision of the secretary constitutes final agency action and
31 is reviewable by the court as provided in s. 120.68.

1 (6) ACCOUNTABILITY.--

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

4 (b) Each district or lead community-based provider
5 shall annually prepare a plan for meeting the core
6 expectations as stipulated in subsection (7) and describe the
7 outcomes of the previous year's plan in meeting the core
8 expectations. Authorization to expend funds associated with
9 independent living transition services is contingent upon the
10 department's approval of the plan for meeting the core
11 expectations.

12 (7) INDEPENDENT LIVING SERVICES ADVISORY GROUP
13 ~~WORKGROUP~~.--The Secretary of Children and Family Services
14 shall establish the Independent Living Services Advisory Group
15 for the purpose of reviewing and making recommendations
16 concerning the implementation and operation of the independent
17 living transition services. This advisory group shall continue
18 to function as specified in this subsection until the
19 Legislature determines that the advisory group can no longer
20 provide a valuable contribution to the department's efforts to
21 achieve the goals of the independent living transition
22 services.

23 (a) Specifically, the advisory group ~~workgroup, which,~~
24 ~~at a minimum, shall include representatives from the~~
25 ~~Department of Children and Family Services, the Agency for~~
26 ~~Workforce Innovation, the Department of Education, the Agency~~
27 ~~for Health Care Administration, the State Youth Advisory~~
28 ~~Board, Workforce Florida, Inc., and foster parents. The~~
29 ~~workgroup~~ shall assess the implementation and operation of the
30 system of independent living transition services and advise
31 the department on actions that would improve the ability of

1 the independent living transition services to meet the
2 established goals. The advisory group ~~workgroup~~ shall keep the
3 department informed of problems being experienced with the
4 services, barriers to the effective and efficient integration
5 of services and support across systems, and successes that the
6 system of independent living transition services has achieved.
7 The department shall consider, but is not required to
8 implement, the recommendations of the advisory group
9 ~~workgroup~~.

10 (b) The advisory group shall develop and recommend to
11 the department core expectations that are determined necessary
12 to ensure that the goals of the independent living transition
13 services are met statewide. The department shall establish
14 core expectations for independent living transition services
15 which districts and lead community-based providers must meet.
16 These core expectations must be appropriate for specific age
17 groups within the independent living transition services
18 program and be applicable to every district and lead
19 community-based provider. The advisory group shall participate
20 in the department's annual review of the local plans and
21 outcomes in achieving the core expectations.

22 (c) ~~For the 2002-2003 and 2003-2004 fiscal years,~~The
23 advisory group ~~workgroup~~ shall report to the appropriate
24 substantive committees of the Senate and the House of
25 Representatives on the status of the implementation of the
26 system of independent living transition services; efforts to
27 publicize the availability of aftercare support services, the
28 Road-to-Independence Scholarship Program, and transitional
29 support services; specific barriers to financial aid created
30 by the scholarship and possible solutions; the success of the
31 services; problems identified; recommendations for department

1 or legislative action; and the department's implementation of
2 the recommendations contained in the Independent Living
3 Services Integration Workgroup Report submitted to the Senate
4 and the House substantive committees December 31, 2002. This
5 advisory group ~~workgroup~~ report shall ~~is to~~ be submitted by
6 ~~December 31, 2003, and~~ December 31, 2004, and shall be
7 accompanied by a report from the department which identifies
8 the recommendations of the advisory group ~~workgroup~~ and either
9 describes the department's actions to implement these
10 recommendations or provides the department's rationale for not
11 implementing the recommendations. This report must also contain
12 the core expectations developed and recommended to the
13 department pursuant to paragraph (b).

14 (d) The advisory group must include, at a minimum,
15 representatives from the headquarters and district offices of
16 the Department of Children and Family Services, lead
17 community-based providers, the Agency for Workforce
18 Innovation, the Department of Education, the Agency for Health
19 Care Administration, the State Youth Advisory Board, Workforce
20 Florida, Inc., foster parents, and advocates for foster
21 children.

22 Section 2. This act shall take effect upon becoming a
23 law.

24
25
26
27
28
29
30
31

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

SENATE SUMMARY

Deletes references to children in foster care. Adds references to children in the legal custody of the Department of Children and Family Services. Requires each lead community-based provider to submit an annual plan for meeting the agency's specified obligations. Abolishes the Independent Living Services Workgroup. Creates the Independent Living Services Advisory Group to review and evaluate the operation of the department's independent living transition services. Provides for the activities of the Independent Living Services Advisory Group. Requires the Independent Living Services Advisory Group to report to the Senate and the House of Representatives. Provides for membership on the advisory group.