

By the Committees on Appropriations; Governmental Oversight and Productivity; Children and Families; and Senator Lynn

309-2381A-04

1   A bill to be entitled  
2           An act relating to independent living  
3           transition services; amending s. 409.1451,  
4           F.S.; authorizing community-based providers to  
5           administer the independent living transition  
6           services; deleting references to children in  
7           foster care; adding references to children in  
8           the legal custody of the Department of Children  
9           and Family Services; defining the term "legal  
10          custody of the department"; revising provisions  
11          governing a young adult's preparation for  
12          independent living; providing for the  
13          department to conduct an independent-living  
14          assessment and inform the child of the  
15          Road-to-Independence Scholarship services;  
16          requiring the department to conduct periodic  
17          staffings; providing for the identification of  
18          and assistance to children with developmental  
19          disabilities and special mental health needs;  
20          providing that delivery of services is subject  
21          to the availability of funds; stipulating the  
22          purpose of the aftercare support services;  
23          expanding the aftercare support services  
24          available; providing that aftercare support  
25          services may be provided by the department;  
26          requiring that assistance to prevent  
27          homelessness be provided expeditiously;  
28          revising the scholarship award amount; creating  
29          a High School Scholarship Program and a  
30          Postsecondary Education Scholarship Program;  
31          providing the amounts for each award;

1           establishing eligibility criteria for each  
2           program; providing renewal criteria for each  
3           program; providing reinstatement requirements  
4           for each program; providing for the age of  
5           termination from each program; providing  
6           requirements for the needs assessment for a  
7           Postsecondary Education Scholarship; providing  
8           strategies if sufficient program funds are not  
9           available; providing for enrollment periods;  
10          providing for restoration of reductions;  
11          expanding the services available through the  
12          transitional support service to include mental  
13          health and disability services; prohibiting the  
14          provision of financial assistance from the  
15          transitional support services to young adults  
16          receiving a scholarship; requiring the  
17          department to establish core expectations for  
18          independent living transition service  
19          providers; requiring each district or  
20          community-based care lead agency to annually  
21          submit a plan for meeting core expectations, a  
22          report containing outcomes, and an accounting  
23          for the previous fiscal year; requiring  
24          department authorization of plans for  
25          expenditure of specified funds; requiring the  
26          Department of Children and Family Services to  
27          provide an appeals procedure following the  
28          termination of services; abolishing the  
29          Independent Living Services Workgroup; creating  
30          the Independent Living Services Advisory  
31          Council to review and evaluate the operation of

1 the department's independent living transition  
2 services; providing for the activities and  
3 duties of the Independent Living Services  
4 Advisory Council; requiring the Independent  
5 Living Services Advisory Council to report to  
6 the Senate and the House of Representatives;  
7 providing for membership on the advisory  
8 council; providing for the Secretary of  
9 Children and Family Services to appoint the  
10 members and establish term lengths; eliminating  
11 the department's rulemaking authority to  
12 proportionally reduce the scholarship awards;  
13 amending s. 39.701, F.S.; requiring that  
14 information from the independent-living  
15 assessment be provided to the courts; requiring  
16 the court to attempt to determine the child's  
17 preparation for independence; amending s.  
18 1009.25, F.S.; revising requirements specifying  
19 the students who are exempt from paying tuition  
20 and fees; providing an effective date.

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

23  
24 Section 1. Subsections (1), (2), (3), (4), (5), (6),  
25 (7), and (9) of section 409.1451, Florida Statutes, are  
26 amended to read:

27 409.1451 Independent living transition services.--

28 (1) SYSTEM OF SERVICES.--

29 (a) The Department of Children and Family Services, ~~or~~  
30 its agents, or community-based providers operating pursuant to  
31 s. 409.1671 shall administer a system of independent living

1 transition services to enable older children in the legal  
2 custody of the department ~~foster care~~ and young adults who  
3 exit the legal custody of the department ~~foster care~~ at age 18  
4 to make the transition to self-sufficiency as adults. For the  
5 purposes of this section, the term "legal custody of the  
6 department" means that there has been an adjudication of  
7 dependency and either the current court placement of the child  
8 is with the department or the court placement at the time the  
9 child reached 18 years of age was with the department.

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

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

29 (d) For children in the legal custody of the  
30 department ~~foster care~~, independent living transition services  
31 are not an alternative to adoption. Independent living

1 transition services may occur concurrently with continued  
2 efforts to locate and achieve placement in adoptive families  
3 for older children in the legal custody of the department  
4 ~~foster care~~.

5 (2) ELIGIBILITY.--

6 (a) The department shall serve children who are 13 to  
7 18 years of age and who are in the legal custody of the  
8 department ~~foster care~~ through the program component of  
9 services for ~~foster~~ children in the legal custody of the  
10 department provided in subsection (3). Children to be served  
11 must meet the eligibility requirements set forth for specific  
12 services as provided in this section and through department  
13 rule.

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

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

30 (a) Preindependent-living services.--

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

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

8           (b) Life skills services.--

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

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

17           (c) Subsidized independent living services.--

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

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

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

29           b. Is able to demonstrate independent living skills,  
30 as determined by the department, using established procedures  
31 and assessments.

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

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

24           (4) PREPARATION FOR INDEPENDENT LIVING PARTICIPATION  
25 ~~IN LIFE SKILLS ACTIVITIES.~~--In order to assist older children  
26 in the legal custody of the department foster care, ages 13 to  
27 ~~18 years of age,~~ with the transition to independent living as  
28 adults, the program must provide them with opportunities to  
29 participate in and learn from life skills activities in their  
30 foster families and communities which are reasonable and  
31 appropriate for their age and with services to build the

1 skills and ability to live independently and become  
2 self-sufficient. ~~Such activities may include, but are not~~  
3 ~~limited to, managing money earned from a job, taking driver's~~  
4 ~~education, and participating in after school or~~  
5 ~~extracurricular activities.~~

6 (a) To support the provision of these opportunities  
7 for participation in age-appropriate life skills activities,  
8 the department may:

9 1. ~~(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 2. ~~(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 3. ~~(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 4. ~~(d)~~ Provide opportunities for older children ~~in~~  
23 ~~foster care~~ to interact with mentors.

24 5. ~~(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 (b) The department shall provide the following  
30 services to each child in the legal custody of the department  
31



1 by the first day of the calendar month following the child's  
2 17th birthday:

3 1. An independent-living assessment to determine the  
4 child's skills and abilities to live independently and become  
5 self-sufficient and to determine whether the child possesses  
6 those tangible skills and abilities needed for a successful  
7 transition to adulthood and independence. Based on the results  
8 of the independent-living assessment, services and training in  
9 the transition to independent living shall be provided in  
10 order for the child to develop the necessary skills and  
11 abilities during the following year.

12 2. Detailed information on the Road-to-Independence  
13 Scholarship services, including requirements for eligibility;  
14 other grants, scholarships, and waivers that are available and  
15 should be sought by the child with assistance from the  
16 department, including, but not limited to, the Bright Futures  
17 Scholarship Program, as provided in ss. 1009.53-1009.538;  
18 application deadlines; and grade requirements. The department  
19 shall provide the child with a scheduled appointment for the  
20 enrollment period that must be held prior to the child's 18th  
21 birthday.

22 (c) The department shall conduct staffings for each  
23 child in the custody of the department to ensure that the  
24 independent-living training and services identified by the  
25 preindependent-living, life skills, and independent-living  
26 assessments are being received and to evaluate the progress of  
27 the child in developing the needed independent-living skills.  
28 For children 13 through 15 years of age, a staffing shall be  
29 conducted at least annually. For children 16 through 17 years  
30 of age, a staffing shall be conducted at least every 6 months.

31

1           (d) The department shall identify children in the  
2 legal custody of the department with developmental  
3 disabilities and special mental health needs. For the children  
4 in the legal custody of the department with developmental  
5 disabilities and special mental health needs, the department  
6 shall:

7           1. Assist the children in making the transition to  
8 self-sufficiency;

9           2. Assist the children with reasonable accommodations  
10 for their disabilities;

11           3. Assist the children with accessing support and  
12 funding from other sources, such as the department's  
13 Developmental Disabilities Program Office and the department's  
14 Mental Health Program Office;

15           4. Coordinate the children's independent living plan  
16 with the school's individual education plan when the child is  
17 in a special education program; and

18           5. Provide special attention to the children who are  
19 17 years of age and residing at a residential treatment  
20 facility, a therapeutic foster home, or other mental health  
21 placement because these children face a particularly difficult  
22 transition to living as adults in the community.

23           (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS  
24 FORMERLY IN THE LEGAL CUSTODY OF THE DEPARTMENT FOSTER  
25 ~~CARE~~.--Based on the availability of funds, the department  
26 shall provide or arrange for the following services to young  
27 adults formerly in the legal custody of the department foster  
28 ~~care~~ who meet the prescribed conditions and are determined  
29 eligible by the department. The delivery of all the services  
30 of this subsection, including levels of services or reduction  
31 of services, shall be subject to the availability of funds.

1 The categories of services available to assist a young adult  
2 formerly in the legal custody of the department ~~foster care~~ to  
3 achieve independence are:

4 (a) Aftercare support services.--

5 1. Aftercare support services are available to assist  
6 young adults who were formerly children in the legal custody  
7 of the department in their efforts to continue to develop the  
8 skills and abilities necessary for independent living and to  
9 provide temporary assistance to prevent homelessness. The  
10 aftercare support services available include, but are not  
11 limited to, the following referrals to resources in the  
12 ~~community for~~:

13 a. Mentoring and tutoring.

14 b. Mental health services and substance abuse  
15 counseling.

16 c. Life skills classes, including credit management  
17 and preventive health activities.

18 d. Parenting classes.

19 e. Job skills training.

20 f. Counselor consultations.

21 g. Financial assistance to prevent homelessness.

22  
23 The specific services to be provided under this subparagraph  
24 shall be determined by an aftercare services assessment and  
25 may be provided by the department or through referrals in the  
26 community. The temporary assistance ~~may be~~ provided to prevent  
27 homelessness shall be provided as expeditiously as possible  
28 and within the limitations defined by the department.

29 2. A young adult 18 to 23 years of age who leaves the  
30 legal custody of the department ~~foster care~~ at 18 years of age  
31

1 but who requests services prior to reaching 23 years of age is  
2 eligible for such services.

3 (b) Road-to-Independence Scholarship services  
4 ~~Program~~.--

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

23 2. The High School Scholarship Program awards shall be  
24 available as an educational support for young adults working  
25 towards obtaining a high school diploma or its equivalent. The  
26 amount of the High School Scholarship Program award shall be  
27 at least equal to the amount of the subsidized independent  
28 living board rate and may be increased up to the amount equal  
29 to the earnings of a 40-hour-a-week federal minimum wage job,  
30 if the additional financial assistance is necessary to meet  
31 the young adult's living and educational needs. The award may

1 be provided as a continued payment to the foster parent or, at  
2 the request of the young adult, paid directly to the young  
3 adult.

4 a.2. A young adult 18 through 20 ~~to 21~~ years of age is  
5 eligible for the initial award of the high school scholarship,  
6 or its renewal and a young adult under 23 years of age is  
7 ~~eligible for renewal awards~~, if he or she:

8 (I)a. ~~Was~~ is a dependent child, pursuant to chapter  
9 39, and was in the legal custody of the department ~~is living~~  
10 ~~in licensed foster care~~ or in subsidized independent living at  
11 the time of his or her 18th birthday;

12 (II)b. ~~Has~~ Spent at least 6 months in the legal  
13 custody of the department ~~living in foster care~~ before  
14 reaching his or her 18th birthday;

15 (III)c. Is a resident of this state as defined in s.  
16 1009.40; and

17 ~~d.~~ Meets one of the following qualifications:

18 ~~(I)~~ Has earned a standard high school diploma or its  
19 equivalent as described in s. 1003.43 or s. 1003.435, and has  
20 been admitted for full time enrollment in an eligible  
21 postsecondary education institution as defined in s. 1009.533;

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

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

1           b. In order to be eligible for a renewal award for the  
2 subsequent year, the young adult must:

3           (I) Complete the number of hours or equivalent  
4 considered full-time by the educational institution during the  
5 last academic year; or

6           (II) Maintain appropriate progress as required by the  
7 educational institution. If the young adult has not maintained  
8 appropriate progress at any time during the eligibility  
9 period, the young adult may restore eligibility by improving  
10 his or her progress to the required level.

11           c. A High School Education Scholarship award recipient  
12 who does not qualify for a renewal award or who chooses not to  
13 renew the award may subsequently apply for reinstatement. An  
14 application for reinstatement must be made before the young  
15 adult reaches 21 years of age, and a young adult may not apply  
16 for reinstatement more than once. In order to be eligible for  
17 reinstatement, the young adult must meet the eligibility  
18 criteria and the criteria for award renewal for the High  
19 School Scholarship Program in the last year in which the young  
20 adult received an award. However, a young adult who does not  
21 meet the progress criteria of sub-subparagraph b. shall be  
22 allowed one semester in the program. After one semester, the  
23 renewal award criteria must be met in order for the young  
24 adult to continue in the program.

25           d. The award of the High School Scholarship Program  
26 shall be terminated when the young adult has attained a high  
27 school diploma, or its equivalent, or reaches 21 years of age,  
28 whichever occurs earlier.

29           3. The Postsecondary Education Scholarship Program  
30 awards shall be available as an educational support for young  
31 adults working toward completing a postsecondary education

1 program. The amount of the Postsecondary Education Scholarship  
2 award shall be based on the living and education needs of the  
3 young adult and may not exceed the amount equal to the  
4 earnings of a 40-hour-a-week federal minimum wage job.

5 a. A young adult 18 through 20 years of age is  
6 eligible for the initial award of the Postsecondary Education  
7 Scholarship, and a young adult younger than 23 years of age is  
8 eligible for renewal awards, if he or she:

9 (I) Was a dependent child, pursuant to chapter 39, and  
10 was in the legal custody of the department or in subsidized  
11 independent living at the time of his or her 18th birthday;

12 (II) Spent at least 6 months living in the legal  
13 custody of the department before reaching his or her 18th  
14 birthday;

15 (III) Is a resident of this state as defined in s.  
16 1009.40; and

17 (IV) Earned a standard or special high school diploma  
18 or its equivalent as described in s. 1003.43, s. 1003.435, or  
19 s. 1003.438, and has been admitted for full-time enrollment in  
20 an eligible postsecondary education institution as defined in  
21 s. 1009.5333.

22 b. A young adult applying for the Postsecondary  
23 Education Scholarship Program must apply for any other grants  
24 and scholarships for which he or she may qualify. The  
25 department shall assist the young adult in applying for these  
26 grants and scholarships.

27 c. The amount of the award from the Postsecondary  
28 Education Scholarship Program shall be determined based on an  
29 assessment of the funding needs of the young adult. This  
30 assessment shall consider the young adult's living and  
31 educational costs and other grants, scholarships, waivers,

1 earnings, and other income to be received by the young adult.  
2 The department may use the federal financial aid grant process  
3 to determine the funding needs of the young adult. The award  
4 of the Postsecondary Education Scholarship shall be available  
5 only if and to the extent that other grants and scholarships  
6 are not sufficient to meet the living and educational needs of  
7 the young adult, up to the level provided for in this  
8 subparagraph. Pursuant to sub-subparagraph 4.d., the amount of  
9 the scholarship award may be reduced due to insufficient  
10 funds.  
11 d. In order to be eligible for a renewal award for the  
12 subsequent year, the young adult must:  
13 (I) Have completed the minimum number of full-time  
14 hours or the equivalent number considered full-time by the  
15 education institution during the last academic year, except  
16 for a young adult who meets the requirements of s. 1009.41;  
17 and  
18 (II) Have maintained a cumulative 2.0 grade point  
19 average.  
20 e. An award recipient who does not qualify for a  
21 renewal award or who chooses not to renew the award may  
22 subsequently apply for reinstatement. An application for  
23 reinstatement must be made before the young adult reaches 23  
24 years of age, and a young adult may not apply for  
25 reinstatement more than once. In order to be eligible for  
26 reinstatement, the young adult must meet the eligibility  
27 criteria and the criteria for award renewal for the  
28 Postsecondary Education Scholarship Program in the last year  
29 in which the young adult received an award, except that a  
30 young adult who does not meet the grade point average  
31 requirement in sub-subparagraph d. shall be allowed one



1 semester in the program. After one semester, the renewal award  
2 criteria must be met in order for the young adult to continue  
3 in the program.

4 f. The award of the Postsecondary Education  
5 Scholarship Program shall be terminated when the young adult  
6 has attained a bachelor of arts or bachelor of science degree,  
7 or equivalent undergraduate degree, or reaches 23 years of  
8 age, whichever occurs earlier.

9 4.3-a. The department must advertise the availability  
10 of the Road-to-Independence Scholarship services Program and  
11 must ensure that the children in the legal custody of the  
12 department and young adults leaving foster care, foster  
13 parents, or family services counselors are informed of the  
14 availability of both scholarship programs the program and the  
15 application procedures upon initial receipt of independent  
16 living transition services, upon turning 17 years of age  
17 pursuant to subsection (4), and upon leaving the legal custody  
18 of the department at 18 years of age.

19 b. A young adult must apply for the initial award  
20 during the 6 months immediately preceding his or her 18th  
21 birthday. The department shall assist the young adult in  
22 completing all forms necessary to determine eligibility for an  
23 award. A young adult who fails to make an initial application,  
24 but who otherwise meets the criteria for an initial award, may  
25 make one application for the initial award if such application  
26 is made before the young adult's 21st birthday.

27 c. If sufficient funding for the Road-to-Independence  
28 Scholarship services program is available, the department  
29 shall issue awards from the scholarship program for each young  
30 adult who meets all the requirements of the program for the  
31

1 full amount as provided for in subparagraph 2. or subparagraph  
2 3.

3 d. If sufficient funding for the Road-to-Independence  
4 Scholarship services is not available, the department may  
5 execute any or all of the following strategies:

6 (I) Reduce the award from the Postsecondary Education  
7 Scholarship Program to each young adult as follows: reduce the  
8 awards during the award-issuance period, in which case the  
9 reduction may not exceed 10 percent of the funding need  
10 determined by the needs assessment for each young adult, and  
11 reduce the award at the annual renewal of awards, in which  
12 case the reduction may not exceed 25 percent of the need  
13 determined by the needs assessment for each young adult. The  
14 amount of the reduction shall be uniformly applied to all  
15 young adults receiving a Postsecondary Education Scholarship  
16 award, including young adults being issued new awards during a  
17 reduction period, and reductions applied may not be  
18 cumulative.

19 (II) Reduce the award from the High School Scholarship  
20 Program to each young adult as follows: reduce the awards  
21 during the award-issuance period, in which case the reduction  
22 may not exceed 10 percent of the award amount, and reduce the  
23 award at the annual renewal of awards, in which case the  
24 reduction may not exceed 25 percent of the award amount. The  
25 amount of the reduction shall be uniformly applied to all  
26 young adults receiving a High School Scholarship award, except  
27 as provided in sub-subparagraph e., and including young adults  
28 being issued new awards during a reduction period. Reductions  
29 applied may not be cumulative.

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1           (III) Cease issuance of initial awards for either the  
2 High School Scholarship Program or the Postsecondary  
3 Scholarship Program or both.

4           e. If the department must execute any or all of the  
5 strategies identified in sub-subparagraph d., young adults who  
6 are receiving an award from the High School Scholarship  
7 Program and who are within 1 year of earning a high school  
8 diploma or its equivalent shall have the highest priority for  
9 maintaining the full award amount.

10           f. If funding becomes available after the department  
11 has executed one or more of the strategies identified in  
12 sub-subparagraph d., partial or full restoration of reductions  
13 in awards may be issued or new awards may be issued to young  
14 adults based on the department's assessment of the  
15 availability of funds. The actions may be implemented  
16 notwithstanding the enrollment periods provided for in  
17 sub-subparagraph k., but may not include retroactive payments  
18 for the period during which the reduction in awards was in  
19 place. Any restoration of reductions must be uniformly applied  
20 to all young adults receiving scholarship awards, except as  
21 provided in sub-subparagraph e.

22           ~~g.d.~~ An award shall be issued at the time the eligible  
23 student reaches 18 years of age. The department shall ensure  
24 that monthly awards are issued on a timely basis.

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

29           ~~i.f.~~ Awards issued under the Road-to-Independence  
30 Scholarship ~~services funds~~ awarded to any eligible young adult  
31 ~~under this program~~ are in addition to any other services

1 provided to the young adult by the department through its  
2 independent living transition services.

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

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

12 ~~k.i.~~ The department shall determine eligibility for  
13 new awards and for the annual renewals of the awards during  
14 one of the 30-day enrollment periods. The department shall  
15 establish a minimum of two 30-day enrollment periods. The two  
16 minimum enrollment periods shall be held at the same time  
17 period each year. Young adults shall be well-informed of their  
18 designated enrollment period. ~~evaluate and renew each award~~  
19 ~~annually during the 90 day period before the young adult's~~  
20 ~~birthday. In order to be eligible for a renewal award for the~~  
21 ~~subsequent year, the young adult must:~~

22 ~~(I) Complete at least 12 semester hours or the~~  
23 ~~equivalent in the last academic year in which the young adult~~  
24 ~~earned a scholarship, except for a young adult who meets the~~  
25 ~~requirements of s. 1009.41.~~

26 ~~(II) Maintain the cumulative grade point average~~  
27 ~~required by the scholarship program, except that, if the young~~  
28 ~~adult's grades are insufficient to renew the scholarship at~~  
29 ~~any time during the eligibility period, the young adult may~~  
30 ~~restore eligibility by improving the grade point average to~~  
31 ~~the required level.~~

1           ~~l.j.~~ An award Scholarship funds may be terminated  
2 during the interim between an award and the annual renewal of  
3 the award evaluation for a renewal award if the department  
4 determines that the award recipient is no longer enrolled in  
5 an educational institution as defined in sub-subparagraph 2.a.  
6 or sub-subparagraph 3.a. 2.d., or is no longer a state  
7 resident. The department shall notify a student who is  
8 terminated and inform the student of his or her right to  
9 appeal.

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

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

21           (c) Transitional support services.--

22           1. In addition to any services provided through  
23 aftercare after care support or the Road-to-Independence  
24 Scholarship, a young adult formerly in the legal custody of  
25 the department foster care, may receive other appropriate  
26 short-term services, which may include financial, housing,  
27 counseling, employment, education, mental health, disability,  
28 and other services, if the young adult demonstrates that the  
29 services are critical to the young adult's own efforts to  
30 achieve self-sufficiency and to develop a personal support  
31 system.

1           2. A young adult formerly in the legal custody of the  
2 department ~~foster care~~ is eligible to apply for transitional  
3 support services if he or she is 18 through 22 ~~to 23~~ years of  
4 age, was a dependent child pursuant to chapter 39, was in the  
5 legal custody of the department living in licensed foster care  
6 or in subsidized independent living at the time of his or her  
7 18th birthday, and had spent at least 6 months in the legal  
8 custody of the department living in foster care before that  
9 date. Young adults receiving an award from the  
10 Road-to-Independence Scholarship services shall not be  
11 eligible for any financial assistance provided through the  
12 transitional support services.

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

17           (d) Payment of aftercare, scholarship, or transitional  
18 support funds.--Payment of aftercare, scholarship, or  
19 transitional support funds shall be made directly to the  
20 recipient unless the recipient requests that the payments or a  
21 portion of the payments be made directly to a licensed foster  
22 family or group care provider with whom the recipient was  
23 residing at the time of attaining the 18th birthday and with  
24 whom the recipient desires to continue to reside. ~~If a young~~  
25 ~~adult and the former foster parent agree that the young adult~~  
26 ~~shall continue to live in the foster home while receiving~~  
27 ~~aftercare, scholarship, or transitional support funds, the~~  
28 ~~caregiver shall establish written expectations for the young~~  
29 ~~adult's behavior and responsibilities.~~ The young adult who  
30 continues with a foster family shall not be included as a  
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1 child in calculating any licensing restriction on the number  
2 of children in the foster home.

3 (e) Appeals process.--

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

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

16 (6) ACCOUNTABILITY.--

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

19 (b) By January 31, 2005, the department shall  
20 establish core expectations for independent living transition  
21 services which must be met by each district and  
22 community-based care lead agency. The core expectations must  
23 be appropriate for specific age groups within the independent  
24 living transition services program and, at a minimum, must  
25 address the following aspects of the independent living  
26 transition services program: allocation of resources between  
27 youth under 18 years of age and young adults 18 years of age  
28 and older; life skills development for youth under 18 years of  
29 age; continued life skills development for young adults 18 to  
30 23 years of age; linkages with other service systems such as  
31 education, mental health, and developmental disabilities,

1 particularly for those youth approaching their 18th birthday;  
2 fiscal systems that ensure the timely issuance of financial  
3 assistance from aftercare support services and transitional  
4 support services and of scholarship awards; and community  
5 partnerships.

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

8 a. Plan for meeting the core expectations established  
9 by the department pursuant to paragraph (b), which shall be  
10 submitted to the department by April 30, 2005, and annually  
11 thereafter; and

12 b. Report for the previous fiscal year which contains  
13 a description of the outcomes of the district's or agency's  
14 plan for meeting the core expectations and an accounting of  
15 expenditures for independent living transition services. The  
16 report shall be submitted to the department by August 31,  
17 2006, and annually thereafter.

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

23 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL  
24 ~~WORKGROUP~~.--The Secretary of Children and Family Services  
25 shall establish the Independent Living Services Advisory  
26 Council for the purpose of reviewing and making  
27 recommendations concerning the implementation and operation of  
28 the independent living transition services. This advisory  
29 council shall continue to function as specified in this  
30 subsection until the Legislature determines that the advisory  
31 council can no longer provide a valuable contribution to the



1 department's efforts to achieve the goals of the independent  
2 living transition services.

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

21 (b) The advisory council shall develop recommendations  
22 for core expectations that ensure that the goals of this  
23 section are met statewide and conform to the requirements for  
24 core expectations in paragraph (6)(b). These recommendations  
25 shall be provided to the department on or before October 31,  
26 2004. The advisory council shall participate in the  
27 department's annual review of the plans and outcomes submitted  
28 to the department pursuant to paragraph (6)(b).

29 ~~(c) For the 2002-2003 and 2003-2004 fiscal years,~~ The  
30 advisory council workgroup shall report to the appropriate  
31 substantive committees of the Senate and the House of

1 Representatives on the status of the implementation of the  
2 system of independent living transition services; efforts to  
3 publicize the availability of aftercare support services, the  
4 Road-to-Independence Scholarship Program, and transitional  
5 support services; specific barriers to financial aid created  
6 by the scholarship and possible solutions; the success of the  
7 services; problems identified; recommendations for department  
8 or legislative action; and the department's implementation of  
9 the recommendations contained in the Independent Living  
10 Services Integration Workgroup Report submitted to the Senate  
11 and the House substantive committees December 31, 2002. This  
12 advisory council ~~workgroup~~ report shall ~~is to~~ be submitted by  
13 January 31, 2005 ~~December 31, 2003, and December 31, 2004,~~ and  
14 shall be accompanied by a report from the department which  
15 identifies the recommendations of the advisory council  
16 ~~workgroup~~ and either describes the department's actions to  
17 implement these recommendations or provides the department's  
18 rationale for not implementing the recommendations. This  
19 report must also contain the core expectations developed and  
20 recommended to the department pursuant to paragraph (b).

21 (d) Members of the advisory council shall be appointed  
22 by the secretary of the department. The membership of the  
23 advisory council must include, at a minimum, representatives  
24 from the headquarters and district offices of the Department  
25 of Children and Family Services, community-based care lead  
26 agencies, the Agency for Workforce Innovation, the Department  
27 of Education, the Agency for Health Care Administration, the  
28 State Youth Advisory Board, Workforce Florida, Inc., the  
29 Statewide Guardian Ad Litem Office, foster parents, and  
30 advocates for foster children. The secretary shall determine  
31

1 the length of the term to be served by each member appointed  
2 to the advisory council, which may not exceed 4 years.

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

13 Section 2. Paragraph (a) of subsection (6) and  
14 subsection (7) of section 39.701, Florida Statutes, are  
15 amended to read:

16 39.701 Judicial review.--

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

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

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

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

1           4. The services provided to the foster family or legal  
2 custodian in an effort to address the needs of the child as  
3 indicated in the case plan.

4           5. A statement that either:

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

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

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

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

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

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

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

28          10. If the child is between 13 and 18 years of age,  
29 the results of the preindependent-living or independent-living  
30 assessment, the specific services needed, and the status of  
31 the delivery of the identified services.

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

21           (a) If the parent was advised of the right to receive  
22 assistance from any person or social service agency in the  
23 preparation of the case plan.

24           (b) If the parent has been advised of the right to  
25 have counsel present at the judicial review or citizen review  
26 hearings. If not so advised, the court or citizen review panel  
27 shall advise the parent of such right.

28           (c) If a guardian ad litem needs to be appointed for  
29 the child in a case in which a guardian ad litem has not  
30 previously been appointed or if there is a need to continue a  
31

1 guardian ad litem in a case in which a guardian ad litem has  
2 been appointed.

3 (d) The compliance or lack of compliance of all  
4 parties with applicable items of the case plan, including the  
5 parents' compliance with child support orders.

6 (e) The compliance or lack of compliance with a  
7 visitation contract between the parent and the social service  
8 agency for contact with the child, including the frequency,  
9 duration, and results of the parent-child visitation and the  
10 reason for any noncompliance.

11 (f) The compliance or lack of compliance of the parent  
12 in meeting specified financial obligations pertaining to the  
13 care of the child, including the reason for failure to comply  
14 if such is the case.

15 (g) The appropriateness of the child's current  
16 placement, including whether the child is in a setting which  
17 is as family-like and as close to the parent's home as  
18 possible, consistent with the child's best interests and  
19 special needs, and including maintaining stability in the  
20 child's educational placement.

21 (h) A projected date likely for the child's return  
22 home or other permanent placement.

23 (i) When appropriate, the basis for the unwillingness  
24 or inability of the parent to become a party to a case plan.  
25 The court and the citizen review panel shall determine if the  
26 efforts of the social service agency to secure party  
27 participation in a case plan were sufficient.

28 (j) For a child between the ages of 13 and 18 years of  
29 age, the adequacy of the child's preparation for adulthood and  
30 independent living.

31

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

3           1009.25 Fee exemptions.--

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

8           (c) A student ~~to~~ whom the state has determined is  
9 eligible for the ~~awarded a~~ Road-to-Independence Scholarship,  
10 regardless of whether an award is issued or not, or a student  
11 who is or was at the time he or she reached 18 years of age in  
12 the custody of a relative under s. 39.5085, or who is adopted  
13 from the Department of Children and Family Services after May  
14 5, 1997. Such exemption includes fees associated with  
15 enrollment in vocational-preparatory instruction and  
16 completion of the college-level communication and computation  
17 skills testing program. Such an exemption is available to any  
18 student who was in the custody of a relative under s. 39.5085  
19 at the time he or she reached 18 years of age or was adopted  
20 from the Department of Children and Family Services after May  
21 5, 1997; however, the exemption remains valid for no more than  
22 4 years after the date of graduation from high school.

23           Section 4. This act shall take effect upon becoming a  
24 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/CS/SB 512

Amends s. 409.1451(1), F.S., to clarify the term "legal custody of the department," as used in this section.

Deletes amendment to s. 409.1451(5), F.S., authorizing the Department of Children and Family Services (DCF) to keep a waiting list of young adults who qualify for, but do not receive a Road to Independence Scholarship award due to insufficient program funding. Deletes additional references to a waiting list.

Amends s. 409.1451(5), F.S., to require DCF to ensure that monthly scholarship award payments are timely issued.

Amends s. 409.1451(6), F.S., to require DCF to implement fiscal systems that ensure the timely issuance of monthly awards and other financial assistance provided through the Independent Living Program.