

1
2 An act relating to independent living
3 transition services; amending s. 409.1451,
4 F.S.; authorizing community-based providers to
5 administer an independent living transition
6 services system; providing legislative intent
7 regarding assistance to older children in
8 foster care; requiring the Department of
9 Children and Family Services to provide certain
10 skills assessment and training to such
11 children; providing guidelines to develop such
12 training; providing certain educational goals;
13 revising provisions governing a young adult's
14 preparation for independent living; requiring
15 the department to conduct an assessment and
16 inform the child of certain scholarships,
17 grants, and awards; providing that such
18 assessment be included in a certain report
19 during judicial review; removing life skills
20 activities guidelines for young adults who were
21 formerly in foster care; revising aftercare
22 services; providing a limitation on the amount
23 of an award; providing additional
24 qualifications to receive the award; providing
25 that a young adult who is eligible to receive
26 such award may remain with the foster family or
27 group care provider beyond his or her age of
28 majority; providing a limitation on the number
29 of diplomas, certificates, or the equivalent an
30 award recipient may receive; revising payment
31 options for aftercare, scholarship, or

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

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

28
29 Section 1. Section 409.1451, Florida Statutes, is
30 amended to 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, or community-based providers operating pursuant to~~
4 s. 409.1671 shall administer a system of independent living
5 transition services to enable older children in foster care
6 and young adults who exit foster care at age 18 to make the
7 transition to self-sufficiency as adults.

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

14 (c) State funds for foster care or federal funds shall
15 be used to establish a continuum of services for eligible
16 children in foster care and eligible young adults who were
17 formerly in foster care which accomplish the goals for the
18 system of independent living transition services by providing
19 ~~and provide the service components for~~ services for foster
20 children, pursuant to as provided in subsection(4)(3), and
21 services for young adults who were formerly in foster care,
22 pursuant to as provided in subsection (5).

23 (d) For children in foster care, independent living
24 transition services are not an alternative to adoption.
25 Independent living transition services may occur concurrently
26 with continued efforts to locate and achieve placement in
27 adoptive families for older children in foster care.

28 (2) ELIGIBILITY.--

29 (a) The department shall serve children who have
30 reached are 13 years of age but are not yet to 18 years of age
31 and who are in foster care by providing services pursuant to

1 ~~through the program component of services for foster children~~
2 ~~provided in subsection(4)(3)~~. Children to be served must
3 meet the eligibility requirements set forth for specific
4 services as provided in this section ~~and through department~~
5 ~~rule~~.

6 (b) The department shall serve young adults who have
7 reached are 18 years of age but are not yet to 23 years of age
8 and who were in foster care when they turned 18 years of age
9 by providing services pursuant to through the program
10 ~~component of services for young adults who were formerly in~~
11 ~~foster care in subsection (5)~~. Young adults Children to be
12 served must meet the eligibility requirements set forth for
13 specific services in this section ~~and through department rule~~.

14 (3) PREPARATION FOR INDEPENDENT LIVING.--

15 (a) It is the intent of the Legislature for the
16 Department of Children and Family Services to assist older
17 children in foster care and young adults who exit foster care
18 at age 18 in making the transition to independent living and
19 self-sufficiency as adults. The department shall provide such
20 children and young adults with opportunities to participate in
21 life skills activities in their foster families and
22 communities which are reasonable and appropriate for their
23 respective ages, and shall provide them with services to build
24 the skills and increase their ability to live independently
25 and become self-sufficient. To support the provision of
26 opportunities for participation in age-appropriate life skills
27 activities, the department shall:

28 1. Develop a list of age-appropriate activities and
29 responsibilities to be offered to all children involved in
30 independent living transition services and their foster
31 parents.

1 2. Provide training for staff and foster parents to
2 address the issues of older children in foster care in
3 transitioning to adulthood, which shall include information on
4 supporting education and employment and providing
5 opportunities to participate in appropriate daily activities.

6 3. Develop procedures to maximize the authority of
7 foster parents to approve participation in age-appropriate
8 activities of children in their care.

9 4. Provide opportunities for older children in foster
10 care to interact with mentors.

11 5. Develop and implement procedures for older children
12 to directly access and manage the personal allowance they
13 receive from the department in order to learn responsibility
14 and participate in age-appropriate life skills activities to
15 the extent feasible.

16 (b) It is further the intent of the Legislature that
17 each child in foster care, his or her foster parents, if
18 applicable, and the department or community-based provider set
19 early achievement and career goals for the child's
20 postsecondary educational and work experience. The department
21 and community-based providers shall implement the model set
22 forth in this paragraph to help ensure that children in foster
23 care are ready for postsecondary education and the workplace.

24 1. Children in foster care entering the ninth grade,
25 their foster parents, and the department or community-based
26 provider shall be active participants in choosing a post-high
27 school goal based upon both the abilities and interests of
28 each child. The goal shall accommodate the needs of children
29 served in exceptional education programs to the extent
30 appropriate for each individual. Such children may continue to
31 follow the courses outlined in the district school board

1 student progression plan. Children in foster care, with the
2 assistance of their foster parents, and the department or
3 community-based provider shall choose one of the following
4 postsecondary goals:

5 a. Attending a 4-year college or university, a
6 community college plus university, or a military academy;
7 b. Receiving a 2-year postsecondary degree;
8 c. Attaining a postsecondary career and technical
9 certificate or credential; or

10 d. Beginning immediate employment after completion of
11 a high school diploma or its equivalent, or enlisting in the
12 military.

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

17 a. The core courses necessary to qualify for a chosen
18 goal.

19 b. Any elective courses which would provide additional
20 help in reaching a chosen goal.

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

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

28 3. In order to complement educational goals, the
29 department and community-based providers are encouraged to
30 form partnerships with the business community to support
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1 internships, apprenticeships, or other work-related
2 opportunities.

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

8 (c) All children in foster care and young adults
9 formerly in foster care are encouraged to take part in
10 learning opportunities that result from participation in
11 community service activities.

12 (d) Children in foster care and young adults formerly
13 in foster care shall be provided with the opportunity to
14 change from one postsecondary goal to another, and each
15 postsecondary goal shall allow for changes in each
16 individual's needs and preferences. Any change, particularly a
17 change that will result in additional time required to achieve
18 a goal, shall be made with the guidance and assistance of the
19 department or community-based provider.

20 (4)(3) PROGRAM COMPONENT OF SERVICES FOR FOSTER
21 CHILDREN IN FOSTER CARE.--The department shall provide the
22 following transition to independence services to children in
23 foster care who meet prescribed conditions and are determined
24 eligible by the department. The service categories available
25 to children in foster care which facilitate successful
26 transition into adulthood are:

27 (a) Preindependent-living services.--

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

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

4 3. The department shall conduct an annual staffing for
5 each child who has reached 13 years of age but is not yet 15
6 years of age to ensure that the preindependent-living training
7 and services to be provided as determined by the
8 preindependent-living assessment are being received and to
9 evaluate the progress of the child in developing the needed
10 independent living skills.

11 4. At the first annual staffing that occurs following
12 a child's 14th birthday, and at each subsequent staffing, the
13 department shall provide to each child detailed information on
14 services provided by the Road-to-Independence Scholarship
15 Program, including requirements for eligibility; on other
16 grants, scholarships, and waivers that are available and
17 should be sought by the child with assistance from the
18 department, including, but not limited to, the Bright Futures
19 Scholarship Program, as provided in ss. 1009.53-1009.538; on
20 application deadlines; and on grade requirements for such
21 programs.

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

28 (b) Life skills services.--

29 1. Life skills services may include, but are not
30 limited to, independent living skills training, including
31 training to develop banking and budgeting skills, interviewing

1 skills, parenting skills, educational support, employment
2 training, and counseling. Children receiving these services
3 should also be provided with information related to social
4 security insurance benefits and public assistance. The
5 specific services to be provided to a child shall be
6 determined using an independent life skills assessment.

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

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

17 4. The department shall provide to each child in
18 foster care during the calendar month following the child's
19 17th birthday an independent-living assessment to determine
20 the child's skills and abilities to live independently and
21 become self-sufficient. Based on the results of the
22 independent-living assessment, services and training shall be
23 provided in order for the child to develop the necessary
24 skills and abilities prior to the child's 18th birthday.

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

30 (c) Subsidized independent living services.--
31

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

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

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

13 b. Is able to demonstrate independent living skills,
14 as determined by the department, using established procedures
15 and assessments.

16 3. Independent living arrangements established for a
17 child must be part of an overall plan leading to the total
18 independence of the child from the department's supervision.
19 The plan must include, but need not be limited to, a
20 description of the skills of the child and a plan for learning
21 additional identified skills; the behavior that the child has
22 exhibited which indicates an ability to be responsible and a
23 plan for developing additional responsibilities, as
24 appropriate; a plan for future educational, vocational, and
25 training skills; present financial and budgeting capabilities
26 and a plan for improving resources and ability; a description
27 of the proposed residence; documentation that the child
28 understands the specific consequences of his or her conduct in
29 the independent living program; documentation of proposed
30 services to be provided by the department and other agencies,
31 including the type of service and the nature and frequency of

1 contact; and a plan for maintaining or developing
2 relationships with the family, other adults, friends, and the
3 community, as appropriate.

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

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

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

25 ~~(b) Provide training for staff and foster parents~~
26 ~~which addresses issues of older children in foster care and~~
27 ~~the transition to adulthood, including supporting education~~
28 ~~and employment and providing opportunities to participate in~~
29 ~~appropriate daily activities.~~

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31

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

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

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

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

19 (a) Aftercare support services.--

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

26 a. Mentoring and tutoring.

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

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

31 d. Parenting classes.

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

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

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

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

16 1. The Road-to-Independence Scholarship Program is
17 intended to help eligible students who are former foster
18 children in this state to receive the educational and
19 vocational training needed to achieve independence. The amount
20 of the award shall be based on the living and educational
21 needs of the young adult and may be up to, but shall not
22 exceed, equal the amount of earnings that the student would
23 have been eligible to earn working a 40-hour-a-week federal
24 minimum wage job, ~~after considering other grants and~~
25 ~~scholarships that are in excess of the educational~~
26 ~~institutions' fees and costs, and contingent upon available~~
27 ~~funds. Students eligible for the Road to Independence~~
28 ~~Scholarship Program may also be eligible for educational fee~~
29 ~~waivers for workforce development postsecondary programs,~~
30 ~~community colleges, and universities, pursuant to s.~~
31 ~~1009.25(2)(c).~~

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

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

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

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

12 d. Meets one of the following qualifications:

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

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

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

29 3. A young adult applying for a Road-to-Independence
30 Scholarship must apply for any other grants and scholarships
31 for which he or she may qualify. The department shall assist

1 the young adult in the application process and may use the
2 federal financial aid grant process to determine the funding
3 needs of the young adult.

4 4. The amount of the award, whether it is being used
5 by a young adult working towards completion of a high school
6 diploma or its equivalent or working towards completion of a
7 postsecondary education program, shall be determined based on
8 an assessment of the funding needs of the young adult. This
9 assessment shall consider the young adult's living and
10 educational costs and other grants, scholarships, waivers,
11 earnings, and other income to be received by the young adult.
12 An award shall be available only to the extent that other
13 grants and scholarships are not sufficient to meet the living
14 and educational needs of the young adult, but an award shall
15 not be less than \$25 in order to maintain Medicaid eligibility
16 for the young adult as provided in s. 409.903.

17 5.3-a. The department must advertise the availability
18 of the program and must ensure that the children and young
19 adults leaving foster care, foster parents, or family services
20 counselors are informed of the availability of the program and
21 the application procedures.

22 b. A young adult must apply for the initial award
23 during the 6 months immediately preceding his or her 18th
24 birthday and the department shall provide assistance with the
25 application process. A young adult who fails to make an
26 initial application, but who otherwise meets the criteria for
27 an initial award, may make one application for the initial
28 award if such application is made before the young adult's
29 21st birthday. If the young adult does not apply for an
30 initial award before his or her 18th birthday, the department
31

1 shall inform that young adult of the opportunity to apply
2 before turning 21 years of age.

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

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

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

14 ~~f.e.~~ If the award recipient transfers from one
15 eligible institution to another and continues to meet
16 eligibility requirements, the award must be transferred with
17 the recipient.

18 ~~g.f.~~ Scholarship funds awarded to any eligible young
19 adult under this program are in addition to any other services
20 provided to the young adult by the department through its
21 independent living transition services.

22 ~~h.g.~~ The department shall provide information
23 concerning young adults receiving the Road-to-Independence
24 Scholarship to the Department of Education for inclusion in
25 the student financial assistance database, as provided in s.
26 1009.94.

27 ~~i.h.~~ Scholarship funds are intended to help eligible
28 students who are former foster children in this state to
29 receive the educational and vocational training needed to
30 become independent and self-supporting. Such funds shall be
31 terminated when the young adult has attained one of four

1 ~~postsecondary goals pursuant to subsection (3) a bachelor of~~
2 ~~arts or bachelor of science degree, or equivalent~~
3 ~~undergraduate degree, or reaches 23 years of age, whichever~~
4 ~~occurs earlier. In order to initiate postsecondary education,~~
5 ~~to allow for a change in career goal, or to obtain additional~~
6 ~~skills in the same educational or vocational area, a young~~
7 ~~adult may earn no more than two diplomas, certificates, or~~
8 ~~credentials. A young adult attaining an associate of arts or~~
9 ~~associate of science degree shall be permitted to work towards~~
10 ~~completion of a bachelor of arts or a bachelor of science~~
11 ~~degree or an equivalent undergraduate degree.~~
12 Road-to-Independence Scholarship funds shall not be used for
13 education or training after a young adult has attained a
14 bachelor of arts or a bachelor of science degree or an
15 equivalent undergraduate degree.

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

20 (I) Complete the number of at least 12 semester hours,
21 or the equivalent considered full time by the educational
22 institution, in the last academic year in which the young
23 adult earned a scholarship, except for a young adult who meets
24 the requirements of s. 1009.41.

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

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

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

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

19 (c) Transitional support services.--

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

29 2. A young adult formerly in foster care is eligible
30 to apply for transitional support services if he or she has
31 reached is 18 years of age but is not yet to 23 years of age,

1 was a dependent child pursuant to chapter 39, was living in
2 licensed foster care or in subsidized independent living at
3 the time of his or her 18th birthday, and had spent at least 6
4 months living in foster care before that date.

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

9 (d) Payment of aftercare, scholarship, or transitional
10 support funds.--Payment of aftercare, scholarship, or
11 transitional support funds shall be made directly to the
12 recipient unless the recipient requests in writing to the
13 community-based care lead agency, or the department, that the
14 payments or a portion of the payments be made directly on the
15 recipient's behalf in order to secure services such as
16 housing, counseling, education, or employment training as part
17 of the young adult's own efforts to achieve self-sufficiency
18 ~~that the payments or a portion of the payments be made~~
19 ~~directly to a licensed foster family or group care provider~~
20 ~~with whom the recipient was residing at the time of attaining~~
21 ~~the 18th birthday and with whom the recipient desires to~~
22 ~~continue to reside. If a young adult and the former foster~~
23 ~~parent agree that the young adult shall continue to live in~~
24 ~~the foster home while receiving aftercare, scholarship, or~~
25 ~~transitional support funds, the caregiver shall establish~~
26 ~~written expectations for the young adult's behavior and~~
27 ~~responsibilities.~~ The young adult who continues with a foster
28 family shall not be included as a child in calculating any
29 licensing restriction on the number of children in the foster
30 home.

31 (e) Appeals process.--

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

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

13 (6) ACCOUNTABILITY.--The department shall develop
14 outcome measures for the program and other performance
15 measures.

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

27 (a) Specifically, the advisory council ~~workgroup~~,
28 ~~which, at a minimum, shall include representatives from the~~
29 ~~Department of Children and Family Services, the Agency for~~
30 ~~Workforce Innovation, the Department of Education, the Agency~~
31 ~~for Health Care Administration, the State Youth Advisory~~

1 ~~Board, Workforce Florida, Inc., and foster parents. The~~
2 ~~workgroup~~ shall assess the implementation and operation of the
3 system of independent living transition services and advise
4 the department on actions that would improve the ability of
5 the independent living transition services to meet the
6 established goals. The advisory council ~~workgroup~~ shall keep
7 the department informed of problems being experienced with the
8 services, barriers to the effective and efficient integration
9 of services and support across systems, and successes that the
10 system of independent living transition services has achieved.
11 The department shall consider, but is not required to
12 implement, the recommendations of the advisory council
13 ~~workgroup~~.

14 ~~(b) For the 2002-2003 and 2003-2004 fiscal years, The~~
15 advisory council ~~workgroup~~ shall report to the appropriate
16 substantive committees of the Senate and the House of
17 Representatives on the status of the implementation of the
18 system of independent living transition services; efforts to
19 publicize the availability of aftercare support services, the
20 Road-to-Independence Scholarship Program, and transitional
21 support services; specific barriers to financial aid created
22 by the scholarship and possible solutions; the success of the
23 services; problems identified; recommendations for department
24 or legislative action; and the department's implementation of
25 the recommendations contained in the Independent Living
26 Services Integration Workgroup Report submitted to the Senate
27 and the House substantive committees December 31, 2002. This
28 advisory council ~~workgroup~~ report shall ~~is to~~ be submitted by
29 December 31 of each year that the council is in existence
30 ~~December 31, 2003, and December 31, 2004,~~ and shall be
31 accompanied by a report from the department which identifies

1 the recommendations of the advisory council ~~workgroup~~ and
2 either describes the department's actions to implement these
3 recommendations or provides the department's rationale for not
4 implementing the recommendations.

5 (c) Members of the advisory council shall be appointed
6 by the secretary of the department. The membership of the
7 advisory council must include, at a minimum, representatives
8 from the headquarters and district offices of the Department
9 of Children and Family Services, community-based care lead
10 agencies, the Agency for Workforce Innovation, the Department
11 of Education, the Agency for Health Care Administration, the
12 State Youth Advisory Board, Workforce Florida, Inc., the
13 Statewide Guardian Ad Litem Office, foster parents, and
14 advocates for foster children. The secretary shall determine
15 the length of the term to be served by each member appointed
16 to the advisory council, which may not exceed 4 years.

17 (8) PERSONAL PROPERTY.--Property acquired on behalf of
18 clients of this program shall become the personal property of
19 the clients and is not subject to the requirements of chapter
20 273 relating to state-owned tangible personal property. Such
21 property continues to be subject to applicable federal laws.

22 (9) RULEMAKING.--The department shall adopt by rule
23 procedures to administer this section, including balancing
24 ~~provision for the proportional reduction of scholarship awards~~
25 ~~when adequate funds are not available for all applicants.~~
26 ~~These rules shall balance~~ the goals of normalcy and safety
27 for the youth and providing ~~provide~~ the caregivers with as
28 much flexibility as possible to enable the youth to
29 participate in normal life experiences. The department shall
30 not adopt rules relating to reductions in scholarship awards.
31 The department shall engage in appropriate planning to

1 prevent, to the extent possible, a reduction in scholarship
2 awards after issuance.

3 Section 2. Subsections (6) through (8) of section
4 39.701, Florida Statutes, are renumbered as subsections (7)
5 through (9), respectively, present subsection (6) is amended,
6 paragraph (j) is added to present subsection (7), and a new
7 subsection (6) is added to said section, to read:

8 39.701 Judicial review.--

9 (6)(a) In addition to the provisions of s.
10 39.701(1)(a) and (2)(a), the court shall hold a judicial
11 review hearing within 90 days after a child's 17th birthday
12 and shall continue to hold timely judicial review hearings. In
13 addition, the court may review the status of the child more
14 frequently during the year prior to the child's 18th birthday
15 if necessary. At each review held pursuant to this subsection,
16 in addition to any information or report provided to the
17 court, the foster parent, legal custodian, guardian ad litem,
18 and the child shall be given the opportunity to address the
19 court with any information relevant to the child's best
20 interests, particularly as it relates to the provision of
21 independent living transition services. In addition to any
22 information or report provided to the court, the department
23 shall include in its judicial review social study report
24 written verification that the child:

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

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

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

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

5 4. Has been provided with information and training
6 related to budgeting skills, interviewing skills, and
7 parenting skills.

8 5. Has been provided with all relevant information
9 related to the Road-to-Independence Scholarship, including,
10 but not limited to, eligibility requirements, forms necessary
11 to apply, and assistance in completing the forms.

12 6. Has an open bank account, or has identification
13 necessary to open such an account, and has been provided with
14 essential banking skills.

15 7. Has been provided with information on public
16 assistance and how to apply.

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

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

28 (c) At the time of a judicial review hearing held
29 pursuant to this subsection, if, in the opinion of the court,
30 the department has not complied with its obligations as
31 specified in the written case plan or in the provision of

1 independent living services as required by s. 409.1451 and
2 this subsection, the court shall issue a show cause order. If
3 cause is shown for failure to comply, the court shall give the
4 department 30 days within which to comply and, on failure to
5 comply with this or any subsequent order, the department may
6 be held in contempt.

7 ~~(7)~~(6)(a) Prior to every judicial review hearing or
8 citizen review panel hearing, the social service agency shall
9 make an investigation and social study concerning all
10 pertinent details relating to the child and shall furnish to
11 the court or citizen review panel a written report that
12 includes, but is not limited to:

13 1. A description of the type of placement the child is
14 in at the time of the hearing, including the safety of the
15 child and the continuing necessity for and appropriateness of
16 the placement.

17 2. Documentation of the diligent efforts made by all
18 parties to the case plan to comply with each applicable
19 provision of the plan.

20 3. The amount of fees assessed and collected during
21 the period of time being reported.

22 4. The services provided to the foster family or legal
23 custodian in an effort to address the needs of the child as
24 indicated in the case plan.

25 5. A statement that either:

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

29 b. The parent did substantially comply with the
30 provisions of the case plan; or
31

1 c. The parent has partially complied with the
2 provisions of the case plan, with a summary of additional
3 progress needed and the agency recommendations.

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

7 7. A statement concerning the frequency, duration, and
8 results of the parent-child visitation, if any, and the agency
9 recommendations for an expansion or restriction of future
10 visitation.

11 8. The number of times a child has been removed from
12 his or her home and placed elsewhere, the number and types of
13 placements that have occurred, and the reason for the changes
14 in placement.

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

19 10. If the child has reached 13 years of age but is
20 not yet 18 years of age, the results of the
21 preindependent-living, life-skills, or independent-living
22 assessment, the specific services needed, and the status of
23 the delivery of the identified services.

24 ~~11.10.~~ Copies of all medical, psychological, and
25 educational records that support the terms of the case plan
26 and that have been produced concerning the child, parents, or
27 any caregiver since the last judicial review hearing.

28 (b) A copy of the social service agency's written
29 report and the written report of the guardian ad litem must be
30 served on all parties whose whereabouts are known; to the
31 foster parents or legal custodians; and to the citizen review

1 panel, at least 72 hours before the judicial review hearing or
2 citizen review panel hearing. The requirement for providing
3 parents with a copy of the written report does not apply to
4 those parents who have voluntarily surrendered their child for
5 adoption or who have had their parental rights to the child
6 terminated.

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

18 (d) In addition to or in lieu of any written statement
19 provided to the court, the foster parent or legal custodian,
20 or any preadoptive parent, shall be given the opportunity to
21 address the court with any information relevant to the best
22 interests of the child at any judicial review hearing.

23 ~~(8)(7)~~ The court and any citizen review panel shall
24 take into consideration the information contained in the
25 social services study and investigation and all medical,
26 psychological, and educational records that support the terms
27 of the case plan; testimony by the social services agency, the
28 parent, the foster parent or legal custodian, the guardian ad
29 litem if one has been appointed for the child, and any other
30 person deemed appropriate; and any relevant and material
31 evidence submitted to the court, including written and oral

1 reports to the extent of their probative value. These reports
2 and evidence may be received by the court in its effort to
3 determine the action to be taken with regard to the child and
4 may be relied upon to the extent of their probative value,
5 even though not competent in an adjudicatory hearing. In its
6 deliberations, the court and any citizen review panel shall
7 seek to determine:

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

11 Section 3. Paragraph (c) of subsection (2) of section
12 1009.25, Florida Statutes, is amended to read:

13 1009.25 Fee exemptions.--

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

18 (c) A student ~~who to whom~~ the state has determined is
19 eligible for the ~~awarded a~~ Road-to-Independence Scholarship,
20 regardless of whether an award is issued or not, or a student
21 who is or was at the time he or she reached 18 years of age in
22 the custody of a relative under s. 39.5085, or who is adopted
23 from the Department of Children and Family Services after May
24 5, 1997. Such exemption includes fees associated with
25 enrollment in vocational-preparatory instruction and
26 completion of the college-level communication and computation
27 skills testing program. Such an exemption is available to any
28 student who was in the custody of a relative under s. 39.5085
29 at the time he or she reached 18 years of age or was adopted
30 from the Department of Children and Family Services after May
31

1 5, 1997; however, the exemption remains valid for no more than
2 4 years after the date of graduation from high school.

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

14 Section 5. The Office of Program Policy Analysis and
15 Government Accountability develop recommendations for the
16 minimum system standards for the independent living transition
17 services system required in section 409.1451(6), Florida
18 Statutes. These recommendations shall be developed with advice
19 from the key stakeholders in the independent living transition
20 service system, including, but not limited to, independent
21 living services staff of the Department of Children and Family
22 Services and community-based care lead agencies,
23 representatives of the State Youth Advisory Board, other youth
24 and young adults who are or have been in the foster care
25 system, foster parents, and representatives from other state
26 agencies and community service providers who are involved in
27 serving this population. These recommendations shall be
28 provided to the Department of Children and Family Services on
29 or before November 30, 2004.

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