

Bill No. CS for CS for SB 1314

Barcode 142328

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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The Committee on Health and Human Services Appropriations (Rich) recommended the following **substitute for amendment** (193756):

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.--

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under this chapter, of a child voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated under ~~pursuant to~~ this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition is filed or when a child is taken into the custody of the department.

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1 The circuit court may assume jurisdiction over any such
2 proceeding regardless of whether the child was in the physical
3 custody of both parents, was in the sole legal or physical
4 custody of only one parent, caregiver, or some other person,
5 or was in the physical or legal custody of no person when the
6 event or condition occurred that brought the child to the
7 attention of the court. When the court obtains jurisdiction of
8 any child who has been found to be dependent, the court shall
9 retain jurisdiction, unless relinquished by its order, until
10 the child reaches 18 years of age. However, if a youth
11 petitions the court at any time before his or her 19th
12 birthday requesting the court's continued jurisdiction, the
13 juvenile court may retain jurisdiction under this chapter for
14 a period not to exceed 1 year following the youth's 18th
15 birthday for the purpose of determining whether appropriate
16 aftercare support, Road-to-Independence Scholarship,
17 transitional support, mental health, and developmental
18 disability services, to the extent otherwise authorized by
19 law, have been provided to the formerly dependent child who
20 was in the legal custody of the department immediately before
21 his or her 18th birthday or to meet any requirement of federal
22 law with respect to the court's ongoing jurisdiction pending
23 the Federal Government's issuance of a Special Immigrant
24 Juvenile Visa to a child who was formerly a dependent child. A
25 judicial review hearing is not required under this subsection
26 unless requested by the formerly dependent child or upon the
27 court's own motion for cause.

28 Section 2. Paragraph (a) of subsection (6) of section
29 39.701, Florida Statutes, is amended to read:

30 39.701 Judicial review.--

31 (6)(a) In addition to ~~the provisions of paragraphs~~

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

16 1. Has been provided with a current Medicaid card and
 17 has been provided all necessary information concerning the
 18 Medicaid program sufficient to prepare the youth to apply for
 19 coverage upon reaching age 18, if such application would be
 20 appropriate.

21 2. Has been provided with a certified copy of his or
 22 her birth certificate and, if the child does not have a valid
 23 driver's license, a Florida identification card issued under
 24 ~~pursuant to~~ s. 322.051.

25 3. Has been provided information relating to Social
 26 Security Insurance benefits if the child is eligible for these
 27 ~~such~~ benefits. If the child has received these benefits and
 28 they are being held in trust for the child, a full accounting
 29 of those funds must ~~shall~~ be provided and the child must be
 30 informed about how to access those funds.

31 4. Has been provided with information and training

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1 related to budgeting skills, interviewing skills, and
2 parenting skills.

3 5. Has been provided with all relevant information
4 related to the Road-to-Independence Scholarship, including,
5 but not limited to, eligibility requirements, forms necessary
6 to apply, and assistance in completing the forms. The child
7 shall also be informed that, if he or she is eligible for the
8 Road-to-Independence Scholarship Program, he or she may reside
9 with the licensed foster family or group care provider with
10 whom the child was residing at the time of attaining his or
11 her 18th birthday or may reside in another licensed foster
12 home or with a group care provider arranged by the department.

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

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

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

22 9. Has been provided with notice of the youth's right
23 to petition for the court's continuing jurisdiction for 1 year
24 after the youth's 18th birthday as specified in s. 39.013(2)
25 and with information on how to obtain access to the court.

26 Section 3. Paragraphs (b) and (d) of subsection (5) of
27 section 409.1451, Florida Statutes, are amended, present
28 subsection (9) of that section is redesignated as subsection
29 (10), and a new subsection (9) is added to that section, to
30 read:

31 409.1451 Independent living transition services.--

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1 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
 2 CARE.--Based on the availability of funds, the department
 3 shall provide or arrange for the following services to young
 4 adults formerly in foster care who meet the prescribed
 5 conditions and are determined eligible by the department. The
 6 categories of services available to assist a young adult
 7 formerly in foster care to achieve independence are:

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

9 1. The Road-to-Independence Scholarship Program is
 10 intended to help eligible students who are former foster
 11 children in this state to receive the educational and
 12 vocational training needed to achieve independence. The amount
 13 of the award shall be based on the living and educational
 14 needs of the young adult and may be up to, but ~~may shall~~ not
 15 exceed, the amount of earnings that the student would have
 16 been eligible to earn working a 40-hour-a-week federal minimum
 17 wage job.

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

22 a. Was a dependent child, ~~under pursuant to~~ chapter
 23 39, and was living in licensed foster care or in subsidized
 24 independent living at the time of his or her 18th birthday;

25 b. Spent at least 6 months living in foster care
 26 before reaching his or her 18th birthday;

27 c. Is a resident of this state as defined in s.
 28 1009.40; and

29 d. Meets one of the following qualifications:

30 (I) Has earned a standard high school diploma or its
 31 equivalent as described in s. 1003.43 or s. 1003.435, or has

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1 earned a special diploma or special certificate of completion
2 as described in s. 1003.438, and has been admitted for
3 full-time enrollment in an eligible postsecondary education
4 institution as defined in s. 1009.533;

5 (II) Is enrolled full time in an accredited high
6 school; or

7 (III) Is enrolled full time in an accredited adult
8 education program designed to provide the student with a high
9 school diploma or its equivalent.

10 3. A young adult applying for a Road-to-Independence
11 Scholarship must apply for any other grants and scholarships
12 for which he or she may qualify. The department shall assist
13 the young adult in the application process and may use the
14 federal financial aid grant process to determine the funding
15 needs of the young adult.

16 4. The amount of the award, whether it is being used
17 by a young adult working toward completion of a high school
18 diploma or its equivalent or working toward completion of a
19 postsecondary education program, shall be determined based on
20 an assessment of the funding needs of the young adult. This
21 assessment must ~~shall~~ consider the young adult's living and
22 educational costs and other grants, scholarships, waivers,
23 earnings, and other income to be received by the young adult.
24 An award shall be available only to the extent that other
25 grants and scholarships are not sufficient to meet the living
26 and educational needs of the young adult, but an award may
27 ~~shall~~ not be less than \$25 in order to maintain Medicaid
28 eligibility for the young adult as provided in s. 409.903.

29 5.a. The department must advertise the availability of
30 the program and must ensure that the children and young adults
31 leaving foster care, foster parents, or family services

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1 | counselors are informed of the availability of the program and
2 | the application procedures.

3 | b. A young adult must apply for the initial award
4 | during the 6 months immediately preceding his or her 18th
5 | birthday, and the department shall provide assistance with the
6 | application process. A young adult who fails to make an
7 | initial application, but who otherwise meets the criteria for
8 | an initial award, may make one application for the initial
9 | award if the ~~such~~ application is made before the young adult's
10 | 21st birthday. If the young adult does not apply for an
11 | initial award before his or her 18th birthday, the department
12 | shall inform that young adult of the opportunity to apply
13 | before turning 21 years of age.

14 | c. If funding for the program is available, the
15 | department shall issue awards from the scholarship program for
16 | each young adult who meets all the requirements of the
17 | program.

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

20 | e. A young adult who is eligible for the
21 | Road-to-Independence Program and who so desires shall be
22 | allowed to reside with ~~remain in~~ the licensed foster family or
23 | group care provider with whom he or she was residing at the
24 | time of attaining his or her 18th birthday or to reside in
25 | another licensed foster home or with a group care provider
26 | arranged by the department.

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

31 | g. Scholarship funds awarded to any eligible young

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

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

8 i. Scholarship funds are intended to help eligible
9 students who are former foster children in this state to
10 receive the educational and vocational training needed to
11 become independent and self-supporting. ~~The Such~~ funds shall
12 be terminated when the young adult has attained one of four
13 postsecondary goals under ~~pursuant to~~ subsection (3) or
14 reaches 23 years of age, whichever occurs earlier. In order to
15 initiate postsecondary education, to allow for a change in
16 career goal, or to obtain additional skills in the same
17 educational or vocational area, a young adult may earn no more
18 than two diplomas, certificates, or credentials. A young adult
19 attaining an associate of arts or associate of science degree
20 shall be permitted to work toward completion of a bachelor of
21 arts or a bachelor of science degree or an equivalent
22 undergraduate degree. Road-to-Independence Scholarship funds
23 ~~may shall~~ not be used for education or training after a young
24 adult has attained a bachelor of arts or a bachelor of science
25 degree or an equivalent undergraduate degree.

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

30 (I) Complete the number of hours, or the equivalent
31 considered full time by the educational institution, in the

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1 last academic year in which the young adult earned a
2 scholarship, except for a young adult who meets the
3 requirements of s. 1009.41.

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

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

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

25 (d) Payment of aftercare, scholarship, or transitional
26 support funds.--Payment of aftercare, scholarship, or
27 transitional support funds shall be made directly to the
28 recipient unless the recipient requests in writing to the
29 community-based care lead agency, or the department, that the
30 payments or a portion of the payments be made directly on the
31 recipient's behalf in order to secure services such as

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1 housing, counseling, education, or employment training as part
 2 of the young adult's own efforts to achieve self-sufficiency.
 3 The young adult who resides ~~continues~~ with a foster family may
 4 ~~shall~~ not be included as a child in calculating any licensing
 5 restriction on the number of children in the foster home.

6 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN
 7 FOSTER CARE.--The department shall enroll in the Florida
 8 KidCare program, outside the open enrollment period, each
 9 young adult who is eligible as described in s. 409.1451(2)(b)
 10 and who has not yet reached his or her 19th birthday.

11 (a) A young adult who was formerly in foster care at
 12 the time of his or her 18th birthday and who is 18 years of
 13 age but not yet 19, shall pay the premium for the Florida
 14 KidCare program as required in s. 409.814.

15 (b) A young adult who has health insurance coverage
 16 from a third party through his or her employer or who is
 17 eligible for Medicaid is not eligible for enrollment under
 18 this subsection.

19 Section 4. The Independent Living Services Advisory
 20 Council shall conduct a study to determine the most effective
 21 way to address the health insurance needs of young adults who
 22 are in the Independent Living Program of the Department of
 23 Children and Family Services once the young adults are no
 24 longer eligible for the Florida KidCare program. The
 25 department and the Agency for Health Care Administration shall
 26 assist the advisory council in conducting the study. The
 27 advisory council shall provide a report containing
 28 recommendations to the Legislature by January 2, 2006.

29 Section 5. The Office of Program Policy Analysis and
 30 Government Accountability, in consultation with the Statewide
 31 Guardian Ad Litem Office, shall conduct a study to determine

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1 the effect the appointment of a guardian ad litem has on the
 2 ability of young adults who were formerly in the foster care
 3 system to obtain life skills and education for independent
 4 living and employment, to have a quality of life appropriate
 5 for their age, and to assume personal responsibility for
 6 becoming self-sufficient adults. The study shall be conducted
 7 with input from the key stakeholders in the independent living
 8 transition service system and the guardian ad litem program.
 9 The results of the study and recommendations related to the
 10 relationship between the involvement of a guardian ad litem
 11 and future success realized by young adults formerly in foster
 12 care, shall be provided to the Governor, the President of the
 13 Senate, and the Speaker of the House of Representatives on or
 14 before December 15, 2005.

15 Section 6. The nonrecurring sum of \$1,100,000 from the
 16 General Revenue Fund shall be appropriated to the Department
 17 of Children and Family Services for Fiscal Year 2005-2006 to
 18 implement the provisions of this legislation.

19 Section 7. This act shall take effect July 1, 2005.

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

23 And the title is amended as follows:

24 Delete everything before the enacting clause

25

26 and insert:

27 A bill to be entitled
 28 An act relating to independent living; amending
 29 s. 39.013, F.S.; authorizing a child in foster
 30 care to petition the court to retain
 31 jurisdiction of his or her case; limiting the

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1 court's continued jurisdiction to 1 year after
2 the child's 18th birthday; identifying the
3 issues to be considered by the court during its
4 continued jurisdiction; providing that a
5 judicial review hearing is not required;
6 providing an exception; amending s. 39.701,
7 F.S.; requiring the Department of Children and
8 Family Services to include in its judicial
9 review study report verification that the child
10 has been provided with certain information
11 about the Road-to-Independence Scholarship
12 Program and with notice of the child's right to
13 petition the court for continuing jurisdiction;
14 amending s. 409.1451, F.S.; authorizing a child
15 who is eligible for the Road-to-Independence
16 Scholarship Program to continue to reside with
17 a licensed foster family or a group care
18 provider; requiring that the department enroll
19 certain young adults who were formerly in
20 foster care in the Florida KidCare program if
21 they do not otherwise have health insurance or
22 are not eligible for Medicaid; requiring that
23 the Independent Living Services Advisory
24 Council study the most effective way of
25 providing health insurance for young adults in
26 the program for independent living who are not
27 eligible for the Florida KidCare program;
28 requiring the council to report its
29 recommendations to the Legislature; requiring
30 the Office of Program Policy Analysis and
31 Government Accountability to conduct a study to

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1 determine the effect the appointment of a
2 guardian ad litem has on the ability of young
3 adults who were formerly in the foster care
4 system; providing for issues to be studied;
5 requiring that a report be prepared and
6 presented to the Governor and the Legislature
7 by a specified date; providing an effective
8 date.

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