

By the Committee on Children and Families; and Senators Rich and Lynn

586-1668C-05

1 A bill to be entitled
2 An act relating to independent living; amending
3 s. 39.013, F.S.; authorizing a child in foster
4 care to petition the court to retain
5 jurisdiction of his or her case; limiting the
6 court's continued jurisdiction to 1 year after
7 the child's 18th birthday; identifying the
8 issues to be considered by the court during its
9 continued jurisdiction; providing that a
10 judicial review hearing is not required;
11 providing an exception; amending s. 39.701,
12 F.S.; requiring the Department of Children and
13 Family Services to include in its judicial
14 review study report verification that the child
15 has been provided with certain information
16 about the Road-to-Independence Scholarship
17 Program and with notice of the child's right to
18 petition the court for continuing jurisdiction;
19 amending s. 409.1451, F.S.; authorizing a child
20 who is eligible for the Road-to-Independence
21 Scholarship Program to continue to reside with
22 a licensed foster family or a group care
23 provider; requiring that the department enroll
24 certain young adults who were formerly in
25 foster care in the Florida KidCare program if
26 they do not otherwise have health insurance or
27 are not eligible for Medicaid; requiring that
28 the Independent Living Services Advisory
29 Council study the most effective way of
30 providing health insurance for young adults in
31 the program for independent living who are not

1 eligible for the Florida KidCare program;
2 requiring the council to report its
3 recommendations to the Legislature; providing
4 an effective date.
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6 Be It Enacted by the Legislature of the State of Florida:
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8 Section 1. Subsection (2) of section 39.013, Florida
9 Statutes, is amended to read:

10 39.013 Procedures and jurisdiction; right to
11 counsel.--

12 (2) The circuit court shall have exclusive original
13 jurisdiction of all proceedings under this chapter, of a child
14 voluntarily placed with a licensed child-caring agency, a
15 licensed child-placing agency, or the department, and of the
16 adoption of children whose parental rights have been
17 terminated under ~~pursuant to~~ this chapter. Jurisdiction
18 attaches when the initial shelter petition, dependency
19 petition, or termination of parental rights petition is filed
20 or when a child is taken into the custody of the department.
21 The circuit court may assume jurisdiction over any such
22 proceeding regardless of whether the child was in the physical
23 custody of both parents, was in the sole legal or physical
24 custody of only one parent, caregiver, or some other person,
25 or was in the physical or legal custody of no person when the
26 event or condition occurred that brought the child to the
27 attention of the court. When the court obtains jurisdiction of
28 any child who has been found to be dependent, the court shall
29 retain jurisdiction, unless relinquished by its order, until
30 the child reaches 18 years of age. However, if a youth
31 petitions the court at any time before his or her 19th

1 birthday requesting the court's continued jurisdiction, the
2 juvenile court may retain jurisdiction under this chapter for
3 a period of not to exceed 1 year following the youth's 18th
4 birthday for the purpose of determining whether appropriate
5 aftercare support, Road-to-Independence Scholarship,
6 transitional support, mental health, and developmental
7 disability services, to the extent otherwise authorized by
8 law, have been provided to the formerly dependent child who
9 was in the legal custody of the department immediately before
10 his or her 18th birthday or to meet any requirement of federal
11 law with respect to the court's ongoing jurisdiction pending
12 the Federal Government's issuance of a Special Immigrant
13 Juvenile Visa to a child who was formerly a dependent child. A
14 judicial-review hearing is not required under this subsection
15 unless requested by the formerly dependent child or upon the
16 court's own motion for cause.

17 Section 2. Paragraph (a) of subsection (6) of section
18 39.701, Florida Statutes, is amended to read:

19 39.701 Judicial review.--

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

1 independent living transition services. In addition to any
2 information or report provided to the court, the department
3 shall include in its judicial review social study report
4 written verification that the child:

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

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

14 3. Has been provided information relating to Social
15 Security Insurance benefits if the child is eligible for these
16 ~~such~~ benefits. If the child has received these benefits and
17 they are being held in trust for the child, a full accounting
18 of those funds must ~~shall~~ be provided and the child must be
19 informed about how to access those funds.

20 4. Has been provided with information and training
21 related to budgeting skills, interviewing skills, and
22 parenting skills.

23 5. Has been provided with all relevant information
24 related to the Road-to-Independence Scholarship, including,
25 but not limited to, eligibility requirements, forms necessary
26 to apply, and assistance in completing the forms. The child
27 shall also be informed that, if he or she is eligible for the
28 Road-to-Independence Scholarship Program, he or she may reside
29 with the licensed foster family or group care provider with
30 whom the child was residing at the time of attaining his or
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1 her 18th birthday or may reside in another licensed foster
2 home or with a group care provider arranged by the department.

3 6. Has an open bank account, or has identification
4 necessary to open ~~such~~ an account, and has been provided with
5 essential banking skills.

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

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

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

16 Section 3. Paragraphs (b) and (d) of subsection (5) of
17 section 409.1451, Florida Statutes, are amended, present
18 subsection (9) of that section is redesignated as subsection
19 (10), and a new subsection (9) is added to that section, to
20 read:

21 409.1451 Independent living transition services.--

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

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

30 1. The Road-to-Independence Scholarship Program is
31 intended to help eligible students who are former foster

1 children in this state to receive the educational and
2 vocational training needed to achieve independence. The amount
3 of the award shall be based on the living and educational
4 needs of the young adult and may be up to, but ~~may shall~~ not
5 exceed, the amount of earnings that the student would have
6 been eligible to earn working a 40-hour-a-week federal minimum
7 wage job.

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

12 a. Was a dependent child, under ~~pursuant to~~ chapter
13 39, and was living in licensed foster care or in subsidized
14 independent living at the time of his or her 18th birthday;

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

17 c. Is a resident of this state as defined in s.
18 1009.40; and

19 d. Meets one of the following qualifications:

20 (I) Has earned a standard high school diploma or its
21 equivalent as described in s. 1003.43 or s. 1003.435, or has
22 earned a special diploma or special certificate of completion
23 as described in s. 1003.438, and has been admitted for
24 full-time enrollment in an eligible postsecondary education
25 institution as defined in s. 1009.533;

26 (II) Is enrolled full time in an accredited high
27 school; or

28 (III) Is enrolled full time in an accredited adult
29 education program designed to provide the student with a high
30 school diploma or its equivalent.
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1 3. A young adult applying for a Road-to-Independence
2 Scholarship must apply for any other grants and scholarships
3 for which he or she may qualify. The department shall assist
4 the young adult in the application process and may use the
5 federal financial aid grant process to determine the funding
6 needs of the young adult.

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

20 5.a. The department must advertise the availability of
21 the program and must ensure that the children and young adults
22 leaving foster care, foster parents, or family services
23 counselors are informed of the availability of the program and
24 the application procedures.

25 b. A young adult must apply for the initial award
26 during the 6 months immediately preceding his or her 18th
27 birthday, and the department shall provide assistance with the
28 application process. A young adult who fails to make an
29 initial application, but who otherwise meets the criteria for
30 an initial award, may make one application for the initial
31 award if the ~~such~~ application is made before the young adult's

1 21st birthday. If the young adult does not apply for an
2 initial award before his or her 18th birthday, the department
3 shall inform that young adult of the opportunity to apply
4 before turning 21 years of age.

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

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

11 e. A young adult who is eligible for the
12 Road-to-Independence Program and who so desires shall be
13 allowed to reside with ~~remain in~~ the licensed foster family or
14 group care provider with whom he or she was residing at the
15 time of attaining his or her 18th birthday or to reside in
16 another licensed foster home or with a group care provider
17 arranged by the department.

18 f. If the award recipient transfers from one eligible
19 institution to another and continues to meet eligibility
20 requirements, the award must be transferred with the
21 recipient.

22 g. Scholarship funds awarded to any eligible young
23 adult under this program are in addition to any other services
24 provided to the young adult by the department through its
25 independent living transition services.

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

30 i. Scholarship funds are intended to help eligible
31 students who are former foster children in this state to

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

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

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

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

1 k. 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. 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 (d) Payment of aftercare, scholarship, or transitional
17 support funds.--Payment of aftercare, scholarship, or
18 transitional support funds shall be made directly to the
19 recipient unless the recipient requests in writing to the
20 community-based care lead agency, or the department, that the
21 payments or a portion of the payments be made directly on the
22 recipient's behalf in order to secure services such as
23 housing, counseling, education, or employment training as part
24 of the young adult's own efforts to achieve self-sufficiency.
25 The young adult who resides ~~continues~~ with a foster family may
26 ~~shall~~ not be included as a child in calculating any licensing
27 restriction on the number of children in the foster home.

28 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN
29 FOSTER CARE.--The department shall enroll in the Florida
30 KidCare program, outside the open enrollment period, each
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1 young adult who is eligible as described in s. 39.013(2) and
2 who has not yet reached his or her 19th birthday.

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

7 (b) A young adult who has health insurance coverage
8 from a third party through his or her employer or who is
9 eligible for Medicaid is not eligible for enrollment under
10 this subsection.

11 Section 4. The Independent Living Services Advisory
12 Council shall conduct a study to determine the most effective
13 way to address the health insurance needs of young adults who
14 are in the Independent Living Program of the Department of
15 Children and Family Services once the young adults are no
16 longer eligible for the Florida KidCare program. The
17 department and the Agency for Health Care Administration shall
18 assist the advisory council in conducting the study. The
19 advisory council shall provide a report containing
20 recommendations to the Legislature by January 2, 2006.

21 Section 5. This act shall take effect July 1, 2005.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1314
4 Provides for a study and report regarding the health insurance
5 needs of young adults who are no longer eligible for the
6 KidCare program.
7 Authorizes a young adult formerly in foster care at the time
8 of their 18th birthday to petition the court at any time prior
9 to their 19th birthday to extend the court's jurisdiction
10 until the young adult's 19th birthday for the purposes of
11 determining whether appropriate services have been provided
12 and to meet any requirement of federal law with respect to the
13 court's ongoing jurisdiction pending the federal government's
14 issuance of a Special Immigrant Juvenile Visa.
15 Removes the court's authorization to extend jurisdiction past
16 a young adult's 18th birthday.
17 Requires the Department of Children and Families to include in
18 its Judicial Review social study report verification that a
19 child has been provided information about the Medicaid program
20 and how to apply for the Medicaid program.
21 Removes Medicaid coverage for young adults under 21 years of
22 age.
23 Requires that the Department of Children and Families enroll
24 certain former foster children, outside the two one-month open
25 enrollment periods, in the Florida KidCare program if they do
26 not otherwise have health insurance or are not eligible for
27 Medicaid.
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