

By the Committees on Judiciary; Children and Families; and  
Senators Rich, Lynn, Dawson, Smith, Wilson, Campbell and  
Bullard

590-2072-05

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.  
5

6 Be It Enacted by the Legislature of the State of Florida:  
7

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 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  
31

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.

31

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  
31

1 young adult who is eligible as described in s. 409.1451(2)(b)  
2 and 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 premium 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.

22  
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
24 COMMITTEE SUBSTITUTE FOR  
25 Cs/Senate Bill 1314

26 The committee substitute makes the following changes to the  
27 underlying committee substitute:

- 28 -- Corrects cross-reference to eligibility standards for  
29 enrolling former foster care youths in KidCare;  
30 -- Substitutes the word "premium" for "copayment" to conform  
31 to existing statute cross-referenced in the proposed  
language.  
-- Makes technical changes throughout.