



1 eligible for the Florida KidCare program;  
2 requiring the council to report its  
3 recommendations to the Legislature; requiring  
4 the Office of Program Policy Analysis and  
5 Government Accountability to conduct a study to  
6 determine the effect the appointment of a  
7 guardian ad litem has on the ability of young  
8 adults who were formerly in the foster care  
9 system; providing for issues to be studied;  
10 requiring that a report be prepared and  
11 presented to the Governor and the Legislature  
12 by a specified date; providing an  
13 appropriation; providing an effective date.  
14

15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Subsection (2) of section 39.013, Florida  
18 Statutes, is amended to read:

19 39.013 Procedures and jurisdiction; right to  
20 counsel.--

21 (2) The circuit court shall have exclusive original  
22 jurisdiction of all proceedings under this chapter, of a child  
23 voluntarily placed with a licensed child-caring agency, a  
24 licensed child-placing agency, or the department, and of the  
25 adoption of children whose parental rights have been  
26 terminated under ~~pursuant to~~ this chapter. Jurisdiction  
27 attaches when the initial shelter petition, dependency  
28 petition, or termination of parental rights petition is filed  
29 or when a child is taken into the custody of the department.  
30 The circuit court may assume jurisdiction over any such  
31 proceeding regardless of whether the child was in the physical

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

26 Section 2. Paragraph (a) of subsection (6) of section  
27 39.701, Florida Statutes, is amended to read:

28 39.701 Judicial review.--

29 (6)(a) In addition to ~~the provisions of~~ paragraphs  
30 (1)(a) and (2)(a), the court shall hold a judicial review  
31 hearing within 90 days after a youth's 17th birthday and shall

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

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

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

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

29 |       4. Has been provided with information and training  
30 | related to budgeting skills, interviewing skills, and  
31 | parenting skills.

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

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

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

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

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

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

29           409.1451 Independent living transition services.--

30           (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER  
31 CARE.--Based on the availability of funds, the department

1 shall provide or arrange for the following services to young  
2 adults formerly in foster care who meet the prescribed  
3 conditions and are determined eligible by the department. The  
4 categories of services available to assist a young adult  
5 formerly in foster care to achieve independence are:

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

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

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

20 a. Was a dependent child, under ~~pursuant to~~ chapter  
21 39, and was living in licensed foster care or in subsidized  
22 independent living at the time of his or her 18th birthday;

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

25 c. Is a resident of this state as defined in s.  
26 1009.40; and

27 d. Meets one of the following qualifications:

28 (I) Has earned a standard high school diploma or its  
29 equivalent as described in s. 1003.43 or s. 1003.435, or has  
30 earned a special diploma or special certificate of completion  
31 as described in s. 1003.438, and has been admitted for

1 full-time enrollment in an eligible postsecondary education  
2 institution as defined in s. 1009.533;

3 (II) Is enrolled full time in an accredited high  
4 school; or

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

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

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

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

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

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

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

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

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

29           g. Scholarship funds awarded to any eligible young  
30 adult under this program are in addition to any other services  
31



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

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

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

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

29 (I) Complete the number of hours, or the equivalent  
30 considered full time by the educational institution, in the  
31 last academic year in which the young adult earned a

1 scholarship, except for a young adult who meets the  
2 requirements of s. 1009.41.

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

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

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

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

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

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

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

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

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

28 Section 5. The Office of Program Policy Analysis and  
29 Government Accountability, in consultation with the Statewide  
30 Guardian Ad Litem Office, shall conduct a study to determine  
31 the effect the appointment of a guardian ad litem has on the

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

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

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

19  
20                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21   COMMITTEE SUBSTITUTE FOR  
22   CS for CS for SB 1314

- 23  
24           - Requires the Office of Program Policy Analysis and  
25           Government Accountability, in consultation with the  
26           Statewide Guardian Ad Litem Office, to conduct a study to  
27           determine the effect of guardian ad litem on the ability  
28           of young adults who were formerly in foster care to  
29           obtain the services and education needed to achieve  
30           independence.  
31           - Appropriates \$1,100,000 from nonrecurring general revenue  
          to the Department of Children and Family Services to  
          implement the provisions of this legislation.