

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 the
10 jurisdiction of the court terminates under
11 specified conditions; providing that the court
12 encourage the Statewide Guardian Ad Litem
13 Office to provide greater representation to
14 certain children; amending s. 39.701, F.S.;
15 requiring the Department of Children and Family
16 Services to include in its judicial review
17 study report verification that the child has
18 been provided with certain information about
19 the Road-to-Independence Scholarship Program
20 and with notice of the child's right to
21 petition the court for continuing jurisdiction;
22 amending s. 409.1451, F.S.; authorizing a child
23 who is eligible for the Road-to-Independence
24 Scholarship Program to continue to reside with
25 a licensed foster family or a group care
26 provider; requiring that the department enroll
27 certain young adults who were formerly in
28 foster care in the Florida KidCare program if
29 they do not otherwise have health insurance or
30 are not eligible for Medicaid; requiring that
31 the Independent Living Services Advisory

1 Council study the most effective way of
2 providing health insurance for young adults in
3 the program for independent living who are not
4 eligible for the Florida KidCare program;
5 requiring the council to report its
6 recommendations to the Legislature; providing
7 an appropriation; requiring the department to
8 adopt rules; providing an effective date.
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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (2) of section 39.013, Florida
13 Statutes, is amended, and a new subsection (12) is added to
14 that section, to read:

15 39.013 Procedures and jurisdiction; right to
16 counsel.--

17 (2) The circuit court shall have exclusive original
18 jurisdiction of all proceedings under this chapter, of a child
19 voluntarily placed with a licensed child-caring agency, a
20 licensed child-placing agency, or the department, and of the
21 adoption of children whose parental rights have been
22 terminated under ~~pursuant to~~ this chapter. Jurisdiction
23 attaches when the initial shelter petition, dependency
24 petition, or termination of parental rights petition is filed
25 or when a child is taken into the custody of the department.
26 The circuit court may assume jurisdiction over any such
27 proceeding regardless of whether the child was in the physical
28 custody of both parents, was in the sole legal or physical
29 custody of only one parent, caregiver, or some other person,
30 or was in the physical or legal custody of no person when the
31 event or condition occurred that brought the child to the

1 attention of the court. When the court obtains jurisdiction of
2 any child who has been found to be dependent, the court shall
3 retain jurisdiction, unless relinquished by its order, until
4 the child reaches 18 years of age. However, if a youth
5 petitions the court at any time before his or her 19th
6 birthday requesting the court's continued jurisdiction, the
7 juvenile court may retain jurisdiction under this chapter for
8 a period not to exceed 1 year following the youth's 18th
9 birthday for the purpose of determining whether appropriate
10 aftercare support, Road-to-Independence Scholarship,
11 transitional support, mental health, and developmental
12 disability services, to the extent otherwise authorized by
13 law, have been provided to the formerly dependent child who
14 was in the legal custody of the department immediately before
15 his or her 18th birthday. If a petition for special immigrant
16 juvenile status and an application for adjustment of status
17 have been filed on behalf of a foster child and the petition
18 and application have not been granted by the time the child
19 reaches 18 years of age, the court may retain jurisdiction
20 over the dependency case solely for the purpose of allowing
21 the continued consideration of the petition and application by
22 federal authorities. Review hearings for the child shall be
23 set solely for the purpose of determining the status of the
24 petition and application. The court's jurisdiction terminates
25 upon the final decision of the federal authorities. Retention
26 of jurisdiction in this instance does not affect the services
27 available to a young adult under s. 409.1451. The court may
28 not retain jurisdiction of the case after the immigrant
29 child's 22nd birthday.

30 (12) The court shall encourage the Statewide Guardian
31 Ad Litem Office to provide greater representation to those

1 children who are within 1 year of transferring out of foster
2 care.

3 Section 2. Paragraph (a) of subsection (6) of section
4 39.701, Florida Statutes, is amended to read:

5 39.701 Judicial review.--

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

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

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

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

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

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

20 6. Has an open bank account, or has identification
21 necessary to open ~~such~~ an account, and has been provided with
22 essential banking skills.

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

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

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

3 10. Has been encouraged to attend all judicial review
4 hearings occurring after his or her 17th birthday.

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

10 409.1451 Independent living transition services.--

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

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

19 1. The Road-to-Independence Scholarship Program is
20 intended to help eligible students who are former foster
21 children in this state to receive the educational and
22 vocational training needed to achieve independence. The amount
23 of the award shall be based on the living and educational
24 needs of the young adult and may be up to, but ~~may shall~~ not
25 exceed, the amount of earnings that the student would have
26 been eligible to earn working a 40-hour-a-week federal minimum
27 wage job.

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

- 1 a. Was a dependent child, under ~~pursuant to~~ chapter
2 39, and was living in licensed foster care or in subsidized
3 independent living at the time of his or her 18th birthday;
- 4 b. Spent at least 6 months living in foster care
5 before reaching his or her 18th birthday;
- 6 c. Is a resident of this state as defined in s.
7 1009.40; and
- 8 d. Meets one of the following qualifications:
- 9 (I) Has earned a standard high school diploma or its
10 equivalent as described in s. 1003.43 or s. 1003.435, or has
11 earned a special diploma or special certificate of completion
12 as described in s. 1003.438, and has been admitted for
13 full-time enrollment in an eligible postsecondary education
14 institution as defined in s. 1009.533;
- 15 (II) Is enrolled full time in an accredited high
16 school; or
- 17 (III) Is enrolled full time in an accredited adult
18 education program designed to provide the student with a high
19 school diploma or its equivalent.
- 20 3. A young adult applying for a Road-to-Independence
21 Scholarship must apply for any other grants and scholarships
22 for which he or she may qualify. The department shall assist
23 the young adult in the application process and may use the
24 federal financial aid grant process to determine the funding
25 needs of the young adult.
- 26 4. The amount of the award, whether it is being used
27 by a young adult working toward completion of a high school
28 diploma or its equivalent or working toward completion of a
29 postsecondary education program, shall be determined based on
30 an assessment of the funding needs of the young adult. This
31 assessment must ~~shall~~ consider the young adult's living and

1 educational costs and other grants, scholarships, waivers,
2 earnings, and other income to be received by the young adult.
3 An award shall be available only to the extent that other
4 grants and scholarships are not sufficient to meet the living
5 and educational needs of the young adult, but an award may
6 ~~shall~~ not be less than \$25 in order to maintain Medicaid
7 eligibility for the young adult as provided in s. 409.903.

8 5.a. The department must advertise the availability of
9 the program and must ensure that the children and young adults
10 leaving foster care, foster parents, or family services
11 counselors are informed of the availability of the program and
12 the application procedures.

13 b. A young adult must apply for the initial award
14 during the 6 months immediately preceding his or her 18th
15 birthday, and the department shall provide assistance with the
16 application process. A young adult who fails to make an
17 initial application, but who otherwise meets the criteria for
18 an initial award, may make one application for the initial
19 award if the ~~such~~ application is made before the young adult's
20 21st birthday. If the young adult does not apply for an
21 initial award before his or her 18th birthday, the department
22 shall inform that young adult of the opportunity to apply
23 before turning 21 years of age.

24 c. If funding for the program is available, the
25 department shall issue awards from the scholarship program for
26 each young adult who meets all the requirements of the
27 program.

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

30 e. A young adult who is eligible for the
31 Road-to-Independence Program and who so desires shall be

1 allowed to reside with ~~remain in~~ the licensed foster family or
2 group care provider with whom he or she was residing at the
3 time of attaining his or her 18th birthday or to reside in
4 another licensed foster home or with a group care provider
5 arranged by the department.

6 f. If the award recipient transfers from one eligible
7 institution to another and continues to meet eligibility
8 requirements, the award must be transferred with the
9 recipient.

10 g. Scholarship funds awarded to any eligible young
11 adult under this program are in addition to any other services
12 provided to the young adult by the department through its
13 independent living transition services.

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

18 i. Scholarship funds are intended to help eligible
19 students who are former foster children in this state to
20 receive the educational and vocational training needed to
21 become independent and self-supporting. ~~The Such~~ funds shall
22 be terminated when the young adult has attained one of four
23 postsecondary goals under ~~pursuant to~~ subsection (3) or
24 reaches 23 years of age, whichever occurs earlier. In order to
25 initiate postsecondary education, to allow for a change in
26 career goal, or to obtain additional skills in the same
27 educational or vocational area, a young adult may earn no more
28 than two diplomas, certificates, or credentials. A young adult
29 attaining an associate of arts or associate of science degree
30 shall be permitted to work toward completion of a bachelor of
31 arts or a bachelor of science degree or an equivalent

1 undergraduate degree. Road-to-Independence Scholarship funds
2 ~~may shall~~ not be used for education or training after a young
3 adult has attained a bachelor of arts or a bachelor of science
4 degree or an equivalent undergraduate degree.

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

9 (I) Complete the number of hours, or the equivalent
10 considered full time by the educational institution, in the
11 last academic year in which the young adult earned a
12 scholarship, except for a young adult who meets the
13 requirements of s. 1009.41.

14 (II) Maintain appropriate progress as required by the
15 educational institution, except that, if the young adult's
16 progress is insufficient to renew the scholarship at any time
17 during the eligibility period, the young adult may restore
18 eligibility by improving his or her progress to the required
19 level.

20 k. Scholarship funds may be terminated during the
21 interim between an award and the evaluation for a renewal
22 award if the department determines that the award recipient is
23 no longer enrolled in an educational institution as defined in
24 sub-subparagraph 2.d., or is no longer a state resident. The
25 department shall notify a student who is terminated and inform
26 the student of his or her right to appeal.

27 l. An award recipient who does not qualify for a
28 renewal award or who chooses not to renew the award may
29 subsequently apply for reinstatement. An application for
30 reinstatement must be made before the young adult reaches 23
31 years of age, and a student may not apply for reinstatement

1 more than once. In order to be eligible for reinstatement, the
2 young adult must meet the eligibility criteria and the
3 criteria for award renewal for the scholarship program.

4 (d) Payment of aftercare, scholarship, or transitional
5 support funds.--Payment of aftercare, scholarship, or
6 transitional support funds shall be made directly to the
7 recipient unless the recipient requests in writing to the
8 community-based care lead agency, or the department, that the
9 payments or a portion of the payments be made directly on the
10 recipient's behalf in order to secure services such as
11 housing, counseling, education, or employment training as part
12 of the young adult's own efforts to achieve self-sufficiency.
13 The young adult who resides ~~continues~~ with a foster family may
14 ~~shall~~ not be included as a child in calculating any licensing
15 restriction on the number of children in the foster home.

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

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

25 (b) A young adult who has health insurance coverage
26 from a third party through his or her employer or who is
27 eligible for Medicaid is not eligible for enrollment under
28 this subsection.

29 Section 4. The Independent Living Services Advisory
30 Council shall conduct a study to determine the most effective
31 way to address the health insurance needs of young adults who

1 are in the Independent Living Program of the Department of
2 Children and Family Services once the young adults are no
3 longer eligible for the Florida KidCare program. The
4 department and the Agency for Health Care Administration shall
5 assist the advisory council in conducting the study. The
6 advisory council shall provide a report containing
7 recommendations to the Legislature by January 2, 2006.

8 Section 5. The nonrecurring sum of \$1,100,000 from the
9 General Revenue Fund shall be appropriated to the Department
10 of Children and Family Services for Fiscal Year 2005-2006 to
11 implement the provisions of this act.

12 Section 6. The Department of Children and Family
13 Services shall adopt rules to administer this act.

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

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