

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Bogdanoff offered the following:

2
3 **Amendment (with title amendment)**

4 Remove the entire body and insert:

5 Section 1. Subsection (2) of section 39.013, Florida
6 Statutes, is amended, and subsection (12) is added to said
7 section, to read:

8 39.013 Procedures and jurisdiction; right to counsel.--

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

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16 parental rights petition is filed or when a child is taken into
17 the custody of the department. The circuit court may assume
18 jurisdiction over any such proceeding regardless of whether the
19 child was in the physical custody of both parents, was in the
20 sole legal or physical custody of only one parent, caregiver, or
21 some other person, or was in the physical or legal custody of no
22 person when the event or condition occurred that brought the
23 child to the attention of the court. When the court obtains
24 jurisdiction of any child who has been found to be dependent,
25 the court shall retain jurisdiction, unless relinquished by its
26 order, until the child reaches 18 years of age.

27 (b) Notwithstanding the provisions of paragraph (a), the
28 dependency court on its own motion or the child in foster care
29 or the young adult formerly in foster care until his or her 19th
30 birthday may petition the court to retain its jurisdiction under
31 this chapter. Jurisdiction of the court may be retained for a
32 period not to exceed 1 year after the child's 18th birthday only
33 upon a finding by the court that:

34 1. The services required under s. 409.1451 were not
35 available; or

36 2. The services required under s. 409.1451 were available
37 but were not provided.

38 (c) A judicial review hearing is not required under
39 paragraph (b) unless requested by the former dependent child or
40 on the court's own motion for good cause shown.

41 (d) Notwithstanding the provisions of paragraph (a), if a
42 petition for special immigrant juvenile status and an

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43 application for adjustment of status have been filed on behalf
44 of a foster child and the petition and application have not been
45 granted by the time the child reaches 18 years of age, the court
46 may retain jurisdiction over the dependency case solely for the
47 purpose of allowing the continued consideration of the petition
48 and application by federal authorities. Review hearings for the
49 child shall be set solely for the purpose of determining the
50 status of the petition and application. The court's jurisdiction
51 terminates upon the final decision of the federal authorities.
52 Retention of jurisdiction in this instance does not affect the
53 services available to a young adult under s. 409.1451. The court
54 may not retain jurisdiction of the case after the immigrant
55 child's 22nd birthday.

56 (12) The court shall encourage the Statewide Guardian Ad
57 Litem Office to provide greater representation to those children
58 who are within 1 year of transitioning out of foster care.

59 Section 2. Paragraph (a) of subsection (6) of section
60 39.701, Florida Statutes, is amended to read:

61 39.701 Judicial review.--

62 (6)(a) In addition to ~~the provisions of~~ paragraphs (1)(a)
63 and (2)(a), the court shall hold a judicial review hearing
64 within 90 days after a child's 17th birthday and shall continue
65 to hold timely judicial review hearings. In addition, the court
66 may review the status of the child more frequently during the
67 year prior to the child's 18th birthday if necessary. At each
68 review held under ~~pursuant to~~ this subsection, in addition to
69 any information or report provided to the court, the foster

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70 parent, legal custodian, guardian ad litem, and the child shall
71 be given the opportunity to address the court with any
72 information relevant to the child's best interests, particularly
73 as it relates to ~~the provision of~~ independent living transition
74 services. In addition to any information or report provided to
75 the court, the department shall include in its judicial review
76 social study report written verification that the child:

77 1. Has been provided with a current Medicaid card and has
78 been provided with all necessary information concerning the
79 Medicaid program sufficient to prepare the child to apply for
80 coverage upon reaching his or her 18th birthday, if such
81 application would be appropriate.

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

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

92 4. Has been provided with information and training related
93 to budgeting skills, interviewing skills, and parenting skills.

94 5. Has been provided with all relevant information related
95 to the Road-to-Independence Scholarship, including, but not
96 limited to, eligibility requirements, forms necessary to apply,

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97 and assistance in completing the forms. The child shall also be
98 informed that, if he or she is eligible for the Road-to-
99 Independence Scholarship Program, he or she may reside with the
100 licensed foster family or group care provider with whom the
101 child was residing at the time of attaining his or her 18th
102 birthday or may reside in another licensed foster home arranged
103 by the department.

104 6. Has an open bank account, or has identification
105 necessary to open ~~such~~ an account, and has been provided with
106 essential banking skills.

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

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

113 9. Has been provided with notice that the young adult, or
114 the court on its own motion, may extend the court's jurisdiction
115 for 1 year after the child's 18th birthday as specified in s.
116 39.013(2) and with information on how to obtain access to the
117 court.

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

120 Section 3. Paragraphs (b) and (d) of subsection (5) of
121 section 409.1451, Florida Statutes, are amended, present
122 subsection (9) of said section is renumbered as subsection (10),
123 and a new subsection (9) is added to said section, to read:

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- 124 409.1451 Independent living transition services.--
- 125 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
- 126 CARE.--Based on the availability of funds, the department shall
- 127 provide or arrange for the following services to young adults
- 128 formerly in foster care who meet the prescribed conditions and
- 129 are determined eligible by the department. The categories of
- 130 services available to assist a young adult formerly in foster
- 131 care to achieve independence are:
- 132 (b) Road-to-Independence Scholarship Program.--
- 133 1. The Road-to-Independence Scholarship Program is
- 134 intended to help eligible students who are former foster
- 135 children in this state to receive the educational and vocational
- 136 training needed to achieve independence. The amount of the award
- 137 shall be based on the living and educational needs of the young
- 138 adult and may be up to, but may ~~shall~~ not exceed, the amount of
- 139 earnings that the student would have been eligible to earn
- 140 working a 40-hour-a-week federal minimum wage job.
- 141 2. A young adult who has reached 18 years of age but is
- 142 not yet 21 years of age is eligible for the initial award, and a
- 143 young adult under 23 years of age is eligible for renewal
- 144 awards, if he or she:
- 145 a. Was a dependent child, under ~~pursuant to~~ chapter 39,
- 146 and was living in licensed foster care or in subsidized
- 147 independent living at the time of his or her 18th birthday;
- 148 b. Spent at least 6 months living in foster care before
- 149 reaching his or her 18th birthday;

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150 c. Is a resident of this state as defined in s. 1009.40;
151 and

152 d. Meets one of the following qualifications:

153 (I) Has earned a standard high school diploma or its
154 equivalent as described in s. 1003.43 or s. 1003.435, or has
155 earned a special diploma or special certificate of completion as
156 described in s. 1003.438, and has been admitted for full-time
157 enrollment in an eligible postsecondary education institution as
158 defined in s. 1009.533;

159 (II) Is enrolled full time in an accredited high school;
160 or

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

164 3. A young adult applying for a Road-to-Independence
165 Scholarship must apply for any other grants and scholarships for
166 which he or she may qualify. The department shall assist the
167 young adult in the application process and may use the federal
168 financial aid grant process to determine the funding needs of
169 the young adult.

170 4. The amount of the award, whether it is being used by a
171 young adult working toward completion of a high school diploma
172 or its equivalent or working toward completion of a
173 postsecondary education program, shall be determined based on an
174 assessment of the funding needs of the young adult. This
175 assessment must ~~shall~~ consider the young adult's living and
176 educational costs and other grants, scholarships, waivers,

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177 earnings, and other income to be received by the young adult. An
178 award shall be available only to the extent that other grants
179 and scholarships are not sufficient to meet the living and
180 educational needs of the young adult, but an award may ~~shall~~ not
181 be less than \$25 in order to maintain Medicaid eligibility for
182 the young adult as provided in s. 409.903.

183 5.a. The department must advertise the availability of the
184 program and must ensure that the children and young adults
185 leaving foster care, foster parents, or family services
186 counselors are informed of the availability of the program and
187 the application procedures.

188 b. A young adult must apply for the initial award during
189 the 6 months immediately preceding his or her 18th birthday, and
190 the department shall provide assistance with the application
191 process. A young adult who fails to make an initial application,
192 but who otherwise meets the criteria for an initial award, may
193 make one application for the initial award if the ~~such~~
194 application is made before the young adult's 21st birthday. If
195 the young adult does not apply for an initial award before his
196 or her 18th birthday, the department shall inform that young
197 adult of the opportunity to apply before turning 21 years of
198 age.

199 c. If funding for the program is available, the department
200 shall issue awards from the scholarship program for each young
201 adult who meets all the requirements of the program.

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

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

210 f. If the award recipient transfers from one eligible
211 institution to another and continues to meet eligibility
212 requirements, the award must be transferred with the recipient.

213 g. Scholarship funds awarded to any eligible young adult
214 under this program are in addition to any other services
215 provided to the young adult by the department through its
216 independent living transition services.

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

221 i. Scholarship funds are intended to help eligible
222 students who are former foster children in this state to receive
223 the educational and vocational training needed to become
224 independent and self-supporting. The ~~Such~~ funds shall be
225 terminated when the young adult has attained one of four
226 postsecondary goals under ~~pursuant to~~ subsection (3) or reaches
227 23 years of age, whichever occurs earlier. In order to initiate
228 postsecondary education, to allow for a change in career goal,
229 or to obtain additional skills in the same educational or
230 vocational area, a young adult may earn no more than two

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231 diplomas, certificates, or credentials. A young adult attaining
232 an associate of arts or associate of science degree shall be
233 permitted to work toward completion of a bachelor of arts or a
234 bachelor of science degree or an equivalent undergraduate
235 degree. Road-to-Independence Scholarship funds may ~~shall~~ not be
236 used for education or training after a young adult has attained
237 a bachelor of arts or a bachelor of science degree or an
238 equivalent undergraduate degree.

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

243 (I) Complete the number of hours, or the equivalent
244 considered full time by the educational institution, in the last
245 academic year in which the young adult earned a scholarship,
246 except for a young adult who meets the requirements of s.
247 1009.41.

248 (II) Maintain appropriate progress as required by the
249 educational institution, except that, if the young adult's
250 progress is insufficient to renew the scholarship at any time
251 during the eligibility period, the young adult may restore
252 eligibility by improving his or her progress to the required
253 level.

254 k. Scholarship funds may be terminated during the interim
255 between an award and the evaluation for a renewal award if the
256 department determines that the award recipient is no longer
257 enrolled in an educational institution as defined in sub-

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258 subparagraph 2.d., or is no longer a state resident. The
259 department shall notify a student who is terminated and inform
260 the student of his or her right to appeal.

261 1. An award recipient who does not qualify for a renewal
262 award or who chooses not to renew the award may subsequently
263 apply for reinstatement. An application for reinstatement must
264 be made before the young adult reaches 23 years of age, and a
265 student may not apply for reinstatement more than once. In order
266 to be eligible for reinstatement, the young adult must meet the
267 eligibility criteria and the criteria for award renewal for the
268 scholarship program.

269 (d) Payment of aftercare, scholarship, or transitional
270 support funds.--Payment of aftercare, scholarship, or
271 transitional support funds shall be made directly to the
272 recipient unless the recipient requests in writing to the
273 community-based care lead agency, or the department, that the
274 payments or a portion of the payments be made directly on the
275 recipient's behalf in order to secure services such as housing,
276 counseling, education, or employment training as part of the
277 young adult's own efforts to achieve self-sufficiency. The young
278 adult who resides ~~continues~~ with a foster family may ~~shall~~ not
279 be included as a child in calculating any licensing restriction
280 on the number of children in the foster home.

281 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER
282 CARE.--The department shall enroll in the Florida KidCare
283 program, outside the open enrollment period, each young adult

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284 who is eligible as described in s. 409.1451(2)(b) and who has
285 not yet reached his or her 19th birthday.

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

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

293 Section 4. The Independent Living Services Advisory
294 Council shall conduct a study to determine the most effective
295 way to address the health insurance needs of young adults who
296 are in the independent living program of the Department of
297 Children and Family Services once the young adults are no longer
298 eligible for the Florida KidCare program. The department and the
299 Agency for Health Care Administration shall assist the advisory
300 council in conducting the study. The advisory council shall
301 provide a report containing recommendations to the President of
302 the Senate and the Speaker of the House of Representatives by
303 January 2, 2006.

304 Section 5. The Office of Program Policy Analysis and
305 Government Accountability, in consultation with the Statewide
306 Guardian Ad Litem Office, shall conduct a study to determine the
307 effect the appointment of a guardian ad litem has on the ability
308 of young adults who were formerly in the foster care system to
309 obtain life skills and education for independent living and
310 employment, to have a quality of life appropriate for their age,

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311 and to assume personal responsibility for becoming self-
 312 sufficient adults. The study shall be conducted with input from
 313 the key stakeholders in the independent living transition
 314 service system and the guardian ad litem program. The results of
 315 the study and recommendations related to the relationship
 316 between the involvement of a guardian ad litem and future
 317 success realized by young adults formerly in foster care, shall
 318 be provided to the Governor, the President of the Senate, and
 319 the Speaker of the House of Representatives on or before
 320 December 15, 2005.

321 Section 6. The Department of Children and Family Services
 322 shall promulgate rules to carry out the provisions of this act.

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

324
 325

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

327 Remove the entire title and insert:

328 A bill to be entitled
 329 An act relating to independent living; amending s. 39.013,
 330 F.S.; authorizing the court on its own motion or a child
 331 in foster care to petition the court to retain
 332 jurisdiction of his or her case; limiting the court's
 333 continued jurisdiction to 1 year after the child's 18th
 334 birthday for the purpose of determining if services were
 335 provided; limiting the court's continued jurisdiction up
 336 to age 22 for purposes of attaining special immigrant
 337 juvenile status; providing that a judicial review hearing

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338 is not required; providing an exception; providing for the
339 court to encourage the Statewide Guardian Ad Litem Office
340 to represent certain children in foster care; amending s.
341 39.701, F.S.; requiring the Department of Children and
342 Family Services to include in its judicial review study
343 report verification that the child has been provided with
344 certain information about the Road-to-Independence
345 Scholarship Program and with notice that court
346 jurisdiction continues for a specified period of time;
347 amending s. 409.1451, F.S.; authorizing a child who is
348 eligible for the Road-to-Independence Scholarship Program
349 to continue to reside with a licensed foster family or a
350 group care provider; requiring that the department enroll
351 certain young adults who were formerly in foster care in
352 the Florida KidCare program if they do not otherwise have
353 health insurance or are not eligible for Medicaid;
354 requiring the department to track children over age 14 in
355 the custody of the department; requiring the Independent
356 Living Services Advisory Council to conduct a study
357 related to the health insurance needs of certain young
358 adults and provide a report to the Legislature; requiring
359 the Office of Program Policy Analysis and Government
360 Accountability to conduct a study related to the effect of
361 the appointment of guardians ad litem on certain young
362 adults and provide a report to the Governor and
363 Legislature; requiring the Department of Children and

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(LATE FILED)

HOUSE AMENDMENT

Bill No. HB 1319 CS

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364 | Family Services to promulgate rules; providing an
365 | effective date.

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