

By the Committee on Children and Families; and Senator Rich

586-2028-06

1 A bill to be entitled
2 An act relating to independent living
3 transition services; amending s. 409.1451,
4 F.S.; revising eligibility requirements for
5 certain young adults; revising duties of the
6 Department of Children and Family Services
7 regarding independent living transition
8 services; including additional parties in the
9 review of a child's academic performance;
10 requiring the department or a community-based
11 care lead agency under contract with the
12 department to develop a plan for delivery of
13 such services; revising provisions governing
14 life skills services; requiring that the
15 department or provider work with the child to
16 develop a joint transition plan; requiring
17 judicial review of the plan; requiring
18 additional aftercare support services;
19 providing additional qualifications to receive
20 an award under the Road-to-Independence
21 Program; providing procedures for the payment
22 of awards; requiring a community-based care
23 lead agency to develop a plan for purchase and
24 delivery of such services and requiring
25 department approval prior to implementation;
26 permitting the Independent Living Services
27 Advisory Council to have access to certain data
28 held by the department and certain agencies;
29 amending ss. 39.013 and 1009.25, F.S.;
30 conforming references to changes made by the
31 act; amending s. 39.701, F.S.; requiring the

1 court to issue an order, separate from any
2 other judicial review order, that the
3 disabilities of nonage of the youth have been
4 removed from the youth in foster care; creating
5 s. 743.045, F.S.; removing the disability of
6 nonage for certain youth in the legal custody
7 of the Department of Children and Family
8 Services who are in foster care to enable the
9 youth to execute a contract for the lease of
10 residential property in order that the youth
11 may move into the leased residential property
12 on the day of the youth's 18th birthday;
13 providing specified eligibility criteria;
14 providing for the validity of the contracts;
15 requiring the youth to present an order from a
16 court of competent jurisdiction removing the
17 disability of nonage; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 409.1451, Florida Statutes, is
23 amended to read:

24 409.1451 Independent living transition services.--

25 (1) SYSTEM OF SERVICES.--

26 (a) The Department of Children and Family Services,
27 its agents, or community-based providers operating pursuant to
28 s. 409.1671 shall administer a system of independent living
29 transition services to enable older children in foster care
30 and young adults who exit foster care at age 18 to make the
31 transition to self-sufficiency as adults.

1 (b) The goals of independent living transition
2 services are to assist older children in foster care and young
3 adults who were formerly in foster care to obtain life skills
4 and education for independent living and employment, to have a
5 quality of life appropriate for their age, and to assume
6 personal responsibility for becoming self-sufficient adults.

7 (c) State funds for foster care or federal funds shall
8 be used to establish a continuum of services for eligible
9 children in foster care and eligible young adults who were
10 formerly in foster care which accomplish the goals for the
11 system of independent living transition services by providing
12 services for foster children, pursuant to subsection (4), and
13 services for young adults who were formerly in foster care,
14 pursuant to subsection (5).

15 (d) For children in foster care, independent living
16 transition services are not an alternative to adoption.
17 Independent living transition services may occur concurrently
18 with continued efforts to locate and achieve placement in
19 adoptive families for older children in foster care.

20 (2) ELIGIBILITY.--

21 (a) The department shall serve children who have
22 reached 13 years of age but are not yet 18 years of age and
23 who are in foster care by providing services pursuant to
24 subsection (4). Children to be served must meet the
25 eligibility requirements set forth for specific services as
26 provided in this section.

27 (b) The department shall provide services pursuant to
28 subsection (5) to ~~serve~~ young adults who have reached 18 years
29 of age but are not yet 23 years of age and who were in foster
30 care when they turned 18 years of age or who were adopted from
31 foster care after reaching 16 years of age or, after spending

1 at least 6 months in the custody of the department after
2 reaching 16 years of age, were placed in a guardianship by the
3 court by providing services pursuant to subsection (5). Young
4 adults are not entitled to be served but must meet the
5 eligibility requirements set forth for specific services in
6 this section.

7 (3) PREPARATION FOR INDEPENDENT LIVING.--

8 (a) It is the intent of the Legislature for the
9 Department of Children and Family Services to assist older
10 children in foster care and young adults who exit foster care
11 at age 18 in making the transition to independent living and
12 self-sufficiency as adults. The department shall provide such
13 children and young adults with opportunities to participate in
14 life skills activities in their foster families and
15 communities which are reasonable and appropriate for their
16 respective ages or for any special needs they may have, and
17 shall provide them with services to build life ~~the~~ skills and
18 increase their ability to live independently and become
19 self-sufficient. To support the provision of opportunities for
20 participation in age-appropriate life skills activities, the
21 department shall:

22 1. Develop a list of age-appropriate activities and
23 responsibilities to be offered to all children involved in
24 independent living transition services and their foster
25 parents.

26 2. Provide training for staff and foster parents to
27 address the issues of older children in foster care in
28 transitioning to adulthood, which shall include information on
29 high school completion, grant applications, vocational school
30 opportunities, supporting education and employment
31

1 ~~opportunities,~~ and ~~providing~~ opportunities to participate in
2 appropriate daily activities.

3 3. Develop procedures to maximize the authority of
4 foster parents or caregivers to approve participation in
5 age-appropriate activities of children in their care. The
6 age-appropriate activities shall be included in the child's
7 case plan. This plan must include specific goals and
8 objectives and be reviewed at each judicial review as part of
9 the case plan.

10 4. Provide opportunities for older children in foster
11 care to interact with mentors.

12 5. Develop and implement procedures for older children
13 to directly access and manage the personal allowance they
14 receive from the department in order to learn responsibility
15 and participate in age-appropriate life skills activities to
16 the extent feasible.

17 6. Make a good faith effort to fully explain, prior to
18 execution of any signature, if required, any document, report,
19 form, or other record, whether written or electronic,
20 presented to a child or young adult and allow for the
21 recipient to ask any appropriate questions necessary to fully
22 understand the document. It shall be the responsibility of the
23 person presenting the document to the child or young adult to
24 comply with this subparagraph.

25 (b) It is further the intent of the Legislature that
26 each child in foster care, his or her foster parents, if
27 applicable, and the department or community-based provider set
28 early achievement and career goals for the child's
29 postsecondary educational and work experience. The department
30 and community-based providers shall implement the model set
31

1 forth in this paragraph to help ensure that children in foster
2 care are ready for postsecondary education and the workplace.

3 1. For children in foster care who have reached 13
4 years of age, entering the 9th grade, their foster parents,
5 ~~and~~ the department or community-based provider shall ensure
6 that the child's case plan includes an educational and career
7 path ~~be active participants in choosing a post high school~~
8 ~~goal~~ based upon both the abilities and interests of each
9 child. The child, the foster parents, and a teacher or other
10 school staff member shall be included to the fullest extent
11 possible in developing the path. The path shall be reviewed at
12 each judicial hearing as part of the case plan and ~~goal~~ shall
13 accommodate the needs of children served in exceptional
14 education programs to the extent appropriate for each
15 individual. Such children may continue to follow the courses
16 outlined in the district school board student progression
17 plan. Children in foster care, with the assistance of their
18 foster parents, and the department or community-based provider
19 shall choose one of the following postsecondary goals:

- 20 a. Attending a 4-year college or university, a
21 community college plus university, or a military academy;
22 b. Receiving a 2-year postsecondary degree;
23 c. Attaining a postsecondary career and technical
24 certificate or credential; or
25 d. Beginning immediate employment, including
26 apprenticeship, after completion of a high school diploma or
27 its equivalent, or enlisting in the military.

28 2. In order to assist the child in foster care in
29 achieving his or her chosen goal, the department or
30 community-based provider shall, with the participation of the
31 child and foster parents, identify:

1 a. The core courses necessary to qualify for a chosen
2 goal.

3 b. Any elective courses which would provide additional
4 help in reaching a chosen goal.

5 c. The grade point requirement and any additional
6 information necessary to achieve a specific goal.

7 d. A teacher, other school staff member, employee of
8 the department or community-based care provider, or community
9 volunteer who would be willing to work with the child as an
10 academic advocate or mentor if foster parent involvement is
11 insufficient or unavailable.

12 3. In order to complement educational goals, the
13 department and community-based providers are encouraged to
14 form partnerships with the business community to support
15 internships, apprenticeships, or other work-related
16 opportunities.

17 4. The department and community-based providers shall
18 ensure that children in foster care and their foster parents
19 are made aware of the postsecondary goals available and shall
20 assist in identifying the coursework necessary to enable the
21 child to reach the chosen goal.

22 (c) All children in foster care and young adults
23 formerly in foster care are encouraged to take part in
24 learning opportunities that result from participation in
25 community service activities.

26 (d) Children in foster care and young adults formerly
27 in foster care shall be provided with the opportunity to
28 change from one postsecondary goal to another, and each
29 postsecondary goal shall allow for changes in each
30 individual's needs and preferences. Any change, particularly a
31 change that will result in additional time required to achieve

1 a goal, shall be made with the guidance and assistance of the
2 department or community-based provider.

3 (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The
4 department shall provide the following transition to
5 independence services to children in foster care who meet
6 prescribed conditions and are determined eligible by the
7 department. The service categories available to children in
8 foster care which facilitate successful transition into
9 adulthood are:

10 (a) Preindependent living services.--

11 1. Preindependent living services include, but are not
12 limited to, life skills training, educational field trips, and
13 conferences. The specific services to be provided to a child
14 shall be determined using a preindependent living assessment.

15 2. A child who has reached 13 years of age but is not
16 yet 15 years of age who is in foster care is eligible for such
17 services.

18 3. The department shall conduct an annual staffing for
19 each child who has reached 13 years of age but is not yet 15
20 years of age to ensure that the preindependent living training
21 and services to be provided as determined by the
22 preindependent living assessment are being received and to
23 evaluate the progress of the child in developing the needed
24 independent living skills.

25 4. At the first annual staffing that occurs following
26 a child's 14th birthday, and at each subsequent staffing, the
27 department or community-based provider shall ensure that the
28 child's case plan includes an educational and career path
29 based upon both the abilities and interests of each child and
30 shall provide to each child detailed personalized information
31 on services provided by the Road-to-Independence ~~Scholarship~~

1 Program, including requirements for eligibility; on other
2 grants, scholarships, and waivers that are available and
3 should be sought by the child with assistance from the
4 department, including, but not limited to, the Bright Futures
5 Scholarship Program, as provided in ss. 1009.53-1009.538; on
6 application deadlines; and on grade requirements for such
7 programs.

8 5. Information related to both the preindependent
9 living assessment and all staffings, which shall be reduced to
10 writing and signed by the child participant, shall be included
11 as a part of the written report required to be provided to the
12 court at each judicial review held pursuant to s. 39.701.

13 (b) Life skills services.--

14 1. Life skills services may include, but are not
15 limited to, independent living skills training, including
16 training to develop financial literacy ~~banking and budgeting~~
17 skills, interviewing skills, parenting skills, and time
18 management or organizational skills, educational support,
19 employment training, and counseling. Children receiving these
20 services should also be provided with information related to
21 social security insurance benefits and public assistance. The
22 specific services to be provided to a child shall be
23 determined using an independent life skills assessment.

24 2. A child who has reached 15 years of age but is not
25 yet 18 years of age who is in foster care is eligible for such
26 services.

27 3. The department shall conduct a staffing at least
28 once every 6 months for each child who has reached 15 years of
29 age but is not yet 18 years of age to ensure that the
30 appropriate independent living training and services as
31 determined by the independent life skills assessment are being

1 received and to evaluate the progress of the child in
2 developing the needed independent living skills.

3 4. The department shall provide to each child in
4 foster care no later than ~~during~~ the calendar month following
5 the child's 17th birthday an independent living assessment to
6 determine the child's skills and abilities to live
7 independently and become self-sufficient. ~~Based on the results~~
8 ~~of the independent living assessment, services and training~~
9 ~~shall be provided in order for the child to develop the~~
10 ~~necessary skills and abilities prior to the child's 18th~~
11 ~~birthday.~~

12 5. The department or community-based care provider
13 shall work with the child in developing a joint transition
14 plan that is consistent with the needs assessment described in
15 subparagraph 4. The transition plan must identify the specific
16 services needed to support the child's own efforts to achieve
17 independence and must include specific tasks that the child
18 must complete or maintain in order to achieve independence.
19 The plan shall be incorporated into the child's case plan and
20 reviewed at the first judicial review after the child's 17th
21 birthday.

22 ~~6.5-~~ Information related to both the independent life
23 skills assessment and all staffings, which shall be reduced to
24 writing and signed by the child participant, shall be included
25 as a part of the written report required to be provided to the
26 court at each judicial review held pursuant to s. 39.701.

27 (c) Subsidized independent living services.--

28 1. Subsidized independent living services are living
29 arrangements that allow the child to live independently of the
30 daily care and supervision of an adult in a setting that is
31 not required to be licensed under s. 409.175.

1 2. A child who has reached 16 years of age but is not
2 yet 18 years of age is eligible for such services if he or
3 she:

4 a. Is adjudicated dependent under chapter 39; has been
5 placed in licensed out-of-home care for at least 6 months
6 prior to entering subsidized independent living; and has a
7 permanency goal of adoption, independent living, or long-term
8 licensed care; and

9 b. Is able to demonstrate independent living skills,
10 as determined by the department, using established procedures
11 and assessments.

12 3. Independent living arrangements established for a
13 child must be part of an overall plan leading to the total
14 independence of the child from the department's supervision.
15 The plan must include, but need not be limited to, a
16 description of the skills of the child and a plan for learning
17 additional identified skills; the behavior that the child has
18 exhibited which indicates an ability to be responsible and a
19 plan for developing additional responsibilities, as
20 appropriate; a plan for future educational, vocational, and
21 training skills; present financial and budgeting capabilities
22 and a plan for improving resources and ability; a description
23 of the proposed residence; documentation that the child
24 understands the specific consequences of his or her conduct in
25 the independent living program; documentation of proposed
26 services to be provided by the department and other agencies,
27 including the type of service and the nature and frequency of
28 contact; and a plan for maintaining or developing
29 relationships with the family, other adults, friends, and the
30 community, as appropriate.
31

1 4. Subsidy payments in an amount established by the
2 department may be made directly to a child under the direct
3 supervision of a caseworker or other responsible adult
4 approved by the department.

5 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
6 CARE.--Based on the availability of funds, the department
7 shall provide or arrange for the following services to young
8 adults formerly in foster care who meet the prescribed
9 conditions and are determined eligible by the department. The
10 department, or a community-based care lead agency when the
11 agency is under contract with the department to provide the
12 services described under this subsection, shall develop a plan
13 to implement those services. A plan shall be developed for
14 each community-based care service area in the state. Each plan
15 that is developed by a community-based care lead agency shall
16 be submitted to the department. Each plan shall include the
17 number of young adults to be served each month of the fiscal
18 year and specify the number of young adults who will reach 18
19 years of age who will be eligible for the plan and the number
20 of young adults who will reach 23 years of age and will be
21 ineligible for the plan or who are otherwise ineligible during
22 each month of the fiscal year; staffing requirements and all
23 related costs to administer the services and program;
24 expenditures to or on behalf of the eligible recipients; costs
25 of services provided to young adults through an approved plan
26 for housing, transportation, and employment; reconciliation of
27 these expenses and any additional related costs with the funds
28 allocated for these services; and an explanation of and a plan
29 to resolve any shortages or surpluses in order to end the
30 fiscal year with a balanced budget. The categories of
31

1 services available to assist a young adult formerly in foster
2 care to achieve independence are:

3 (a) Aftercare support services.--

4 1. Aftercare support services are available to assist
5 young adults who were formerly in foster care in their efforts
6 to continue to develop the skills and abilities necessary for
7 independent living. The aftercare support services available
8 include, but are not limited to, the following:

9 a. Mentoring and tutoring.

10 b. Mental health services and substance abuse
11 counseling.

12 c. Life skills classes, including credit management
13 and preventive health activities.

14 d. Parenting classes.

15 e. Job and career skills training.

16 f. Counselor consultations.

17 g. Temporary financial assistance.

18 h. Financial literacy skills training.

19
20 The specific services to be provided under this subparagraph
21 shall be determined by an aftercare services assessment and
22 may be provided by the department or through referrals in the
23 community.

24 2. Temporary assistance provided to prevent
25 homelessness shall be provided as expeditiously as possible
26 and within the limitations defined by the department.

27 ~~3.2-~~ A young adult who has reached 18 years of age but
28 is not yet 23 years of age who leaves foster care at 18 years
29 of age but who requests services prior to reaching 23 years of
30 age is eligible for such services.

31 (b) Road-to-Independence ~~Scholarship~~ Program.--

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

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

14 a. Was a dependent child, under chapter 39, and was
15 living in licensed foster care or in subsidized independent
16 living at the time of his or her 18th birthday or is currently
17 in licensed foster care or subsidized independent living, was
18 adopted from foster care after reaching 16 years of age, or,
19 after spending at least 6 months in the custody of the
20 department after reaching 16 years of age, was placed in a
21 guardianship by the court;

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

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

26 d. Meets one of the following qualifications:

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

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

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

31

1 5. The portion of any award which if funded through
2 federal education and training vouchers may be disregarded for
3 purposes of determining the eligibility for, or the amount of,
4 any other federal or federally supported assistance.

5 ~~6.5-a.~~ The department must advertise the criteria,
6 application procedures, and availability of the program to:

7 (I) Children and young adults in, leaving, or formerly
8 in foster care.

9 (II) Case managers.

10 (III) Guidance and family services counselors.

11 (IV) Principals or other relevant school

12 ~~administrators and must ensure that the children and young~~
13 ~~adults leaving foster care, foster parents, or family services~~
14 ~~counselors are informed of the availability of the program and~~
15 ~~the application procedures.~~

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

27 ~~c. If funding for the program is available,~~ The
28 department shall issue awards from the ~~scholarship~~ program for
29 each young adult who meets all the requirements of the program
30 to the extent funding is available.

31

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

3 e. A young adult who is eligible for the
4 Road-to-Independence Program, transitional support services,
5 or aftercare services and who so desires shall be allowed to
6 reside with the licensed foster family or group care provider
7 with whom he or she was residing at the time of attaining his
8 or her 18th birthday or to reside in another licensed foster
9 home or with a group care provider arranged by the department.

10 f. If the award recipient transfers from one eligible
11 institution to another and continues to meet eligibility
12 requirements, the award must be transferred with the
13 recipient.

14 g. ~~Scholarship~~ Funds awarded to any eligible young
15 adult under this program are in addition to any other services
16 or funds provided to the young adult by the department through
17 transitional support services or aftercare services ~~its~~
18 ~~independent living transition services.~~

19 h. The department shall provide information concerning
20 young adults receiving funding through the
21 Road-to-Independence ~~Program Scholarship~~ to the Department of
22 Education for inclusion in the student financial assistance
23 database, as provided in s. 1009.94.

24 i. ~~Scholarship~~ Funds are intended to help eligible
25 young adults ~~students~~ who are former foster children in this
26 state to receive the educational and vocational training
27 needed to become independent and self-supporting. The funds
28 shall be terminated when the young adult has attained one of
29 four postsecondary goals under subsection (3) or reaches 23
30 years of age, whichever occurs earlier. In order to initiate
31 postsecondary education, to allow for a change in career goal,

1 or to obtain additional skills in the same educational or
2 vocational area, a young adult may earn no more than two
3 diplomas, certificates, or credentials. A young adult
4 attaining an associate of arts or associate of science degree
5 shall be permitted to work toward completion of a bachelor of
6 arts or a bachelor of science degree or an equivalent
7 undergraduate degree. Road-to-Independence Program Scholarship
8 funds may not be used for education or training after a young
9 adult has attained a bachelor of arts or a bachelor of science
10 degree or an equivalent undergraduate degree.

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

15 (I) Complete the number of hours, or the equivalent
16 considered full time by the educational institution, unless
17 that young adult has a recognized disability preventing
18 full-time attendance, in the last academic year in which the
19 young adult earned an award ~~a scholarship~~, except for a young
20 adult who meets the requirements of s. 1009.41.

21 (II) Maintain appropriate progress as required by the
22 educational institution, except that, if the young adult's
23 progress is insufficient to renew the award ~~scholarship~~ at any
24 time during the eligibility period, the young adult may
25 restore eligibility by improving his or her progress to the
26 required level.

27 k. ~~Scholarship~~ Funds may be terminated during the
28 interim between an award and the evaluation for a renewal
29 award if the department determines that the award recipient is
30 no longer enrolled in an educational institution as defined in
31 sub-subparagraph 2.d., or is no longer a state resident. The

1 department shall notify a recipient ~~student~~ who is terminated
2 and inform the recipient ~~student~~ of his or her right to
3 appeal.

4 1. An award recipient who does not qualify for a
5 renewal award or who chooses not to renew the award may
6 subsequently apply for reinstatement. An application for
7 reinstatement must be made before the young adult reaches 21
8 ~~23~~ years of age, and a student may not apply for reinstatement
9 more than once. In order to be eligible for reinstatement, the
10 young adult must meet the eligibility criteria and the
11 criteria for award renewal for the ~~scholarship~~ program.

12 (c) Transitional support services.--

13 1. In addition to any services provided through
14 aftercare support or the Road-to-Independence Program
15 ~~Scholarship~~, a young adult formerly in foster care may receive
16 other appropriate short-term funding and services, which may
17 include financial, housing, counseling, employment, education,
18 mental health, disability, and other services, if the young
19 adult demonstrates that the services are critical to the young
20 adult's own efforts to achieve self-sufficiency and to develop
21 a personal support system.

22 2. A young adult formerly in foster care is eligible
23 to apply for transitional support services if he or she has
24 reached 18 years of age but is not yet 23 years of age, was a
25 dependent child pursuant to chapter 39, was living in licensed
26 foster care or in subsidized independent living at the time of
27 his or her 18th birthday, and had spent at least 6 months
28 living in foster care before that date.

29 3. If at any time the services are no longer critical
30 to the young adult's own efforts to achieve self-sufficiency
31

1 and to develop a personal support system, they shall be
2 terminated.

3 (d) Payment of aftercare, Road-to-Independence Program
4 ~~scholarship~~, or transitional support funds.--

5 1. Payment of aftercare, Road-to-Independence Program
6 ~~scholarship~~, or transitional support funds shall be made
7 directly to the recipient unless the recipient requests in
8 writing to the community-based care lead agency, or the
9 department, that the payments or a portion of the payments be
10 made directly on the recipient's behalf in order to secure
11 services such as housing, counseling, education, or employment
12 training as part of the young adult's own efforts to achieve
13 self-sufficiency.

14 2. After the completion of aftercare support services
15 that satisfy the requirements of sub-subparagraph (a)1.h.,
16 payment of awards under the Road-to-Independence Program shall
17 be made by direct deposit to the recipient, unless the
18 recipient requests in writing to the community-based care lead
19 agency or the department that:

20 a. The payments be made directly to the recipient by
21 check or warrant;

22 b. The payments or a portion of the payments be made
23 directly on the recipient's behalf to institutions the
24 recipient is attending to maintain eligibility under this
25 section; or

26 c. The payments be made on a two-party check to a
27 business or landlord for a legitimate expense, whether
28 reimbursed or not. A legitimate expense for the purposes of
29 this sub-subparagraph shall include automobile repair or
30 maintenance expenses; educational, job, or training expenses;
31 and costs incurred, except legal costs, fines, or penalties,

1 when applying for or executing a rental agreement for the
2 purposes of securing a home or residence.

3 3. The community-based care lead agency may purchase
4 housing, transportation, or employment services to ensure the
5 availability and affordability of specific transitional
6 services thereby allowing an eligible young adult to utilize
7 these services in lieu of receiving a direct payment. Prior to
8 purchasing such services, the community-based care lead agency
9 must have a plan approved by the department describing the
10 services to be purchased, the rationale for purchasing the
11 services, and a specific range of expenses for each service
12 that is less than the cost of purchasing the service by an
13 individual young adult. The plan must include a description of
14 the transition of a young adult using these services into
15 independence and a timeframe for achievement of independence.
16 An eligible young adult who can demonstrate an ability to
17 obtain these services independently and prefers a direct
18 payment shall receive such payment. The plan must be reviewed
19 annually and evaluated for cost-efficiency and for
20 effectiveness in assisting young adults in achieving
21 independence, preventing homelessness among young adults, and
22 enabling young adults to earn a living wage in a permanent
23 employment situation.

24 4. The young adult who resides with a foster family
25 may not be included as a child in calculating any licensing
26 restriction on the number of children in the foster home.

27 (e) Appeals process.--

28 1. The Department of Children and Family Services
29 shall adopt by rule a procedure by which a young adult may
30 appeal an eligibility determination or the department's
31 failure to provide aftercare, Road-to-Independence Program

1 ~~scholarship~~, or transitional support services, or the
2 termination of such services, if such funds are available.

3 2. The procedure developed by the department must be
4 readily available to young adults, must provide timely
5 decisions, and must provide for an appeal to the Secretary of
6 Children and Family Services. The decision of the secretary
7 constitutes final agency action and is reviewable by the court
8 as provided in s. 120.68.

9 (6) ACCOUNTABILITY.--The department shall develop
10 outcome measures for the program and other performance
11 measures.

12 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
13 Secretary of Children and Family Services shall establish the
14 Independent Living Services Advisory Council for the purpose
15 of reviewing and making recommendations concerning the
16 implementation and operation of the independent living
17 transition services. This advisory council shall continue to
18 function as specified in this subsection until the Legislature
19 determines that the advisory council can no longer provide a
20 valuable contribution to the department's efforts to achieve
21 the goals of the independent living transition services.

22 (a) Specifically, the advisory council shall assess
23 the implementation and operation of the system of independent
24 living transition services and advise the department on
25 actions that would improve the ability of the independent
26 living transition services to meet the established goals. The
27 advisory council shall keep the department informed of
28 problems being experienced with the services, barriers to the
29 effective and efficient integration of services and support
30 across systems, and successes that the system of independent
31 living transition services has achieved. The department shall

1 consider, but is not required to implement, the
2 recommendations of the advisory council.

3 (b) The advisory council shall report to the
4 appropriate substantive committees of the Senate and the House
5 of Representatives on the status of the implementation of the
6 system of independent living transition services; efforts to
7 publicize the availability of aftercare support services, the
8 Road-to-Independence ~~Scholarship~~ Program, and transitional
9 support services; ~~specific barriers to financial aid created~~
10 ~~by the scholarship and possible solutions;~~ the success of the
11 services; problems identified; recommendations for department
12 or legislative action; and the department's implementation of
13 the recommendations contained in the Independent Living
14 Services Integration Workgroup Report submitted to the Senate
15 and the House substantive committees December 31, 2002. This
16 advisory council report shall be submitted by December 31 of
17 each year that the council is in existence and shall be
18 accompanied by a report from the department which identifies
19 the recommendations of the advisory council and either
20 describes the department's actions to implement these
21 recommendations or provides the department's rationale for not
22 implementing the recommendations.

23 (c) Members of the advisory council shall be appointed
24 by the secretary of the department. The membership of the
25 advisory council must include, at a minimum, representatives
26 from the headquarters and district offices of the Department
27 of Children and Family Services, community-based care lead
28 agencies, the Agency for Workforce Innovation, the Department
29 of Education, the Agency for Health Care Administration, the
30 State Youth Advisory Board, Workforce Florida, Inc., the
31 Statewide Guardian Ad Litem Office, foster parents, recipients

1 of Road-to-Independence Program funding, and advocates for
2 foster children. The secretary shall determine the length of
3 the term to be served by each member appointed to the advisory
4 council, which may not exceed 4 years.

5 (d) The Department of Children and Family Services
6 shall provide administrative support to the Independent Living
7 Services Advisory Council to accomplish its assigned tasks.
8 The advisory council shall be afforded access to all
9 appropriate data from the department, each community-based
10 care lead agency, and other relevant agencies in order to
11 accomplish the tasks set forth in this section. The data
12 collected may not include any information that would identify
13 a specific child or young adult.

14 (8) PERSONAL PROPERTY.--Property acquired on behalf of
15 clients of this program shall become the personal property of
16 the clients and is not subject to the requirements of chapter
17 273 relating to state-owned tangible personal property. Such
18 property continues to be subject to applicable federal laws.

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

24 (a) A young adult who was formerly in foster care at
25 the time of his or her 18th birthday and who is 18 years of
26 age but not yet 20 ~~19~~, shall pay the premium for the Florida
27 KidCare program as required in s. 409.814.

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

1 (10) RULEMAKING.--The department shall adopt by rule
2 procedures to administer this section, including balancing the
3 goals of normalcy and safety for the youth and providing the
4 caregivers with as much flexibility as possible to enable the
5 youth to participate in normal life experiences. The
6 department shall not adopt rules relating to reductions in
7 ~~scholarship~~ awards. The department shall engage in appropriate
8 planning to prevent, to the extent possible, a reduction in
9 ~~scholarship~~ awards after issuance.

10 Section 2. Subsection (2) of section 39.013, Florida
11 Statutes, is amended to read:

12 39.013 Procedures and jurisdiction; right to
13 counsel.--

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

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

26 | Section 3. 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 paragraphs (1)(a) and (2)(a),
30 | the court shall hold a judicial review hearing within 90 days
31 | after a youth's 17th birthday. The court shall also issue an

1 order, separate from the order on judicial review, that the
2 disabilities of nonage of the youth have been removed pursuant
3 to s. 743.045. The court ~~and~~ shall continue to hold timely
4 judicial review hearings thereafter. In addition, the court
5 may review the status of the child more frequently during the
6 year prior to the youth's 18th birthday if necessary. At each
7 review held under this subsection, in addition to any
8 information or report provided to the court, the foster
9 parent, legal custodian, guardian ad litem, and the child
10 shall be given the opportunity to address the court with any
11 information relevant to the child's best interests,
12 particularly as it relates to independent living transition
13 services. In addition to any information or report provided to
14 the court, the department shall include in its judicial review
15 social study report written verification that the child:
16 1. Has been provided with a current Medicaid card and
17 has been provided all necessary information concerning the
18 Medicaid program sufficient to prepare the youth to apply for
19 coverage upon reaching age 18, if such application would be
20 appropriate.
21 2. Has been provided with a certified copy of his or
22 her birth certificate and, if the child does not have a valid
23 driver's license, a Florida identification card issued under
24 s. 322.051.
25 3. Has been provided information relating to Social
26 Security Insurance benefits if the child is eligible for these
27 benefits. If the child has received these benefits and they
28 are being held in trust for the child, a full accounting of
29 those funds must be provided and the child must be informed
30 about how to access those funds.
31

1 4. Has been provided with information and training
2 related to budgeting skills, interviewing skills, and
3 parenting skills.

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

15 6. Has an open bank account, or has identification
16 necessary to open an account, and has been provided with
17 essential banking skills.

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

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

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

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

30 Section 4. Paragraph (c) of subsection (2) of section
31 1009.25, Florida Statutes, is amended to read:

1 1009.25 Fee exemptions.--

2 (2) The following students are exempt from the payment
3 of tuition and fees, including lab fees, at a school district
4 that provides postsecondary career programs, community
5 college, or state university:

6 (c) A student who the state has determined is eligible
7 for the Road-to-Independence ~~Program Scholarship~~, regardless
8 of whether an award is issued or not, or a student who is or
9 was at the time he or she reached 18 years of age in the
10 custody of a relative under s. 39.5085, or who is adopted from
11 the Department of Children and Family Services after May 5,
12 1997. Such exemption includes fees associated with enrollment
13 in career-preparatory instruction and completion of the
14 college-level communication and computation skills testing
15 program. Such an exemption is available to any student who was
16 in the custody of a relative under s. 39.5085 at the time he
17 or she reached 18 years of age or was adopted from the
18 Department of Children and Family Services after May 5, 1997;
19 however, the exemption remains valid for no more than 4 years
20 after the date of graduation from high school.

21 Section 5. Section 743.045, Florida Statutes, is
22 created to read:

23 743.045 Removal of disabilities of minors; executing
24 contracts for a residential lease.--For the sole purpose of
25 ensuring that youth in foster care will be able to execute a
26 contract for the lease of residential property in order that
27 the youth may move into the leased residential property on the
28 day of the youth's 18th birthday, the disability of nonage of
29 minors is removed for all youth who have reached the age of 17
30 years, who have been adjudicated dependent, and who are in the
31 legal custody of the Department of Children and Family

1 Services through foster care or subsidized independent living.
2 These youth are authorized to make and execute contracts,
3 releases, and all other instruments necessary for the purpose
4 of entering into a contract for the lease of residential
5 property upon the youth's 18th birthday. The contracts or
6 other instruments made by the youth shall have the same effect
7 as though they were the obligations of persons who were not
8 minors. Youth seeking to enter into such lease contracts or
9 execute other necessary instruments that are incidental to
10 entering into a lease must present an order from a court of
11 competent jurisdiction removing the disabilities of nonage of
12 the minor under this section.

13 Section 6. This act shall take effect July 1, 2006.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1798
4 Removes the changes to the Road to Independence Scholarship
5 Program which made the program an Educational and Training
6 Voucher Program, replacing those changes with removing the
7 word "Scholarship" from the program title.
8 Removes the requirement for separate plans outlining
9 age-appropriate activities, an educational and career path for
10 older foster children, and a transition plan for young adults,
11 replacing those requirements with one to address such issues
12 in the child's case plan at various points in his or her life.
13 Removes the directive that funds received under the John H.
14 Chaffee Foster Care Independence Program for educational and
15 training vouchers be dispersed in compliance with federal law
16 and regulations.
17 Removes the restrictions placed on the department and
18 community-based care agencies in allocating available funds to
19 eligible recipients of the Road to Independence Program.
20 Removes the direction to the Department of Children and
21 Families to evaluate the efficiency and cost-effectiveness of
22 contracting the Road to Independence Program to a private
23 entity and the authorization for the department to contract
24 with such an entity.
25 Extends the availability of KidCare to young adults to age 20.
26 Removes the expansion of Medicaid services to young adults.
27 Removes the disability of nonage for foster children over the
28 age of 17 solely for the purpose of executing leases for
29 residential property.
30
31