

By the Committees on Education; Children and Families; and
 Senators Rich and Lynn

581-2268-06

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; deleting certain time restrictions for
 22 submitting applications; providing procedures
 23 for the payment of awards; requiring a
 24 community-based care lead agency to develop a
 25 plan for purchase and delivery of such services
 26 and requiring department approval prior to
 27 implementation; requiring the department to
 28 submit a report annually to the Legislature on
 29 performance, oversight, and rule development;
 30 permitting the Independent Living Services
 31 Advisory Council to have access to certain data

1 held by the department and certain agencies;
2 amending ss. 39.013 and 1009.25, F.S.;
3 conforming references to changes made by the
4 act; amending s. 39.701, F.S.; requiring the
5 court to issue an order, separate from any
6 other judicial review order, that the
7 disabilities of nonage of the youth have been
8 removed from the youth in foster care; creating
9 s. 743.045, F.S.; removing the disability of
10 nonage for certain youth in the legal custody
11 of the Department of Children and Family
12 Services who are in foster care to enable the
13 youth to execute a contract for the lease of
14 residential property in order that the youth
15 may move into the leased residential property
16 on the day of the youth's 18th birthday;
17 providing specified eligibility criteria;
18 providing for the validity of the contracts;
19 requiring the youth to present an order from a
20 court of competent jurisdiction removing the
21 disability of nonage; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 409.1451, Florida Statutes, is
27 amended to read:

28 409.1451 Independent living transition services.--

29 (1) SYSTEM OF SERVICES.--

30 (a) The Department of Children and Family Services,
31 its agents, or community-based providers operating pursuant to

1 s. 409.1671 shall administer a system of independent living
2 transition services to enable older children in foster care
3 and young adults who exit foster care at age 18 to make the
4 transition to self-sufficiency as adults.

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

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

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

24 (2) ELIGIBILITY.--

25 (a) The department shall serve children who have
26 reached 13 years of age but are not yet 18 years of age and
27 who are in foster care by providing services pursuant to
28 subsection (4). Children to be served must meet the
29 eligibility requirements set forth for specific services as
30 provided in this section.
31

1 (b) The department shall provide services pursuant to
2 subsection (5) to ~~serve~~ young adults who have reached 18 years
3 of age but are not yet 23 years of age and who were in foster
4 care when they turned 18 years of age or who were adopted from
5 foster care after reaching 16 years of age or, after spending
6 at least 6 months in the custody of the department after
7 reaching 16 years of age, were placed in a guardianship by the
8 court ~~by providing services pursuant to subsection (5)~~. Young
9 adults are not entitled to be served but must meet the
10 eligibility requirements set forth for specific services in
11 this section.

12 (3) PREPARATION FOR INDEPENDENT LIVING.--

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

27 1. Develop a list of age-appropriate activities and
28 responsibilities to be offered to all children involved in
29 independent living transition services and their foster
30 parents.
31

1 2. Provide training for staff and foster parents to
2 address the issues of older children in foster care in
3 transitioning to adulthood, which shall include information on
4 high school completion, grant applications, vocational school
5 opportunities, supporting education and employment
6 opportunities, and ~~providing~~ opportunities to participate in
7 appropriate daily activities.

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

15 4. Provide opportunities for older children in foster
16 care to interact with mentors.

17 5. Develop and implement procedures for older children
18 to directly access and manage the personal allowance they
19 receive from the department in order to learn responsibility
20 and participate in age-appropriate life skills activities to
21 the extent feasible.

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

30 (b) It is further the intent of the Legislature that
31 each child in foster care, his or her foster parents, if

1 applicable, and the department or community-based provider set
2 early achievement and career goals for the child's
3 postsecondary educational and work experience. The department
4 and community-based providers shall implement the model set
5 forth in this paragraph to help ensure that children in foster
6 care are ready for postsecondary education and the workplace.

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

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

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

5 a. The core courses necessary to qualify for a chosen
6 goal.

7 b. Any elective courses which would provide additional
8 help in reaching a chosen goal.

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

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

16 3. In order to complement educational goals, the
17 department and community-based providers are encouraged to
18 form partnerships with the business community to support
19 internships, apprenticeships, or other work-related
20 opportunities.

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

26 (c) All children in foster care and young adults
27 formerly in foster care are encouraged to take part in
28 learning opportunities that result from participation in
29 community service activities.

30 (d) Children in foster care and young adults formerly
31 in foster care shall be provided with the opportunity to

1 change from one postsecondary goal to another, and each
2 postsecondary goal shall allow for changes in each
3 individual's needs and preferences. Any change, particularly a
4 change that will result in additional time required to achieve
5 a goal, shall be made with the guidance and assistance of the
6 department or community-based provider.

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

14 (a) Preindependent living services.--

15 1. Preindependent living services include, but are not
16 limited to, life skills training, educational field trips, and
17 conferences. The specific services to be provided to a child
18 shall be determined using a preindependent living assessment.

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

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

29 4. At the first annual staffing that occurs following
30 a child's 14th birthday, and at each subsequent staffing, the
31 department or community-based provider shall ensure that the

1 child's case plan includes an educational and career path
2 based upon both the abilities and interests of each child and
3 shall provide to each child detailed personalized information
4 on services provided by the Road-to-Independence ~~Scholarship~~
5 Program, including requirements for eligibility; on other
6 grants, scholarships, and waivers that are available and
7 should be sought by the child with assistance from the
8 department, including, but not limited to, the Bright Futures
9 Scholarship Program, as provided in ss. 1009.53-1009.538; on
10 application deadlines; and on grade requirements for such
11 programs.

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

17 (b) Life skills services.--

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

28 2. A child who has reached 15 years of age but is not
29 yet 18 years of age who is in foster care is eligible for such
30 services.

31

1 3. The department shall conduct a staffing at least
2 once every 6 months for each child who has reached 15 years of
3 age but is not yet 18 years of age to ensure that the
4 appropriate independent living training and services as
5 determined by the independent life skills assessment are being
6 received and to evaluate the progress of the child in
7 developing the needed independent living skills.

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

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

27 ~~6.5-~~ Information related to both the independent life
28 skills assessment and all staffings, which shall be reduced to
29 writing and signed by the child participant, shall be included
30 as a part of the written report required to be provided to the
31 court at each judicial review held pursuant to s. 39.701.

1 (c) Subsidized independent living services.--

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

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

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

14 b. Is able to demonstrate independent living skills,
15 as determined by the department, using established procedures
16 and assessments.

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

1 including the type of service and the nature and frequency of
2 contact; and a plan for maintaining or developing
3 relationships with the family, other adults, friends, and the
4 community, as appropriate.

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

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

1 allocated for these services; and an explanation of and a plan
2 to resolve any shortages or surpluses in order to end the
3 fiscal year with a balanced budget. The categories of
4 services available to assist a young adult formerly in foster
5 care to achieve independence are:

6 (a) Aftercare support services.--

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

12 a. Mentoring and tutoring.

13 b. Mental health services and substance abuse
14 counseling.

15 c. Life skills classes, including credit management
16 and preventive health activities.

17 d. Parenting classes.

18 e. Job and career skills training.

19 f. Counselor consultations.

20 g. Temporary financial assistance.

21 h. Financial literacy skills training.

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

27 2. Temporary assistance provided to prevent
28 homelessness shall be provided as expeditiously as possible
29 and within the limitations defined by the department.

30 ~~3.2-~~ A young adult who has reached 18 years of age but
31 is not yet 23 years of age who leaves foster care at 18 years

1 of age but who requests services prior to reaching 23 years of
2 age is eligible for such services.

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

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

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

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

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

27 c. Is a resident of this state as defined in s.
28 1009.40; and

29 d. Meets one of the following qualifications:

30 (I) Has earned a standard high school diploma or its
31 equivalent as described in s. 1003.43 or s. 1003.435, or has

1 | earned a special diploma or special certificate of completion
2 | as described in s. 1003.438, and has been admitted for
3 | full-time enrollment in an eligible postsecondary education
4 | institution as defined in s. 1009.533;

5 | (II) Is enrolled full time in an accredited high
6 | school; or

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

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

16 | 4. An award shall be available to a young adult who is
17 | considered a full-time student or its equivalent by the
18 | educational institution in which he or she is enrolled, unless
19 | that young adult has a recognized disability preventing
20 | full-time attendance. The amount of the award, whether it is
21 | being used by a young adult working toward completion of a
22 | high school diploma or its equivalent or working toward
23 | completion of a postsecondary education program, shall be
24 | determined based on an assessment of the funding needs of the
25 | young adult. This assessment must consider the young adult's
26 | living and educational costs and other grants, scholarships,
27 | waivers, earnings, and other income to be received by the
28 | young adult. An award shall be available only to the extent
29 | that other grants and scholarships are not sufficient to meet
30 | the living and educational needs of the young adult, but an
31 |

1 award may not be less than \$25 in order to maintain Medicaid
2 eligibility for the young adult as provided in s. 409.903.

3 5. The amount of the award may be disregarded for
4 purposes of determining the eligibility for, or the amount of,
5 any other federal or federally supported assistance.

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

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

10 (II) Case managers.

11 (III) Guidance and family services counselors.

12 (IV) Principals or other relevant school
13 administrators.

14 (V) Guardians ad litem.

15 (VI) Foster parents. and must ensure that the children
16 and young adults leaving foster care, foster parents, or
17 family services counselors are informed of the availability of
18 the program and the application procedures.

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

30 ~~b.c. If funding for the program is available, The~~
31 ~~department shall issue awards from the scholarship program for~~

1 each young adult who meets all the requirements of the program
2 to the extent funding is available.

3 ~~c.d.~~ An award shall be issued at the time the eligible
4 student reaches 18 years of age.

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

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

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

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

26 ~~h.i.~~ ~~Scholarship~~ Funds are intended to help eligible
27 young adults ~~students~~ who are former foster children in this
28 state to receive the educational and vocational training
29 needed to become independent and self-supporting. The funds
30 shall be terminated when the young adult has attained one of
31 four postsecondary goals under subsection (3) or reaches 23

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

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

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

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

29 | ~~i.k.~~ ~~Scholarship~~ Funds may be terminated during the
30 | interim between an award and the evaluation for a renewal
31 | award if the department determines that the award recipient is

1 no longer enrolled in an educational institution as defined in
2 sub-subparagraph 2.d., or is no longer a state resident. The
3 department shall notify a recipient ~~student~~ who is terminated
4 and inform the recipient ~~student~~ of his or her right to
5 appeal.

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

14 (c) Transitional support services.--

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

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

31

1 3. If at any time the services are no longer critical
2 to the young adult's own efforts to achieve self-sufficiency
3 and to develop a personal support system, they shall be
4 terminated.

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

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

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

22 a. The payments be made directly to the recipient by
23 check or warrant;

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

28 c. The payments be made on a two-party check to a
29 business or landlord for a legitimate expense, whether
30 reimbursed or not. A legitimate expense for the purposes of
31 this sub-subparagraph shall include automobile repair or

1 maintenance expenses; educational, job, or training expenses;
2 and costs incurred, except legal costs, fines, or penalties,
3 when applying for or executing a rental agreement for the
4 purposes of securing a home or residence.

5 3. The community-based care lead agency may purchase
6 housing, transportation, or employment services to ensure the
7 availability and affordability of specific transitional
8 services thereby allowing an eligible young adult to utilize
9 these services in lieu of receiving a direct payment. Prior to
10 purchasing such services, the community-based care lead agency
11 must have a plan approved by the department describing the
12 services to be purchased, the rationale for purchasing the
13 services, and a specific range of expenses for each service
14 that is less than the cost of purchasing the service by an
15 individual young adult. The plan must include a description of
16 the transition of a young adult using these services into
17 independence and a timeframe for achievement of independence.
18 An eligible young adult who prefers a direct payment shall
19 receive such payment. The plan must be reviewed annually and
20 evaluated for cost-efficiency and for effectiveness in
21 assisting young adults in achieving independence, preventing
22 homelessness among young adults, and enabling young adults to
23 earn a living wage in a permanent 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 in order to maintain oversight of the program. The
12 department shall report on the outcome measures and the
13 department's oversight activities in a report to the
14 Legislature. The report must be prepared and submitted to the
15 committees of jurisdiction for issues relating to children and
16 families in the Senate and House of Representatives no later
17 than January 31 of each year. The report must include:

18 (a) An analysis of performance on outcome measures
19 developed under this section and reported for each
20 community-based care lead agency and compared with the
21 performance of the department on the same measures;

22 (b) A description of the department's oversight of the
23 program including, by lead agency, any programmatic or fiscal
24 deficiencies found, corrective actions required, and current
25 status of compliance; and

26 (c) Any rules adopted or proposed under the authority
27 of this section since the last report. For the purposes of the
28 first report, any rules adopted or proposed under the
29 authority of this section must be included.

30 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
31 Secretary of Children and Family Services shall establish the

1 Independent Living Services Advisory Council for the purpose
2 of reviewing and making recommendations concerning the
3 implementation and operation of the independent living
4 transition services. This advisory council shall continue to
5 function as specified in this subsection until the Legislature
6 determines that the advisory council can no longer provide a
7 valuable contribution to the department's efforts to achieve
8 the goals of the independent living transition services.

9 (a) Specifically, the advisory council shall assess
10 the implementation and operation of the system of independent
11 living transition services and advise the department on
12 actions that would improve the ability of the independent
13 living transition services to meet the established goals. The
14 advisory council shall keep the department informed of
15 problems being experienced with the services, barriers to the
16 effective and efficient integration of services and support
17 across systems, and successes that the system of independent
18 living transition services has achieved. The department shall
19 consider, but is not required to implement, the
20 recommendations of the advisory council.

21 (b) The advisory council shall report to the
22 appropriate substantive committees of the Senate and the House
23 of Representatives on the status of the implementation of the
24 system of independent living transition services; efforts to
25 publicize the availability of aftercare support services, the
26 Road-to-Independence Scholarship Program, and transitional
27 support services; ~~specific barriers to financial aid created~~
28 ~~by the scholarship and possible solutions;~~ the success of the
29 services; problems identified; recommendations for department
30 or legislative action; and the department's implementation of
31 the recommendations contained in the Independent Living

1 Services Integration Workgroup Report submitted to the Senate
2 and the House substantive committees December 31, 2002. This
3 advisory council report shall be submitted by December 31 of
4 each year that the council is in existence and shall be
5 accompanied by a report from the department which identifies
6 the recommendations of the advisory council and either
7 describes the department's actions to implement these
8 recommendations or provides the department's rationale for not
9 implementing the recommendations.

10 (c) Members of the advisory council shall be appointed
11 by the secretary of the department. The membership of the
12 advisory council must include, at a minimum, representatives
13 from the headquarters and district offices of the Department
14 of Children and Family Services, community-based care lead
15 agencies, the Agency for Workforce Innovation, the Department
16 of Education, the Agency for Health Care Administration, the
17 State Youth Advisory Board, Workforce Florida, Inc., the
18 Statewide Guardian Ad Litem Office, foster parents, recipients
19 of Road-to-Independence Program funding, and advocates for
20 foster children. The secretary shall determine the length of
21 the term to be served by each member appointed to the advisory
22 council, which may not exceed 4 years.

23 (d) The Department of Children and Family Services
24 shall provide administrative support to the Independent Living
25 Services Advisory Council to accomplish its assigned tasks.
26 The advisory council shall be afforded access to all
27 appropriate data from the department, each community-based
28 care lead agency, and other relevant agencies in order to
29 accomplish the tasks set forth in this section. The data
30 collected may not include any information that would identify
31 a specific child or young adult.

1 (8) PERSONAL PROPERTY.--Property acquired on behalf of
2 clients of this program shall become the personal property of
3 the clients and is not subject to the requirements of chapter
4 273 relating to state-owned tangible personal property. Such
5 property continues to be subject to applicable federal laws.

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

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

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

19 (10) RULEMAKING.--The department shall adopt by rule
20 procedures to administer this section, including balancing the
21 goals of normalcy and safety for the youth and providing the
22 caregivers with as much flexibility as possible to enable the
23 youth to participate in normal life experiences. The
24 department shall not adopt rules relating to reductions in
25 ~~scholarship~~ awards. The department shall engage in appropriate
26 planning to prevent, to the extent possible, a reduction in
27 ~~scholarship~~ awards after issuance.

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

30 39.013 Procedures and jurisdiction; right to
31 counsel.--

1 (2) The circuit court shall have exclusive original
2 jurisdiction of all proceedings under this chapter, of a child
3 voluntarily placed with a licensed child-caring agency, a
4 licensed child-placing agency, or the department, and of the
5 adoption of children whose parental rights have been
6 terminated under this chapter. Jurisdiction attaches when the
7 initial shelter petition, dependency petition, or termination
8 of parental rights petition is filed or when a child is taken
9 into the custody of the department. The circuit court may
10 assume jurisdiction over any such proceeding regardless of
11 whether the child was in the physical custody of both parents,
12 was in the sole legal or physical custody of only one parent,
13 caregiver, or some other person, or was in the physical or
14 legal custody of no person when the event or condition
15 occurred that brought the child to the attention of the court.
16 When the court obtains jurisdiction of any child who has been
17 found to be dependent, the court shall retain jurisdiction,
18 unless relinquished by its order, until the child reaches 18
19 years of age. However, if a youth petitions the court at any
20 time before his or her 19th birthday requesting the court's
21 continued jurisdiction, the juvenile court may retain
22 jurisdiction under this chapter for a period not to exceed 1
23 year following the youth's 18th birthday for the purpose of
24 determining whether appropriate aftercare support,
25 Road-to-Independence Program Scholarship, transitional
26 support, mental health, and developmental disability services,
27 to the extent otherwise authorized by law, have been provided
28 to the formerly dependent child who was in the legal custody
29 of the department immediately before his or her 18th birthday.
30 If a petition for special immigrant juvenile status and an
31 application for adjustment of status have been filed on behalf

1 of a foster child and the petition and application have not
2 been granted by the time the child reaches 18 years of age,
3 the court may retain jurisdiction over the dependency case
4 solely for the purpose of allowing the continued consideration
5 of the petition and application by federal authorities. Review
6 hearings for the child shall be set solely for the purpose of
7 determining the status of the petition and application. The
8 court's jurisdiction terminates upon the final decision of the
9 federal authorities. Retention of jurisdiction in this
10 instance does not affect the services available to a young
11 adult under s. 409.1451. The court may not retain jurisdiction
12 of the case after the immigrant child's 22nd birthday.

13 Section 3. Paragraph (a) of subsection (6) of section
14 39.701, Florida Statutes, is amended to read:

15 39.701 Judicial review.--

16 (6)(a) In addition to paragraphs (1)(a) and (2)(a),
17 the court shall hold a judicial review hearing within 90 days
18 after a youth's 17th birthday. The court shall also issue an
19 order, separate from the order on judicial review, that the
20 disabilities of nonage of the youth have been removed pursuant
21 to s. 743.045. The court ~~and~~ shall continue to hold timely
22 judicial review hearings thereafter. In addition, the court
23 may review the status of the child more frequently during the
24 year prior to the youth's 18th birthday if necessary. At each
25 review held under this subsection, in addition to any
26 information or report provided to the court, the foster
27 parent, legal custodian, guardian ad litem, and the child
28 shall be given the opportunity to address the court with any
29 information relevant to the child's best interests,
30 particularly as it relates to independent living transition
31 services. In addition to any information or report provided to

1 | the court, the department shall include in its judicial review
2 | social study report written verification that the child:

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

8 | 2. Has been provided with a certified copy of his or
9 | her birth certificate and, if the child does not have a valid
10 | driver's license, a Florida identification card issued under
11 | s. 322.051.

12 | 3. Has been provided information relating to Social
13 | Security Insurance benefits if the child is eligible for these
14 | benefits. If the child has received these benefits and they
15 | are being held in trust for the child, a full accounting of
16 | those funds must be provided and the child must be informed
17 | about how to access those funds.

18 | 4. Has been provided with information and training
19 | related to budgeting skills, interviewing skills, and
20 | parenting skills.

21 | 5. Has been provided with all relevant information
22 | related to the Road-to-Independence Program Scholarship,
23 | including, but not limited to, eligibility requirements, forms
24 | necessary to apply, and assistance in completing the forms.
25 | The child shall also be informed that, if he or she is
26 | eligible for the Road-to-Independence ~~Scholarship~~ Program, he
27 | or she may reside with the licensed foster family or group
28 | care provider with whom the child was residing at the time of
29 | attaining his or her 18th birthday or may reside in another
30 | licensed foster home or with a group care provider arranged by
31 | the department.

1 6. Has an open bank account, or has identification
2 necessary to open an account, and has been provided with
3 essential banking skills.

4 7. Has been provided with information on public
5 assistance and how to apply.

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

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

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

16 Section 4. Paragraph (c) of subsection (2) of section
17 1009.25, Florida Statutes, is amended to read:

18 1009.25 Fee exemptions.--

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

23 (c) A student who the state has determined is eligible
24 for the Road-to-Independence Program Scholarship, regardless
25 of whether an award is issued or not, or a student who is or
26 was at the time he or she reached 18 years of age in the
27 custody of a relative under s. 39.5085, or who is adopted from
28 the Department of Children and Family Services after May 5,
29 1997. Such exemption includes fees associated with enrollment
30 in career-preparatory instruction and completion of the
31 college-level communication and computation skills testing

1 | program. Such an exemption is available to any student who was
2 | in the custody of a relative under s. 39.5085 at the time he
3 | or she reached 18 years of age or was adopted from the
4 | Department of Children and Family Services after May 5, 1997;
5 | however, the exemption remains valid for no more than 4 years
6 | after the date of graduation from high school.

7 | Section 5. Section 743.045, Florida Statutes, is
8 | created to read:

9 | 743.045 Removal of disabilities of minors; executing
10 | contracts for a residential lease.--For the sole purpose of
11 | ensuring that youth in foster care will be able to execute a
12 | contract for the lease of residential property in order that
13 | the youth may move into the leased residential property on the
14 | day of the youth's 18th birthday, the disability of nonage of
15 | minors is removed for all youth who have reached the age of 17
16 | years, who have been adjudicated dependent, and who are in the
17 | legal custody of the Department of Children and Family
18 | Services through foster care or subsidized independent living.
19 | These youth are authorized to make and execute contracts,
20 | releases, and all other instruments necessary for the purpose
21 | of entering into a contract for the lease of residential
22 | property upon the youth's 18th birthday. The contracts or
23 | other instruments made by the youth shall have the same effect
24 | as though they were the obligations of persons who were not
25 | minors. Youth seeking to enter into such lease contracts or
26 | execute other necessary instruments that are incidental to
27 | entering into a lease must present an order from a court of
28 | competent jurisdiction removing the disabilities of nonage of
29 | the minor under this section.

30 | Section 6. This act shall take effect July 1, 2006.
31 |

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 1798

4 The committee substitute:

5 Disregards the amount of any Road to Independence Program
6 award for purposes of determining the eligibility of a
7 participant for other federal support;

8 Repeals the requirement that a young adult must apply for the
9 initial award between ages seventeen and one-half and
10 twenty-one, thus permitting an application during the time a
11 young adult is eligible;

12 Requires the Department of Children and Family Services to
13 advertise the Road to Independence Program to Guardians ad
14 litem and foster parents as well as to eligible children and
15 young adults, case managers, counselors, and principals;

16 Provides that any young adult in the program may receive a
17 direct payment for housing, transportation, or employment
18 services without having to demonstrate the ability to obtain
19 those services; and

20 Requires the Department of Children and Family Services to
21 report to the Legislature concerning the outcome measures it
22 sets for the Road to Independence Program.
23
24
25
26
27
28
29
30
31