

By Senator Wilson

33-1290-06

See HB 225

1 A bill to be entitled
2 An act relating to foster care; amending s.
3 409.1451, F.S.; revising eligibility
4 requirements for awarding Road-to-Independence
5 Scholarships and providing transitional support
6 services to certain children in foster care and
7 certain young adults formerly in foster care;
8 providing an effective date.

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

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12 Section 1. Paragraph (c) of subsection (4) and
13 paragraphs (b) and (c) of subsection (5) of section 409.1451,
14 Florida Statutes, are amended to read:

15 409.1451 Independent living transition services.--

16 (1) SYSTEM OF SERVICES.--

17 (c) State funds for foster care or federal funds shall
18 be used to establish a continuum of services for eligible
19 children in foster care and eligible young adults who were
20 formerly in foster care which accomplish the goals for the
21 system of independent living transition services by providing
22 services for foster children, pursuant to subsection (4), and
23 services for young adults who were formerly in foster care,
24 pursuant to subsection (5).

25 (2) ELIGIBILITY.--

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

1 (b) The department shall serve young adults who have
2 reached 18 years of age but are not yet 23 years of age and
3 who were in foster care when they turned 18 years of age by
4 providing services pursuant to subsection (5). Young adults to
5 be served must meet the eligibility requirements set forth for
6 specific services in this section.

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 (c) Subsidized independent living services.--

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

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

22 a. Is adjudicated dependent under chapter 39; has been
23 placed in ~~licensed~~ out-of-home care for at least 6 months
24 prior to entering subsidized independent living; and has a
25 permanency goal of adoption, independent living, or long-term
26 licensed care; and

27 b. Is able to demonstrate independent living skills,
28 as determined by the department, using established procedures
29 and assessments.

30 3. Independent living arrangements established for a
31 child must be part of an overall plan leading to the total

1 independence of the child from the department's supervision.
2 The plan must include, but need not be limited to, a
3 description of the skills of the child and a plan for learning
4 additional identified skills; the behavior that the child has
5 exhibited which indicates an ability to be responsible and a
6 plan for developing additional responsibilities, as
7 appropriate; a plan for future educational, vocational, and
8 training skills; present financial and budgeting capabilities
9 and a plan for improving resources and ability; a description
10 of the proposed residence; documentation that the child
11 understands the specific consequences of his or her conduct in
12 the independent living program; documentation of proposed
13 services to be provided by the department and other agencies,
14 including the type of service and the nature and frequency of
15 contact; and a plan for maintaining or developing
16 relationships with the family, other adults, friends, and the
17 community, as appropriate.

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

22 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
23 CARE.--Based on the availability of funds, the department
24 shall provide or arrange for the following services to young
25 adults formerly in foster care who meet the prescribed
26 conditions and are determined eligible by the department. The
27 categories of services available to assist a young adult
28 formerly in foster care to achieve independence are:

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

30 1. The Road-to-Independence Scholarship Program is
31 intended to help eligible students who are former foster

1 children in this state to receive the educational and
2 vocational training needed to achieve independence. The amount
3 of the award shall be based on the living and educational
4 needs of the young adult and may be up to, but may not exceed,
5 the amount of earnings that the student would have been
6 eligible to earn working a 40-hour-a-week federal minimum wage
7 job.

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

12 a. Was a dependent child, under chapter 39, and was
13 living in ~~licensed~~ foster care or in subsidized independent
14 living at the time of his or her 18th birthday;

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

17 c. Is a resident of this state as defined in s.
18 1009.40; and

19 d. Meets one of the following qualifications:

20 (I) Has earned a standard high school diploma or its
21 equivalent as described in s. 1003.43 or s. 1003.435, or has
22 earned a special diploma or special certificate of completion
23 as described in s. 1003.438, and has been admitted for
24 full-time enrollment in an eligible postsecondary education
25 institution as defined in s. 1009.533;

26 (II) Is enrolled full time in an accredited high
27 school; or

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

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1 3. A young adult applying for a Road-to-Independence
2 Scholarship must apply for any other grants and scholarships
3 for which he or she may qualify. The department shall assist
4 the young adult in the application process and may use the
5 federal financial aid grant process to determine the funding
6 needs of the young adult.

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

20 5.a. The department must advertise the availability of
21 the program and must ensure that the children and young adults
22 leaving foster care, foster parents, or family services
23 counselors are informed of the availability of the program and
24 the application procedures.

25 b. A young adult must apply for the initial award
26 during the 6 months immediately preceding his or her 18th
27 birthday, and the department shall provide assistance with the
28 application process. A young adult who fails to make an
29 initial application, but who otherwise meets the criteria for
30 an initial award, may make one application for the initial
31 award if the application is made before the young adult's 21st

1 birthday. If the young adult does not apply for an initial
2 award before his or her 18th birthday, the department shall
3 inform that young adult of the opportunity to apply before
4 turning 21 years of age.

5 c. If funding for the program is available, the
6 department shall issue awards from the scholarship program for
7 each young adult who meets all the requirements of the
8 program.

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

11 e. A young adult who is eligible for the
12 Road-to-Independence Program and who so desires shall be
13 allowed to reside with the ~~licensed~~ foster family or group
14 care provider with whom he or she was residing at the time of
15 attaining his or her 18th birthday or to reside in another
16 ~~licensed~~ foster home or with a group care provider arranged by
17 the department.

18 f. If the award recipient transfers from one eligible
19 institution to another and continues to meet eligibility
20 requirements, the award must be transferred with the
21 recipient.

22 g. Scholarship funds awarded to any eligible young
23 adult under this program are in addition to any other services
24 provided to the young adult by the department through its
25 independent living transition services.

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

30 i. Scholarship funds are intended to help eligible
31 students who are former foster children in this state to

1 receive the educational and vocational training needed to
2 become independent and self-supporting. The funds shall be
3 terminated when the young adult has attained one of four
4 postsecondary goals under subsection (3) or reaches 23 years
5 of age, whichever occurs earlier. In order to initiate
6 postsecondary education, to allow for a change in career goal,
7 or to obtain additional skills in the same educational or
8 vocational area, a young adult may earn no more than two
9 diplomas, certificates, or credentials. A young adult
10 attaining an associate of arts or associate of science degree
11 shall be permitted to work toward completion of a bachelor of
12 arts or a bachelor of science degree or an equivalent
13 undergraduate degree. Road-to-Independence Scholarship funds
14 may not be used for education or training after a young adult
15 has attained a bachelor of arts or a bachelor of science
16 degree or an equivalent undergraduate degree.

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

21 (I) Complete the number of hours, or the equivalent
22 considered full time by the educational institution, in the
23 last academic year in which the young adult earned a
24 scholarship, except for a young adult who meets the
25 requirements of s. 1009.41.

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

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

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

16 (c) Transitional support services.--

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

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

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

7 Section 2. This act shall take effect July 1, 2006.

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