

By the Committee on Children and Families; and Senators Peadar and Rich

586-2121-06

1 A bill to be entitled
2 An act relating to the welfare of children;
3 amending s. 39.001, F.S.; providing additional
4 purposes of ch. 39, F.S.; revising legislative
5 intent; creating the Office of Child Abuse
6 Prevention within the Executive Office of the
7 Governor; directing the Governor to appoint a
8 director of the office; providing duties and
9 responsibilities of the director; providing
10 procedures for evaluation of child abuse
11 prevention programs; requiring a report to the
12 Governor, Legislature, secretaries of certain
13 state agencies, and certain committees of the
14 Legislature; providing for information to be
15 included in the report; providing for the
16 development and implementation of a state plan
17 for the coordination of child abuse prevention
18 programs and services; establishing a Child
19 Abuse Prevention Advisory Council; providing
20 for membership, duties, and responsibilities;
21 requiring requests for funding to be based on
22 the state plan; providing for review and
23 revision of the state plan; granting rulemaking
24 authority to the Executive Office of the
25 Governor; requiring the Legislature to evaluate
26 the office by a specified date; amending s.
27 39.0014, F.S.; providing responsibilities of
28 the office under ch. 39, F.S.; amending s.
29 39.01, F.S.; providing and revising
30 definitions; amending s. 39.202, F.S.;
31 providing access to records for agencies that

1 provide early intervention and prevention
2 services; amending ss. 39.0015 and 39.302,
3 F.S.; conforming cross-references; amending s.
4 402.164, F.S.; establishing legislative intent
5 for the statewide and local advocacy councils;
6 amending s. 402.165, F.S.; providing guidelines
7 for selection of the executive director of the
8 Florida Statewide Advocacy Council;
9 establishing a process for investigating
10 reports of abuse; revising council meeting
11 requirements; providing requirements for
12 interagency agreements; requiring interagency
13 agreements to be renewed annually and submitted
14 to the Governor by a specified date; amending
15 s. 409.1451, F.S., relating to independent
16 living transition services; revising
17 eligibility requirements for certain young
18 adults; revising duties of the Department of
19 Children and Family Services regarding
20 independent living transition services;
21 including additional parties in the review of a
22 child's academic performance; requiring the
23 department or a community-based care lead
24 agency under contract with the department to
25 develop a plan for delivery of such services;
26 revising provisions governing life skills
27 services; requiring that the department or
28 provider work with the child to develop a joint
29 transition plan; requiring judicial review of
30 the plan; requiring additional aftercare
31 support services; providing additional

1 qualifications to receive an award under the
2 Road-to-Independence Program; providing
3 procedures for the payment of awards; requiring
4 a community-based care lead agency to develop a
5 plan for purchase and delivery of such services
6 and requiring department approval prior to
7 implementation; permitting the Independent
8 Living Services Advisory Council to have access
9 to certain data held by the department and
10 certain agencies; amending s. 409.175, F.S.;
11 revising the definition of the term "boarding
12 school" to require such schools to meet certain
13 standards within a specified timeframe;
14 amending ss. 39.013 and 1009.25, F.S.;
15 conforming references to changes made by the
16 act; amending s. 39.701, F.S.; requiring the
17 court to issue an order, separate from any
18 other judicial review order, that the
19 disabilities of nonage of the youth have been
20 removed from the youth in foster care so that
21 the youth may lease residential property;
22 creating s. 743.045, F.S.; removing the
23 disability of nonage for certain youth in the
24 legal custody of the Department of Children and
25 Family Services who are in foster care to
26 enable the youth to execute a contract for the
27 lease of residential property in order that the
28 youth may move into the leased residential
29 property on the day of the youth's 18th
30 birthday; providing specified eligibility
31 criteria; providing for the validity of the

1 contracts; requiring the youth to present an
2 order from a court of competent jurisdiction
3 removing the disability of nonage; providing an
4 effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Subsections (1) and (6) of section 39.001,
9 Florida Statutes, are amended, subsections (7) and (8) are
10 renumbered as subsections (8) and (9) and amended, present
11 subsection (9) is renumbered as subsection (10), and new
12 subsections (7), (11), and (12) are added to that section, to
13 read:

14 39.001 Purposes and intent; personnel standards and
15 screening.--

16 (1) PURPOSES OF CHAPTER.--The purposes of this chapter
17 are:

18 (a) To provide for the care, safety, and protection of
19 children in an environment that fosters healthy social,
20 emotional, intellectual, and physical development; to ensure
21 secure and safe custody; ~~and~~ to promote the health and
22 well-being of all children under the state's care; and to
23 prevent the occurrence of child abuse, neglect, and
24 abandonment.

25 (b) To recognize that most families desire to be
26 competent caregivers and providers for their children and that
27 children achieve their greatest potential when families are
28 able to support and nurture the growth and development of
29 their children. Therefore, the Legislature finds that policies
30 and procedures that provide for prevention and intervention
31

1 through the department's child protection system should be
2 based on the following principles:

3 1. The health and safety of the children served shall
4 be of paramount concern.

5 2. The prevention and intervention should engage
6 families in constructive, supportive, and nonadversarial
7 relationships.

8 3. The prevention and intervention should intrude as
9 little as possible into the life of the family, be focused on
10 clearly defined objectives, and take the most parsimonious
11 path to remedy a family's problems.

12 4. The prevention and intervention should be based
13 upon outcome evaluation results that demonstrate success in
14 protecting children and supporting families.

15 (c) To provide a child protection system that reflects
16 a partnership between the department, other agencies, and
17 local communities.

18 (d) To provide a child protection system that is
19 sensitive to the social and cultural diversity of the state.

20 (e) To provide procedures which allow the department
21 to respond to reports of child abuse, abandonment, or neglect
22 in the most efficient and effective manner that ensures the
23 health and safety of children and the integrity of families.

24 (f) To preserve and strengthen the child's family ties
25 whenever possible, removing the child from parental custody
26 only when his or her welfare cannot be adequately safeguarded
27 without such removal.

28 (g) To ensure that the parent or legal custodian from
29 whose custody the child has been taken assists the department
30 to the fullest extent possible in locating relatives suitable
31 to serve as caregivers for the child.

1 (h) To ensure that permanent placement with the
2 biological or adoptive family is achieved as soon as possible
3 for every child in foster care and that no child remains in
4 foster care longer than 1 year.

5 (i) To secure for the child, when removal of the child
6 from his or her own family is necessary, custody, care, and
7 discipline as nearly as possible equivalent to that which
8 should have been given by the parents; and to ensure, in all
9 cases in which a child must be removed from parental custody,
10 that the child is placed in an approved relative home,
11 licensed foster home, adoptive home, or independent living
12 program that provides the most stable and potentially
13 permanent living arrangement for the child, as determined by
14 the court. All placements shall be in a safe environment where
15 drugs and alcohol are not abused.

16 (j) To ensure that, when reunification or adoption is
17 not possible, the child will be prepared for alternative
18 permanency goals or placements, to include, but not be limited
19 to, long-term foster care, independent living, custody to a
20 relative on a permanent basis with or without legal
21 guardianship, or custody to a foster parent or legal custodian
22 on a permanent basis with or without legal guardianship.

23 (k) To make every possible effort, when two or more
24 children who are in the care or under the supervision of the
25 department are siblings, to place the siblings in the same
26 home; and in the event of permanent placement of the siblings,
27 to place them in the same adoptive home or, if the siblings
28 are separated, to keep them in contact with each other.

29 (l) To provide judicial and other procedures to assure
30 due process through which children, parents, and guardians and
31 other interested parties are assured fair hearings by a

1 respectful and respected court or other tribunal and the
2 recognition, protection, and enforcement of their
3 constitutional and other legal rights, while ensuring that
4 public safety interests and the authority and dignity of the
5 courts are adequately protected.

6 (m) To ensure that children under the jurisdiction of
7 the courts are provided equal treatment with respect to goals,
8 objectives, services, and case plans, without regard to the
9 location of their placement. It is the further intent of the
10 Legislature that, when children are removed from their homes,
11 disruption to their education be minimized to the extent
12 possible.

13 (n) To create and maintain an integrated prevention
14 framework that enables local communities, state agencies, and
15 organizations to collaborate to implement efficient and
16 properly applied evidence-based child abuse prevention
17 practices.

18 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
19 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
20 child abuse, abandonment, and neglect has increased rapidly
21 over the past 5 years. The impact that abuse, abandonment, or
22 neglect has on the victimized child, siblings, family
23 structure, and inevitably on all citizens of the state has
24 caused the Legislature to determine that the prevention of
25 child abuse, abandonment, and neglect shall be a priority of
26 this state. To further this end, it is the intent of the
27 Legislature that an Office of Child Abuse Prevention be
28 established ~~a comprehensive approach for the prevention of~~
29 ~~abuse, abandonment, and neglect of children be developed for~~
30 ~~the state and that this planned, comprehensive approach be~~
31 ~~used as a basis for funding.~~

1 (7) OFFICE OF CHILD ABUSE PREVENTION.--

2 (a) For purposes of establishing a comprehensive
3 statewide approach for the prevention of child abuse,
4 abandonment, and neglect, the Office of Child Abuse Prevention
5 is created within the Executive Office of the Governor. The
6 Governor shall appoint a director for the office who shall be
7 subject to confirmation by the Senate.

8 (b) The director shall:

9 1. Formulate and recommend rules pertaining to
10 implementation of child abuse prevention efforts.

11 2. Act as the Governor's liaison with state agencies,
12 other state governments, and the public and private sectors on
13 matters that relate to child abuse prevention.

14 3. Work to secure funding and other support for the
15 state's child abuse prevention efforts, including, but not
16 limited to, establishing cooperative relationships among state
17 and private agencies.

18 4. Develop a strategic program and funding initiative
19 that links the separate jurisdictional activities of state
20 agencies with respect to child abuse prevention. The office
21 may designate lead and contributing agencies to develop such
22 initiatives.

23 5. Advise the Governor and the Legislature on child
24 abuse trends in this state, the status of current child abuse
25 prevention programs and services, the funding of those
26 programs and services, and the status of the office with
27 regard to the development and implementation of the state
28 child abuse prevention strategy.

29 6. Develop child abuse prevention public awareness
30 campaigns to be implemented throughout the state.

31 (c) The office is authorized and directed to:

1 1. Oversee the preparation and implementation of the
2 state plan established under subsection (8) and revise and
3 update the state plan as necessary.

4 2. Conduct, otherwise provide for, or make available
5 continuing professional education and training in the
6 prevention of child abuse and neglect.

7 3. Work to secure funding in the form of
8 appropriations, gifts, and grants from the state, the Federal
9 Government, and other public and private sources in order to
10 ensure that sufficient funds are available for prevention
11 efforts.

12 4. Make recommendations pertaining to agreements or
13 contracts for the establishment and development of:

14 a. Programs and services for the prevention of child
15 abuse and neglect.

16 b. Training programs for the prevention of child abuse
17 and neglect.

18 c. Multidisciplinary and discipline-specific training
19 programs for professionals with responsibilities affecting
20 children, young adults, and families.

21 5. Monitor, evaluate, and review the development and
22 quality of local and statewide services and programs for the
23 prevention of child abuse and neglect and shall publish and
24 distribute an annual report of its findings on or before
25 January 1 of each year to the Governor, the Speaker of the
26 House of Representatives, the President of the Senate, the
27 secretary of each state agency affected by the report, and the
28 appropriate substantive committees of the Legislature. The
29 report shall include:

30 a. A summary of the activities of the office.
31

1 b. A summary detailing the demographic and geographic
2 characteristics of families served by the prevention programs.

3 c. Recommendations, by state agency, for the further
4 development and improvement of services and programs for the
5 prevention of child abuse and neglect.

6 d. The budget requests and prevention program needs by
7 state agency.

8 ~~(8)(7)~~ PLAN FOR COMPREHENSIVE APPROACH.--

9 (a) The office ~~department~~ shall develop a state plan
10 for the prevention of abuse, abandonment, and neglect of
11 children and shall submit the state plan to the Speaker of the
12 House of Representatives, the President of the Senate, and the
13 Governor no later than December 31, 2007 ~~January 1, 1983~~. The
14 Department of Children and Family Services, the Department of
15 Corrections, the Department of Education, the Department of
16 Health, the Department of Juvenile Justice, the Department of
17 Law Enforcement, the Agency for Persons with Disabilities, and
18 the Agency for Workforce Innovation ~~The Department of~~
19 ~~Education and the Division of Children's Medical Services~~
20 ~~Prevention and Intervention of the Department of Health~~ shall
21 participate and fully cooperate in the development of the
22 state plan at both the state and local levels. Furthermore,
23 appropriate local agencies and organizations shall be provided
24 an opportunity to participate in the development of the state
25 plan at the local level. Appropriate local groups and
26 organizations shall include, but not be limited to, community
27 mental health centers; guardian ad litem programs for children
28 under the circuit court; the school boards of the local school
29 districts; the Florida local advocacy councils;
30 community-based care lead agencies; private or public
31 organizations or programs with recognized expertise in working

1 with child abuse prevention programs for children and
2 families; private or public organizations or programs with
3 recognized expertise in working with children who are sexually
4 abused, physically abused, emotionally abused, abandoned, or
5 neglected and with expertise in working with the families of
6 such children; private or public programs or organizations
7 with expertise in maternal and infant health care;
8 multidisciplinary child protection teams; child day care
9 centers; law enforcement agencies;7 and the circuit courts,
10 when guardian ad litem programs are not available in the local
11 area. The state plan to be provided to the Legislature and the
12 Governor shall include, as a minimum, the information required
13 of the various groups in paragraph (b).

14 (b) The development of the ~~comprehensive~~ state plan
15 shall be accomplished in the following manner:

16 1. The office shall establish a Child Abuse Prevention
17 Advisory Council composed of representatives from each state
18 agency and appropriate local agencies and organizations
19 specified in paragraph (a). The advisory council shall serve
20 as the research arm of the office and ~~The department shall~~
21 ~~establish an interprogram task force comprised of the Program~~
22 ~~Director for Family Safety, or a designee, a representative~~
23 ~~from the Child Care Services Program Office, a representative~~
24 ~~from the Family Safety Program Office, a representative from~~
25 ~~the Mental Health Program Office, a representative from the~~
26 ~~Substance Abuse Program Office, a representative from the~~
27 ~~Developmental Disabilities Program Office, and a~~
28 ~~representative from the Division of Children's Medical~~
29 ~~Services Prevention and Intervention of the Department of~~
30 ~~Health. Representatives of the Department of Law Enforcement~~
31 ~~and of the Department of Education shall serve as ex officio~~

1 ~~members of the interprogram task force. The interprogram task~~
2 ~~force~~ shall be responsible for:

3 a. Assisting in developing a plan of action for better
4 coordination and integration of the goals, activities, and
5 funding pertaining to the prevention of child abuse,
6 abandonment, and neglect conducted by the office ~~department~~ in
7 order to maximize staff and resources at the state level. The
8 plan of action shall be included in the state plan.

9 b. Assisting in providing a basic format to be
10 utilized by the districts in the preparation of local plans of
11 action in order to provide for uniformity in the district
12 plans and to provide for greater ease in compiling information
13 for the state plan.

14 c. Providing the districts with technical assistance
15 in the development of local plans of action, if requested.

16 d. Assisting in examining the local plans to determine
17 if all the requirements of the local plans have been met and,
18 if they have not, informing the districts of the deficiencies
19 and requesting the additional information needed.

20 e. Assisting in preparing the state plan for
21 submission to the Legislature and the Governor. Such
22 preparation shall include the incorporation into the state
23 plan ~~collapsing~~ of information obtained from the local plans,
24 the cooperative plans with the members of the advisory council
25 ~~Department of Education~~, and the plan of action for
26 coordination and integration of state departmental activities
27 ~~into one comprehensive plan~~. The state ~~comprehensive~~ plan
28 shall include a section reflecting general conditions and
29 needs, an analysis of variations based on population or
30 geographic areas, identified problems, and recommendations for
31 change. In essence, the state plan shall provide an analysis

1 and summary of each element of the local plans to provide a
2 statewide perspective. The state plan shall also include each
3 separate local plan of action.

4 f. Conducting a feasibility study on the establishment
5 of a Children's Cabinet.

6 ~~g.f.~~ Working with the specified state agency in
7 fulfilling the requirements of subparagraphs 2., 3., 4., and
8 5.

9 2. The office, the department, the Department of
10 Education, and the Department of Health shall work together in
11 developing ways to inform and instruct parents of school
12 children and appropriate district school personnel in all
13 school districts in the detection of child abuse, abandonment,
14 and neglect and in the proper action that should be taken in a
15 suspected case of child abuse, abandonment, or neglect, and in
16 caring for a child's needs after a report is made. The plan
17 for accomplishing this end shall be included in the state
18 plan.

19 3. The office, the department, the Department of Law
20 Enforcement, and the Department of Health shall work together
21 in developing ways to inform and instruct appropriate local
22 law enforcement personnel in the detection of child abuse,
23 abandonment, and neglect and in the proper action that should
24 be taken in a suspected case of child abuse, abandonment, or
25 neglect.

26 4. Within existing appropriations, the office
27 ~~department~~ shall work with other appropriate public and
28 private agencies to emphasize efforts to educate the general
29 public about the problem of and ways to detect child abuse,
30 abandonment, and neglect and in the proper action that should
31 be taken in a suspected case of child abuse, abandonment, or

1 neglect. The plan for accomplishing this end shall be included
2 in the state plan.

3 5. The office, the department, the Department of
4 Education, and the Department of Health shall work together on
5 the enhancement or adaptation of curriculum materials to
6 assist instructional personnel in providing instruction
7 through a multidisciplinary approach on the identification,
8 intervention, and prevention of child abuse, abandonment, and
9 neglect. The curriculum materials shall be geared toward a
10 sequential program of instruction at the four progressional
11 levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging
12 all school districts to utilize the curriculum are to be
13 included in the ~~comprehensive~~ state plan for the prevention of
14 child abuse, abandonment, and neglect.

15 6. Each district of the department shall develop a
16 plan for its specific geographical area. The plan developed at
17 the district level shall be submitted to the advisory council
18 ~~interprogram task force~~ for utilization in preparing the state
19 plan. The district local plan of action shall be prepared with
20 the involvement and assistance of the local agencies and
21 organizations listed in this paragraph~~(a)~~, as well as
22 representatives from those departmental district offices
23 participating in the treatment and prevention of child abuse,
24 abandonment, and neglect. In order to accomplish this, the
25 office district administrator in each district shall establish
26 a task force on the prevention of child abuse, abandonment,
27 and neglect. The office district administrator shall appoint
28 the members of the task force in accordance with the
29 membership requirements of this section. The office ~~In~~
30 ~~addition, the district administrator shall ensure that each~~
31 ~~subdistrict is represented on the task force; and, if the~~

1 ~~district does not have subdistricts, the district~~
2 ~~administrator~~ shall ensure that both urban and rural areas are
3 represented on the task force. The task force shall develop a
4 written statement clearly identifying its operating
5 procedures, purpose, overall responsibilities, and method of
6 meeting responsibilities. The district plan of action to be
7 prepared by the task force shall include, but shall not be
8 limited to:

9 a. Documentation of the magnitude of the problems of
10 child abuse, including sexual abuse, physical abuse, and
11 emotional abuse, and child abandonment and neglect in its
12 geographical area.

13 b. A description of programs currently serving abused,
14 abandoned, and neglected children and their families and a
15 description of programs for the prevention of child abuse,
16 abandonment, and neglect, including information on the impact,
17 cost-effectiveness, and sources of funding of such programs.

18 c. A continuum of programs and services necessary for
19 a comprehensive approach to the prevention of all types of
20 child abuse, abandonment, and neglect as well as a brief
21 description of such programs and services.

22 d. A description, documentation, and priority ranking
23 of local needs related to child abuse, abandonment, and
24 neglect prevention based upon the continuum of programs and
25 services.

26 e. A plan for steps to be taken in meeting identified
27 needs, including the coordination and integration of services
28 to avoid unnecessary duplication and cost, and for alternative
29 funding strategies for meeting needs through the reallocation
30 of existing resources, utilization of volunteers, contracting
31

1 with local universities for services, and local government or
2 private agency funding.

3 f. A description of barriers to the accomplishment of
4 a comprehensive approach to the prevention of child abuse,
5 abandonment, and neglect.

6 g. Recommendations for changes that can be
7 accomplished only at the state program level or by legislative
8 action.

9 ~~(9)(8)~~ FUNDING AND SUBSEQUENT PLANS.--

10 (a) All budget requests submitted by the office, the
11 department, the Department of Health, the Department of
12 Education, the Department of Juvenile Justice, the Department
13 of Corrections, the Agency for Persons with Disabilities, the
14 Agency for Workforce Innovation, or any other agency to the
15 Legislature for funding of efforts for the prevention of child
16 abuse, abandonment, and neglect shall be based on the state
17 plan developed pursuant to this section.

18 (b) The office ~~department at the state and district~~
19 ~~levels~~ and the other agencies and organizations listed in
20 paragraph ~~(8)(a)(7)(a)~~ shall readdress the state plan and
21 make necessary revisions every 5 years, at a minimum. Such
22 revisions shall be submitted to the Speaker of the House of
23 Representatives and the President of the Senate no later than
24 June 30 of each year divisible by 5. At least biennially, the
25 office shall review the state plan and make any necessary
26 revisions based on changing needs and program evaluation
27 results. An annual progress report shall be submitted to
28 update the state plan in the years between the 5-year
29 intervals. In order to avoid duplication of effort, these
30 required plans may be made a part of or merged with other
31 plans required by either the state or Federal Government, so

1 long as the portions of the other state or Federal Government
2 plan that constitute the state plan for the prevention of
3 child abuse, abandonment, and neglect are clearly identified
4 as such and are provided to the Speaker of the House of
5 Representatives and the President of the Senate as required
6 above.

7 (11) RULEMAKING.--The Executive Office of the Governor
8 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
9 implement the provisions of this section.

10 (12) EVALUATION.--By February 1, 2009, the Legislature
11 shall evaluate the office and determine whether it should
12 continue to be housed in the Executive Office of the Governor
13 or transferred to a state agency.

14 Section 2. Section 39.0014, Florida Statutes, is
15 amended to read:

16 39.0014 Responsibilities of public agencies.--All
17 state, county, and local agencies shall cooperate, assist, and
18 provide information to the Office of Child Abuse Prevention
19 and the department as will enable them ~~it~~ to fulfill their ~~its~~
20 responsibilities under this chapter.

21 Section 3. Paragraph (b) of subsection (3) of section
22 39.0015, Florida Statutes, is amended to read:

23 39.0015 Child abuse prevention training in the
24 district school system.--

25 (3) DEFINITIONS.--As used in this section:

26 (b) "Child abuse" means those acts as defined in ss.
27 39.01(1), (2), (30), (43), (45), ~~(53)~~~~(52)~~, and ~~(64)~~~~(63)~~,
28 827.04, and 984.03(1), (2), and (37).

29 Section 4. Subsections (47) through (72) of section
30 39.01, Florida Statutes, are renumbered as subsections (48)

31

1 through (73), present subsections (10) and (47) are amended,
2 and a new subsection (47) is added to that section, to read:

3 39.01 Definitions.--When used in this chapter, unless
4 the context otherwise requires:

5 (10) "Caregiver" means the parent, legal custodian,
6 adult household member, or other person responsible for a
7 child's welfare as defined in subsection~~(48)~~~~(47)~~.

8 ~~(47)~~ "Office" means the Office of Child Abuse
9 Prevention within the Executive Office of the Governor.

10 ~~(48)~~~~(47)~~ "Other person responsible for a child's
11 welfare" includes the child's legal guardian, legal custodian,
12 or foster parent; an employee of any ~~a private~~ school, public
13 or private child day care center, residential home,
14 institution, facility, or agency; or any other person legally
15 responsible for the child's welfare in a residential setting;
16 and also includes an adult sitter or relative entrusted with a
17 child's care. For the purpose of departmental investigative
18 jurisdiction, this definition does not include law enforcement
19 officers, or employees of municipal or county detention
20 facilities or the Department of Corrections, while acting in
21 an official capacity.

22 Section 5. Paragraph (a) of subsection (2) of section
23 39.202, Florida Statutes, is amended to read:

24 39.202 Confidentiality of reports and records in cases
25 of child abuse or neglect.--

26 (2) Except as provided in subsection (4), access to
27 such records, excluding the name of the reporter which shall
28 be released only as provided in subsection (5), shall be
29 granted only to the following persons, officials, and
30 agencies:
31

1 (a) Employees, authorized agents, or contract
2 providers of the department, the Department of Health, or
3 county agencies responsible for carrying out:

- 4 1. Child or adult protective investigations;
5 2. Ongoing child or adult protective services;
6 3. Early intervention and prevention services;

7 ~~4.3.~~ Healthy Start services; ~~or~~

8 ~~5.4.~~ Licensure or approval of adoptive homes, foster
9 homes, or child care facilities, or family day care homes or
10 informal child care providers who receive subsidized child
11 care funding, or other homes used to provide for the care and
12 welfare of children; ~~or-~~

13 ~~6.5.~~ Services for victims of domestic violence when
14 provided by certified domestic violence centers working at the
15 department's request as case consultants or with shared
16 clients.

17
18 Also, employees or agents of the Department of Juvenile
19 Justice responsible for the provision of services to children,
20 pursuant to chapters 984 and 985.

21 Section 6. Subsection (1) of section 39.302, Florida
22 Statutes, is amended to read:

23 39.302 Protective investigations of institutional
24 child abuse, abandonment, or neglect.--

25 (1) The department shall conduct a child protective
26 investigation of each report of institutional child abuse,
27 abandonment, or neglect. Upon receipt of a report that alleges
28 that an employee or agent of the department, or any other
29 entity or person covered by s. 39.01(31) or ~~(48)(47)~~, acting
30 in an official capacity, has committed an act of child abuse,
31 abandonment, or neglect, the department shall initiate a child

1 protective investigation within the timeframe established by
2 the central abuse hotline pursuant to s. 39.201(5) and orally
3 notify the appropriate state attorney, law enforcement agency,
4 and licensing agency. These agencies shall immediately conduct
5 a joint investigation, unless independent investigations are
6 more feasible. When conducting investigations onsite or having
7 face-to-face interviews with the child, such investigation
8 visits shall be unannounced unless it is determined by the
9 department or its agent that such unannounced visits would
10 threaten the safety of the child. When a facility is exempt
11 from licensing, the department shall inform the owner or
12 operator of the facility of the report. Each agency conducting
13 a joint investigation shall be entitled to full access to the
14 information gathered by the department in the course of the
15 investigation. A protective investigation must include an
16 onsite visit of the child's place of residence. In all cases,
17 the department shall make a full written report to the state
18 attorney within 3 working days after making the oral report. A
19 criminal investigation shall be coordinated, whenever
20 possible, with the child protective investigation of the
21 department. Any interested person who has information
22 regarding the offenses described in this subsection may
23 forward a statement to the state attorney as to whether
24 prosecution is warranted and appropriate. Within 15 days after
25 the completion of the investigation, the state attorney shall
26 report the findings to the department and shall include in
27 such report a determination of whether or not prosecution is
28 justified and appropriate in view of the circumstances of the
29 specific case.

30 Section 7. Subsection (1) of section 402.164, Florida
31 Statutes, is amended to read:

1 402.164 Legislative intent; definitions.--

2 (1)(a) It is the intent of the Legislature to use
3 citizen volunteers as members of the Florida Statewide
4 Advocacy Council and the Florida local advocacy councils, and
5 to have volunteers operate a network of councils that shall,
6 without interference by an executive agency, undertake to
7 discover, monitor, investigate, and determine the presence of
8 conditions or individuals that constitute a threat to the
9 rights, health, safety, or welfare of persons who receive
10 services from state agencies.

11 (b) It is the further intent of the Legislature that
12 the monitoring and investigation shall safeguard the health,
13 safety, and welfare of consumers of services provided by these
14 state agencies.

15 (c) It is the further intent of the Legislature that
16 state agencies cooperate with the councils in forming
17 interagency agreements to provide the councils with authorized
18 client records so that the councils may monitor services and
19 investigate claims.

20 Section 8. Subsections (5) and (7) of section 402.165,
21 Florida Statutes, are amended to read:

22 402.165 Florida Statewide Advocacy Council;
23 confidential records and meetings.--

24 (5)(a) Members of the statewide council shall receive
25 no compensation, but are entitled to be reimbursed for per
26 diem and travel expenses in accordance with s. 112.061.

27 (b) The Governor shall select an executive director
28 who shall serve at the pleasure of the Governor and shall
29 perform the duties delegated to him or her by the council. The
30 compensation of the executive director and staff shall be
31 established in accordance with the rules of the Selected

1 Exempt Service. The Governor shall give priority consideration
2 in the selection of an executive director to an individual
3 with professional expertise in research design, statistical
4 analysis, or agency evaluation and analysis.

5 (c) The council may apply for, receive, and accept
6 grants, gifts, donations, bequests, and other payments
7 including money or property, real or personal, tangible or
8 intangible, and service from any governmental or other public
9 or private entity or person and make arrangements as to the
10 use of same.

11 (d) The statewide council shall annually prepare a
12 budget request that, after it is approved by the council,
13 shall be submitted to the Governor. The budget shall include a
14 request for funds to carry out the activities of the statewide
15 council and the local councils.

16 (7) The responsibilities of the statewide council
17 include, but are not limited to:

18 (a) Serving as an independent third-party mechanism
19 for protecting the constitutional and human rights of clients
20 within programs or facilities operated, funded, or contracted
21 by any state agency that provides client services.

22 (b) Monitoring, by site visit and through access to
23 records, the delivery and use of services, programs, or
24 facilities operated, funded, or contracted by any state agency
25 that provides client services, for the purpose of preventing
26 abuse or deprivation of the constitutional and human rights of
27 clients. The statewide council may conduct an unannounced site
28 visit or monitoring visit that involves the inspection of
29 records if the visit is conditioned upon a complaint. A
30 complaint may be generated by the council itself, after
31 consulting with the Governor's office, if information from any

1 | state agency that provides client services or from other
2 | sources indicates a situation at the program or facility that
3 | indicates possible abuse or neglect or deprivation of the
4 | constitutional and human rights of clients. The statewide
5 | council shall establish and follow uniform criteria for the
6 | review of information and generation of complaints. The
7 | statewide council shall develop a written protocol for all
8 | complaints it generates to provide the Governor's office with
9 | information including the nature of the abuse or neglect, the
10 | agencies involved, the populations or numbers of individuals
11 | affected, the types of records necessary to complete the
12 | investigation, and a strategy for approaching the problem.

13 | Routine program monitoring and reviews that do not require an
14 | examination of records may be made unannounced.

15 | (c) Receiving, investigating, and resolving reports of
16 | abuse or deprivation of constitutional and human rights
17 | referred to the statewide council by a local council. If a
18 | matter constitutes a threat to the life, safety, or health of
19 | clients or is multiservice-area in scope, the statewide
20 | council may exercise its powers without the necessity of a
21 | referral from a local council.

22 | (d) Reviewing existing programs or services and new or
23 | revised programs of the state agencies that provide client
24 | services and making recommendations as to how the rights of
25 | clients are affected.

26 | (e) Submitting an annual report to the Legislature, no
27 | later than December 30 of each calendar year, concerning
28 | activities, recommendations, and complaints reviewed or
29 | developed by the council during the year.

30 | (f) Conducting meetings at least one time ~~six times~~ a
31 | year at the call of the chair and at other times at the call

1 of the Governor or by written request of eight ~~six~~ members of
2 the council, including the executive director.

3 (g) Developing and adopting uniform procedures to be
4 used to carry out the purpose and responsibilities of the
5 statewide council and the local councils.

6 (h) Supervising the operations of the local councils
7 and monitoring the performance and activities of all local
8 councils and providing technical assistance to members of
9 local councils.

10 (i) Providing for the development and presentation of
11 a standardized training program for members of local councils.

12 (j) Developing and maintaining interagency agreements
13 between the council and the state agencies providing client
14 services. The interagency agreements shall address the
15 coordination of efforts and identify the roles and
16 responsibilities of the statewide and local councils and each
17 agency in fulfillment of their responsibilities, including
18 access to records. The interagency agreements shall explicitly
19 define a process that the statewide and local councils shall
20 use to request records from the agency and shall define a
21 process for appeal when disputes about access to records arise
22 between staff and council members. Interagency agreements
23 shall be renewed annually and shall be completed and reported
24 to the Governor no later than February 1.

25 Section 9. Section 409.1451, Florida Statutes, is
26 amended to read:

27 409.1451 Independent living transition services.--

28 (1) SYSTEM OF SERVICES.--

29 (a) The Department of Children and Family Services,
30 its agents, or community-based providers operating pursuant to
31 s. 409.1671 shall administer a system of independent living

1 transition services to enable older children in foster care
2 and young adults who exit foster care at age 18 to make the
3 transition to self-sufficiency as adults.

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

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

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

23 (2) ELIGIBILITY.--

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

30 (b) The department shall provide services pursuant to
31 subsection (5) to ~~serve~~ young adults who have reached 18 years

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

10 (3) PREPARATION FOR INDEPENDENT LIVING.--

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

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

29 2. Provide training for staff and foster parents to
30 address the issues of older children in foster care in
31 transitioning to adulthood, which shall include information on

1 high school completion, grant applications, vocational school
2 opportunities, supporting education and employment
3 opportunities, and ~~providing~~ opportunities to participate in
4 appropriate daily activities.

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

12 4. Provide opportunities for older children in foster
13 care to interact with mentors.

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

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

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

1 and community-based providers shall implement the model set
2 forth in this paragraph to help ensure that children in foster
3 care are ready for postsecondary education and the workplace.

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

- 21 a. Attending a 4-year college or university, a
22 community college plus university, or a military academy;
23 b. Receiving a 2-year postsecondary degree;
24 c. Attaining a postsecondary career and technical
25 certificate or credential; or

26 d. Beginning immediate employment, including
27 apprenticeship, after completion of a high school diploma or
28 its equivalent, or enlisting in the military.

29 2. In order to assist the child in foster care in
30 achieving his or her chosen goal, the department or
31

1 community-based provider shall, with the participation of the
2 child and foster parents, identify:

3 a. The core courses necessary to qualify for a chosen
4 goal.

5 b. Any elective courses which would provide additional
6 help in reaching a chosen goal.

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

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

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

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

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

28 (d) Children in foster care and young adults formerly
29 in foster care shall be provided with the opportunity to
30 change from one postsecondary goal to another, and each
31 postsecondary goal shall allow for changes in each

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

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

12 (a) Preindependent living services.--

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

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

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

27 4. At the first annual staffing that occurs following
28 a child's 14th birthday, and at each subsequent staffing, the
29 department or community-based provider shall ensure that the
30 child's case plan includes an educational and career path
31 based upon both the abilities and interests of each child and

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

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

15 (b) Life skills services.--

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

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

29 3. The department shall conduct a staffing at least
30 once every 6 months for each child who has reached 15 years of
31 age but is not yet 18 years of age to ensure that the

1 appropriate independent living training and services as
2 determined by the independent life skills assessment are being
3 received and to evaluate the progress of the child in
4 developing the needed independent living skills.

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

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

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

29 (c) Subsidized independent living services.--

30 1. Subsidized independent living services are living
31 arrangements that allow the child to live independently of the

1 daily care and supervision of an adult in a setting that is
2 not required to be licensed under s. 409.175.

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

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

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

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

1 relationships with the family, other adults, friends, and the
2 community, as appropriate.

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

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

1 fiscal year with a balanced budget. The categories of
2 services available to assist a young adult formerly in foster
3 care to achieve independence are:

4 (a) Aftercare support services.--

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

10 a. Mentoring and tutoring.

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

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

15 d. Parenting classes.

16 e. Job and career skills training.

17 f. Counselor consultations.

18 g. Temporary financial assistance.

19 h. Financial literacy skills training.

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

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

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

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

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

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

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

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

25 c. Is a resident of this state as defined in s.
26 1009.40; and

27 d. Meets one of the following qualifications:

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

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 10. Paragraph (b) of subsection (2) of section
11 409.175, Florida Statutes, is amended to read:

12 409.175 Licensure of family foster homes, residential
13 child-caring agencies, and child-placing agencies; public
14 records exemption.--

15 (2) As used in this section, the term:

16 (b) "Boarding school" means a school which is
17 accredited by the Florida Council of Independent Schools or
18 the Southern Association of Colleges and Schools; which is
19 accredited by the Council on Accreditation, the Commission on
20 Accreditation of Rehabilitation Facilities, or the Coalition
21 for Residential Education; and which is registered with the
22 Department of Education as a school. Its program must follow
23 established school schedules, with holiday breaks and summer
24 recesses in accordance with other public and private school
25 programs. The children in residence must customarily return to
26 their family homes or legal guardians during school breaks and
27 must not be in residence year-round, except that this
28 provision does not apply to foreign students. The parents of
29 these children retain custody and planning and financial
30 responsibility. A boarding school currently in existence and a
31 boarding school opening and seeking accreditation has 3 years

1 to comply with the requirements of this paragraph. A boarding
2 school must provide proof of accreditation or documentation of
3 the accreditation process upon request. A boarding school that
4 cannot produce the required documentation or that has not
5 registered with the Department of Education shall be
6 considered to be providing residential group care without a
7 license. The department may impose administrative sanctions or
8 seek civil remedies as provided under paragraph (11)(a).

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

11 39.013 Procedures and jurisdiction; right to
12 counsel.--

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

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

25 | Section 12. Paragraph (a) of subsection (6) of section
26 | 39.701, Florida Statutes, is amended to read:

27 | 39.701 Judicial review.--

28 | (6)(a) In addition to paragraphs (1)(a) and (2)(a),
29 | the court shall hold a judicial review hearing within 90 days
30 | after a youth's 17th birthday. The court shall also issue an
31 | order, separate from the order on judicial review, that the

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

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 13. 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 14. 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 15. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2470
4 Expresses the intent of the Legislature that state agencies
5 cooperate with Florida Statewide Advocacy Councils (SAC) in
6 forming interagency agreements to provide councils with
7 authorized client records so that the councils may monitor
8 services and investigate claims.
9 Provides that the interagency agreements between SAC and state
10 agencies must define a process for requesting the records and
11 for appeal when disputes arise about access to the records.
12 Amends s. 409.165, F.S., to direct that the Governor shall,
13 when selecting an executive director for SAC, give priority
14 consideration to an individual with professional expertise in
15 research design, statistical analysis, or agency evaluation
16 and analysis.
17 Directs SAC to develop a written protocol for all complaints
18 it generates in order to provide the Governor's office with
19 specified information. It reduces the number of meetings of
20 SAC from six times annually to once annually.
21 Addresses the independent living transition services of the
22 Department of Children and Family Services in several ways,
23 including expanding eligibility for these services and
24 requiring that education planning, appropriate age activities,
25 and transition planning be addressed in the case plans of
26 older children in foster care.
27 Removes the disability of nonage from foster children 17 years
28 of age and older for the sole purpose of executing contracts
29 for the lease of residential property and directs the court at
30 the judicial review immediately following the child's 17th
31 birthday to enter an order separate from the judicial review
order for that purpose.