

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; requiring the department to
8 submit a report annually to the Legislature on
9 performance, oversight, and rule development;
10 permitting the Independent Living Services
11 Advisory Council to have access to certain data
12 held by the department and certain agencies;
13 amending s. 409.175, F.S.; revising the
14 definition of the term "boarding school" to
15 require such schools to meet certain standards
16 within a specified timeframe; amending ss.
17 39.013 and 1009.25, F.S.; conforming references
18 to changes made by the act; amending s. 39.701,
19 F.S.; requiring the court to issue an order,
20 separate from any other judicial review order,
21 that the disabilities of nonage of the youth
22 have been removed from the youth in foster care
23 so that the youth may lease residential
24 property; creating s. 743.045, F.S.; removing
25 the disability of nonage for certain youth in
26 the legal custody of the Department of Children
27 and Family Services who are in foster care to
28 enable the youth to execute a contract for the
29 lease of residential property in order that the
30 youth may move into the leased residential
31 property on the day of the youth's 18th

1 birthday; providing specified eligibility
2 criteria; providing for the validity of the
3 contracts; requiring the youth to present an
4 order from a court of competent jurisdiction
5 removing the disability of nonage; amending s.
6 409.903, F.S.; providing eligibility criteria
7 for certain persons for medical assistance
8 payments; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

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

18 39.001 Purposes and intent; personnel standards and
19 screening.--

20 (1) PURPOSES OF CHAPTER.--The purposes of this chapter
21 are:

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

29 (b) To recognize that most families desire to be
30 competent caregivers and providers for their children and that
31 children achieve their greatest potential when families are

1 able to support and nurture the growth and development of
2 their children. Therefore, the Legislature finds that policies
3 and procedures that provide for prevention and intervention
4 through the department's child protection system should be
5 based on the following principles:

6 1. The health and safety of the children served shall
7 be of paramount concern.

8 2. The prevention and intervention should engage
9 families in constructive, supportive, and nonadversarial
10 relationships.

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

15 4. The prevention and intervention should be based
16 upon outcome evaluation results that demonstrate success in
17 protecting children and supporting families.

18 (c) To provide a child protection system that reflects
19 a partnership between the department, other agencies, and
20 local communities.

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

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

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

31

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

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

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

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

27 (k) To make every possible effort, when two or more
28 children who are in the care or under the supervision of the
29 department are siblings, to place the siblings in the same
30 home; and in the event of permanent placement of the siblings,
31

1 to place them in the same adoptive home or, if the siblings
2 are separated, to keep them in contact with each other.

3 (l) To provide judicial and other procedures to assure
4 due process through which children, parents, and guardians and
5 other interested parties are assured fair hearings by a
6 respectful and respected court or other tribunal and the
7 recognition, protection, and enforcement of their
8 constitutional and other legal rights, while ensuring that
9 public safety interests and the authority and dignity of the
10 courts are adequately protected.

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

18 (n) To create and maintain an integrated prevention
19 framework that enables local communities, state agencies, and
20 organizations to collaborate to implement efficient and
21 properly applied evidence-based child abuse prevention
22 practices.

23 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
24 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
25 child abuse, abandonment, and neglect has increased rapidly
26 over the past 5 years. The impact that abuse, abandonment, or
27 neglect has on the victimized child, siblings, family
28 structure, and inevitably on all citizens of the state has
29 caused the Legislature to determine that the prevention of
30 child abuse, abandonment, and neglect shall be a priority of
31 this state. To further this end, it is the intent of the

1 Legislature that an Office of Child Abuse Prevention be
2 established a comprehensive approach for the prevention of
3 abuse, abandonment, and neglect of children be developed for
4 the state and that this planned, comprehensive approach be
5 used as a basis for funding.

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

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

13 (b) The director shall:

14 1. Formulate and recommend rules pertaining to
15 implementation of child abuse prevention efforts.

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

19 3. Work to secure funding and other support for the
20 state's child abuse prevention efforts, including, but not
21 limited to, establishing cooperative relationships among state
22 and private agencies.

23 4. Develop a strategic program and funding initiative
24 that links the separate jurisdictional activities of state
25 agencies with respect to child abuse prevention. The office
26 may designate lead and contributing agencies to develop such
27 initiatives.

28 5. Advise the Governor and the Legislature on child
29 abuse trends in this state, the status of current child abuse
30 prevention programs and services, the funding of those
31 programs and services, and the status of the office with

1 regard to the development and implementation of the state
2 child abuse prevention strategy.

3 6. Develop child abuse prevention public awareness
4 campaigns to be implemented throughout the state.

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

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

9 2. Conduct, otherwise provide for, or make available
10 continuing professional education and training in the
11 prevention of child abuse and neglect.

12 3. Work to secure funding in the form of
13 appropriations, gifts, and grants from the state, the Federal
14 Government, and other public and private sources in order to
15 ensure that sufficient funds are available for prevention
16 efforts.

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

19 a. Programs and services for the prevention of child
20 abuse and neglect.

21 b. Training programs for the prevention of child abuse
22 and neglect.

23 c. Multidisciplinary and discipline-specific training
24 programs for professionals with responsibilities affecting
25 children, young adults, and families.

26 5. Monitor, evaluate, and review the development and
27 quality of local and statewide services and programs for the
28 prevention of child abuse and neglect and shall publish and
29 distribute an annual report of its findings on or before
30 January 1 of each year to the Governor, the Speaker of the
31 House of Representatives, the President of the Senate, the

1 secretary of each state agency affected by the report, and the
2 appropriate substantive committees of the Legislature. The
3 report shall include:

4 a. A summary of the activities of the office.

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

7 c. Recommendations, by state agency, for the further
8 development and improvement of services and programs for the
9 prevention of child abuse and neglect.

10 d. The budget requests and prevention program needs by
11 state agency.

12 ~~(8)(7)~~ PLAN FOR COMPREHENSIVE APPROACH.--

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

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

18 | (b) The development of the ~~comprehensive~~ state plan
19 | shall be accomplished in the following manner:

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

1 ~~representative from the Division of Children's Medical~~
2 ~~Services Prevention and Intervention of the Department of~~
3 ~~Health. Representatives of the Department of Law Enforcement~~
4 ~~and of the Department of Education shall serve as ex officio~~
5 ~~members of the interprogram task force. The interprogram task~~
6 ~~force shall be responsible for:~~

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

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

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

20 d. Assisting in examining the local plans to determine
21 if all the requirements of the local plans have been met and,
22 if they have not, informing the districts of the deficiencies
23 and requesting the additional information needed.

24 e. Assisting in preparing the state plan for
25 submission to the Legislature and the Governor. Such
26 preparation shall include the incorporation into the state
27 plan ~~collapsing~~ of information obtained from the local plans,
28 the cooperative plans with the members of the advisory council
29 ~~Department of Education~~, and the plan of action for
30 coordination and integration of state departmental activities
31 ~~into one comprehensive plan~~. The state ~~comprehensive~~ plan

1 shall include a section reflecting general conditions and
2 needs, an analysis of variations based on population or
3 geographic areas, identified problems, and recommendations for
4 change. In essence, the state plan shall provide an analysis
5 and summary of each element of the local plans to provide a
6 statewide perspective. The state plan shall also include each
7 separate local plan of action.

8 f. Conducting a feasibility study on the establishment
9 of a Children's Cabinet.

10 ~~g.f.~~ Working with the specified state agency in
11 fulfilling the requirements of subparagraphs 2., 3., 4., and
12 5.

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

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

30 4. Within existing appropriations, the office
31 ~~department~~ shall work with other appropriate public and

1 private agencies to emphasize efforts to educate the general
2 public about the problem of and ways to detect child abuse,
3 abandonment, and neglect and in the proper action that should
4 be taken in a suspected case of child abuse, abandonment, or
5 neglect. The plan for accomplishing this end shall be included
6 in the state plan.

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

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

1 the members of the task force in accordance with the
2 membership requirements of this section. The office ~~in~~
3 ~~addition, the district administrator shall ensure that each~~
4 ~~subdistrict is represented on the task force; and, if the~~
5 ~~district does not have subdistricts, the district~~
6 ~~administrator~~ shall ensure that both urban and rural areas are
7 represented on the task force. The task force shall develop a
8 written statement clearly identifying its operating
9 procedures, purpose, overall responsibilities, and method of
10 meeting responsibilities. The district plan of action to be
11 prepared by the task force shall include, but shall not be
12 limited to:

13 a. Documentation of the magnitude of the problems of
14 child abuse, including sexual abuse, physical abuse, and
15 emotional abuse, and child abandonment and neglect in its
16 geographical area.

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

22 c. A continuum of programs and services necessary for
23 a comprehensive approach to the prevention of all types of
24 child abuse, abandonment, and neglect as well as a brief
25 description of such programs and services.

26 d. A description, documentation, and priority ranking
27 of local needs related to child abuse, abandonment, and
28 neglect prevention based upon the continuum of programs and
29 services.

30 e. A plan for steps to be taken in meeting identified
31 needs, including the coordination and integration of services

1 to avoid unnecessary duplication and cost, and for alternative
2 funding strategies for meeting needs through the reallocation
3 of existing resources, utilization of volunteers, contracting
4 with local universities for services, and local government or
5 private agency funding.

6 f. A description of barriers to the accomplishment of
7 a comprehensive approach to the prevention of child abuse,
8 abandonment, and neglect.

9 g. Recommendations for changes that can be
10 accomplished only at the state program level or by legislative
11 action.

12 ~~(9)(8)~~ FUNDING AND SUBSEQUENT PLANS.--

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

21 (b) The office ~~department at the state and district~~
22 ~~levels~~ and the other agencies and organizations listed in
23 paragraph(8)(a)(7)(a) shall readdress the state plan and
24 make necessary revisions every 5 years, at a minimum. Such
25 revisions shall be submitted to the Speaker of the House of
26 Representatives and the President of the Senate no later than
27 June 30 of each year divisible by 5. At least biennially, the
28 office shall review the state plan and make any necessary
29 revisions based on changing needs and program evaluation
30 results. An annual progress report shall be submitted to
31 update the state plan in the years between the 5-year

1 intervals. In order to avoid duplication of effort, these
2 required plans may be made a part of or merged with other
3 plans required by either the state or Federal Government, so
4 long as the portions of the other state or Federal Government
5 plan that constitute the state plan for the prevention of
6 child abuse, abandonment, and neglect are clearly identified
7 as such and are provided to the Speaker of the House of
8 Representatives and the President of the Senate as required
9 above.

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

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

17 Section 2. Section 39.0014, Florida Statutes, is
18 amended to read:

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

24 Section 3. Paragraph (b) of subsection (3) of section
25 39.0015, Florida Statutes, is amended to read:

26 39.0015 Child abuse prevention training in the
27 district school system.--

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

29 (b) "Child abuse" means those acts as defined in ss.
30 39.01(1), (2), (30), (43), (45), ~~(53)~~~~(52)~~, and ~~(64)~~~~(63)~~,
31 827.04, and 984.03(1), (2), and (37).

1 Section 4. Subsections (47) through (72) of section
2 39.01, Florida Statutes, are renumbered as subsections (48)
3 through (73), present subsections (10) and (47) are amended,
4 and a new subsection (47) is added to that section, to read:

5 39.01 Definitions.--When used in this chapter, unless
6 the context otherwise requires:

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

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

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

24 Section 5. Paragraph (a) of subsection (2) of section
25 39.202, Florida Statutes, is amended to read:

26 39.202 Confidentiality of reports and records in cases
27 of child abuse or neglect.--

28 (2) Except as provided in subsection (4), access to
29 such records, excluding the name of the reporter which shall
30 be released only as provided in subsection (5), shall be
31

1 granted only to the following persons, officials, and
2 agencies:

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

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

9 4.3- Healthy Start services; ~~or~~

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

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

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

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

25 39.302 Protective investigations of institutional
26 child abuse, abandonment, or neglect.--

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

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

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

3 402.164 Legislative intent; definitions.--

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

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

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

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

24 402.165 Florida Statewide Advocacy Council;
25 confidential records and meetings.--

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

29 (b) The Governor shall select an executive director
30 who shall serve at the pleasure of the Governor and shall
31 perform the duties delegated to him or her by the council. The

1 compensation of the executive director and staff shall be
2 established in accordance with the rules of the Selected
3 Exempt Service. The Governor shall give priority consideration
4 in the selection of an executive director to an individual
5 with professional expertise in research design, statistical
6 analysis, or agency evaluation and analysis.

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

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

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

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

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

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

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

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

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

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

1 (f) Conducting meetings at least one time ~~six times~~ a
2 year at the call of the chair and at other times at the call
3 of the Governor or by written request of eight ~~six~~ members of
4 the council, including the executive director.

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

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

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

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

27 Section 9. Section 409.1451, Florida Statutes, is
28 amended to read:

29 409.1451 Independent living transition services.--

30 (1) SYSTEM OF SERVICES.--

31

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

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

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

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

26 (2) ELIGIBILITY.--

27 (a) The department shall serve children who have
28 reached 13 years of age but are not yet 18 years of age and
29 who are in foster care by providing services pursuant to
30 subsection (4). Children to be served must meet the
31

1 eligibility requirements set forth for specific services as
2 provided in this section.

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

14 (3) PREPARATION FOR INDEPENDENT LIVING.--

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

29 1. Develop a list of age-appropriate activities and
30 responsibilities to be offered to all children involved in
31

1 independent living transition services and their foster
2 parents.

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

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

17 4. Provide opportunities for older children in foster
18 care to interact with mentors.

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

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

1 (b) It is further the intent of the Legislature that
2 each child in foster care, his or her foster parents, if
3 applicable, and the department or community-based provider set
4 early achievement and career goals for the child's
5 postsecondary educational and work experience. The department
6 and community-based providers shall implement the model set
7 forth in this paragraph to help ensure that children in foster
8 care are ready for postsecondary education and the workplace.

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

- 26 a. Attending a 4-year college or university, a
27 community college plus university, or a military academy;
28 b. Receiving a 2-year postsecondary degree;
29 c. Attaining a postsecondary career and technical
30 certificate or credential; or
31

1 d. Beginning immediate employment, including
2 apprenticeship, after completion of a high school diploma or
3 its equivalent, or enlisting in the military.

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

8 a. The core courses necessary to qualify for a chosen
9 goal.

10 b. Any elective courses which would provide additional
11 help in reaching a chosen goal.

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

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

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

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

29 (c) All children in foster care and young adults
30 formerly in foster care are encouraged to take part in
31

1 learning opportunities that result from participation in
2 community service activities.

3 (d) Children in foster care and young adults formerly
4 in foster care shall be provided with the opportunity to
5 change from one postsecondary goal to another, and each
6 postsecondary goal shall allow for changes in each
7 individual's needs and preferences. Any change, particularly a
8 change that will result in additional time required to achieve
9 a goal, shall be made with the guidance and assistance of the
10 department or community-based provider.

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

18 (a) Preindependent living services.--

19 1. Preindependent living services include, but are not
20 limited to, life skills training, educational field trips, and
21 conferences. The specific services to be provided to a child
22 shall be determined using a preindependent living assessment.

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

26 3. The department shall conduct an annual staffing for
27 each child who has reached 13 years of age but is not yet 15
28 years of age to ensure that the preindependent living training
29 and services to be provided as determined by the
30 preindependent living assessment are being received and to
31

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

3 4. At the first annual staffing that occurs following
4 a child's 14th birthday, and at each subsequent staffing, the
5 department or community-based provider shall ensure that the
6 child's case plan includes an educational and career path
7 based upon both the abilities and interests of each child and
8 shall provide to each child detailed personalized information
9 on services provided by the Road-to-Independence ~~Scholarship~~
10 Program, including requirements for eligibility; on other
11 grants, scholarships, and waivers that are available and
12 should be sought by the child with assistance from the
13 department, including, but not limited to, the Bright Futures
14 Scholarship Program, as provided in ss. 1009.53-1009.538; on
15 application deadlines; and on grade requirements for such
16 programs.

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

22 (b) Life skills services.--

23 1. Life skills services may include, but are not
24 limited to, independent living skills training, including
25 training to develop financial literacy ~~banking and budgeting~~
26 skills, interviewing skills, parenting skills, and time
27 management or organizational skills, educational support,
28 employment training, and counseling. Children receiving these
29 services should also be provided with information related to
30 social security insurance benefits and public assistance. The
31

1 specific services to be provided to a child shall be
2 determined using an independent life skills assessment.

3 2. A child who has reached 15 years of age but is not
4 yet 18 years of age who is in foster care is eligible for such
5 services.

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

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

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

1 ~~6.5-~~ Information related to both the independent life
2 skills assessment and all staffings, which shall be reduced to
3 writing and signed by the child participant, shall be included
4 as a part of the written report required to be provided to the
5 court at each judicial review held pursuant to s. 39.701.

6 (c) Subsidized independent living services.--

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

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

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

19 b. Is able to demonstrate independent living skills,
20 as determined by the department, using established procedures
21 and assessments.

22 3. Independent living arrangements established for a
23 child must be part of an overall plan leading to the total
24 independence of the child from the department's supervision.
25 The plan must include, but need not be limited to, a
26 description of the skills of the child and a plan for learning
27 additional identified skills; the behavior that the child has
28 exhibited which indicates an ability to be responsible and a
29 plan for developing additional responsibilities, as
30 appropriate; a plan for future educational, vocational, and
31 training skills; present financial and budgeting capabilities

1 and a plan for improving resources and ability; a description
2 of the proposed residence; documentation that the child
3 understands the specific consequences of his or her conduct in
4 the independent living program; documentation of proposed
5 services to be provided by the department and other agencies,
6 including the type of service and the nature and frequency of
7 contact; and a plan for maintaining or developing
8 relationships with the family, other adults, friends, and the
9 community, as appropriate.

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

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

1 related costs to administer the services and program;
2 expenditures to or on behalf of the eligible recipients; costs
3 of services provided to young adults through an approved plan
4 for housing, transportation, and employment; reconciliation of
5 these expenses and any additional related costs with the funds
6 allocated for these services; and an explanation of and a plan
7 to resolve any shortages or surpluses in order to end the
8 fiscal year with a balanced budget. The categories of
9 services available to assist a young adult formerly in foster
10 care to achieve independence are:
11 (a) Aftercare support services.--
12 1. Aftercare support services are available to assist
13 young adults who were formerly in foster care in their efforts
14 to continue to develop the skills and abilities necessary for
15 independent living. The aftercare support services available
16 include, but are not limited to, the following:
17 a. Mentoring and tutoring.
18 b. Mental health services and substance abuse
19 counseling.
20 c. Life skills classes, including credit management
21 and preventive health activities.
22 d. Parenting classes.
23 e. Job and career skills training.
24 f. Counselor consultations.
25 g. Temporary financial assistance.
26 h. Financial literacy skills training.
27
28 The specific services to be provided under this subparagraph
29 shall be determined by an aftercare services assessment and
30 may be provided by the department or through referrals in the
31 community.

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

4 ~~3.2.~~ A young adult who has reached 18 years of age but
5 is not yet 23 years of age who leaves foster care at 18 years
6 of age but who requests services prior to reaching 23 years of
7 age is eligible for such services.

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

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

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

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

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

1 c. Is a resident of this state as defined in s.
2 1009.40; and

3 d. Meets one of the following qualifications:

4 (I) Has earned a standard high school diploma or its
5 equivalent as described in s. 1003.43 or s. 1003.435, or has
6 earned a special diploma or special certificate of completion
7 as described in s. 1003.438, and has been admitted for
8 full-time enrollment in an eligible postsecondary education
9 institution as defined in s. 1009.533;

10 (II) Is enrolled full time in an accredited high
11 school; or

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

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

21 4. An award shall be available to a young adult who is
22 considered a full-time student or its equivalent by the
23 educational institution in which he or she is enrolled, unless
24 that young adult has a recognized disability preventing
25 full-time attendance. The amount of the award, whether it is
26 being used by a young adult working toward completion of a
27 high school diploma or its equivalent or working toward
28 completion of a postsecondary education program, shall be
29 determined based on an assessment of the funding needs of the
30 young adult. This assessment must consider the young adult's
31 living and educational costs and other grants, scholarships,

1 | waivers, earnings, and other income to be received by the
2 | young adult. An award shall be available only to the extent
3 | that other grants and scholarships are not sufficient to meet
4 | the living and educational needs of the young adult, but an
5 | award may not be less than \$25 in order to maintain Medicaid
6 | eligibility for the young adult as provided in s. 409.903.

7 | 5. The portion of any award which if funded through
8 | federal education and training vouchers may be disregarded for
9 | purposes of determining the eligibility for, or the amount of,
10 | any other federal or federally supported assistance.

11 | 6.5-a. The department must advertise the criteria,
12 | application procedures, and availability of the program to:

13 | (I) Children and young adults in, leaving, or formerly
14 | in foster care.

15 | (II) Case managers.

16 | (III) Guidance and family services counselors.

17 | (IV) Principals or other relevant school
18 | administrators.

19 | (V) Guardians ad litem.

20 | (VI) Foster parents. and must ensure that the children
21 | and young adults leaving foster care, foster parents, or
22 | family services counselors are informed of the availability of
23 | the program and the application procedures.

24 | b. A young adult must apply for the initial award
25 | during the 6 months immediately preceding his or her 18th
26 | birthday, and the department shall provide assistance with the
27 | application process. A young adult who fails to make an
28 | initial application, but who otherwise meets the criteria for
29 | an initial award, may make one application for the initial
30 | award if the application is made before the young adult's 21st
31 | birthday. If the young adult does not apply for an initial

1 award before his or her 18th birthday, the department shall
2 inform that young adult of the opportunity to apply before
3 turning 21 years of age.

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

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

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

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

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

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

31

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

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

23 (I) Complete the number of hours, or the equivalent
24 considered full time by the educational institution, unless
25 that young adult has a recognized disability preventing
26 full-time attendance, in the last academic year in which the
27 young adult earned an award ~~a scholarship~~, except for a young
28 adult who meets the requirements of s. 1009.41.

29 (II) Maintain appropriate progress as required by the
30 educational institution, except that, if the young adult's
31 progress is insufficient to renew the award ~~scholarship~~ at any

1 | time during the eligibility period, the young adult may
2 | restore eligibility by improving his or her progress to the
3 | required level.

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

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

20 | (c) Transitional support services.--

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

30 | 2. A young adult formerly in foster care is eligible
31 | to apply for transitional support services if he or she has

1 reached 18 years of age but is not yet 23 years of age, was a
2 dependent child pursuant to chapter 39, was living in licensed
3 foster care or in subsidized independent living at the time of
4 his or her 18th birthday, and had spent at least 6 months
5 living in foster care before that date.

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

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

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

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

27 a. The payments be made directly to the recipient by
28 check or warrant;

29 b. The payments or a portion of the payments be made
30 directly on the recipient's behalf to institutions the
31

1 recipient is attending to maintain eligibility under this
2 section; or

3 c. The payments be made on a two-party check to a
4 business or landlord for a legitimate expense, whether
5 reimbursed or not. A legitimate expense for the purposes of
6 this sub-subparagraph shall include automobile repair or
7 maintenance expenses; educational, job, or training expenses;
8 and costs incurred, except legal costs, fines, or penalties,
9 when applying for or executing a rental agreement for the
10 purposes of securing a home or residence.

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

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

4 (e) Appeals process.--

5 1. The Department of Children and Family Services
6 shall adopt by rule a procedure by which a young adult may
7 appeal an eligibility determination or the department's
8 failure to provide aftercare, Road-to-Independence Program
9 ~~scholarship~~, or transitional support services, or the
10 termination of such services, if such funds are available.

11 2. The procedure developed by the department must be
12 readily available to young adults, must provide timely
13 decisions, and must provide for an appeal to the Secretary of
14 Children and Family Services. The decision of the secretary
15 constitutes final agency action and is reviewable by the court
16 as provided in s. 120.68.

17 (6) ACCOUNTABILITY.--The department shall develop
18 outcome measures for the program and other performance
19 measures in order to maintain oversight of the program. The
20 department shall report on the outcome measures and the
21 department's oversight activities in a report to the
22 Legislature. The report must be prepared and submitted to the
23 committees of jurisdiction for issues relating to children and
24 families in the Senate and House of Representatives no later
25 than January 31 of each year. The report must include:

26 (a) An analysis of performance on outcome measures
27 developed under this section and reported for each
28 community-based care lead agency and compared with the
29 performance of the department on the same measures;

30 (b) A description of the department's oversight of the
31 program including, by lead agency, any programmatic or fiscal

1 deficiencies found, corrective actions required, and current
2 status of compliance; and

3 (c) Any rules adopted or proposed under the authority
4 of this section since the last report. For the purposes of the
5 first report, any rules adopted or proposed under the
6 authority of this section must be included.

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

17 (a) Specifically, the advisory council shall assess
18 the implementation and operation of the system of independent
19 living transition services and advise the department on
20 actions that would improve the ability of the independent
21 living transition services to meet the established goals. The
22 advisory council shall keep the department informed of
23 problems being experienced with the services, barriers to the
24 effective and efficient integration of services and support
25 across systems, and successes that the system of independent
26 living transition services has achieved. The department shall
27 consider, but is not required to implement, the
28 recommendations of the advisory council.

29 (b) The advisory council shall report to the
30 appropriate substantive committees of the Senate and the House
31 of Representatives on the status of the implementation of the

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

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

31

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

10 (8) PERSONAL PROPERTY.--Property acquired on behalf of
11 clients of this program shall become the personal property of
12 the clients and is not subject to the requirements of chapter
13 273 relating to state-owned tangible personal property. Such
14 property continues to be subject to applicable federal laws.

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

20 (a) A young adult who was formerly in foster care at
21 the time of his or her 18th birthday and who is 18 years of
22 age but not yet 19~~7~~ shall pay the premium for the Florida
23 KidCare program as required in s. 409.814.

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

28 (10) RULEMAKING.--The department shall adopt by rule
29 procedures to administer this section, including balancing the
30 goals of normalcy and safety for the youth and providing the
31 caregivers with as much flexibility as possible to enable the

1 youth to participate in normal life experiences. The
2 department shall not adopt rules relating to reductions in
3 ~~scholarship~~ awards. The department shall engage in appropriate
4 planning to prevent, to the extent possible, a reduction in
5 ~~scholarship~~ awards after issuance.

6 Section 10. Paragraph (b) of subsection (2) of section
7 409.175, Florida Statutes, is amended to read:

8 409.175 Licensure of family foster homes, residential
9 child-caring agencies, and child-placing agencies; public
10 records exemption.--

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

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

1 registered with the Department of Education shall be
2 considered to be providing residential group care without a
3 license. The department may impose administrative sanctions or
4 seek civil remedies as provided under paragraph (11)(a).

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

7 39.013 Procedures and jurisdiction; right to
8 counsel.--

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

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

21 Section 12. Paragraph (a) of subsection (6) of section
22 39.701, Florida Statutes, is amended to read:

23 39.701 Judicial review.--

24 (6)(a) In addition to paragraphs (1)(a) and (2)(a),
25 the court shall hold a judicial review hearing within 90 days
26 after a youth's 17th birthday. The court shall also issue an
27 order, separate from the order on judicial review, that the
28 disabilities of nonage of the youth have been removed for the
29 sole purpose of ensuring that youth in foster care will be
30 able to execute a contract for the lease of residential
31 property pursuant to s. 743.045. The court ~~and~~ shall continue

1 to hold timely judicial review hearings thereafter. In
2 addition, the court may review the status of the child more
3 frequently during the year prior to the youth's 18th birthday
4 if necessary. At each review held under this subsection, in
5 addition to any information or report provided to the court,
6 the foster parent, legal custodian, guardian ad litem, and the
7 child shall be given the opportunity to address the court with
8 any information relevant to the child's best interests,
9 particularly as it relates to independent living transition
10 services. In addition to any information or report provided to
11 the court, the department shall include in its judicial review
12 social study report written verification that the child:

13 1. Has been provided with a current Medicaid card and
14 has been provided all necessary information concerning the
15 Medicaid program sufficient to prepare the youth to apply for
16 coverage upon reaching age 18, if such application would be
17 appropriate.

18 2. Has been provided with a certified copy of his or
19 her birth certificate and, if the child does not have a valid
20 driver's license, a Florida identification card issued under
21 s. 322.051.

22 3. Has been provided information relating to Social
23 Security Insurance benefits if the child is eligible for these
24 benefits. If the child has received these benefits and they
25 are being held in trust for the child, a full accounting of
26 those funds must be provided and the child must be informed
27 about how to access those funds.

28 4. Has been provided with information and training
29 related to budgeting skills, interviewing skills, and
30 parenting skills.

31

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

12 6. Has an open bank account, or has identification
13 necessary to open an account, and has been provided with
14 essential banking skills.

15 7. Has been provided with information on public
16 assistance and how to apply.

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

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

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

27 Section 13. Paragraph (c) of subsection (2) of section
28 1009.25, Florida Statutes, is amended to read:

29 1009.25 Fee exemptions.--

30 (2) The following students are exempt from the payment
31 of tuition and fees, including lab fees, at a school district

1 that provides postsecondary career programs, community
2 college, or state university:

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

18 Section 14. Section 743.045, Florida Statutes, is
19 created to read:

20 743.045 Removal of disabilities of minors; executing
21 contracts for a residential lease.--For the sole purpose of
22 ensuring that youth in foster care will be able to execute a
23 contract for the lease of residential property in order that
24 the youth may move into the leased residential property on the
25 day of the youth's 18th birthday, the disability of nonage of
26 minors is removed for all youth who have reached the age of 17
27 years, who have been adjudicated dependent, and who are in the
28 legal custody of the Department of Children and Family
29 Services through foster care or subsidized independent living.
30 These youth are authorized to make and execute contracts,
31 releases, and all other instruments necessary for the purpose

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

10 Section 15. Subsection (4) of section 409.903, Florida
11 Statutes, is amended to read:

12 409.903 Mandatory payments for eligible persons.--The
13 agency shall make payments for medical assistance and related
14 services on behalf of the following persons who the
15 department, or the Social Security Administration by contract
16 with the Department of Children and Family Services,
17 determines to be eligible, subject to the income, assets, and
18 categorical eligibility tests set forth in federal and state
19 law. Payment on behalf of these Medicaid eligible persons is
20 subject to the availability of moneys and any limitations
21 established by the General Appropriations Act or chapter 216.

22 (4) A child who is eligible under Title IV-E of the
23 Social Security Act for subsidized board payments, foster
24 care, or adoption subsidies, and a child for whom the state
25 has assumed temporary or permanent responsibility and who does
26 not qualify for Title IV-E assistance but is in foster care,
27 shelter or emergency shelter care, or subsidized adoption.
28 This category includes any young adult who is eligible to
29 receive services under s. 409.1451(5), until the young adult
30 reaches the age of 20, without regard to any income, resource,
31 or categorical eligibility test that is otherwise required.

1 This category also includes a person who, as a child ~~who~~ was
2 eligible under Title IV-E of the Social Security Act for
3 foster care or the state-provided foster care, ~~who exited~~
4 ~~foster care due to attaining the age of 18 years,~~ and who is a
5 participant in the ~~has been awarded a~~ Road-to-Independence
6 Program Scholarship.

7 Section 16. This act shall take effect July 1, 2006.

8
9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 CS for Senate Bill 2470

12 The committee substitute:

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

17 Requires the Department of Children and Family Services to
18 report to the Legislature concerning the outcome measures the
19 department sets for the Road to Independence program;

20 Restores current law under which a young adult formerly in
21 foster care is eligible for the KidCare program until his or
22 her nineteenth birthday; and

23 Makes a young adult who is eligible for the Road to
24 Independence program eligible for mandatory Medicaid payments
25 without regard to income or other categorical eligibility that
26 is otherwise required.
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