

Bill No. HB 7173, 2nd Eng.

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CHAMBER ACTION

Senate

House

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05/05/2006 05:18 PM

11 Senator Rich moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Section 409.1451, Florida Statutes, is

18 amended to read:

19 < 409.1451 Independent living transition
services.--

20 (1) SYSTEM OF SERVICES.--

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

27 (b) The goals of independent living transition
28 services are to assist older children in foster care and young
29 adults who were formerly in foster care to obtain life skills
30 and education for independent living and employment, to have a
31 quality of life appropriate for their age, and to assume

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1 personal responsibility for becoming self-sufficient adults.

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

10 (d) For children in foster care, independent living
11 transition services are not an alternative to adoption.
12 Independent living transition services may occur concurrently
13 with continued efforts to locate and achieve placement in
14 adoptive families for older children in foster care.

15 (2) ELIGIBILITY.--

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

22 (b) The department shall provide services pursuant to
23 subsection (5) to ~~serve~~ young adults who have reached 18 years
24 of age but are not yet 23 years of age and who were in foster
25 care when they turned 18 years of age or who were adopted from
26 foster care after reaching 16 years of age or, after spending
27 at least 6 months in the custody of the department after
28 reaching 16 years of age, were placed in a guardianship by the
29 court ~~by providing services pursuant to subsection (5)~~. Young
30 adults are not entitled to be served but must meet the
31 eligibility requirements set forth for specific services in

1 | this section.

2 | (3) PREPARATION FOR INDEPENDENT LIVING.--

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

17 | 1. Develop a list of age-appropriate activities and
18 | responsibilities to be offered to all children involved in
19 | independent living transition services and their foster
20 | parents.

21 | 2. Provide training for staff and foster parents to
22 | address the issues of older children in foster care in
23 | transitioning to adulthood, which shall include information on
24 | high school completion, grant applications, vocational school
25 | opportunities, supporting education and employment
26 | opportunities, and ~~providing~~ opportunities to participate in
27 | appropriate daily activities.

28 | 3. Develop procedures to maximize the authority of
29 | foster parents or caregivers to approve participation in
30 | age-appropriate activities of children in their care. The
31 | age-appropriate activities shall be included in the child's

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1 case plan. This plan must include specific goals and
2 objectives and be reviewed at each judicial review as part of
3 the case plan.

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

6 5. Develop and implement procedures for older children
7 to directly access and manage the personal allowance they
8 receive from the department in order to learn responsibility
9 and participate in age-appropriate life skills activities to
10 the extent feasible.

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

19 (b) It is further the intent of the Legislature that
20 each child in foster care, his or her foster parents, if
21 applicable, and the department or community-based provider set
22 early achievement and career goals for the child's
23 postsecondary educational and work experience. The department
24 and community-based providers shall implement the model set
25 forth in this paragraph to help ensure that children in foster
26 care are ready for postsecondary education and the workplace.

27 1. For children in foster care who have reached 13
28 years of age, ~~entering the 9th grade, their foster parents,~~
29 ~~and~~ the department or community-based provider shall ensure
30 that the child's case plan includes an educational and career
31 path ~~be active participants in choosing a post-high school~~

1 ~~goal~~ based upon both the abilities and interests of each
 2 child. The child, the foster parents, and a teacher or other
 3 school staff member shall be included to the fullest extent
 4 possible in developing the path. The path shall be reviewed at
 5 each judicial hearing as part of the case plan and ~~goal~~ shall
 6 accommodate the needs of children served in exceptional
 7 education programs to the extent appropriate for each
 8 individual. Such children may continue to follow the courses
 9 outlined in the district school board student progression
 10 plan. Children in foster care, with the assistance of their
 11 foster parents, and the department or community-based provider
 12 shall choose one of the following postsecondary goals:

- 13 a. Attending a 4-year college or university, a
- 14 community college plus university, or a military academy;
- 15 b. Receiving a 2-year postsecondary degree;
- 16 c. Attaining a postsecondary career and technical
- 17 certificate or credential; or

18 d. Beginning immediate employment, including
 19 apprenticeship, after completion of a high school diploma or
 20 its equivalent, or enlisting in the military.

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

- 25 a. The core courses necessary to qualify for a chosen
- 26 goal.
- 27 b. Any elective courses which would provide additional
- 28 help in reaching a chosen goal.
- 29 c. The grade point requirement and any additional
- 30 information necessary to achieve a specific goal.

31 d. A teacher, other school staff member, employee of

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1 | the department or community-based care provider, or community
2 | volunteer who would be willing to work with the child as an
3 | academic advocate or mentor if foster parent involvement is
4 | insufficient or unavailable.

5 | 3. In order to complement educational goals, the
6 | department and community-based providers are encouraged to
7 | form partnerships with the business community to support
8 | internships, apprenticeships, or other work-related
9 | opportunities.

10 | 4. The department and community-based providers shall
11 | ensure that children in foster care and their foster parents
12 | are made aware of the postsecondary goals available and shall
13 | assist in identifying the coursework necessary to enable the
14 | child to reach the chosen goal.

15 | (c) All children in foster care and young adults
16 | formerly in foster care are encouraged to take part in
17 | learning opportunities that result from participation in
18 | community service activities.

19 | (d) Children in foster care and young adults formerly
20 | in foster care shall be provided with the opportunity to
21 | change from one postsecondary goal to another, and each
22 | postsecondary goal shall allow for changes in each
23 | individual's needs and preferences. Any change, particularly a
24 | change that will result in additional time required to achieve
25 | a goal, shall be made with the guidance and assistance of the
26 | department or community-based provider.

27 | (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The
28 | department shall provide the following transition to
29 | independence services to children in foster care who meet
30 | prescribed conditions and are determined eligible by the
31 | department. The service categories available to children in

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1 foster care which facilitate successful transition into
2 adulthood are:

3 (a) Preindependent living services.--

4 1. Preindependent living services include, but are not
5 limited to, life skills training, educational field trips, and
6 conferences. The specific services to be provided to a child
7 shall be determined using a preindependent living assessment.

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

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

18 4. At the first annual staffing that occurs following
19 a child's 14th birthday, and at each subsequent staffing, the
20 department or community-based provider shall ensure that the
21 child's case plan includes an educational and career path
22 based upon both the abilities and interests of each child and
23 shall provide to each child detailed personalized information
24 on services provided by the Road-to-Independence ~~Scholarship~~
25 Program, including requirements for eligibility; on other
26 grants, scholarships, and waivers that are available and
27 should be sought by the child with assistance from the
28 department, including, but not limited to, the Bright Futures
29 Scholarship Program, as provided in ss. 1009.53-1009.538; on
30 application deadlines; and on grade requirements for such
31 programs.

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1 5. Information related to both the preindependent
 2 living 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 (b) Life skills services.--

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

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

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

27 4. The department shall provide to each child in
 28 foster care no later than ~~during~~ the calendar month following
 29 the child's 17th birthday an independent living assessment to
 30 determine the child's skills and abilities to live
 31 independently and become self-sufficient. ~~Based on the results~~

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1 ~~of the independent living assessment, services and training~~
2 ~~shall be provided in order for the child to develop the~~
3 ~~necessary skills and abilities prior to the child's 18th~~
4 ~~birthday.~~

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

15 ~~6.5.~~ Information related to both the independent life
16 skills assessment and all staffings, which shall be reduced to
17 writing and signed by the child participant, shall be included
18 as a part of the written report required to be provided to the
19 court at each judicial review held pursuant to s. 39.701.

20 (c) Subsidized independent living services.--

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

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

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

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1 licensed care; and

2 b. Is able to demonstrate independent living skills,
3 as determined by the department, using established procedures
4 and assessments.

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

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

28 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
29 CARE.--Based on the availability of funds, the department
30 shall provide or arrange for the following services to young
31 adults formerly in foster care who meet the prescribed

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1 conditions and are determined eligible by the department. The
2 department, or a community-based care lead agency when the
3 agency is under contract with the department to provide the
4 services described under this subsection, shall develop a plan
5 to implement those services. A plan shall be developed for
6 each community-based care service area in the state. Each plan
7 that is developed by a community-based care lead agency shall
8 be submitted to the department. Each plan shall include the
9 number of young adults to be served each month of the fiscal
10 year and specify the number of young adults who will reach 18
11 years of age who will be eligible for the plan and the number
12 of young adults who will reach 23 years of age and will be
13 ineligible for the plan or who are otherwise ineligible during
14 each month of the fiscal year; staffing requirements and all
15 related costs to administer the services and program;
16 expenditures to or on behalf of the eligible recipients; costs
17 of services provided to young adults through an approved plan
18 for housing, transportation, and employment; reconciliation of
19 these expenses and any additional related costs with the funds
20 allocated for these services; and an explanation of and a plan
21 to resolve any shortages or surpluses in order to end the
22 fiscal year with a balanced budget. The categories of
23 services available to assist a young adult formerly in foster
24 care to achieve independence are:

25 (a) Aftercare support services.--

26 1. Aftercare support services are available to assist
27 young adults who were formerly in foster care in their efforts
28 to continue to develop the skills and abilities necessary for
29 independent living. The aftercare support services available
30 include, but are not limited to, the following:

31 a. Mentoring and tutoring.

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1 b. Mental health services and substance abuse
2 counseling.

3 c. Life skills classes, including credit management
4 and preventive health activities.

5 d. Parenting classes.

6 e. Job and career skills training.

7 f. Counselor consultations.

8 g. Temporary financial assistance.

9 h. Financial literacy skills training.

10

11 The specific services to be provided under this subparagraph
12 shall be determined by an aftercare services assessment and
13 may be provided by the department or through referrals in the
14 community.

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

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

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

23 1. The Road-to-Independence ~~Scholarship~~ Program is
24 intended to help eligible students who are former foster
25 children in this state to receive the educational and
26 vocational training needed to achieve independence. The amount
27 of the award shall be based on the living and educational
28 needs of the young adult and may be up to, but may not exceed,
29 the amount of earnings that the student would have been
30 eligible to earn working a 40-hour-a-week federal minimum wage
31 job.

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

5 a. Was a dependent child, under chapter 39, and was
6 living in licensed foster care or in subsidized independent
7 living at the time of his or her 18th birthday or is currently
8 in licensed foster care or subsidized independent living, was
9 adopted from foster care after reaching 16 years of age, or,
10 after spending at least 6 months in the custody of the
11 department after reaching 16 years of age, was placed in a
12 guardianship by the court;

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

15 c. Is a resident of this state as defined in s.
16 1009.40; and

17 d. Meets one of the following qualifications:

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

24 (II) Is enrolled full time in an accredited high
25 school; or

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

29 3. A young adult applying for the ~~a~~
30 Road-to-Independence Program ~~Scholarship~~ must apply for any
31 other grants and scholarships for which he or she may qualify.

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1 The department shall assist the young adult in the application
2 process and may use the federal financial aid grant process to
3 determine the funding needs of the young adult.

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

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

24 6.5-a. The department must advertise the criteria,
25 application procedures, and availability of the program to:

26 (I) Children and young adults in, leaving, or formerly
27 in foster care.

28 (II) Case managers.

29 (III) Guidance and family services counselors.

30 (IV) Principals or other relevant school
31 administrators.

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1 (V) Guardians ad litem.

2 ~~(VI) Foster parents. and must ensure that the children~~
3 ~~and young adults leaving foster care, foster parents, or~~
4 ~~family services counselors are informed of the availability of~~
5 ~~the program and the application procedures.~~

6 ~~b. A young adult must apply for the initial award~~
7 ~~during the 6 months immediately preceding his or her 18th~~
8 ~~birthday, and the department shall provide assistance with the~~
9 ~~application process. A young adult who fails to make an~~
10 ~~initial application, but who otherwise meets the criteria for~~
11 ~~an initial award, may make one application for the initial~~
12 ~~award if the application is made before the young adult's 21st~~
13 ~~birthday. If the young adult does not apply for an initial~~
14 ~~award before his or her 18th birthday, the department shall~~
15 ~~inform that young adult of the opportunity to apply before~~
16 ~~turning 21 years of age.~~

17 ~~b.c. If funding for the program is available, The~~
18 ~~department shall issue awards from the scholarship program for~~
19 ~~each young adult who meets all the requirements of the program~~
20 ~~to the extent funding is available.~~

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

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

30 ~~e.f. If the award recipient transfers from one~~
31 ~~eligible institution to another and continues to meet~~

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1 eligibility requirements, the award must be transferred with
2 the recipient.

3 f.g. ~~Scholarship~~ Funds awarded to any eligible young
4 adult under this program are in addition to any other services
5 or funds provided to the young adult by the department through
6 transitional support services or aftercare services ~~its~~
7 ~~independent living transition services.~~

8 g.h. The department shall provide information
9 concerning young adults receiving funding through the
10 Road-to-Independence Program ~~Scholarship~~ to the Department of
11 Education for inclusion in the student financial assistance
12 database, as provided in s. 1009.94.

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

31 i.j. The department shall evaluate and renew each

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1 award annually during the 90-day period before the young
2 adult's birthday. In order to be eligible for a renewal award
3 for the subsequent year, the young adult must:

4 (I) Complete the number of hours, or the equivalent
5 considered full time by the educational institution, unless
6 that young adult has a recognized disability preventing
7 full-time attendance, in the last academic year in which the
8 young adult earned an award ~~a scholarship~~, except for a young
9 adult who meets the requirements of s. 1009.41.

10 (II) Maintain appropriate progress as required by the
11 educational institution, except that, if the young adult's
12 progress is insufficient to renew the award ~~scholarship~~ at any
13 time during the eligibility period, the young adult may
14 restore eligibility by improving his or her progress to the
15 required level.

16 ~~j.k. Scholarship~~ Funds may be terminated during the
17 interim between an award and the evaluation for a renewal
18 award if the department determines that the award recipient is
19 no longer enrolled in an educational institution as defined in
20 sub-subparagraph 2.d., or is no longer a state resident. The
21 department shall notify a recipient ~~student~~ who is terminated
22 and inform the recipient ~~student~~ of his or her right to
23 appeal.

24 ~~k.l.~~ An award recipient who does not qualify for a
25 renewal award or who chooses not to renew the award may
26 subsequently apply for reinstatement. An application for
27 reinstatement must be made before the young adult reaches 23
28 years of age, and a student may not apply for reinstatement
29 more than once. In order to be eligible for reinstatement, the
30 young adult must meet the eligibility criteria and the
31 criteria for award renewal for the ~~scholarship~~ program.

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1 (c) Transitional support services.--

2 1. In addition to any services provided through
3 aftercare support or the Road-to-Independence Program
4 ~~Scholarship~~, a young adult formerly in foster care may receive
5 other appropriate short-term funding and services, which may
6 include financial, housing, counseling, employment, education,
7 mental health, disability, and other services, if the young
8 adult demonstrates that the services are critical to the young
9 adult's own efforts to achieve self-sufficiency and to develop
10 a personal support system.

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

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

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

24 1. Payment of aftercare, Road-to-Independence Program
25 ~~scholarship~~, or transitional support funds shall be made
26 directly to the recipient unless the recipient requests in
27 writing to the community-based care lead agency, or the
28 department, that the payments or a portion of the payments be
29 made directly on the recipient's behalf in order to secure
30 services such as housing, counseling, education, or employment
31 training as part of the young adult's own efforts to achieve

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1 self-sufficiency.

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

8 a. The payments be made directly to the recipient by
9 check or warrant;

10 b. The payments or a portion of the payments be made
11 directly on the recipient's behalf to institutions the
12 recipient is attending to maintain eligibility under this
13 section; or

14 c. The payments be made on a two-party check to a
15 business or landlord for a legitimate expense, whether
16 reimbursed or not. A legitimate expense for the purposes of
17 this sub-subparagraph shall include automobile repair or
18 maintenance expenses; educational, job, or training expenses;
19 and costs incurred, except legal costs, fines, or penalties,
20 when applying for or executing a rental agreement for the
21 purposes of securing a home or residence.

22 3. The community-based care lead agency may purchase
23 housing, transportation, or employment services to ensure the
24 availability and affordability of specific transitional
25 services thereby allowing an eligible young adult to utilize
26 these services in lieu of receiving a direct payment. Prior to
27 purchasing such services, the community-based care lead agency
28 must have a plan approved by the department describing the
29 services to be purchased, the rationale for purchasing the
30 services, and a specific range of expenses for each service
31 that is less than the cost of purchasing the service by an

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1 individual young adult. The plan must include a description of
 2 the transition of a young adult using these services into
 3 independence and a timeframe for achievement of independence.
 4 An eligible young adult who prefers a direct payment shall
 5 receive such payment. The plan must be reviewed annually and
 6 evaluated for cost-efficiency and for effectiveness in
 7 assisting young adults in achieving independence, preventing
 8 homelessness among young adults, and enabling young adults to
 9 earn a living wage in a permanent employment situation.

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

13 (e) Appeals process.--

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

20 2. The procedure developed by the department must be
 21 readily available to young adults, must provide timely
 22 decisions, and must provide for an appeal to the Secretary of
 23 Children and Family Services. The decision of the secretary
 24 constitutes final agency action and is reviewable by the court
 25 as provided in s. 120.68.

26 (6) ACCOUNTABILITY.--The department shall develop
 27 outcome measures for the program and other performance
 28 measures in order to maintain oversight of the program. The
 29 department shall report on the outcome measures and the
 30 department's oversight activities in a report to the
 31 Legislature. The report must be prepared and submitted to the

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1 committees of jurisdiction for issues relating to children and
2 families in the Senate and House of Representatives no later
3 than January 31 of each year. The report must include:

4 (a) An analysis of performance on outcome measures
5 developed under this section and reported for each
6 community-based care lead agency and compared with the
7 performance of the department on the same measures;

8 (b) A description of the department's oversight of the
9 program including, by lead agency, any programmatic or fiscal
10 deficiencies found, corrective actions required, and current
11 status of compliance; and

12 (c) Any rules adopted or proposed under the authority
13 of this section since the last report. For the purposes of the
14 first report, any rules adopted or proposed under the
15 authority of this section must be included.

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

26 (a) Specifically, the advisory council shall assess
27 the implementation and operation of the system of independent
28 living transition services and advise the department on
29 actions that would improve the ability of the independent
30 living transition services to meet the established goals. The
31 advisory council shall keep the department informed of

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1 | problems being experienced with the services, barriers to the
 2 | effective and efficient integration of services and support
 3 | across systems, and successes that the system of independent
 4 | living transition services has achieved. The department shall
 5 | consider, but is not required to implement, the
 6 | recommendations of the advisory council.

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

27 | (c) Members of the advisory council shall be appointed
 28 | by the secretary of the department. The membership of the
 29 | advisory council must include, at a minimum, representatives
 30 | from the headquarters and district offices of the Department
 31 | of Children and Family Services, community-based care lead

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1 agencies, the Agency for Workforce Innovation, the Department
2 of Education, the Agency for Health Care Administration, the
3 State Youth Advisory Board, Workforce Florida, Inc., the
4 Statewide Guardian Ad Litem Office, foster parents, recipients
5 of Road-to-Independence Program funding, and advocates for
6 foster children. The secretary shall determine the length of
7 the term to be served by each member appointed to the advisory
8 council, which may not exceed 4 years.

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

18 (8) PERSONAL PROPERTY.--Property acquired on behalf of
19 clients of this program shall become the personal property of
20 the clients and is not subject to the requirements of chapter
21 273 relating to state-owned tangible personal property. Such
22 property continues to be subject to applicable federal laws.

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

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

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1 (b) A young adult who has health insurance coverage
 2 from a third party through his or her employer or who is
 3 eligible for Medicaid is not eligible for enrollment under
 4 this subsection.

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

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

16 39.013 Procedures and jurisdiction; right to
 17 counsel.--

18 (2) The circuit court shall have exclusive original
 19 jurisdiction of all proceedings under this chapter, of a child
 20 voluntarily placed with a licensed child-caring agency, a
 21 licensed child-placing agency, or the department, and of the
 22 adoption of children whose parental rights have been
 23 terminated under this chapter. Jurisdiction attaches when the
 24 initial shelter petition, dependency petition, or termination
 25 of parental rights petition is filed or when a child is taken
 26 into the custody of the department. The circuit court may
 27 assume jurisdiction over any such proceeding regardless of
 28 whether the child was in the physical custody of both parents,
 29 was in the sole legal or physical custody of only one parent,
 30 caregiver, or some other person, or was in the physical or
 31 legal custody of no person when the event or condition

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

30 Section 3. Paragraph (a) of subsection (6) of section
31 39.701, Florida Statutes, is amended to read:

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1 39.701 Judicial review.--

2 (6)(a) In addition to paragraphs (1)(a) and (2)(a),
3 the court shall hold a judicial review hearing within 90 days
4 after a youth's 17th birthday. The court shall also issue an
5 order, separate from the order on judicial review, that the
6 disabilities of nonage of the youth have been removed pursuant
7 to s. 743.045. The court ~~and~~ shall continue to hold timely
8 judicial review hearings thereafter. In addition, the court
9 may review the status of the child more frequently during the
10 year prior to the youth's 18th birthday if necessary. At each
11 review held under this subsection, in addition to any
12 information or report provided to the court, the foster
13 parent, legal custodian, guardian ad litem, and the child
14 shall be given the opportunity to address the court with any
15 information relevant to the child's best interests,
16 particularly as it relates to independent living transition
17 services. In addition to any information or report provided to
18 the court, the department shall include in its judicial review
19 social study report written verification that the child:

20 1. Has been provided with a current Medicaid card and
21 has been provided all necessary information concerning the
22 Medicaid program sufficient to prepare the youth to apply for
23 coverage upon reaching age 18, if such application would be
24 appropriate.

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

29 3. Has been provided information relating to Social
30 Security Insurance benefits if the child is eligible for these
31 benefits. If the child has received these benefits and they

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1 are being held in trust for the child, a full accounting of
2 those funds must be provided and the child must be informed
3 about how to access those funds.

4 4. Has been provided with information and training
5 related to budgeting skills, interviewing skills, and
6 parenting skills.

7 5. Has been provided with all relevant information
8 related to the Road-to-Independence Program ~~Scholarship~~,
9 including, but not limited to, eligibility requirements, forms
10 necessary to apply, and assistance in completing the forms.

11 The child shall also be informed that, if he or she is
12 eligible for the Road-to-Independence ~~Scholarship~~ Program, he
13 or she may reside with the licensed foster family or group
14 care provider with whom the child was residing at the time of
15 attaining his or her 18th birthday or may reside in another
16 licensed foster home or with a group care provider arranged by
17 the department.

18 6. Has an open bank account, or has identification
19 necessary to open an account, and has been provided with
20 essential banking skills.

21 7. Has been provided with information on public
22 assistance and how to apply.

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

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

31 10. Has been encouraged to attend all judicial review

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1 hearings occurring after his or her 17th birthday.

2 Section 4. Paragraph (c) of subsection (2) of section
3 1009.25, Florida Statutes, is amended to read:

4 1009.25 Fee exemptions.--

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

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

24 Section 5. Section 743.045, Florida Statutes, is
25 created to read:

26 743.045 Removal of disabilities of minors; executing
27 contracts for a residential lease.--For the sole purpose of
28 ensuring that youth in foster care will be able to execute a
29 contract for the lease of residential property in order that
30 the youth may move into the leased residential property on the
31 day of the youth's 18th birthday, the disability of nonage of

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1 minors is removed for all youth who have reached the age of 17
2 years, who have been adjudicated dependent, and who are in the
3 legal custody of the Department of Children and Family
4 Services through foster care or subsidized independent living.
5 These youth are authorized to make and execute contracts,
6 releases, and all other instruments necessary for the purpose
7 of entering into a contract for the lease of residential
8 property upon the youth's 18th birthday. The contracts or
9 other instruments made by the youth shall have the same effect
10 as though they were the obligations of persons who were not
11 minors. Youth seeking to enter into such lease contracts or
12 execute other necessary instruments that are incidental to
13 entering into a lease must present an order from a court of
14 competent jurisdiction removing the disabilities of nonage of
15 the minor under this section.

16 Section 6. Subsection (4) of section 409.903, Florida
17 Statutes, is amended to read:

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

28 (4) A child who is eligible under Title IV-E of the
29 Social Security Act for subsidized board payments, foster
30 care, or adoption subsidies, and a child for whom the state
31 has assumed temporary or permanent responsibility and who does

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1 not qualify for Title IV-E assistance but is in foster care,
 2 shelter or emergency shelter care, or subsidized adoption.
 3 This category includes any young adult who is eligible to
 4 receive services under s. 409.1451(5), until the young adult
 5 reaches the age of 20, without regard to any income, resource,
 6 or categorical eligibility test that is otherwise required.
 7 This category also includes a person who, as a child ~~who~~ was
 8 eligible under Title IV-E of the Social Security Act for
 9 foster care or the state-provided foster care, ~~who exited~~
 10 ~~foster care due to attaining the age of 18 years,~~ and who is a
 11 participant in the ~~has been awarded a~~ Road-to-Independence
 12 Program Scholarship.

13 Section 7. The sum of \$2,802,522 of recurring funds is
 14 appropriated from the General Revenue Fund and the sum of
 15 \$3,994,766 of recurring funds is appropriated from the Medical
 16 Care Trust Fund to the Agency for Health Care Administration
 17 for the purpose of expanding medical assistance payments to
 18 young adults, until the young adult reaches the age of 20,
 19 during the 2006-2007 fiscal year.

20 Section 8. This act shall take effect July 1, 2006.

21

22

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26

27 and insert:

28

A bill to be entitled

29

An act relating to independent living

30

transition services; amending s. 409.1451,

31

F.S.; revising eligibility requirements for

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

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1 court to issue an order, separate from any
2 other judicial review order, that the
3 disabilities of nonage of the youth have been
4 removed from the youth in foster care; creating
5 s. 743.045, F.S.; removing the disability of
6 nonage for certain youth in the legal custody
7 of the Department of Children and Family
8 Services who are in foster care to enable the
9 youth to execute a contract for the lease of
10 residential property in order that the youth
11 may move into the leased residential property
12 on the day of the youth's 18th birthday;
13 providing specified eligibility criteria;
14 providing for the validity of the contracts;
15 requiring the youth to present an order from a
16 court of competent jurisdiction removing the
17 disability of nonage; amending s. 409.903,
18 F.S.; providing eligibility criteria for
19 certain persons for medical assistance
20 payments; providing an appropriation; providing
21 an effective date.

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