

HB 7173

2006
CS

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the welfare of children; amending s.
7 39.001, F.S.; providing additional purposes of ch. 39,
8 F.S.; revising legislative intent; creating the Office of
9 Child Abuse Prevention within the Executive Office of the
10 Governor; directing the Governor to appoint a director of
11 the office; providing duties and responsibilities of the
12 director; providing procedures for evaluation of child
13 abuse prevention programs; requiring a report to the
14 Governor, Legislature, secretaries of certain state
15 agencies, and certain committees of the Legislature;
16 providing for information to be included in the report;
17 providing for the development and implementation of a
18 state plan for the coordination of child abuse prevention
19 programs and services; establishing a Child Abuse
20 Prevention Advisory Council; providing for membership,
21 duties, and responsibilities; requiring requests for
22 funding to be based on the state plan; providing for
23 review and revision of the state plan; granting rulemaking

Page 1 of 57

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7173-01-c1

HB 7173

2006
CS

24 authority to the Executive Office of the Governor;
25 requiring the Legislature to evaluate the office by a
26 specified date; amending s. 39.0014, F.S.; providing
27 responsibilities of the office under ch. 39, F.S.;
28 amending s. 39.01, F.S.; providing and revising
29 definitions; amending s. 39.202, F.S.; providing access to
30 records for agencies that provide early intervention and
31 prevention services; amending ss. 39.0015 and 39.302,
32 F.S.; conforming cross-references; amending s. 402.164,
33 F.S.; establishing legislative intent for the statewide
34 and local advocacy councils; amending s. 402.165, F.S.;
35 providing guidelines for selection of the executive
36 director of the Florida Statewide Advocacy Council;
37 establishing a process for investigating reports of abuse;
38 revising council meeting requirements; providing
39 requirements for interagency agreements; requiring
40 interagency agreements to be renewed annually and
41 submitted to the Governor by a specified date; amending s.
42 409.1451, F.S., relating to independent living transition
43 services; revising eligibility requirements for certain
44 young adults; revising duties of the Department of
45 Children and Family Services regarding independent living
46 transition services; including additional parties in the
47 review of a child's academic performance; requiring the
48 department or a community-based care lead agency under
49 contract with the department to develop a plan for
50 delivery of such services; requiring additional aftercare
51 support services; providing additional qualifications to

Page 2 of 57

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7173-01-c1

HB 7173

2006
CS

52 receive an award under the Road-to-Independence Program;
53 providing procedures for the payment of awards; requiring
54 collaboration between certain parties in the development
55 of a plan regarding the provision of transitional
56 services; requiring a community-based care lead agency to
57 develop a plan for purchase and delivery of such services
58 and requiring department approval prior to implementation;
59 permitting the Independent Living Services Advisory
60 Council to have access to certain data held by the
61 department and certain agencies; amending s. 409.175,
62 F.S.; revising the definition of the term "boarding
63 school" to require such schools to meet certain standards
64 within a specified timeframe; amending ss. 39.013, 39.701,
65 and 1009.25, F.S.; conforming references to changes made
66 by the act; providing a contingent effective date.

67
68 WHEREAS, in 2002, Florida was among only three other states
69 and the District of Columbia to have the highest national child
70 maltreatment rate, and

71 WHEREAS, during 2002, 142,547 investigations of abuse or
72 neglect, involving 254,856 children, were completed,
73 approximately one-half of which were substantiated or indicated
74 the presence of abuse or neglect, and

75 WHEREAS, a Florida child is abused or neglected every 4
76 minutes and 10,000 Florida children are abused or neglected per
77 month, and

78 WHEREAS, in 2004, according to the Florida Child Abuse
79 Death Review Team, at least 111 Florida children died from abuse

HB 7173

2006
CS

80 or neglect at the hands of their parents or caretakers, an
81 average rate of two dead children each week, and

82 WHEREAS, according to the Centers for Disease Control and
83 Prevention, the cost of failing to prevent child abuse and
84 neglect in 2001 equaled \$94 billion a year nationally, and

85 WHEREAS, the direct costs of failing to prevent child abuse
86 and neglect include the costs associated with the utilization of
87 law enforcement services, the health care system, the mental
88 health system, the child welfare system, and the judicial
89 system, while the indirect costs include the provision of
90 special education and mental health and health care, a rise in
91 the incidence of juvenile delinquency, lost productivity to
92 society, and adult criminality, and

93 WHEREAS, although prevention of child maltreatment will
94 save lives and conserve resources, and despite the potential
95 long-term benefit of preventing child abuse and neglect, only a
96 small percentage of all resources specifically earmarked for
97 child maltreatment in the state are actually devoted to the
98 prevention of child maltreatment, and

99 WHEREAS, the 2005-2006 General Appropriations Act provided
100 a total funding of \$44 million for child abuse prevention and
101 intervention to the Department of Children and Family Services,
102 which amount represents less than 2 percent of the department's
103 budget, and

104 WHEREAS, Healthy Families Florida is a community-based,
105 voluntary home visiting program that received approximately
106 \$28.4 million for the 2005-2006 fiscal year from the Department
107 of Children and Family Services and contracts with 37 community-

HB 7173

2006
CS

108 | based organizations to provide services in targeted high-risk
 109 | areas in 23 counties and to provide services in 30 total
 110 | counties, and

111 | WHEREAS, Healthy Families Florida participants had 20
 112 | percent less child maltreatment than all families in the Healthy
 113 | Families Florida target service areas in spite of the fact that,
 114 | in general, participants are at a significantly higher risk for
 115 | child maltreatment than the overall population, and

116 | WHEREAS, the Department of Children and Family Services,
 117 | the Department of Education, the Department of Health, the
 118 | Department of Juvenile Justice, the Department of Law
 119 | Enforcement, the Agency for Persons with Disabilities, and the
 120 | Agency for Workforce Innovation all have programs that focus on
 121 | primary and secondary prevention of child abuse and neglect, but
 122 | there is no statewide coordination or single state agency
 123 | responsible for oversight of these programs, and

124 | WHEREAS, a statewide coordinated effort would result in
 125 | better communication among agencies and provide for easier
 126 | access and more efficiency in the delivery of abuse and neglect
 127 | services in the communities, NOW, THEREFORE,

128 |

129 | Be It Enacted by the Legislature of the State of Florida:

130 |

131 | Section 1. Subsections (1) and (6) of section 39.001,
 132 | Florida Statutes, are amended, subsections (7) and (8) are
 133 | renumbered as subsections (8) and (9) and amended, present
 134 | subsection (9) is renumbered as subsection (10), and new

HB 7173

2006
CS

135 subsections (7), (11), and (12) are added to that section, to
136 read:

137 39.001 Purposes and intent; personnel standards and
138 screening.--

139 (1) PURPOSES OF CHAPTER.--The purposes of this chapter
140 are:

141 (a) To provide for the care, safety, and protection of
142 children in an environment that fosters healthy social,
143 emotional, intellectual, and physical development; to ensure
144 secure and safe custody; ~~and~~ to promote the health and well-
145 being of all children under the state's care; and to prevent the
146 occurrence of child abuse, neglect, and abandonment.

147 (b) To recognize that most families desire to be competent
148 caregivers and providers for their children and that children
149 achieve their greatest potential when families are able to
150 support and nurture the growth and development of their
151 children. Therefore, the Legislature finds that policies and
152 procedures that provide for prevention and intervention through
153 the department's child protection system should be based on the
154 following principles:

155 1. The health and safety of the children served shall be
156 of paramount concern.

157 2. The prevention and intervention should engage families
158 in constructive, supportive, and nonadversarial relationships.

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

HB 7173

2006
CS

163 4. The prevention and intervention should be based upon
164 outcome evaluation results that demonstrate success in
165 protecting children and supporting families.

166 (c) To provide a child protection system that reflects a
167 partnership between the department, other agencies, and local
168 communities.

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

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

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

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

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

187 (i) To secure for the child, when removal of the child
188 from his or her own family is necessary, custody, care, and
189 discipline as nearly as possible equivalent to that which should
190 have been given by the parents; and to ensure, in all cases in

HB 7173

2006
CS

191 | which a child must be removed from parental custody, that the
192 | child is placed in an approved relative home, licensed foster
193 | home, adoptive home, or independent living program that provides
194 | the most stable and potentially permanent living arrangement for
195 | the child, as determined by the court. All placements shall be
196 | in a safe environment where drugs and alcohol are not abused.

197 | (j) To ensure that, when reunification or adoption is not
198 | possible, the child will be prepared for alternative permanency
199 | goals or placements, to include, but not be limited to, long-
200 | term foster care, independent living, custody to a relative on a
201 | permanent basis with or without legal guardianship, or custody
202 | to a foster parent or legal custodian on a permanent basis with
203 | or without legal guardianship.

204 | (k) To make every possible effort, when two or more
205 | children who are in the care or under the supervision of the
206 | department are siblings, to place the siblings in the same home;
207 | and in the event of permanent placement of the siblings, to
208 | place them in the same adoptive home or, if the siblings are
209 | separated, to keep them in contact with each other.

210 | (l) To provide judicial and other procedures to assure due
211 | process through which children, parents, and guardians and other
212 | interested parties are assured fair hearings by a respectful and
213 | respected court or other tribunal and the recognition,
214 | protection, and enforcement of their constitutional and other
215 | legal rights, while ensuring that public safety interests and
216 | the authority and dignity of the courts are adequately
217 | protected.

HB 7173

2006
CS

218 (m) To ensure that children under the jurisdiction of the
219 courts are provided equal treatment with respect to goals,
220 objectives, services, and case plans, without regard to the
221 location of their placement. It is the further intent of the
222 Legislature that, when children are removed from their homes,
223 disruption to their education be minimized to the extent
224 possible.

225 (n) To create and maintain an integrated prevention
226 framework that enables local communities, state agencies, and
227 organizations to collaborate to implement efficient and properly
228 applied evidence-based child abuse prevention practices.

229 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
230 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
231 child abuse, abandonment, and neglect has increased rapidly over
232 the past 5 years. The impact that abuse, abandonment, or neglect
233 has on the victimized child, siblings, family structure, and
234 inevitably on all citizens of the state has caused the
235 Legislature to determine that the prevention of child abuse,
236 abandonment, and neglect shall be a priority of this state. To
237 further this end, it is the intent of the Legislature that an
238 Office of Child Abuse Prevention be established ~~a comprehensive~~
239 ~~approach for the prevention of abuse, abandonment, and neglect~~
240 ~~of children be developed for the state and that this planned,~~
241 ~~comprehensive approach be used as a basis for funding.~~

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

243 (a) For purposes of establishing a comprehensive statewide
244 approach for the prevention of child abuse, abandonment, and
245 neglect, the Office of Child Abuse Prevention is created within

HB 7173

2006
CS

246 the Executive Office of the Governor. The Governor shall appoint
247 a director for the office who shall be subject to confirmation
248 by the Senate.

249 (b) The director shall:

250 1. Formulate and recommend rules pertaining to
251 implementation of child abuse prevention efforts.

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

255 3. Work to secure funding and other support for the
256 state's child abuse prevention efforts, including, but not
257 limited to, establishing cooperative relationships among state
258 and private agencies.

259 4. Develop a strategic program and funding initiative that
260 links the separate jurisdictional activities of state agencies
261 with respect to child abuse prevention. The office may designate
262 lead and contributing agencies to develop such initiatives.

263 5. Advise the Governor and the Legislature on child abuse
264 trends in this state, the status of current child abuse
265 prevention programs and services, the funding of those programs
266 and services, and the status of the office with regard to the
267 development and implementation of the state child abuse
268 prevention strategy.

269 6. Develop child abuse prevention public awareness
270 campaigns to be implemented throughout the state.

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

HB 7173

2006
CS

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

275 2. Conduct, otherwise provide for, or make available
276 continuing professional education and training in the prevention
277 of child abuse and neglect.

278 3. Work to secure funding in the form of appropriations,
279 gifts, and grants from the state, the Federal Government, and
280 other public and private sources in order to ensure that
281 sufficient funds are available for prevention efforts.

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

284 a. Programs and services for the prevention of child abuse
285 and neglect.

286 b. Training programs for the prevention of child abuse and
287 neglect.

288 c. Multidisciplinary and discipline-specific training
289 programs for professionals with responsibilities affecting
290 children, young adults, and families.

291 5. Monitor, evaluate, and review the development and
292 quality of local and statewide services and programs for the
293 prevention of child abuse and neglect and shall publish and
294 distribute an annual report of its findings on or before January
295 1 of each year to the Governor, the Speaker of the House of
296 Representatives, the President of the Senate, the secretary of
297 each state agency affected by the report, and the appropriate
298 substantive committees of the Legislature. The report shall
299 include:

HB 7173

2006
CS

- 300 | a. A summary of the activities of the office.
- 301 | b. A summary detailing the demographic and geographic
- 302 | characteristics of families served by the prevention programs.
- 303 | c. Recommendations, by state agency, for the further
- 304 | development and improvement of services and programs for the
- 305 | prevention of child abuse and neglect.
- 306 | d. The budget requests and prevention program needs by
- 307 | state agency.

308 | (8)-(7) PLAN FOR COMPREHENSIVE APPROACH.--

309 | (a) The office ~~department~~ shall develop a state plan for

310 | the prevention of abuse, abandonment, and neglect of children

311 | and shall submit the state plan to the Speaker of the House of

312 | Representatives, the President of the Senate, and the Governor

313 | no later than December 31, 2007 ~~January 1, 1983~~. The Department

314 | of Children and Family Services, the Department of Corrections,

315 | the Department of Education, the Department of Health, the

316 | Department of Juvenile Justice, the Department of Law

317 | Enforcement, the Agency for Persons with Disabilities, and the

318 | Agency for Workforce Innovation ~~The Department of Education and~~

319 | ~~the Division of Children's Medical Services Prevention and~~

320 | ~~Intervention of the Department of Health~~ shall participate and

321 | fully cooperate in the development of the state plan at both the

322 | state and local levels. Furthermore, appropriate local agencies

323 | and organizations shall be provided an opportunity to

324 | participate in the development of the state plan at the local

325 | level. Appropriate local groups and organizations shall include,

326 | but not be limited to, community mental health centers; guardian

327 | ad litem programs for children under the circuit court; the

HB 7173

2006
CS

328 school boards of the local school districts; the Florida local
329 advocacy councils; community-based care lead agencies; private
330 or public organizations or programs with recognized expertise in
331 working with child abuse prevention programs for children and
332 families; private or public organizations or programs with
333 recognized expertise in working with children who are sexually
334 abused, physically abused, emotionally abused, abandoned, or
335 neglected and with expertise in working with the families of
336 such children; private or public programs or organizations with
337 expertise in maternal and infant health care; multidisciplinary
338 child protection teams; child day care centers; law enforcement
339 agencies;7 and the circuit courts, when guardian ad litem
340 programs are not available in the local area. The state plan to
341 be provided to the Legislature and the Governor shall include,
342 as a minimum, the information required of the various groups in
343 paragraph (b).

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

346 1. The office shall establish a Child Abuse Prevention
347 Advisory Council composed of representatives from each state
348 agency and appropriate local agencies and organizations
349 specified in paragraph (a). The advisory council shall serve as
350 the research arm of the office and ~~The department shall~~
351 ~~establish an interprogram task force comprised of the Program~~
352 ~~Director for Family Safety, or a designee, a representative from~~
353 ~~the Child Care Services Program Office, a representative from~~
354 ~~the Family Safety Program Office, a representative from the~~
355 ~~Mental Health Program Office, a representative from the~~

HB 7173

2006
CS

356 ~~Substance Abuse Program Office, a representative from the~~
357 ~~Developmental Disabilities Program Office, and a representative~~
358 ~~from the Division of Children's Medical Services Prevention and~~
359 ~~Intervention of the Department of Health. Representatives of the~~
360 ~~Department of Law Enforcement and of the Department of Education~~
361 ~~shall serve as ex officio members of the interprogram task~~
362 ~~force. The interprogram task force shall be responsible for:~~

363 a. Assisting in developing a plan of action for better
364 coordination and integration of the goals, activities, and
365 funding pertaining to the prevention of child abuse,
366 abandonment, and neglect conducted by the office ~~department~~ in
367 order to maximize staff and resources at the state level. The
368 plan of action shall be included in the state plan.

369 b. Assisting in providing a basic format to be utilized by
370 the districts in the preparation of local plans of action in
371 order to provide for uniformity in the district plans and to
372 provide for greater ease in compiling information for the state
373 plan.

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

376 d. Assisting in examining the local plans to determine if
377 all the requirements of the local plans have been met and, if
378 they have not, informing the districts of the deficiencies and
379 requesting the additional information needed.

380 e. Assisting in preparing the state plan for submission to
381 the Legislature and the Governor. Such preparation shall include
382 the incorporation into the state plan ~~collapsing~~ of information
383 obtained from the local plans, the cooperative plans with the

HB 7173

2006
CS

384 members of the advisory council ~~Department of Education~~, and the
385 plan of action for coordination and integration of state
386 departmental activities ~~into one comprehensive plan~~. The state
387 ~~comprehensive~~ plan shall include a section reflecting general
388 conditions and needs, an analysis of variations based on
389 population or geographic areas, identified problems, and
390 recommendations for change. In essence, the state plan shall
391 provide an analysis and summary of each element of the local
392 plans to provide a statewide perspective. The state plan shall
393 also include each separate local plan of action.

394 f. Conducting a feasibility study on the establishment of
395 a Children's Cabinet.

396 g.f. Working with the specified state agency in fulfilling
397 the requirements of subparagraphs 2., 3., 4., and 5.

398 2. The office, the department, the Department of
399 Education, and the Department of Health shall work together in
400 developing ways to inform and instruct parents of school
401 children and appropriate district school personnel in all school
402 districts in the detection of child abuse, abandonment, and
403 neglect and in the proper action that should be taken in a
404 suspected case of child abuse, abandonment, or neglect, and in
405 caring for a child's needs after a report is made. The plan for
406 accomplishing this end shall be included in the state plan.

407 3. The office, the department, the Department of Law
408 Enforcement, and the Department of Health shall work together in
409 developing ways to inform and instruct appropriate local law
410 enforcement personnel in the detection of child abuse,
411 abandonment, and neglect and in the proper action that should be

HB 7173

2006
CS

412 taken in a suspected case of child abuse, abandonment, or
413 neglect.

414 4. Within existing appropriations, the office ~~department~~
415 shall work with other appropriate public and private agencies to
416 emphasize efforts to educate the general public about the
417 problem of and ways to detect child abuse, abandonment, and
418 neglect and in the proper action that should be taken in a
419 suspected case of child abuse, abandonment, or neglect. The plan
420 for accomplishing this end shall be included in the state plan.

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

433 6. Each district of the department shall develop a plan
434 for its specific geographical area. The plan developed at the
435 district level shall be submitted to the advisory council
436 ~~interprogram task force~~ for utilization in preparing the state
437 plan. The district local plan of action shall be prepared with
438 the involvement and assistance of the local agencies and
439 organizations listed in this paragraph ~~(a)~~, as well as

Page 16 of 57

HB 7173

2006
CS

440 | representatives from those departmental district offices
441 | participating in the treatment and prevention of child abuse,
442 | abandonment, and neglect. In order to accomplish this, the
443 | office ~~district administrator in each district~~ shall establish a
444 | task force on the prevention of child abuse, abandonment, and
445 | neglect. The office ~~district administrator~~ shall appoint the
446 | members of the task force in accordance with the membership
447 | requirements of this section. The office ~~In addition, the~~
448 | ~~district administrator shall ensure that each subdistrict is~~
449 | ~~represented on the task force; and, if the district does not~~
450 | ~~have subdistricts, the district administrator~~ shall ensure that
451 | both urban and rural areas are represented on the task force.
452 | The task force shall develop a written statement clearly
453 | identifying its operating procedures, purpose, overall
454 | responsibilities, and method of meeting responsibilities. The
455 | district plan of action to be prepared by the task force shall
456 | include, but shall not be limited to:

457 | a. Documentation of the magnitude of the problems of child
458 | abuse, including sexual abuse, physical abuse, and emotional
459 | abuse, and child abandonment and neglect in its geographical
460 | area.

461 | b. A description of programs currently serving abused,
462 | abandoned, and neglected children and their families and a
463 | description of programs for the prevention of child abuse,
464 | abandonment, and neglect, including information on the impact,
465 | cost-effectiveness, and sources of funding of such programs.

466 | c. A continuum of programs and services necessary for a
467 | comprehensive approach to the prevention of all types of child

HB 7173

2006
CS

468 | abuse, abandonment, and neglect as well as a brief description
469 | of such programs and services.

470 | d. A description, documentation, and priority ranking of
471 | local needs related to child abuse, abandonment, and neglect
472 | prevention based upon the continuum of programs and services.

473 | e. A plan for steps to be taken in meeting identified
474 | needs, including the coordination and integration of services to
475 | avoid unnecessary duplication and cost, and for alternative
476 | funding strategies for meeting needs through the reallocation of
477 | existing resources, utilization of volunteers, contracting with
478 | local universities for services, and local government or private
479 | agency funding.

480 | f. A description of barriers to the accomplishment of a
481 | comprehensive approach to the prevention of child abuse,
482 | abandonment, and neglect.

483 | g. Recommendations for changes that can be accomplished
484 | only at the state program level or by legislative action.

485 | ~~(9)(8)~~ FUNDING AND SUBSEQUENT PLANS.--

486 | (a) All budget requests submitted by the office, the
487 | department, the Department of Health, the Department of
488 | Education, the Department of Juvenile Justice, the Department of
489 | Corrections, the Agency for Persons with Disabilities, the
490 | Agency for Workforce Innovation, or any other agency to the
491 | Legislature for funding of efforts for the prevention of child
492 | abuse, abandonment, and neglect shall be based on the state plan
493 | developed pursuant to this section.

494 | (b) The office ~~department at the state and district levels~~
495 | and the other agencies and organizations listed in paragraph

HB 7173

2006
CS

496 | (8) (a) ~~(7) (a)~~ shall readdress the state plan and make necessary
497 | revisions every 5 years, at a minimum. Such revisions shall be
498 | submitted to the Speaker of the House of Representatives and the
499 | President of the Senate no later than June 30 of each year
500 | divisible by 5. At least biennially, the office shall review the
501 | state plan and make any necessary revisions based on changing
502 | needs and program evaluation results. An annual progress report
503 | shall be submitted to update the state plan in the years between
504 | the 5-year intervals. In order to avoid duplication of effort,
505 | these required plans may be made a part of or merged with other
506 | plans required by either the state or Federal Government, so
507 | long as the portions of the other state or Federal Government
508 | plan that constitute the state plan for the prevention of child
509 | abuse, abandonment, and neglect are clearly identified as such
510 | and are provided to the Speaker of the House of Representatives
511 | and the President of the Senate as required above.

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

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

519 | Section 2. Section 39.0014, Florida Statutes, is amended
520 | to read:

521 | 39.0014 Responsibilities of public agencies.--All state,
522 | county, and local agencies shall cooperate, assist, and provide
523 | information to the Office of Child Abuse Prevention ~~department~~

HB 7173

2006
CS

524 as will enable it to fulfill its responsibilities under this
525 chapter.

526 Section 3. Paragraph (b) of subsection (3) of section
527 39.0015, Florida Statutes, is amended to read:

528 39.0015 Child abuse prevention training in the district
529 school system.--

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

531 (b) "Child abuse" means those acts as defined in ss.
532 39.01(1), (2), (30), (43), (45), (53)~~(52)~~, and (64)~~(63)~~, 827.04,
533 and 984.03(1), (2), and (37).

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

538 39.01 Definitions.--When used in this chapter, unless the
539 context otherwise requires:

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

543 (47) "Office" means the Office of Child Abuse Prevention
544 within the Executive Office of the Governor.

545 (48)~~(47)~~ "Other person responsible for a child's welfare"
546 includes the child's legal guardian, legal custodian, or foster
547 parent; an employee of any ~~a private~~ school, public or private
548 child day care center, residential home, institution, facility,
549 or agency; or any other person legally responsible for the
550 child's welfare in a residential setting; and also includes an
551 adult sitter or relative entrusted with a child's care. For the

HB 7173

2006
CS

552 | purpose of departmental investigative jurisdiction, this
553 | definition does not include law enforcement officers, or
554 | employees of municipal or county detention facilities or the
555 | Department of Corrections, while acting in an official capacity.

556 | Section 5. Paragraph (a) of subsection (2) of section
557 | 39.202, Florida Statutes, is amended to read:

558 | 39.202 Confidentiality of reports and records in cases of
559 | child abuse or neglect.--

560 | (2) Except as provided in subsection (4), access to such
561 | records, excluding the name of the reporter which shall be
562 | released only as provided in subsection (5), shall be granted
563 | only to the following persons, officials, and agencies:

564 | (a) Employees, authorized agents, or contract providers of
565 | the department, the Department of Health, or county agencies
566 | responsible for carrying out:

- 567 | 1. Child or adult protective investigations;
568 | 2. Ongoing child or adult protective services;
569 | 3. Early intervention and prevention services;

570 | ~~4.3.~~ Healthy Start services; ~~or~~

571 | ~~5.4.~~ Licensure or approval of adoptive homes, foster
572 | homes, or child care facilities, or family day care homes or
573 | informal child care providers who receive subsidized child care
574 | funding, or other homes used to provide for the care and welfare
575 | of children; ~~or.~~

576 | ~~6.5.~~ Services for victims of domestic violence when
577 | provided by certified domestic violence centers working at the
578 | department's request as case consultants or with shared clients.

579 |

HB 7173

2006
CS

580 Also, employees or agents of the Department of Juvenile Justice
581 responsible for the provision of services to children, pursuant
582 to chapters 984 and 985.

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

585 39.302 Protective investigations of institutional child
586 abuse, abandonment, or neglect.--

587 (1) The department shall conduct a child protective
588 investigation of each report of institutional child abuse,
589 abandonment, or neglect. Upon receipt of a report that alleges
590 that an employee or agent of the department, or any other entity
591 or person covered by s. 39.01(31) or (48)~~(47)~~, acting in an
592 official capacity, has committed an act of child abuse,
593 abandonment, or neglect, the department shall initiate a child
594 protective investigation within the timeframe established by the
595 central abuse hotline pursuant to s. 39.201(5) and orally notify
596 the appropriate state attorney, law enforcement agency, and
597 licensing agency. These agencies shall immediately conduct a
598 joint investigation, unless independent investigations are more
599 feasible. When conducting investigations onsite or having face-
600 to-face interviews with the child, such investigation visits
601 shall be unannounced unless it is determined by the department
602 or its agent that such unannounced visits would threaten the
603 safety of the child. When a facility is exempt from licensing,
604 the department shall inform the owner or operator of the
605 facility of the report. Each agency conducting a joint
606 investigation shall be entitled to full access to the
607 information gathered by the department in the course of the

Page 22 of 57

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7173-01-c1

HB 7173

2006
CS

608 investigation. A protective investigation must include an onsite
609 visit of the child's place of residence. In all cases, the
610 department shall make a full written report to the state
611 attorney within 3 working days after making the oral report. A
612 criminal investigation shall be coordinated, whenever possible,
613 with the child protective investigation of the department. Any
614 interested person who has information regarding the offenses
615 described in this subsection may forward a statement to the
616 state attorney as to whether prosecution is warranted and
617 appropriate. Within 15 days after the completion of the
618 investigation, the state attorney shall report the findings to
619 the department and shall include in such report a determination
620 of whether or not prosecution is justified and appropriate in
621 view of the circumstances of the specific case.

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

624 402.164 Legislative intent; definitions.--

625 (1) (a) It is the intent of the Legislature to use citizen
626 volunteers as members of the Florida Statewide Advocacy Council
627 and the Florida local advocacy councils, and to have volunteers
628 operate a network of councils that shall, without interference
629 by an executive agency, undertake to discover, monitor,
630 investigate, and determine the presence of conditions or
631 individuals that constitute a threat to the rights, health,
632 safety, or welfare of persons who receive services from state
633 agencies.

634 (b) It is the further intent of the Legislature that the
635 monitoring and investigation shall safeguard the health, safety,

HB 7173

2006
CS

636 and welfare of consumers of services provided by these state
637 agencies.

638 (c) It is the further intent of the Legislature that state
639 agencies cooperate with the councils in forming interagency
640 agreements to provide the councils with authorized client
641 records so that the councils may monitor services and
642 investigate claims.

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

645 402.165 Florida Statewide Advocacy Council; confidential
646 records and meetings.--

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

650 (b) The Governor shall select an executive director who
651 shall serve at the pleasure of the Governor and shall perform
652 the duties delegated to him or her by the council. The
653 compensation of the executive director and staff shall be
654 established in accordance with the rules of the Selected Exempt
655 Service. The Governor shall give priority consideration in the
656 selection of an executive director to an individual with
657 professional expertise in research design, statistical analysis,
658 or agency evaluation and analysis.

659 (c) The council may apply for, receive, and accept grants,
660 gifts, donations, bequests, and other payments including money
661 or property, real or personal, tangible or intangible, and
662 service from any governmental or other public or private entity
663 or person and make arrangements as to the use of same.

HB 7173

2006
CS

664 (d) The statewide council shall annually prepare a budget
665 request that, after it is approved by the council, shall be
666 submitted to the Governor. The budget shall include a request
667 for funds to carry out the activities of the statewide council
668 and the local councils.

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

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

675 (b) Monitoring, by site visit and through access to
676 records, the delivery and use of services, programs, or
677 facilities operated, funded, or contracted by any state agency
678 that provides client services, for the purpose of preventing
679 abuse or deprivation of the constitutional and human rights of
680 clients. The statewide council may conduct an unannounced site
681 visit or monitoring visit that involves the inspection of
682 records if the visit is conditioned upon a complaint. A
683 complaint may be generated by the council itself, after
684 consulting with the Governor's office, if information from any
685 state agency that provides client services or from other sources
686 indicates a situation at the program or facility that indicates
687 possible abuse or neglect or deprivation of the constitutional
688 and human rights of clients. The statewide council shall
689 establish and follow uniform criteria for the review of
690 information and generation of complaints. The statewide council
691 shall develop a written protocol for all complaints it generates

HB 7173

2006
CS

692 | to provide the Governor's office with information including the
693 | nature of the abuse or neglect, the agencies involved, the
694 | populations or numbers of individuals affected, the types of
695 | records necessary to complete the investigation, and a strategy
696 | for approaching the problem. Routine program monitoring and
697 | reviews that do not require an examination of records may be
698 | made unannounced.

699 | (c) Receiving, investigating, and resolving reports of
700 | abuse or deprivation of constitutional and human rights referred
701 | to the statewide council by a local council. If a matter
702 | constitutes a threat to the life, safety, or health of clients
703 | or is multiservice-area in scope, the statewide council may
704 | exercise its powers without the necessity of a referral from a
705 | local council.

706 | (d) Reviewing existing programs or services and new or
707 | revised programs of the state agencies that provide client
708 | services and making recommendations as to how the rights of
709 | clients are affected.

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

714 | (f) Conducting meetings at least one time ~~six times~~ a year
715 | at the call of the chair and at other times at the call of the
716 | Governor or by written request of eight ~~six~~ members of the
717 | council including the executive director.

HB 7173

2006
CS

718 (g) Developing and adopting uniform procedures to be used
719 to carry out the purpose and responsibilities of the statewide
720 council and the local councils.

721 (h) Supervising the operations of the local councils and
722 monitoring the performance and activities of all local councils
723 and providing technical assistance to members of local councils.

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

726 (j) Developing and maintaining interagency agreements
727 between the council and the state agencies providing client
728 services. The interagency agreements shall address the
729 coordination of efforts and identify the roles and
730 responsibilities of the statewide and local councils and each
731 agency in fulfillment of their responsibilities, including
732 access to records. The interagency agreements shall explicitly
733 define a process that the statewide and local councils shall use
734 to request records from the agency and shall define a process
735 for appeal when disputes about access to records arise between
736 staff and council members. Interagency agreements shall be
737 renewed annually and shall be completed and reported to the
738 Governor no later than February 1.

739 Section 9. Section 409.1451, Florida Statutes, is amended
740 to read:

741 409.1451 Independent living transition services.--

742 (1) SYSTEM OF SERVICES.--

743 (a) The Department of Children and Family Services, its
744 agents, or community-based providers operating pursuant to s.
745 409.1671 shall administer a system of independent living

HB 7173

2006
CS

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

749 (b) The goals of independent living transition services
750 are to assist older children in foster care and young adults who
751 were formerly in foster care to obtain life skills and education
752 for independent living and employment, to have a quality of life
753 appropriate for their age, and to assume personal responsibility
754 for becoming self-sufficient adults.

755 (c) State funds for foster care or federal funds shall be
756 used to establish a continuum of services for eligible children
757 in foster care and eligible young adults who were formerly in
758 foster care which accomplish the goals for the system of
759 independent living transition services by providing services for
760 foster children, pursuant to subsection (4), and services for
761 young adults who were formerly in foster care, pursuant to
762 subsection (5).

763 (d) For children in foster care, independent living
764 transition services are not an alternative to adoption.
765 Independent living transition services may occur concurrently
766 with continued efforts to locate and achieve placement in
767 adoptive families for older children in foster care.

768 (2) ELIGIBILITY.--

769 (a) The department shall serve children who have reached
770 13 years of age but are not yet 18 years of age and who are in
771 foster care by providing services pursuant to subsection (4).
772 Children to be served must meet the eligibility requirements set
773 forth for specific services as provided in this section.

HB 7173

2006
CS

774 (b) The department shall serve young adults who have
775 reached 18 years of age or were placed with a court-approved
776 nonrelative or guardian after reaching 16 years of age and have
777 spent a minimum of 6 months in foster care ~~but are not yet 23~~
778 ~~years of age and who were in foster care when they turned 18~~
779 ~~years of age~~ by providing services pursuant to subsection (5).
780 Young adults are not entitled to be served but must meet the
781 eligibility requirements set forth for specific services in this
782 section.

783 (3) PREPARATION FOR INDEPENDENT LIVING.--

784 (a) It is the intent of the Legislature for the Department
785 of Children and Family Services to assist older children in
786 foster care and young adults who exit foster care at age 18 in
787 making the transition to independent living and self-sufficiency
788 as adults. The department shall provide such children and young
789 adults with opportunities to participate in life skills
790 activities in their foster families and communities which are
791 reasonable and appropriate for their respective ages or for any
792 special needs they may have, and shall provide them with
793 services to build life ~~the~~ skills and increase their ability to
794 live independently and become self-sufficient. To support the
795 provision of opportunities for participation in age-appropriate
796 life skills activities, the department shall:

797 1. Develop a list of age-appropriate activities and
798 responsibilities to be offered to all children involved in
799 independent living transition services and their foster parents.

800 2. Provide training for staff and foster parents to
801 address the issues of older children in foster care in

HB 7173

2006
CS

802 | transitioning to adulthood, which shall include information on
803 | high school completion, grant applications, vocational school
804 | opportunities, supporting education and employment
805 | opportunities, and ~~providing~~ opportunities to participate in
806 | appropriate daily activities.

807 | 3. Develop procedures to maximize the authority of foster
808 | parents or caregivers to approve participation in age-
809 | appropriate activities of children in their care. The age-
810 | appropriate activities and the authority of the foster parent or
811 | caregiver shall be developed into a written plan that the foster
812 | parent or caregiver, the child, and the case manager all develop
813 | together, sign, and follow. This plan must include specific
814 | goals and objectives and be reviewed and updated no less than
815 | quarterly.

816 | 4. Provide opportunities for older children in foster care
817 | to interact with mentors.

818 | 5. Develop and implement procedures for older children to
819 | directly access and manage the personal allowance they receive
820 | from the department in order to learn responsibility and
821 | participate in age-appropriate life skills activities to the
822 | extent feasible.

823 | 6. Make a good faith effort to fully explain, prior to
824 | execution of any signature, if required, any document, report,
825 | form, or other record, whether written or electronic, presented
826 | to a child or young adult pursuant to this chapter and allow for
827 | the recipient to ask any appropriate questions necessary to
828 | fully understand the document. It shall be the responsibility of

HB 7173

2006
CS

829 | the person presenting the document to the child or young adult
830 | to comply with this subparagraph.

831 | (b) It is further the intent of the Legislature that each
832 | child in foster care, his or her foster parents, if applicable,
833 | and the department or community-based provider set early
834 | achievement and career goals for the child's postsecondary
835 | educational and work experience. The department and community-
836 | based providers shall implement the model set forth in this
837 | paragraph to help ensure that children in foster care are ready
838 | for postsecondary education and the workplace.

839 | 1. For children in foster care who have reached 13 years
840 | of age, entering the 9th grade, their foster parents, and the
841 | department or community-based provider shall ensure that the
842 | child's case plan includes an educational and career path be
843 | active participants in choosing a post high school goal based
844 | upon both the abilities and interests of each child. The child,
845 | the foster parents, and a teacher or other school staff member
846 | shall be included to the fullest extent possible in developing
847 | the path. The path shall be reviewed at each judicial hearing as
848 | part of the case plan and goal shall accommodate the needs of
849 | children served in exceptional education programs to the extent
850 | appropriate for each individual. Such children may continue to
851 | follow the courses outlined in the district school board student
852 | progression plan. Children in foster care, with the assistance
853 | of their foster parents, and the department or community-based
854 | provider shall choose one of the following postsecondary goals:
855 | a. Attending a 4-year college or university, a community
856 | college plus university, or a military academy;

Page 31 of 57

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7173-01-c1

HB 7173

2006
CS

- 857 b. Receiving a 2-year postsecondary degree;
- 858 c. Attaining a postsecondary career and technical
859 certificate or credential; or
- 860 d. Beginning immediate employment, including
861 apprenticeship, after completion of a high school diploma or its
862 equivalent, or enlisting in the military.
- 863 2. In order to assist the child in foster care in
864 achieving his or her chosen goal, the department or community-
865 based provider shall, with the participation of the child and
866 foster parents, identify:
- 867 a. The core courses necessary to qualify for a chosen
868 goal.
- 869 b. Any elective courses which would provide additional
870 help in reaching a chosen goal.
- 871 c. The grade point requirement and any additional
872 information necessary to achieve a specific goal.
- 873 d. A teacher, other school staff member, employee of the
874 department or community-based care provider, or community
875 volunteer who would be willing to work with the child as an
876 academic advocate or mentor if foster parent involvement is
877 insufficient or unavailable.
- 878 3. In order to complement educational goals, the
879 department and community-based providers are encouraged to form
880 partnerships with the business community to support internships,
881 apprenticeships, or other work-related opportunities.
- 882 4. The department and community-based providers shall
883 ensure that children in foster care and their foster parents are
884 made aware of the postsecondary goals available and shall assist

HB 7173

2006
CS

885 | in identifying the coursework necessary to enable the child to
886 | reach the chosen goal.

887 | (c) All children in foster care and young adults formerly
888 | in foster care are encouraged to take part in learning
889 | opportunities that result from participation in community
890 | service activities.

891 | (d) Children in foster care and young adults formerly in
892 | foster care shall be provided with the opportunity to change
893 | from one postsecondary goal to another, and each postsecondary
894 | goal shall allow for changes in each individual's needs and
895 | preferences. Any change, particularly a change that will result
896 | in additional time required to achieve a goal, shall be made
897 | with the guidance and assistance of the department or community-
898 | based provider.

899 | (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The department
900 | shall provide the following transition to independence services
901 | to children in foster care who meet prescribed conditions and
902 | are determined eligible by the department. The service
903 | categories available to children in foster care which facilitate
904 | successful transition into adulthood are:

905 | (a) Preindependent living services.--

906 | 1. Preindependent living services include, but are not
907 | limited to, life skills training, educational field trips, and
908 | conferences. The specific services to be provided to a child
909 | shall be determined using a preindependent living assessment.

910 | 2. A child who has reached 13 years of age but is not yet
911 | 15 years of age who is in foster care is eligible for such
912 | services.

HB 7173

2006
CS

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

920 4. At the first annual staffing that occurs following a
921 child's 14th birthday, and at each subsequent staffing, the
922 department or community-based provider shall ensure that the
923 child's case plan includes an educational and career path based
924 upon both the abilities and interests of each child and shall
925 provide to each child detailed personalized information on
926 services provided by the Road-to-Independence ~~Scholarship~~
927 Program, including requirements for eligibility; on other
928 grants, scholarships, and waivers that are available and should
929 be sought by the child with assistance from the department,
930 including, but not limited to, the Bright Futures Scholarship
931 Program, as provided in ss. 1009.53-1009.538; on application
932 deadlines; and on grade requirements for such programs.

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

938 (b) Life skills services.--

939 1. Life skills services may include, but are not limited
940 to, independent living skills training, including training to

HB 7173

2006
CS

941 develop banking and budgeting skills, interviewing skills,
942 parenting skills, and time management or organizational skills,
943 educational support, employment training, and counseling.
944 Children receiving these services should also be provided with
945 information related to social security insurance benefits and
946 public assistance. The specific services to be provided to a
947 child shall be determined using an independent life skills
948 assessment.

949 2. A child who has reached 15 years of age but is not yet
950 18 years of age who is in foster care is eligible for such
951 services.

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

959 4. The department shall provide to each child in foster
960 care during the calendar month following the child's 17th
961 birthday an independent living assessment to determine the
962 child's skills and abilities to live independently and become
963 self-sufficient. Based on the results of the independent living
964 assessment, services and training shall be provided in order for
965 the child to develop the necessary skills and abilities prior to
966 the child's 18th birthday.

967 5. Information related to both the independent life skills
968 assessment and all staffings, which shall be reduced to writing

HB 7173

2006
CS

969 and signed by the child participant, shall be included as a part
970 of the written report required to be provided to the court at
971 each judicial review held pursuant to s. 39.701.

972 (c) Subsidized independent living services.--

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

977 2. A child who has reached 16 years of age but is not yet
978 18 years of age is eligible for such services if he or she:

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

984 b. Is able to demonstrate independent living skills, as
985 determined by the department, using established procedures and
986 assessments.

987 3. Independent living arrangements established for a child
988 must be part of an overall plan leading to the total
989 independence of the child from the department's supervision. The
990 plan must include, but need not be limited to, a description of
991 the skills of the child and a plan for learning additional
992 identified skills; the behavior that the child has exhibited
993 which indicates an ability to be responsible and a plan for
994 developing additional responsibilities, as appropriate; a plan
995 for future educational, vocational, and training skills; present
996 financial and budgeting capabilities and a plan for improving

HB 7173

2006
CS

997 resources and ability; a description of the proposed residence;
998 documentation that the child understands the specific
999 consequences of his or her conduct in the independent living
1000 program; documentation of proposed services to be provided by
1001 the department and other agencies, including the type of service
1002 and the nature and frequency of contact; and a plan for
1003 maintaining or developing relationships with the family, other
1004 adults, friends, and the community, as appropriate.

1005 4. Subsidy payments in an amount established by the
1006 department may be made directly to a child under the direct
1007 supervision of a caseworker or other responsible adult approved
1008 by the department.

1009 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
1010 CARE.--Based on the availability of funds, the department shall
1011 provide or arrange for the following services to young adults
1012 formerly in foster care who meet the prescribed conditions and
1013 are determined eligible by the department. The department, or a
1014 community-based care lead agency when the agency is under
1015 contract with the department to provide the services described
1016 under this subsection, shall develop a plan to implement those
1017 services. A plan shall be developed for each community-based
1018 care service area in the state. Each plan that is developed by a
1019 community-based care lead agency shall be submitted to the
1020 department. Each plan shall include the number of young adults
1021 to be served each month of the fiscal year and specify the
1022 number of young adults who will reach 18 years of age who will
1023 be eligible for the plan and the number of young adults who will
1024 reach 23 years of age and will be ineligible for the plan or who

HB 7173

2006
CS

1025 are otherwise ineligible during each month of the fiscal year;
 1026 staffing requirements and all related costs to administer the
 1027 services and program; expenditures to or on behalf of the
 1028 eligible recipients; costs of services provided to young adults
 1029 through an approved plan for housing, transportation, and
 1030 employment; reconciliation of these expenses and any additional
 1031 related costs with the funds allocated for these services; and
 1032 an explanation of and a plan to resolve any shortages or
 1033 surpluses in order to end the fiscal year with a balanced
 1034 budget. The categories of services available to assist a young
 1035 adult formerly in foster care to achieve independence are:
 1036 (a) Aftercare support services.--
 1037 1. Aftercare support services are available to assist
 1038 young adults who were formerly in foster care in their efforts
 1039 to continue to develop the skills and abilities necessary for
 1040 independent living. The aftercare support services available
 1041 include, but are not limited to, the following:
 1042 a. Mentoring and tutoring.
 1043 b. Mental health services and substance abuse counseling.
 1044 c. Life skills classes, including credit management and
 1045 preventive health activities.
 1046 d. Parenting classes.
 1047 e. Job and career skills training.
 1048 f. Counselor consultations.
 1049 g. Temporary financial assistance.
 1050 h. Financial literacy skills training.
 1051

HB 7173

2006
CS

1052 The specific services to be provided under this subparagraph
1053 shall be determined by an aftercare services assessment and may
1054 be provided by the department or through referrals in the
1055 community.

1056 2. Temporary assistance provided to prevent homelessness
1057 shall be provided as expeditiously as possible and within the
1058 limitations defined by the department.

1059 ~~3.2-~~ A young adult who has reached 18 years of age but is
1060 not yet 23 years of age who leaves foster care at 18 years of
1061 age but who requests services prior to reaching 23 years of age
1062 is eligible for such services.

1063 (b) Road-to-Independence ~~Scholarship~~ Program.--

1064 1. The Road-to-Independence ~~Scholarship~~ Program is
1065 intended to help eligible students who are former foster
1066 children in this state to receive the educational and vocational
1067 training needed to achieve independence. The amount of the award
1068 shall be based on the living and educational needs of the young
1069 adult and may be up to, but may not exceed, the amount of
1070 earnings that the student would have been eligible to earn
1071 working a 40-hour-a-week federal minimum wage job.

1072 2. A young adult who has reached 18 years of age but is
1073 not yet 21 years of age is eligible for the initial award, and a
1074 young adult under 23 years of age is eligible for renewal
1075 awards, if he or she:

1076 a. Was a dependent child, under chapter 39, and was living
1077 in licensed foster care or in subsidized independent living at
1078 the time of his or her 18th birthday or is currently in licensed
1079 foster care or subsidized independent living, was adopted from

HB 7173

2006
CS

1080 foster care after reaching 16 years of age, or, after spending
 1081 at least 6 months in the custody of the department after
 1082 reaching 16 years of age, was placed in a guardianship by the
 1083 court;

1084 b. Spent at least 6 months living in foster care before
 1085 reaching his or her 18th birthday;

1086 c. Is a resident of this state as defined in s. 1009.40;
 1087 and

1088 d. Meets one of the following qualifications:

1089 (I) Has earned a standard high school diploma or its
 1090 equivalent as described in s. 1003.43 or s. 1003.435, or has
 1091 earned a special diploma or special certificate of completion as
 1092 described in s. 1003.438, and has been admitted for full-time
 1093 enrollment in an eligible postsecondary education institution as
 1094 defined in s. 1009.533;

1095 (II) Is enrolled full time in an accredited high school;
 1096 or

1097 (III) Is enrolled full time in an accredited adult
 1098 education program designed to provide the student with a high
 1099 school diploma or its equivalent.

1100 3. A young adult applying for the ~~a~~ Road-to-Independence
 1101 Program Scholarship must apply for any other grants and
 1102 scholarships for which he or she may qualify. The department
 1103 shall assist the young adult in the application process and may
 1104 use the federal financial aid grant process to determine the
 1105 funding needs of the young adult.

1106 4. An award shall be available to a young adult who is
 1107 considered a full-time student or its equivalent by the

HB 7173

2006
CS

1108 | educational institution in which he or she is enrolled, unless
1109 | that young adult has a recognized disability preventing full-
1110 | time attendance. The amount of the award, whether it is being
1111 | used by a young adult working toward completion of a high school
1112 | diploma or its equivalent or working toward completion of a
1113 | postsecondary education program, shall be determined based on an
1114 | assessment of the funding needs of the young adult. This
1115 | assessment must consider the young adult's living and
1116 | educational costs and other grants, scholarships, waivers,
1117 | earnings, and other income to be received by the young adult. An
1118 | award shall be available only to the extent that other grants
1119 | and scholarships are not sufficient to meet the living and
1120 | educational needs of the young adult, but an award may not be
1121 | less than \$25 in order to maintain Medicaid eligibility for the
1122 | young adult as provided in s. 409.903.

1123 | 5.a. The department must advertise the criteria,
1124 | application procedures, and availability of the program to:

1125 | (I) Children and young adults in, leaving, or formerly in
1126 | foster care.

1127 | (II) Case managers.

1128 | (III) Guidance and family services counselors.

1129 | (IV) Principals or other relevant school administrators

1130 | ~~and must ensure that the children and young adults leaving~~
1131 | ~~foster care, foster parents, or family services counselors are~~
1132 | ~~informed of the availability of the program and the application~~
1133 | ~~procedures.~~

1134 | b. A young adult must apply for the initial award during
1135 | the 6 months immediately preceding his or her 18th birthday, and

HB 7173

2006
CS

1136 the department shall provide assistance with the application
1137 process. A young adult who fails to make an initial application,
1138 but who otherwise meets the criteria for an initial award, may
1139 make one application for the initial award if the application is
1140 made before the young adult's 21st birthday. If the young adult
1141 does not apply for an initial award before his or her 18th
1142 birthday, the department shall inform that young adult of the
1143 opportunity to apply before turning 21 years of age.

1144 c. ~~If funding for the program is available,~~ The department
1145 shall issue awards from the ~~scholarship~~ program for each young
1146 adult who meets all the requirements of the program to the
1147 extent funding is available.

1148 d. An award shall be issued at the time the eligible
1149 student reaches 18 years of age.

1150 e. A young adult who is eligible for the Road-to-
1151 Independence Program, transitional support services, or
1152 aftercare services and who so desires shall be allowed to reside
1153 with the licensed foster family or group care provider with whom
1154 he or she was residing at the time of attaining his or her 18th
1155 birthday or to reside in another licensed foster home or with a
1156 group care provider arranged by the department.

1157 f. If the award recipient transfers from one eligible
1158 institution to another and continues to meet eligibility
1159 requirements, the award must be transferred with the recipient.

1160 g. ~~Scholarship~~ Funds awarded to any eligible young adult
1161 under this program are in addition to any other services or
1162 funds provided to the young adult by the department through

HB 7173

2006
CS

1163 | transitional support services or aftercare services ~~its~~
1164 | ~~independent living transition services.~~

1165 | h. The department shall provide information concerning
1166 | young adults receiving funding through the Road-to-Independence
1167 | Program Scholarship to the Department of Education for inclusion
1168 | in the student financial assistance database, as provided in s.
1169 | 1009.94.

1170 | i. ~~Scholarship~~ Funds are intended to help eligible young
1171 | adults ~~students~~ who are former foster children in this state to
1172 | receive the educational and vocational training needed to become
1173 | independent and self-supporting. The funds shall be terminated
1174 | when the young adult has attained one of four postsecondary
1175 | goals under subsection (3) or reaches 23 years of age, whichever
1176 | occurs earlier. In order to initiate postsecondary education, to
1177 | allow for a change in career goal, or to obtain additional
1178 | skills in the same educational or vocational area, a young adult
1179 | may earn no more than two diplomas, certificates, or
1180 | credentials. A young adult attaining an associate of arts or
1181 | associate of science degree shall be permitted to work toward
1182 | completion of a bachelor of arts or a bachelor of science degree
1183 | or an equivalent undergraduate degree. Road-to-Independence
1184 | Program Scholarship funds may not be used for education or
1185 | training after a young adult has attained a bachelor of arts or
1186 | a bachelor of science degree or an equivalent undergraduate
1187 | degree.

1188 | j. The department shall evaluate and renew each award
1189 | annually during the 90-day period before the young adult's

HB 7173

2006
CS

1190 birthday. In order to be eligible for a renewal award for the
1191 subsequent year, the young adult must:

1192 (I) Complete the number of hours, or the equivalent
1193 considered full time by the educational institution, unless that
1194 young adult has a recognized disability preventing full-time
1195 attendance, in the last academic year in which the young adult
1196 earned an award ~~a scholarship~~, except for a young adult who
1197 meets the requirements of s. 1009.41.

1198 (II) Maintain appropriate progress as required by the
1199 educational institution, except that, if the young adult's
1200 progress is insufficient to renew the award ~~scholarship~~ at any
1201 time during the eligibility period, the young adult may restore
1202 eligibility by improving his or her progress to the required
1203 level.

1204 k. ~~Scholarship~~ Funds may be terminated during the interim
1205 between an award and the evaluation for a renewal award if the
1206 department determines that the award recipient is no longer
1207 enrolled in an educational institution as defined in sub-
1208 subparagraph 2.d., or is no longer a state resident. The
1209 department shall notify a recipient ~~student~~ who is terminated
1210 and inform the recipient ~~student~~ of his or her right to appeal.

1211 l. An award recipient who does not qualify for a renewal
1212 award or who chooses not to renew the award may subsequently
1213 apply for reinstatement. An application for reinstatement must
1214 be made before the young adult reaches 21 ~~23~~ years of age, and a
1215 student may not apply for reinstatement more than once. In order
1216 to be eligible for reinstatement, the young adult must meet the

HB 7173

2006
CS

1217 eligibility criteria and the criteria for award renewal for the
1218 ~~scholarship~~ program.

1219 (c) Transitional support services.--

1220 1. In addition to any services provided through aftercare
1221 support or the Road-to-Independence Program ~~Scholarship~~, a young
1222 adult formerly in foster care may receive other appropriate
1223 short-term funding and services, which may include financial,
1224 housing, counseling, employment, education, mental health,
1225 disability, and other services, if the young adult demonstrates
1226 that the services are critical to the young adult's own efforts
1227 to achieve self-sufficiency and to develop a personal support
1228 system. The department or community-based care provider shall
1229 work with the young adult in developing a joint transition plan
1230 that is consistent with a needs assessment identifying the
1231 specific need for transitional services to support the young
1232 adult's own efforts. The young adult must have specific tasks to
1233 complete or maintain included in the plan and be accountable for
1234 the completion of or making progress towards the completion of
1235 these tasks. If the young adult and the department or community-
1236 based care provider cannot come to agreement regarding any part
1237 of the plan, the young adult may access a grievance process to
1238 its full extent in an effort to resolve the disagreement.

1239 2. A young adult formerly in foster care is eligible to
1240 apply for transitional support services if he or she has reached
1241 18 years of age but is not yet 23 years of age, was a dependent
1242 child pursuant to chapter 39, was living in licensed foster care
1243 or in subsidized independent living at the time of his or her

HB 7173

2006
CS

1244 18th birthday, and had spent at least 6 months living in foster
1245 care before that date.

1246 3. If at any time the services are no longer critical to
1247 the young adult's own efforts to achieve self-sufficiency and to
1248 develop a personal support system, they shall be terminated.

1249 (d) Payment of aftercare, Road-to-Independence Program
1250 ~~scholarship~~, or transitional support funds.--

1251 1. Payment of aftercare, Road-to-Independence Program
1252 ~~scholarship~~, or transitional support funds shall be made
1253 directly to the recipient unless the recipient requests in
1254 writing to the community-based care lead agency, or the
1255 department, that the payments or a portion of the payments be
1256 made directly on the recipient's behalf in order to secure
1257 services such as housing, counseling, education, or employment
1258 training as part of the young adult's own efforts to achieve
1259 self-sufficiency.

1260 2. After the completion of aftercare support services that
1261 satisfy the requirements of sub-subparagraph (a)1.h., payment of
1262 awards under the Road-to-Independence Program shall be made by
1263 direct deposit to the recipient, unless the recipient requests
1264 in writing to the community-based care lead agency or the
1265 department that:

1266 a. The payments be made directly to the recipient by check
1267 or warrant;

1268 b. The payments or a portion of the payments be made
1269 directly on the recipient's behalf to institutions the recipient
1270 is attending to maintain eligibility under this section; or

HB 7173

2006
CS

1271 c. The payments be made on a two-party check to a business
1272 or landlord for a legitimate expense, whether reimbursed or not.
1273 A legitimate expense for the purposes of this sub-subparagraph
1274 shall include automobile repair or maintenance expenses;
1275 educational, job, or training expenses; and costs incurred,
1276 except legal costs, fines, or penalties, when applying for or
1277 executing a rental agreement for the purposes of securing a home
1278 or residence.

1279 3. The community-based care lead agency may purchase
1280 housing, transportation, or employment services to ensure the
1281 availability and affordability of specific transitional services
1282 thereby allowing an eligible young adult to utilize these
1283 services in lieu of receiving a direct payment. Prior to
1284 purchasing such services, the community-based care lead agency
1285 must have a plan approved by the department describing the
1286 services to be purchased, the rationale for purchasing the
1287 services, and a specific range of expenses for each service that
1288 is less than the cost of purchasing the service by an individual
1289 young adult. The plan must include a description of the
1290 transition of a young adult using these services into
1291 independence and a timeframe for achievement of independence. An
1292 eligible young adult who can demonstrate an ability to obtain
1293 these services independently and prefers a direct payment shall
1294 receive such payment. The plan must be reviewed annually and
1295 evaluated for cost-efficiency and for effectiveness in assisting
1296 young adults in achieving independence, preventing homelessness
1297 among young adults, and enabling young adults to earn a livable
1298 wage in a permanent employment situation.

HB 7173

2006
CS

1299 4. The young adult who resides with a foster family may
1300 not be included as a child in calculating any licensing
1301 restriction on the number of children in the foster home.

1302 (e) Appeals process.--

1303 1. The Department of Children and Family Services shall
1304 adopt by rule a procedure by which a young adult may appeal an
1305 eligibility determination or the department's failure to provide
1306 aftercare, Road-to-Independence Program scholarship, or
1307 transitional support services, or the termination of such
1308 services, if such funds are available.

1309 2. The procedure developed by the department must be
1310 readily available to young adults, must provide timely
1311 decisions, and must provide for an appeal to the Secretary of
1312 Children and Family Services. The decision of the secretary
1313 constitutes final agency action and is reviewable by the court
1314 as provided in s. 120.68.

1315 (6) ACCOUNTABILITY.--The department shall develop outcome
1316 measures for the program and other performance measures.

1317 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
1318 Secretary of Children and Family Services shall establish the
1319 Independent Living Services Advisory Council for the purpose of
1320 reviewing and making recommendations concerning the
1321 implementation and operation of the independent living
1322 transition services. This advisory council shall continue to
1323 function as specified in this subsection until the Legislature
1324 determines that the advisory council can no longer provide a
1325 valuable contribution to the department's efforts to achieve the
1326 goals of the independent living transition services.

HB 7173

2006
CS

1327 (a) Specifically, the advisory council shall assess the
 1328 implementation and operation of the system of independent living
 1329 transition services and advise the department on actions that
 1330 would improve the ability of the independent living transition
 1331 services to meet the established goals. The advisory council
 1332 shall keep the department informed of problems being experienced
 1333 with the services, barriers to the effective and efficient
 1334 integration of services and support across systems, and
 1335 successes that the system of independent living transition
 1336 services has achieved. The department shall consider, but is not
 1337 required to implement, the recommendations of the advisory
 1338 council.

1339 (b) The advisory council shall report to the appropriate
 1340 substantive committees of the Senate and the House of
 1341 Representatives on the status of the implementation of the
 1342 system of independent living transition services; efforts to
 1343 publicize the availability of aftercare support services, the
 1344 Road-to-Independence ~~Scholarship~~ Program, and transitional
 1345 support services; ~~specific barriers to financial aid created by~~
 1346 ~~the scholarship and possible solutions;~~ the success of the
 1347 services; problems identified; recommendations for department or
 1348 legislative action; and the department's implementation of the
 1349 recommendations contained in the Independent Living Services
 1350 Integration Workgroup Report submitted to the Senate and the
 1351 House substantive committees December 31, 2002. This advisory
 1352 council report shall be submitted by December 31 of each year
 1353 that the council is in existence and shall be accompanied by a
 1354 report from the department which identifies the recommendations

HB 7173

2006
CS

1355 of the advisory council and either describes the department's
1356 actions to implement these recommendations or provides the
1357 department's rationale for not implementing the recommendations.

1358 (c) Members of the advisory council shall be appointed by
1359 the secretary of the department. The membership of the advisory
1360 council must include, at a minimum, representatives from the
1361 headquarters and district offices of the Department of Children
1362 and Family Services, community-based care lead agencies, the
1363 Agency for Workforce Innovation, the Department of Education,
1364 the Agency for Health Care Administration, the State Youth
1365 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
1366 Ad Litem Office, foster parents, recipients of Road-to-
1367 Independence Program funding, and advocates for foster children.
1368 The secretary shall determine the length of the term to be
1369 served by each member appointed to the advisory council, which
1370 may not exceed 4 years.

1371 (d) The Department of Children and Family Services shall
1372 provide administrative support to the Independent Living
1373 Services Advisory Council to accomplish its assigned tasks. The
1374 advisory council shall be afforded access to all appropriate
1375 data from the department, each community-based care lead agency,
1376 and other relevant agencies in order to accomplish the tasks set
1377 forth in this section. The data collected may not include any
1378 information that would identify a specific child or young adult.

1379 (8) PERSONAL PROPERTY.--Property acquired on behalf of
1380 clients of this program shall become the personal property of
1381 the clients and is not subject to the requirements of chapter

HB 7173

2006
CS

1382 273 relating to state-owned tangible personal property. Such
1383 property continues to be subject to applicable federal laws.

1384 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER
1385 CARE.--The department shall enroll in the Florida KidCare
1386 program, outside the open enrollment period, each young adult
1387 who is eligible as described in paragraph (2)(b) and who has not
1388 yet reached his or her 20th ~~19th~~ birthday.

1389 (a) A young adult who was formerly in foster care at the
1390 time of his or her 18th birthday and who is 18 years of age but
1391 not yet 20 ~~19~~, shall pay the premium for the Florida KidCare
1392 program as required in s. 409.814.

1393 (b) A young adult who has health insurance coverage from a
1394 third party through his or her employer or who is eligible for
1395 Medicaid is not eligible for enrollment under this subsection.

1396 (10) RULEMAKING.--The department shall adopt by rule
1397 procedures to administer this section, including balancing the
1398 goals of normalcy and safety for the youth and providing the
1399 caregivers with as much flexibility as possible to enable the
1400 youth to participate in normal life experiences. The department
1401 shall not adopt rules relating to reductions in ~~scholarship~~
1402 awards. The department shall engage in appropriate planning to
1403 prevent, to the extent possible, a reduction in ~~scholarship~~
1404 awards after issuance.

1405 Section 10. Paragraph (b) of subsection (2) of section
1406 409.175, Florida Statutes, is amended to read:

1407 409.175 Licensure of family foster homes, residential
1408 child-caring agencies, and child-placing agencies; public
1409 records exemption.--

HB 7173

2006
CS

1410 (2) As used in this section, the term:

1411 (b) "Boarding school" means a school which is accredited

1412 by the Florida Council of Independent Schools or the Southern

1413 Association of Colleges and Schools; which is accredited by the

1414 Council on Accreditation, the Commission on Accreditation of

1415 Rehabilitation Facilities, or the Coalition for Residential

1416 Education; and which is registered with the Department of

1417 Education as a school. Its program must follow established

1418 school schedules, with holiday breaks and summer recesses in

1419 accordance with other public and private school programs. The

1420 children in residence must customarily return to their family

1421 homes or legal guardians during school breaks and must not be in

1422 residence year-round, except that this provision does not apply

1423 to foreign students. The parents of these children retain

1424 custody and planning and financial responsibility. A boarding

1425 school currently in existence and a boarding school opening and

1426 seeking accreditation has 3 years to comply with the

1427 requirements of this paragraph. A boarding school must provide

1428 proof of accreditation or documentation of the accreditation

1429 process upon request. A boarding school that cannot produce the

1430 required documentation or that has not registered with the

1431 Department of Education shall be considered to be providing

1432 residential group care without a license. The department may

1433 impose administrative sanctions or seek civil remedies as

1434 provided under paragraph (11) (a).

1435 Section 11. Subsection (2) of section 39.013, Florida

1436 Statutes, is amended to read:

1437 39.013 Procedures and jurisdiction; right to counsel.--

HB 7173

2006
CS

1438 (2) The circuit court shall have exclusive original
1439 jurisdiction of all proceedings under this chapter, of a child
1440 voluntarily placed with a licensed child-caring agency, a
1441 licensed child-placing agency, or the department, and of the
1442 adoption of children whose parental rights have been terminated
1443 under this chapter. Jurisdiction attaches when the initial
1444 shelter petition, dependency petition, or termination of
1445 parental rights petition is filed or when a child is taken into
1446 the custody of the department. The circuit court may assume
1447 jurisdiction over any such proceeding regardless of whether the
1448 child was in the physical custody of both parents, was in the
1449 sole legal or physical custody of only one parent, caregiver, or
1450 some other person, or was in the physical or legal custody of no
1451 person when the event or condition occurred that brought the
1452 child to the attention of the court. When the court obtains
1453 jurisdiction of any child who has been found to be dependent,
1454 the court shall retain jurisdiction, unless relinquished by its
1455 order, until the child reaches 18 years of age. However, if a
1456 youth petitions the court at any time before his or her 19th
1457 birthday requesting the court's continued jurisdiction, the
1458 juvenile court may retain jurisdiction under this chapter for a
1459 period not to exceed 1 year following the youth's 18th birthday
1460 for the purpose of determining whether appropriate aftercare
1461 support, Road-to-Independence Program Scholarship, transitional
1462 support, mental health, and developmental disability services,
1463 to the extent otherwise authorized by law, have been provided to
1464 the formerly dependent child who was in the legal custody of the
1465 department immediately before his or her 18th birthday. If a

Page 53 of 57

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7173-01-c1

HB 7173

2006
CS

1466 petition for special immigrant juvenile status and an
1467 application for adjustment of status have been filed on behalf
1468 of a foster child and the petition and application have not been
1469 granted by the time the child reaches 18 years of age, the court
1470 may retain jurisdiction over the dependency case solely for the
1471 purpose of allowing the continued consideration of the petition
1472 and application by federal authorities. Review hearings for the
1473 child shall be set solely for the purpose of determining the
1474 status of the petition and application. The court's jurisdiction
1475 terminates upon the final decision of the federal authorities.
1476 Retention of jurisdiction in this instance does not affect the
1477 services available to a young adult under s. 409.1451. The court
1478 may not retain jurisdiction of the case after the immigrant
1479 child's 22nd birthday.

1480 Section 12. Paragraph (a) of subsection (6) of section
1481 39.701, Florida Statutes, is amended to read:

1482 39.701 Judicial review.--

1483 (6) (a) In addition to paragraphs (1) (a) and (2) (a), the
1484 court shall hold a judicial review hearing within 90 days after
1485 a youth's 17th birthday and shall continue to hold timely
1486 judicial review hearings. In addition, the court may review the
1487 status of the child more frequently during the year prior to the
1488 youth's 18th birthday if necessary. At each review held under
1489 this subsection, in addition to any information or report
1490 provided to the court, the foster parent, legal custodian,
1491 guardian ad litem, and the child shall be given the opportunity
1492 to address the court with any information relevant to the
1493 child's best interests, particularly as it relates to

HB 7173

2006
CS

1494 independent living transition services. In addition to any
1495 information or report provided to the court, the department
1496 shall include in its judicial review social study report written
1497 verification that the child:

1498 1. Has been provided with a current Medicaid card and has
1499 been provided all necessary information concerning the Medicaid
1500 program sufficient to prepare the youth to apply for coverage
1501 upon reaching age 18, if such application would be appropriate.

1502 2. Has been provided with a certified copy of his or her
1503 birth certificate and, if the child does not have a valid
1504 driver's license, a Florida identification card issued under s.
1505 322.051.

1506 3. Has been provided information relating to Social
1507 Security Insurance benefits if the child is eligible for these
1508 benefits. If the child has received these benefits and they are
1509 being held in trust for the child, a full accounting of those
1510 funds must be provided and the child must be informed about how
1511 to access those funds.

1512 4. Has been provided with information and training related
1513 to budgeting skills, interviewing skills, and parenting skills.

1514 5. Has been provided with all relevant information related
1515 to the Road-to-Independence Program ~~Scholarship~~, including, but
1516 not limited to, eligibility requirements, forms necessary to
1517 apply, and assistance in completing the forms. The child shall
1518 also be informed that, if he or she is eligible for the Road-to-
1519 Independence ~~Scholarship~~ Program, he or she may reside with the
1520 licensed foster family or group care provider with whom the
1521 child was residing at the time of attaining his or her 18th

HB 7173

2006
CS

1522 birthday or may reside in another licensed foster home or with a
1523 group care provider arranged by the department.

1524 6. Has an open bank account, or has identification
1525 necessary to open an account, and has been provided with
1526 essential banking skills.

1527 7. Has been provided with information on public assistance
1528 and how to apply.

1529 8. Has been provided a clear understanding of where he or
1530 she will be living on his or her 18th birthday, how living
1531 expenses will be paid, and what educational program or school he
1532 or she will be enrolled in.

1533 9. Has been provided with notice of the youth's right to
1534 petition for the court's continuing jurisdiction for 1 year
1535 after the youth's 18th birthday as specified in s. 39.013(2) and
1536 with information on how to obtain access to the court.

1537 10. Has been encouraged to attend all judicial review
1538 hearings occurring after his or her 17th birthday.

1539 Section 13. Paragraph (c) of subsection (2) of section
1540 1009.25, Florida Statutes, is amended to read:

1541 1009.25 Fee exemptions.--

1542 (2) The following students are exempt from the payment of
1543 tuition and fees, including lab fees, at a school district that
1544 provides postsecondary career programs, community college, or
1545 state university:

1546 (c) A student who ~~the state has determined is eligible for~~
1547 ~~the Road to Independence Scholarship, regardless of whether an~~
1548 ~~award is issued or not, or a student who is or was at the time~~
1549 he or she reached 18 years of age in the custody of the

HB 7173

2006
CS

1550 | Department of Children and Family Services or a relative under
1551 | s. 39.5085, ~~or~~ who is adopted from the Department of Children
1552 | and Family Services after May 5, 1997, or who, after spending at
1553 | least 6 months in the custody of the department after reaching
1554 | 16 years of age, was placed in a guardianship by the court. Such
1555 | exemption includes fees associated with enrollment in career-
1556 | preparatory instruction and completion of the college-level
1557 | communication and computation skills testing program. Such an
1558 | exemption is available to any student who was in the custody of
1559 | a relative under s. 39.5085 at the time he or she reached 18
1560 | years of age or was adopted from the Department of Children and
1561 | Family Services after May 5, 1997; however, the exemption
1562 | remains valid for no more than 4 years after the date of
1563 | graduation from high school.

1564 | Section 14. This act shall take effect July 1, 2006, only
1565 | if a specific appropriation to fund the provisions of this act
1566 | is made in the General Appropriations Act for fiscal year 2006-
1567 | 2007.