

## CHAMBER ACTION

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1 The Health & Families 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

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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, 39.013, and  
32 39.302, F.S.; conforming cross-references and terminology;  
33 amending s. 39.701, F.S.; requiring the court to issue an  
34 order that is separate from other judicial review orders;  
35 amending s. 402.164, F.S.; establishing legislative intent  
36 for the statewide and local advocacy councils; revising a  
37 definition; amending s. 402.165, F.S.; providing for  
38 termination of members of the statewide council; providing  
39 guidelines for selection of the executive director of the  
40 Florida Statewide Advocacy Council; establishing a process  
41 for investigating reports of abuse; revising council  
42 meeting requirements; providing requirements for  
43 interagency agreements; requiring interagency agreements  
44 to be renewed annually and submitted to the Governor by a  
45 specified date; providing additional requirements for the  
46 statewide council to petition the circuit court for access  
47 to certain records; amending s. 409.1451, F.S., relating  
48 to independent living transition services; revising  
49 eligibility requirements for certain young adults;  
50 revising duties of the Department of Children and Family  
51 Services regarding independent living transition services;

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52 | including additional parties in the review of a child's  
53 | academic performance; requiring the department or a  
54 | community-based care lead agency under contract with the  
55 | department to develop a plan for delivery of such  
56 | services; requiring additional aftercare support services;  
57 | providing additional qualifications to receive an award  
58 | under the Road-to-Independence Program; deleting certain  
59 | time restrictions for submitting applications; providing  
60 | procedures for the payment of awards; requiring  
61 | collaboration between certain parties in the development  
62 | of a plan regarding the provision of transitional  
63 | services; requiring a community-based care lead agency to  
64 | develop a plan for purchase and delivery of such services  
65 | and requiring department approval prior to implementation;  
66 | requiring the department to submit a report annually to  
67 | the Legislature on performance, oversight, and rule  
68 | development; permitting the Independent Living Services  
69 | Advisory Council to have access to certain data held by  
70 | the department and certain agencies; amending s. 409.175,  
71 | F.S.; revising the definition of the term "boarding  
72 | school" to require such schools to meet certain standards  
73 | within a specified timeframe; amending s. 409.903, F.S.;  
74 | providing eligibility criteria for certain persons to  
75 | qualify for medical assistance payments; creating s.  
76 | 743.045, F.S.; removing the disability of nonage for  
77 | certain youth in the legal custody of the Department of  
78 | Children and Family Services; amending s. 1009.25, F.S.;  
79 | providing additional criteria for a student to qualify for

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80 an exemption from certain tuition and fees; providing a  
81 contingent effective date.

82  
83 Be It Enacted by the Legislature of the State of Florida:

84  
85 Section 1. Subsections (1) and (6) of section 39.001,  
86 Florida Statutes, are amended, subsections (7) and (8) are  
87 renumbered as subsections (8) and (9) and amended, present  
88 subsection (9) is renumbered as subsection (10), and new  
89 subsections (7), (11), and (12) are added to that section, to  
90 read:

91 39.001 Purposes and intent; personnel standards and  
92 screening.--

93 (1) PURPOSES OF CHAPTER.--The purposes of this chapter  
94 are:

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

101 (b) To recognize that most families desire to be competent  
102 caregivers and providers for their children and that children  
103 achieve their greatest potential when families are able to  
104 support and nurture the growth and development of their  
105 children. Therefore, the Legislature finds that policies and  
106 procedures that provide for prevention and intervention through

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107 | the department's child protection system should be based on the  
108 | following principles:

109 |       1. The health and safety of the children served shall be  
110 | of paramount concern.

111 |       2. The prevention and intervention should engage families  
112 | in constructive, supportive, and nonadversarial relationships.

113 |       3. The prevention and intervention should intrude as  
114 | little as possible into the life of the family, be focused on  
115 | clearly defined objectives, and take the most parsimonious path  
116 | to remedy a family's problems.

117 |       4. The prevention and intervention should be based upon  
118 | outcome evaluation results that demonstrate success in  
119 | protecting children and supporting families.

120 |       (c) To provide a child protection system that reflects a  
121 | partnership between the department, other agencies, and local  
122 | communities.

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

125 |       (e) To provide procedures which allow the department to  
126 | respond to reports of child abuse, abandonment, or neglect in  
127 | the most efficient and effective manner that ensures the health  
128 | and safety of children and the integrity of families.

129 |       (f) To preserve and strengthen the child's family ties  
130 | whenever possible, removing the child from parental custody only  
131 | when his or her welfare cannot be adequately safeguarded without  
132 | such removal.

133 |       (g) To ensure that the parent or legal custodian from  
134 | whose custody the child has been taken assists the department to

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135 the fullest extent possible in locating relatives suitable to  
136 serve as caregivers for the child.

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

141 (i) To secure for the child, when removal of the child  
142 from his or her own family is necessary, custody, care, and  
143 discipline as nearly as possible equivalent to that which should  
144 have been given by the parents; and to ensure, in all cases in  
145 which a child must be removed from parental custody, that the  
146 child is placed in an approved relative home, licensed foster  
147 home, adoptive home, or independent living program that provides  
148 the most stable and potentially permanent living arrangement for  
149 the child, as determined by the court. All placements shall be  
150 in a safe environment where drugs and alcohol are not abused.

151 (j) To ensure that, when reunification or adoption is not  
152 possible, the child will be prepared for alternative permanency  
153 goals or placements, to include, but not be limited to, long-  
154 term foster care, independent living, custody to a relative on a  
155 permanent basis with or without legal guardianship, or custody  
156 to a foster parent or legal custodian on a permanent basis with  
157 or without legal guardianship.

158 (k) To make every possible effort, when two or more  
159 children who are in the care or under the supervision of the  
160 department are siblings, to place the siblings in the same home;  
161 and in the event of permanent placement of the siblings, to

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

164 (l) To provide judicial and other procedures to assure due  
165 process through which children, parents, and guardians and other  
166 interested parties are assured fair hearings by a respectful and  
167 respected court or other tribunal and the recognition,  
168 protection, and enforcement of their constitutional and other  
169 legal rights, while ensuring that public safety interests and  
170 the authority and dignity of the courts are adequately  
171 protected.

172 (m) To ensure that children under the jurisdiction of the  
173 courts are provided equal treatment with respect to goals,  
174 objectives, services, and case plans, without regard to the  
175 location of their placement. It is the further intent of the  
176 Legislature that, when children are removed from their homes,  
177 disruption to their education be minimized to the extent  
178 possible.

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

183 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,  
184 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known  
185 child abuse, abandonment, and neglect has increased rapidly over  
186 the past 5 years. The impact that abuse, abandonment, or neglect  
187 has on the victimized child, siblings, family structure, and  
188 inevitably on all citizens of the state has caused the  
189 Legislature to determine that the prevention of child abuse,

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190 abandonment, and neglect shall be a priority of this state. To  
191 further this end, it is the intent of the Legislature that an  
192 Office of Child Abuse Prevention be established ~~a comprehensive~~  
193 ~~approach for the prevention of abuse, abandonment, and neglect~~  
194 ~~of children be developed for the state and that this planned,~~  
195 ~~comprehensive approach be used as a basis for funding.~~

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

197 (a) For purposes of establishing a comprehensive statewide  
198 approach for the prevention of child abuse, abandonment, and  
199 neglect, the Office of Child Abuse Prevention is created within  
200 the Executive Office of the Governor. The Governor shall appoint  
201 a director for the office who shall be subject to confirmation  
202 by the Senate.

203 (b) The director shall:

204 1. Assist in developing rules pertaining to implementation  
205 of child abuse prevention efforts.

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

209 3. Work to secure funding and other support for the  
210 state's child abuse prevention efforts, including, but not  
211 limited to, establishing cooperative relationships among state  
212 and private agencies.

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



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217 5. Advise the Governor and the Legislature on child abuse  
218 trends in this state, the status of current child abuse  
219 prevention programs and services, the funding of those programs  
220 and services, and the status of the office with regard to the  
221 development and implementation of the state child abuse  
222 prevention strategy.

223 6. Develop child abuse prevention public awareness  
224 campaigns to be implemented throughout the state.

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

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

229 2. Provide for or make available continuing professional  
230 education and training in the prevention of child abuse and  
231 neglect.

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

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

238 a. Programs and services for the prevention of child abuse  
239 and neglect.

240 b. Training programs for the prevention of child abuse and  
241 neglect.

242 c. Multidisciplinary and discipline-specific training  
243 programs for professionals with responsibilities affecting  
244 children, young adults, and families.

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245        5. Monitor, evaluate, and review the development and  
 246 quality of local and statewide services and programs for the  
 247 prevention of child abuse and neglect and shall publish and  
 248 distribute an annual report of its findings on or before January  
 249 1 of each year to the Governor, the Speaker of the House of  
 250 Representatives, the President of the Senate, the secretary of  
 251 each state agency affected by the report, and the appropriate  
 252 substantive committees of the Legislature. The report shall  
 253 include:

- 254            a. A summary of the activities of the office.
- 255            b. A summary detailing the demographic and geographic  
 256 characteristics of families served by the prevention programs.
- 257            c. Recommendations, by state agency, for the further  
 258 development and improvement of services and programs for the  
 259 prevention of child abuse and neglect.
- 260            d. The budget requests and prevention program needs by  
 261 state agency.

262        (8)(7)- PLAN FOR COMPREHENSIVE APPROACH.--

263        (a) The office ~~department~~ shall develop a state plan for  
 264 the prevention of abuse, abandonment, and neglect of children  
 265 and shall submit the state plan to the Speaker of the House of  
 266 Representatives, the President of the Senate, and the Governor  
 267 no later than December 31, 2007 ~~January 1, 1983~~. The Department  
 268 of Children and Family Services, the Department of Corrections,  
 269 the Department of Education, the Department of Health, the  
 270 Department of Juvenile Justice, the Department of Law  
 271 Enforcement, the Agency for Persons with Disabilities, and the  
 272 Agency for Workforce Innovation ~~The Department of Education and~~

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273 ~~the Division of Children's Medical Services Prevention and~~  
274 ~~Intervention of the Department of Health~~ shall participate and  
275 fully cooperate in the development of the state plan at both the  
276 state and local levels. Furthermore, appropriate local agencies  
277 and organizations shall be provided an opportunity to  
278 participate in the development of the state plan at the local  
279 level. Appropriate local groups and organizations shall include,  
280 but not be limited to, community mental health centers; guardian  
281 ad litem programs for children under the circuit court; the  
282 school boards of the local school districts; the Florida local  
283 advocacy councils; community-based care lead agencies; private  
284 or public organizations or programs with recognized expertise in  
285 working with child abuse prevention programs for children and  
286 families; private or public organizations or programs with  
287 recognized expertise in working with children who are sexually  
288 abused, physically abused, emotionally abused, abandoned, or  
289 neglected and with expertise in working with the families of  
290 such children; private or public programs or organizations with  
291 expertise in maternal and infant health care; multidisciplinary  
292 child protection teams; child day care centers; law enforcement  
293 agencies;~~;~~ and the circuit courts, when guardian ad litem  
294 programs are not available in the local area. The state plan to  
295 be provided to the Legislature and the Governor shall include,  
296 as a minimum, the information required of the various groups in  
297 paragraph (b).

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

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300           1. The office shall establish a Child Abuse Prevention  
301 Advisory Council composed of representatives from each state  
302 agency and appropriate local agencies and organizations  
303 specified in paragraph (a). The advisory council shall serve as  
304 the research arm of the office and ~~The department shall~~  
305 ~~establish an interprogram task force comprised of the Program~~  
306 ~~Director for Family Safety, or a designee, a representative from~~  
307 ~~the Child Care Services Program Office, a representative from~~  
308 ~~the Family Safety Program Office, a representative from the~~  
309 ~~Mental Health Program Office, a representative from the~~  
310 ~~Substance Abuse Program Office, a representative from the~~  
311 ~~Developmental Disabilities Program Office, and a representative~~  
312 ~~from the Division of Children's Medical Services Prevention and~~  
313 ~~Intervention of the Department of Health. Representatives of the~~  
314 ~~Department of Law Enforcement and of the Department of Education~~  
315 ~~shall serve as ex officio members of the interprogram task~~  
316 ~~force. The interprogram task force shall be responsible for:~~  
317           a. Assisting in developing a plan of action for better  
318 coordination and integration of the goals, activities, and  
319 funding pertaining to the prevention of child abuse,  
320 abandonment, and neglect conducted by the office ~~department~~ in  
321 order to maximize staff and resources at the state level. The  
322 plan of action shall be included in the state plan.  
323           b. Assisting in providing a basic format to be utilized by  
324 the districts in the preparation of local plans of action in  
325 order to provide for uniformity in the district plans and to  
326 provide for greater ease in compiling information for the state  
327 plan.

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

330 d. Assisting in examining the local plans to determine if  
331 all the requirements of the local plans have been met and, if  
332 they have not, informing the districts of the deficiencies and  
333 requesting the additional information needed.

334 e. Assisting in preparing the state plan for submission to  
335 the Legislature and the Governor. Such preparation shall include  
336 the incorporation into the state plan ~~collapsing~~ of information  
337 obtained from the local plans, the cooperative plans with the  
338 members of the advisory council ~~Department of Education~~, and the  
339 plan of action for coordination and integration of state  
340 departmental activities ~~into one comprehensive plan~~. The state  
341 ~~comprehensive~~ plan shall include a section reflecting general  
342 conditions and needs, an analysis of variations based on  
343 population or geographic areas, identified problems, and  
344 recommendations for change. In essence, the state plan shall  
345 provide an analysis and summary of each element of the local  
346 plans to provide a statewide perspective. The state plan shall  
347 also include each separate local plan of action.

348 f. Conducting a feasibility study on the establishment of  
349 a Children's Cabinet.

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

352 2. The office, the department, the Department of  
353 Education, and the Department of Health shall work together in  
354 developing ways to inform and instruct parents of school  
355 children and appropriate district school personnel in all school

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356 | districts in the detection of child abuse, abandonment, and  
357 | neglect and in the proper action that should be taken in a  
358 | suspected case of child abuse, abandonment, or neglect, and in  
359 | caring for a child's needs after a report is made. The plan for  
360 | accomplishing this end shall be included in the state plan.

361 |       3. The office, the department, the Department of Law  
362 | Enforcement, and the Department of Health shall work together in  
363 | developing ways to inform and instruct appropriate local law  
364 | enforcement personnel in the detection of child abuse,  
365 | abandonment, and neglect and in the proper action that should be  
366 | taken in a suspected case of child abuse, abandonment, or  
367 | neglect.

368 |       4. Within existing appropriations, the office ~~department~~  
369 | shall work with other appropriate public and private agencies to  
370 | emphasize efforts to educate the general public about the  
371 | problem of and ways to detect child abuse, abandonment, and  
372 | neglect and in the proper action that should be taken in a  
373 | suspected case of child abuse, abandonment, or neglect. The plan  
374 | for accomplishing this end shall be included in the state plan.

375 |       5. The office, the department, the Department of  
376 | Education, and the Department of Health shall work together on  
377 | the enhancement or adaptation of curriculum materials to assist  
378 | instructional personnel in providing instruction through a  
379 | multidisciplinary approach on the identification, intervention,  
380 | and prevention of child abuse, abandonment, and neglect. The  
381 | curriculum materials shall be geared toward a sequential program  
382 | of instruction at the four progressional levels, K-3, 4-6, 7-9,  
383 | and 10-12. Strategies for encouraging all school districts to

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384 utilize the curriculum are to be included in the ~~comprehensive~~  
385 state plan for the prevention of child abuse, abandonment, and  
386 neglect.

387         6. Each district of the department shall develop a plan  
388 for its specific geographical area. The plan developed at the  
389 district level shall be submitted to the advisory council  
390 ~~interprogram task force~~ for utilization in preparing the state  
391 plan. The district local plan of action shall be prepared with  
392 the involvement and assistance of the local agencies and  
393 organizations listed in this paragraph ~~(a)~~, as well as  
394 representatives from those departmental district offices  
395 participating in the treatment and prevention of child abuse,  
396 abandonment, and neglect. In order to accomplish this, the  
397 office ~~district administrator in each district~~ shall establish a  
398 task force on the prevention of child abuse, abandonment, and  
399 neglect. The office ~~district administrator~~ shall appoint the  
400 members of the task force in accordance with the membership  
401 requirements of this section. The office ~~In addition, the~~  
402 ~~district administrator shall ensure that each subdistrict is~~  
403 ~~represented on the task force; and, if the district does not~~  
404 ~~have subdistricts, the district administrator shall ensure that~~  
405 both urban and rural areas are represented on the task force.  
406 The task force shall develop a written statement clearly  
407 identifying its operating procedures, purpose, overall  
408 responsibilities, and method of meeting responsibilities. The  
409 district plan of action to be prepared by the task force shall  
410 include, but shall not be limited to:

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411 a. Documentation of the magnitude of the problems of child  
412 abuse, including sexual abuse, physical abuse, and emotional  
413 abuse, and child abandonment and neglect in its geographical  
414 area.

415 b. A description of programs currently serving abused,  
416 abandoned, and neglected children and their families and a  
417 description of programs for the prevention of child abuse,  
418 abandonment, and neglect, including information on the impact,  
419 cost-effectiveness, and sources of funding of such programs.

420 c. A continuum of programs and services necessary for a  
421 comprehensive approach to the prevention of all types of child  
422 abuse, abandonment, and neglect as well as a brief description  
423 of such programs and services.

424 d. A description, documentation, and priority ranking of  
425 local needs related to child abuse, abandonment, and neglect  
426 prevention based upon the continuum of programs and services.

427 e. A plan for steps to be taken in meeting identified  
428 needs, including the coordination and integration of services to  
429 avoid unnecessary duplication and cost, and for alternative  
430 funding strategies for meeting needs through the reallocation of  
431 existing resources, utilization of volunteers, contracting with  
432 local universities for services, and local government or private  
433 agency funding.

434 f. A description of barriers to the accomplishment of a  
435 comprehensive approach to the prevention of child abuse,  
436 abandonment, and neglect.

437 g. Recommendations for changes that can be accomplished  
438 only at the state program level or by legislative action.



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439        ~~(8)~~ (9) FUNDING AND SUBSEQUENT PLANS.--

440        (a) All budget requests submitted by the office, the  
441 department, the Department of Health, the Department of  
442 Education, the Department of Juvenile Justice, the Department of  
443 Corrections, the Agency for Persons with Disabilities, the  
444 Agency for Workforce Innovation, or any other agency to the  
445 Legislature for funding of efforts for the prevention of child  
446 abuse, abandonment, and neglect shall be based on the state plan  
447 developed pursuant to this section.

448        (b) The office ~~department at the state and district levels~~  
449 and the other agencies and organizations listed in paragraph  
450 (8) (a) ~~(7) (a)~~ shall readdress the state plan and make necessary  
451 revisions every 5 years, at a minimum. Such revisions shall be  
452 submitted to the Speaker of the House of Representatives and the  
453 President of the Senate no later than June 30 of each year  
454 divisible by 5. At least biennially, the office shall review the  
455 state plan and make any necessary revisions based on changing  
456 needs and program evaluation results. An annual progress report  
457 shall be submitted to update the state plan in the years between  
458 the 5-year intervals. In order to avoid duplication of effort,  
459 these required plans may be made a part of or merged with other  
460 plans required by either the state or Federal Government, so  
461 long as the portions of the other state or Federal Government  
462 plan that constitute the state plan for the prevention of child  
463 abuse, abandonment, and neglect are clearly identified as such  
464 and are provided to the Speaker of the House of Representatives  
465 and the President of the Senate as required above.

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

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

473           Section 2. Section 39.0014, Florida Statutes, is amended  
 474 to read:

475           39.0014 Responsibilities of public agencies.--All state,  
 476 county, and local agencies shall cooperate, assist, and provide  
 477 information to the Office of Child Abuse Prevention and the  
 478 department as will enable them ~~it~~ to fulfill their ~~its~~  
 479 responsibilities under this chapter.

480           Section 3. Paragraph (b) of subsection (3) of section  
 481 39.0015, Florida Statutes, is amended to read:

482           39.0015 Child abuse prevention training in the district  
 483 school system.--

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

485           (b) "Child abuse" means those acts as defined in ss.  
 486 39.01(1), (2), (30), (43), (45), (53) ~~(52)~~, and (64) ~~(63)~~,  
 487 827.04, and 984.03(1), (2), and (37).

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

492           39.01 Definitions.--When used in this chapter, unless the  
 493 context otherwise requires:

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

497 (47) "Office" means the Office of Child Abuse Prevention  
498 within the Executive Office of the Governor.

499 (48) ~~(47)~~ "Other person responsible for a child's welfare"  
500 includes the child's legal guardian, legal custodian, or foster  
501 parent; an employee of any ~~a private~~ school, public or private  
502 child day care center, residential home, institution, facility,  
503 or agency; or any other person legally responsible for the  
504 child's welfare in a residential setting; and also includes an  
505 adult sitter or relative entrusted with a child's care. For the  
506 purpose of departmental investigative jurisdiction, this  
507 definition does not include law enforcement officers, or  
508 employees of municipal or county detention facilities or the  
509 Department of Corrections, while acting in an official capacity.

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

512 39.013 Procedures and jurisdiction; right to counsel.--

513 (2) The circuit court shall have exclusive original  
514 jurisdiction of all proceedings under this chapter, of a child  
515 voluntarily placed with a licensed child-caring agency, a  
516 licensed child-placing agency, or the department, and of the  
517 adoption of children whose parental rights have been terminated  
518 under this chapter. Jurisdiction attaches when the initial  
519 shelter petition, dependency petition, or termination of  
520 parental rights petition is filed or when a child is taken into  
521 the custody of the department. The circuit court may assume

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522 jurisdiction over any such proceeding regardless of whether the  
523 child was in the physical custody of both parents, was in the  
524 sole legal or physical custody of only one parent, caregiver, or  
525 some other person, or was in the physical or legal custody of no  
526 person when the event or condition occurred that brought the  
527 child to the attention of the court. When the court obtains  
528 jurisdiction of any child who has been found to be dependent,  
529 the court shall retain jurisdiction, unless relinquished by its  
530 order, until the child reaches 18 years of age. However, if a  
531 youth petitions the court at any time before his or her 19th  
532 birthday requesting the court's continued jurisdiction, the  
533 juvenile court may retain jurisdiction under this chapter for a  
534 period not to exceed 1 year following the youth's 18th birthday  
535 for the purpose of determining whether appropriate aftercare  
536 support, Road-to-Independence Program Scholarship, transitional  
537 support, mental health, and developmental disability services,  
538 to the extent otherwise authorized by law, have been provided to  
539 the formerly dependent child who was in the legal custody of the  
540 department immediately before his or her 18th birthday. If a  
541 petition for special immigrant juvenile status and an  
542 application for adjustment of status have been filed on behalf  
543 of a foster child and the petition and application have not been  
544 granted by the time the child reaches 18 years of age, the court  
545 may retain jurisdiction over the dependency case solely for the  
546 purpose of allowing the continued consideration of the petition  
547 and application by federal authorities. Review hearings for the  
548 child shall be set solely for the purpose of determining the  
549 status of the petition and application. The court's jurisdiction

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550 terminates upon the final decision of the federal authorities.  
551 Retention of jurisdiction in this instance does not affect the  
552 services available to a young adult under s. 409.1451. The court  
553 may not retain jurisdiction of the case after the immigrant  
554 child's 22nd birthday.

555 Section 6. Paragraph (a) of subsection (2) of section  
556 39.202, Florida Statutes, is amended to read:

557 39.202 Confidentiality of reports and records in cases of  
558 child abuse or neglect.--

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

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

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

569 4.3- Healthy Start services; ~~or~~

570 5.4- Licensure or approval of adoptive homes, foster  
571 homes, or child care facilities, or family day care homes or  
572 informal child care providers who receive subsidized child care  
573 funding, or other homes used to provide for the care and welfare  
574 of children; ~~or-~~

575 6.5- Services for victims of domestic violence when  
576 provided by certified domestic violence centers working at the  
577 department's request as case consultants or with shared clients.

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578  
579 Also, employees or agents of the Department of Juvenile Justice  
580 responsible for the provision of services to children, pursuant  
581 to chapters 984 and 985.

582 Section 7. Subsection (1) of section 39.302, Florida  
583 Statutes, is amended to read:

584 39.302 Protective investigations of institutional child  
585 abuse, abandonment, or neglect.--

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

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

621 Section 8. Paragraph (a) of subsection (6) of section  
622 39.701, Florida Statutes, is amended to read:

623 39.701 Judicial review.--

624 (6) (a) In addition to paragraphs (1) (a) and (2) (a), the  
625 court shall hold a judicial review hearing within 90 days after  
626 a youth's 17th birthday. The court shall also issue an order,  
627 separate from the order on judicial review, that the disability  
628 of nonage of the youth has been removed pursuant to s. 743.045.  
629 The court ~~and~~ shall continue to hold timely judicial review  
630 hearings thereafter. In addition, the court may review the  
631 status of the child more frequently during the year prior to the  
632 youth's 18th birthday if necessary. At each review held under  
633 this subsection, in addition to any information or report

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634 provided to the court, the foster parent, legal custodian,  
635 guardian ad litem, and the child shall be given the opportunity  
636 to address the court with any information relevant to the  
637 child's best interests, particularly as it relates to  
638 independent living transition services. In addition to any  
639 information or report provided to the court, the department  
640 shall include in its judicial review social study report written  
641 verification that the child:

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

646 2. Has been provided with a certified copy of his or her  
647 birth certificate and, if the child does not have a valid  
648 driver's license, a Florida identification card issued under s.  
649 322.051.

650 3. Has been provided information relating to Social  
651 Security Insurance benefits if the child is eligible for these  
652 benefits. If the child has received these benefits and they are  
653 being held in trust for the child, a full accounting of those  
654 funds must be provided and the child must be informed about how  
655 to access those funds.

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

658 5. Has been provided with all relevant information related  
659 to the Road-to-Independence Program Scholarship, including, but  
660 not limited to, eligibility requirements, forms necessary to  
661 apply, and assistance in completing the forms. The child shall



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662 also be informed that, if he or she is eligible for the Road-to-  
663 Independence ~~Scholarship~~ Program, he or she may reside with the  
664 licensed foster family or group care provider with whom the  
665 child was residing at the time of attaining his or her 18th  
666 birthday or may reside in another licensed foster home or with a  
667 group care provider arranged by the department.

668 6. Has an open bank account, or has identification  
669 necessary to open an account, and has been provided with  
670 essential banking skills.

671 7. Has been provided with information on public assistance  
672 and how to apply.

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

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

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

683 Section 9. Subsection (1) and paragraph (b) of subsection  
684 (2) of section 402.164, Florida Statutes, are amended to read:

685 402.164 Legislative intent; definitions.--

686 (1)(a) It is the intent of the Legislature to use citizen  
687 volunteers as members of the Florida Statewide Advocacy Council  
688 and the Florida local advocacy councils, and to have volunteers  
689 operate a network of councils that shall, without interference

690 | by an executive agency, undertake to discover, monitor,  
691 | investigate, and determine the presence of conditions or  
692 | individuals that constitute a threat to the rights, health,  
693 | safety, or welfare of persons who receive services from state  
694 | agencies.

695 | (b) It is the further intent of the Legislature that the  
696 | monitoring and investigation shall safeguard the health, safety,  
697 | and welfare of consumers of services provided by these state  
698 | agencies.

699 | (c) It is the further intent of the Legislature that state  
700 | agencies cooperate with the councils in forming interagency  
701 | agreements to provide the councils with authorized client  
702 | records so that the councils may monitor services and  
703 | investigate claims.

704 | (2) As used in ss. 402.164-402.167, the term:

705 | (b) "Client" means a client of the Agency for Persons with  
706 | Disabilities, the Agency for Health Care Administration, the  
707 | Department of Children and Family Services, or the Department of  
708 | Elderly Affairs, as defined in s. 393.063, s. 394.67, s.  
709 | 397.311, or s. 400.960, a forensic client or client as defined  
710 | in s. 916.106, a child or youth as defined in s. 39.01, a child  
711 | as defined in s. 827.01, a family as defined in s. 414.0252, a  
712 | participant as defined in s. 400.551, a resident as defined in  
713 | s. 400.402, a Medicaid recipient or recipient as defined in s.  
714 | 409.901, a child receiving child care as defined in s. 402.302,  
715 | a disabled adult as defined in s. 410.032 or s. 410.603, or a  
716 | victim as defined in s. 39.01 or s. 415.102 as each definition  
717 | applies within its respective chapter.

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718 Section 10. Subsections (2), (5), and (7) and paragraph  
719 (a) of subsection (8) of section 402.165, Florida Statutes, are  
720 amended to read:

721 402.165 Florida Statewide Advocacy Council; confidential  
722 records and meetings.--

723 (2) Members of the statewide council shall be appointed to  
724 serve terms of 4 years, subject to termination at the pleasure  
725 of the Governor prior to expiration of such period. A member may  
726 not serve more than two full consecutive terms.

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

730 (b) The Governor shall select an executive director who  
731 shall serve at the pleasure of the Governor and shall perform  
732 the duties delegated to him or her by the council. The  
733 compensation of the executive director and staff shall be  
734 established in accordance with the rules of the Selected Exempt  
735 Service. The Governor shall give priority consideration in the  
736 selection of an executive director to an individual with  
737 professional expertise in research design, statistical analysis,  
738 or agency evaluation and analysis.

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

744 (d) The statewide council shall annually prepare a budget  
745 request that, after it is approved by the council, shall be

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746 submitted to the Governor. The budget shall include a request  
747 for funds to carry out the activities of the statewide council  
748 and the local councils.

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

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

755 (b) Monitoring, by site visit and through access to  
756 records, the delivery and use of services, programs, or  
757 facilities operated, funded, or contracted by any state agency  
758 that provides client services, for the purpose of preventing  
759 abuse or deprivation of the constitutional and human rights of  
760 clients. The statewide council may conduct an unannounced site  
761 visit or monitoring visit that involves the inspection of  
762 records if the visit is conditioned upon a complaint. A  
763 complaint may be generated by the council itself, after  
764 consulting with the Governor's office, if information from any  
765 state agency that provides client services or from other sources  
766 indicates a situation at the program or facility that indicates  
767 possible abuse or neglect or deprivation of the constitutional  
768 and human rights of clients. The statewide council shall  
769 establish and follow uniform criteria for the review of  
770 information and generation of complaints. The statewide council  
771 shall develop a written protocol for all complaints it generates  
772 to provide the Governor's office with information including the  
773 nature of the abuse or neglect, the agencies involved, the

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774 populations or numbers of individuals affected, the types of  
775 records necessary to complete the investigation, and a strategy  
776 for approaching the problem. Routine program monitoring and  
777 reviews that do not require an examination of records may be  
778 made unannounced.

779 (c) Receiving, investigating, and resolving reports of  
780 abuse or deprivation of constitutional and human rights referred  
781 to the statewide council by a local council. If a matter  
782 constitutes a threat to the life, safety, or health of clients  
783 or is multiservice-area in scope, the statewide council may  
784 exercise its powers without the necessity of a referral from a  
785 local council.

786 (d) Reviewing existing programs or services and new or  
787 revised programs of the state agencies that provide client  
788 services and making recommendations as to how the rights of  
789 clients are affected.

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

794 (f) Conducting meetings at least once ~~six times~~ a year at  
795 the call of the chair and at other times at the call of the  
796 Governor or by written request of eight ~~six~~ members of the  
797 council, including the executive director.

798 (g) Developing and adopting uniform procedures to be used  
799 to carry out the purpose and responsibilities of the statewide  
800 council and the local councils.

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801 (h) Supervising the operations of the local councils and  
802 monitoring the performance and activities of all local councils  
803 and providing technical assistance to members of local councils.

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

806 (j) Developing and maintaining interagency agreements  
807 between the council and the state agencies providing client  
808 services. The interagency agreements shall address the  
809 coordination of efforts and identify the roles and  
810 responsibilities of the statewide and local councils and each  
811 agency in fulfillment of their responsibilities, including  
812 access to records. The interagency agreements shall explicitly  
813 define a process that the statewide and local councils shall use  
814 to request records from the agency and shall define a process  
815 for appeal when disputes about access to records arise between  
816 agency staff and council members. Interagency agreements shall  
817 be renewed annually and shall be completed and reported to the  
818 Governor no later than February 1.

819 (8) (a) In the performance of its duties, the statewide  
820 council shall have:

821 1. Authority to receive, investigate, seek to conciliate,  
822 hold hearings on, and act on complaints that allege any abuse or  
823 deprivation of constitutional or human rights of persons who  
824 receive client services from any state agency.

825 2. Access to all client records, files, and reports from  
826 any program, service, or facility that is operated, funded, or  
827 contracted by any state agency that provides client services and  
828 any records that are material to its investigation and are in

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829 | the custody of any other agency or department of government. The  
830 | council's investigation or monitoring shall not impede or  
831 | obstruct matters under investigation by law enforcement agencies  
832 | or judicial authorities. Access shall not be granted if a  
833 | specific procedure or prohibition for reviewing records is  
834 | required by federal law and regulation that supersedes state  
835 | law. Access shall not be granted to the records of a private  
836 | licensed practitioner who is providing services outside the  
837 | state agency, or outside a state facility, and whose client is  
838 | competent and refuses disclosure.

839 |         3. Standing to petition the circuit court for access to  
840 | client records that are confidential as specified by law. The  
841 | petition shall be filed with notice and opportunity to be heard  
842 | by the state agency and shall state the specific reasons for  
843 | which the council is seeking access and the intended use of such  
844 | information. The circuit court may authorize council access to  
845 | the records upon a finding that access is directly related to an  
846 | investigation regarding the possible deprivation of  
847 | constitutional or human rights or the abuse of a client.  
848 | Original client files, agency records, and reports may not be  
849 | removed from a state agency, but copies must be provided to the  
850 | council and the local councils at the agency's expense. Under no  
851 | circumstance shall the council have access to confidential  
852 | adoption records once the adoption is finalized by a court in  
853 | accordance with ss. 39.0132, 63.022, and 63.162. Upon completion  
854 | of a general investigation of practices and procedures of a  
855 | state agency, the statewide council shall report its findings to  
856 | that agency.

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857 Section 11. Section 409.1451, Florida Statutes, is amended  
858 to read:

859 409.1451 Independent living transition services.--

860 (1) SYSTEM OF SERVICES.--

861 (a) The Department of Children and Family Services, its  
862 agents, or community-based providers operating pursuant to s.  
863 409.1671 shall administer a system of independent living  
864 transition services to enable older children in foster care and  
865 young adults who exit foster care at age 18 to make the  
866 transition to self-sufficiency as adults.

867 (b) The goals of independent living transition services  
868 are to assist older children in foster care and young adults who  
869 were formerly in foster care to obtain life skills and education  
870 for independent living and employment, to have a quality of life  
871 appropriate for their age, and to assume personal responsibility  
872 for becoming self-sufficient adults.

873 (c) State funds for foster care or federal funds shall be  
874 used to establish a continuum of services for eligible children  
875 in foster care and eligible young adults who were formerly in  
876 foster care which accomplish the goals for the system of  
877 independent living transition services by providing services for  
878 foster children, pursuant to subsection (4), and services for  
879 young adults who were formerly in foster care, pursuant to  
880 subsection (5).

881 (d) For children in foster care, independent living  
882 transition services are not an alternative to adoption.  
883 Independent living transition services may occur concurrently



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884 | with continued efforts to locate and achieve placement in  
885 | adoptive families for older children in foster care.

886 | (2) ELIGIBILITY.--

887 | (a) The department shall serve children who have reached  
888 | 13 years of age but are not yet 18 years of age and who are in  
889 | foster care by providing services pursuant to subsection (4).  
890 | Children to be served must meet the eligibility requirements set  
891 | forth for specific services as provided in this section.

892 | (b) The department shall serve young adults who have  
893 | reached 18 years of age or were placed with a court-approved  
894 | nonrelative or guardian after reaching 16 years of age and have  
895 | spent a minimum of 6 months in foster care ~~but are not yet 23~~  
896 | ~~years of age and who were in foster care when they turned 18~~  
897 | ~~years of age~~ by providing services pursuant to subsection (5).  
898 | Young adults are not entitled to be served but must meet the  
899 | eligibility requirements set forth for specific services in this  
900 | section.

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

902 | (a) It is the intent of the Legislature for the Department  
903 | of Children and Family Services to assist older children in  
904 | foster care and young adults who exit foster care at age 18 in  
905 | making the transition to independent living and self-sufficiency  
906 | as adults. The department shall provide such children and young  
907 | adults with opportunities to participate in life skills  
908 | activities in their foster families and communities which are  
909 | reasonable and appropriate for their respective ages or for any  
910 | special needs they may have, and shall provide them with  
911 | services to build life ~~the~~ skills and increase their ability to

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912 live independently and become self-sufficient. To support the  
913 provision of opportunities for participation in age-appropriate  
914 life skills activities, the department shall:

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

918 2. Provide training for staff and foster parents to  
919 address the issues of older children in foster care in  
920 transitioning to adulthood, which shall include information on  
921 high school completion, grant applications, vocational school  
922 opportunities, supporting education and employment  
923 opportunities, and ~~providing~~ opportunities to participate in  
924 appropriate daily activities.

925 3. Develop procedures to maximize the authority of foster  
926 parents or caregivers to approve participation in age-  
927 appropriate activities of children in their care. The age-  
928 appropriate activities and the authority of the foster parent or  
929 caregiver shall be developed into a written plan that the foster  
930 parent or caregiver, the child, and the case manager all develop  
931 together, sign, and follow. This plan must include specific  
932 goals and objectives and be reviewed and updated no less than  
933 quarterly.

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

936 5. Develop and implement procedures for older children to  
937 directly access and manage the personal allowance they receive  
938 from the department in order to learn responsibility and

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939 participate in age-appropriate life skills activities to the  
940 extent feasible.

941 6. Make a good faith effort to fully explain, prior to  
942 execution of any signature, if required, any document, report,  
943 form, or other record, whether written or electronic, presented  
944 to a child or young adult pursuant to this chapter and allow for  
945 the recipient to ask any appropriate questions necessary to  
946 fully understand the document. It shall be the responsibility of  
947 the person presenting the document to the child or young adult  
948 to comply with this subparagraph.

949 (b) It is further the intent of the Legislature that each  
950 child in foster care, his or her foster parents, if applicable,  
951 and the department or community-based provider set early  
952 achievement and career goals for the child's postsecondary  
953 educational and work experience. The department and community-  
954 based providers shall implement the model set forth in this  
955 paragraph to help ensure that children in foster care are ready  
956 for postsecondary education and the workplace.

957 1. For children in foster care who have reached 13 years  
958 of age, entering the 9th grade, their foster parents, and the  
959 department or community-based provider shall ensure that the  
960 child's case plan includes an educational and career path be  
961 active participants in choosing a post high school goal based  
962 upon both the abilities and interests of each child. The child,  
963 the foster parents, and a teacher or other school staff member  
964 shall be included to the fullest extent possible in developing  
965 the path. The path shall be reviewed at each judicial hearing as  
966 part of the case plan and goal shall accommodate the needs of

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967 children served in exceptional education programs to the extent  
 968 appropriate for each individual. Such children may continue to  
 969 follow the courses outlined in the district school board student  
 970 progression plan. Children in foster care, with the assistance  
 971 of their foster parents, and the department or community-based  
 972 provider shall choose one of the following postsecondary goals:

- 973 a. Attending a 4-year college or university, a community
- 974 college plus university, or a military academy;
- 975 b. Receiving a 2-year postsecondary degree;
- 976 c. Attaining a postsecondary career and technical
- 977 certificate or credential; or
- 978 d. Beginning immediate employment, including
- 979 apprenticeship, after completion of a high school diploma or its
- 980 equivalent, or enlisting in the military.

981 2. In order to assist the child in foster care in  
 982 achieving his or her chosen goal, the department or community-  
 983 based provider shall, with the participation of the child and  
 984 foster parents, identify:

- 985 a. The core courses necessary to qualify for a chosen
- 986 goal.
- 987 b. Any elective courses which would provide additional
- 988 help in reaching a chosen goal.
- 989 c. The grade point requirement and any additional
- 990 information necessary to achieve a specific goal.
- 991 d. A teacher, other school staff member, employee of the
- 992 department or community-based care provider, or community
- 993 volunteer who would be willing to work with the child as an

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994 | academic advocate or mentor if foster parent involvement is  
995 | insufficient or unavailable.

996 |         3. In order to complement educational goals, the  
997 | department and community-based providers are encouraged to form  
998 | partnerships with the business community to support internships,  
999 | apprenticeships, or other work-related opportunities.

1000 |         4. The department and community-based providers shall  
1001 | ensure that children in foster care and their foster parents are  
1002 | made aware of the postsecondary goals available and shall assist  
1003 | in identifying the coursework necessary to enable the child to  
1004 | reach the chosen goal.

1005 |         (c) All children in foster care and young adults formerly  
1006 | in foster care are encouraged to take part in learning  
1007 | opportunities that result from participation in community  
1008 | service activities.

1009 |         (d) Children in foster care and young adults formerly in  
1010 | foster care shall be provided with the opportunity to change  
1011 | from one postsecondary goal to another, and each postsecondary  
1012 | goal shall allow for changes in each individual's needs and  
1013 | preferences. Any change, particularly a change that will result  
1014 | in additional time required to achieve a goal, shall be made  
1015 | with the guidance and assistance of the department or community-  
1016 | based provider.

1017 |         (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The department  
1018 | shall provide the following transition to independence services  
1019 | to children in foster care who meet prescribed conditions and  
1020 | are determined eligible by the department. The service

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1021 categories available to children in foster care which facilitate  
1022 successful transition into adulthood are:

1023 (a) Preindependent living services.--

1024 1. Preindependent living services include, but are not  
1025 limited to, life skills training, educational field trips, and  
1026 conferences. The specific services to be provided to a child  
1027 shall be determined using a preindependent living assessment.

1028 2. A child who has reached 13 years of age but is not yet  
1029 15 years of age who is in foster care is eligible for such  
1030 services.

1031 3. The department shall conduct an annual staffing for  
1032 each child who has reached 13 years of age but is not yet 15  
1033 years of age to ensure that the preindependent living training  
1034 and services to be provided as determined by the preindependent  
1035 living assessment are being received and to evaluate the  
1036 progress of the child in developing the needed independent  
1037 living skills.

1038 4. At the first annual staffing that occurs following a  
1039 child's 14th birthday, and at each subsequent staffing, the  
1040 department or community-based provider shall ensure that the  
1041 child's case plan includes an educational and career path based  
1042 upon both the abilities and interests of each child and shall  
1043 provide to each child detailed personalized information on  
1044 services provided by the Road-to-Independence ~~Scholarship~~  
1045 Program, including requirements for eligibility; on other  
1046 grants, scholarships, and waivers that are available and should  
1047 be sought by the child with assistance from the department,  
1048 including, but not limited to, the Bright Futures Scholarship

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1049 Program, as provided in ss. 1009.53-1009.538; on application  
1050 deadlines; and on grade requirements for such programs.

1051 5. Information related to both the preindependent living  
1052 assessment and all staffings, which shall be reduced to writing  
1053 and signed by the child participant, shall be included as a part  
1054 of the written report required to be provided to the court at  
1055 each judicial review held pursuant to s. 39.701.

1056 (b) Life skills services.--

1057 1. Life skills services may include, but are not limited  
1058 to, independent living skills training, including training to  
1059 develop banking and budgeting skills, interviewing skills,  
1060 parenting skills, and time management or organizational skills,  
1061 educational support, employment training, and counseling.

1062 Children receiving these services should also be provided with  
1063 information related to social security insurance benefits and  
1064 public assistance. The specific services to be provided to a  
1065 child shall be determined using an independent life skills  
1066 assessment.

1067 2. A child who has reached 15 years of age but is not yet  
1068 18 years of age who is in foster care is eligible for such  
1069 services.

1070 3. The department shall conduct a staffing at least once  
1071 every 6 months for each child who has reached 15 years of age  
1072 but is not yet 18 years of age to ensure that the appropriate  
1073 independent living training and services as determined by the  
1074 independent life skills assessment are being received and to  
1075 evaluate the progress of the child in developing the needed  
1076 independent living skills.

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1077 4. The department shall provide to each child in foster  
1078 care during the calendar month following the child's 17th  
1079 birthday an independent living assessment to determine the  
1080 child's skills and abilities to live independently and become  
1081 self-sufficient. Based on the results of the independent living  
1082 assessment, services and training shall be provided in order for  
1083 the child to develop the necessary skills and abilities prior to  
1084 the child's 18th birthday.

1085 5. Information related to both the independent life skills  
1086 assessment and all staffings, which shall be reduced to writing  
1087 and signed by the child participant, shall be included as a part  
1088 of the written report required to be provided to the court at  
1089 each judicial review held pursuant to s. 39.701.

1090 (c) Subsidized independent living services.--

1091 1. Subsidized independent living services are living  
1092 arrangements that allow the child to live independently of the  
1093 daily care and supervision of an adult in a setting that is not  
1094 required to be licensed under s. 409.175.

1095 2. A child who has reached 16 years of age but is not yet  
1096 18 years of age is eligible for such services if he or she:

1097 a. Is adjudicated dependent under chapter 39; has been  
1098 placed in licensed out-of-home care for at least 6 months prior  
1099 to entering subsidized independent living; and has a permanency  
1100 goal of adoption, independent living, or long-term licensed  
1101 care; and

1102 b. Is able to demonstrate independent living skills, as  
1103 determined by the department, using established procedures and  
1104 assessments.



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1105 | 3. Independent living arrangements established for a child  
1106 | must be part of an overall plan leading to the total  
1107 | independence of the child from the department's supervision. The  
1108 | plan must include, but need not be limited to, a description of  
1109 | the skills of the child and a plan for learning additional  
1110 | identified skills; the behavior that the child has exhibited  
1111 | which indicates an ability to be responsible and a plan for  
1112 | developing additional responsibilities, as appropriate; a plan  
1113 | for future educational, vocational, and training skills; present  
1114 | financial and budgeting capabilities and a plan for improving  
1115 | resources and ability; a description of the proposed residence;  
1116 | documentation that the child understands the specific  
1117 | consequences of his or her conduct in the independent living  
1118 | program; documentation of proposed services to be provided by  
1119 | the department and other agencies, including the type of service  
1120 | and the nature and frequency of contact; and a plan for  
1121 | maintaining or developing relationships with the family, other  
1122 | adults, friends, and the community, as appropriate.

1123 | 4. Subsidy payments in an amount established by the  
1124 | department may be made directly to a child under the direct  
1125 | supervision of a caseworker or other responsible adult approved  
1126 | by the department.

1127 | (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER  
1128 | CARE.--Based on the availability of funds, the department shall  
1129 | provide or arrange for the following services to young adults  
1130 | formerly in foster care who meet the prescribed conditions and  
1131 | are determined eligible by the department. The department, or a  
1132 | community-based care lead agency when the agency is under

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1133 contract with the department to provide the services described  
1134 under this subsection, shall develop a plan to implement those  
1135 services. A plan shall be developed for each community-based  
1136 care service area in the state. Each plan that is developed by a  
1137 community-based care lead agency shall be submitted to the  
1138 department. Each plan shall include the number of young adults  
1139 to be served each month of the fiscal year and specify the  
1140 number of young adults who will reach 18 years of age who will  
1141 be eligible for the plan and the number of young adults who will  
1142 reach 23 years of age and will be ineligible for the plan or who  
1143 are otherwise ineligible during each month of the fiscal year;  
1144 staffing requirements and all related costs to administer the  
1145 services and program; expenditures to or on behalf of the  
1146 eligible recipients; costs of services provided to young adults  
1147 through an approved plan for housing, transportation, and  
1148 employment; reconciliation of these expenses and any additional  
1149 related costs with the funds allocated for these services; and  
1150 an explanation of and a plan to resolve any shortages or  
1151 surpluses in order to end the fiscal year with a balanced  
1152 budget. The categories of services available to assist a young  
1153 adult formerly in foster care to achieve independence are:  
1154 (a) Aftercare support services.--  
1155 1. Aftercare support services are available to assist  
1156 young adults who were formerly in foster care in their efforts  
1157 to continue to develop the skills and abilities necessary for  
1158 independent living. The aftercare support services available  
1159 include, but are not limited to, the following:  
1160 a. Mentoring and tutoring.

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- 1161           b. Mental health services and substance abuse counseling.
- 1162           c. Life skills classes, including credit management and
- 1163 preventive health activities.
- 1164           d. Parenting classes.
- 1165           e. Job and career skills training.
- 1166           f. Counselor consultations.
- 1167           g. Temporary financial assistance.
- 1168           h. Financial literacy skills training.
- 1169

1170 The specific services to be provided under this subparagraph  
 1171 shall be determined by an aftercare services assessment and may  
 1172 be provided by the department or through referrals in the  
 1173 community.

1174           2. Temporary assistance provided to prevent homelessness  
 1175 shall be provided as expeditiously as possible and within the  
 1176 limitations defined by the department.

1177           ~~3.2.~~ A young adult who has reached 18 years of age but is  
 1178 not yet 23 years of age who leaves foster care at 18 years of  
 1179 age but who requests services prior to reaching 23 years of age  
 1180 is eligible for such services.

1181           (b) Road-to-Independence ~~Scholarship~~ Program.--

1182           1. The Road-to-Independence ~~Scholarship~~ Program is  
 1183 intended to help eligible students who are former foster  
 1184 children in this state to receive the educational and vocational  
 1185 training needed to achieve independence. The amount of the award  
 1186 shall be based on the living and educational needs of the young  
 1187 adult and may be up to, but may not exceed, the amount of

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1188 earnings that the student would have been eligible to earn  
1189 working a 40-hour-a-week federal minimum wage job.

1190 2. A young adult who has reached 18 years of age but is  
1191 not yet 21 years of age is eligible for the initial award, and a  
1192 young adult under 23 years of age is eligible for renewal  
1193 awards, if he or she:

1194 a. Was a dependent child, under chapter 39, and was living  
1195 in licensed foster care or in subsidized independent living at  
1196 the time of his or her 18th birthday or is currently in licensed  
1197 foster care or subsidized independent living, was adopted from  
1198 foster care after reaching 16 years of age, or, after spending  
1199 at least 6 months in the custody of the department after  
1200 reaching 16 years of age, was placed in a guardianship by the  
1201 court;

1202 b. Spent at least 6 months living in foster care before  
1203 reaching his or her 18th birthday;

1204 c. Is a resident of this state as defined in s. 1009.40;  
1205 and

1206 d. Meets one of the following qualifications:

1207 (I) Has earned a standard high school diploma or its  
1208 equivalent as described in s. 1003.43 or s. 1003.435, or has  
1209 earned a special diploma or special certificate of completion as  
1210 described in s. 1003.438, and has been admitted for full-time  
1211 enrollment in an eligible postsecondary education institution as  
1212 defined in s. 1009.533;

1213 (II) Is enrolled full time in an accredited high school;  
1214 or

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1215 (III) Is enrolled full time in an accredited adult  
1216 education program designed to provide the student with a high  
1217 school diploma or its equivalent.

1218 3. A young adult applying for the ~~a~~ Road-to-Independence  
1219 Program Scholarship must apply for any other grants and  
1220 scholarships for which he or she may qualify. The department  
1221 shall assist the young adult in the application process and may  
1222 use the federal financial aid grant process to determine the  
1223 funding needs of the young adult.

1224 4. An award shall be available to a young adult who is  
1225 considered a full-time student or its equivalent by the  
1226 educational institution in which he or she is enrolled, unless  
1227 that young adult has a recognized disability preventing full-  
1228 time attendance. The amount of the award, whether it is being  
1229 used by a young adult working toward completion of a high school  
1230 diploma or its equivalent or working toward completion of a  
1231 postsecondary education program, shall be determined based on an  
1232 assessment of the funding needs of the young adult. This  
1233 assessment must consider the young adult's living and  
1234 educational costs and other grants, scholarships, waivers,  
1235 earnings, and other income to be received by the young adult. An  
1236 award shall be available only to the extent that other grants  
1237 and scholarships are not sufficient to meet the living and  
1238 educational needs of the young adult, but an award may not be  
1239 less than \$25 in order to maintain Medicaid eligibility for the  
1240 young adult as provided in s. 409.903.

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1241           5. The amount of the award may be disregarded for purposes  
 1242 of determining the eligibility for, or the amount of, any other  
 1243 federal or federally supported assistance.

1244           6.5.a. The department must advertise the criteria,  
 1245 application procedures, and availability of the program to:

1246           (I) Children and young adults in, leaving, or formerly in  
 1247 foster care.

1248           (II) Case managers.

1249           (III) Guidance and family services counselors.

1250           (IV) Principals or other relevant school administrators.

1251           (V) Guardians ad litem.

1252           (VI) Foster parents. ~~and must ensure that the children and~~  
 1253 ~~young adults leaving foster care, foster parents, or family~~  
 1254 ~~services counselors are informed of the availability of the~~  
 1255 ~~program and the application procedures.~~

1256           ~~b. A young adult must apply for the initial award during~~  
 1257 ~~the 6 months immediately preceding his or her 18th birthday, and~~  
 1258 ~~the department shall provide assistance with the application~~  
 1259 ~~process. A young adult who fails to make an initial application,~~  
 1260 ~~but who otherwise meets the criteria for an initial award, may~~  
 1261 ~~make one application for the initial award if the application is~~  
 1262 ~~made before the young adult's 21st birthday. If the young adult~~  
 1263 ~~does not apply for an initial award before his or her 18th~~  
 1264 ~~birthday, the department shall inform that young adult of the~~  
 1265 ~~opportunity to apply before turning 21 years of age.~~

1266           ~~b.e. If funding for the program is available, The~~  
 1267 ~~department shall issue awards from the scholarship program for~~

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1268 | each young adult who meets all the requirements of the program  
1269 | to the extent funding is available.

1270 | ~~c.d.~~ An award shall be issued at the time the eligible  
1271 | student reaches 18 years of age.

1272 | ~~d.e.~~ A young adult who is eligible for the Road-to-  
1273 | Independence Program, transitional support services, or  
1274 | aftercare services and who so desires shall be allowed to reside  
1275 | with the licensed foster family or group care provider with whom  
1276 | he or she was residing at the time of attaining his or her 18th  
1277 | birthday or to reside in another licensed foster home or with a  
1278 | group care provider arranged by the department.

1279 | ~~e.f.~~ If the award recipient transfers from one eligible  
1280 | institution to another and continues to meet eligibility  
1281 | requirements, the award must be transferred with the recipient.

1282 | ~~f.g.~~ ~~Scholarship~~ Funds awarded to any eligible young adult  
1283 | under this program are in addition to any other services or  
1284 | funds provided to the young adult by the department through  
1285 | transitional support services or aftercare services ~~its~~  
1286 | ~~independent living transition services.~~

1287 | ~~g.h.~~ The department shall provide information concerning  
1288 | young adults receiving funding through the Road-to-Independence  
1289 | Program ~~Scholarship~~ to the Department of Education for inclusion  
1290 | in the student financial assistance database, as provided in s.  
1291 | 1009.94.

1292 | ~~h.i.~~ ~~Scholarship~~ Funds are intended to help eligible young  
1293 | adults ~~students~~ who are former foster children in this state to  
1294 | receive the educational and vocational training needed to become  
1295 | independent and self-supporting. The funds shall be terminated

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1296 when the young adult has attained one of four postsecondary  
1297 goals under subsection (3) or reaches 23 years of age, whichever  
1298 occurs earlier. In order to initiate postsecondary education, to  
1299 allow for a change in career goal, or to obtain additional  
1300 skills in the same educational or vocational area, a young adult  
1301 may earn no more than two diplomas, certificates, or  
1302 credentials. A young adult attaining an associate of arts or  
1303 associate of science degree shall be permitted to work toward  
1304 completion of a bachelor of arts or a bachelor of science degree  
1305 or an equivalent undergraduate degree. Road-to-Independence  
1306 Program Scholarship funds may not be used for education or  
1307 training after a young adult has attained a bachelor of arts or  
1308 a bachelor of science degree or an equivalent undergraduate  
1309 degree.

1310 ~~i.j.~~ The department shall evaluate and renew each award  
1311 annually during the 90-day period before the young adult's  
1312 birthday. In order to be eligible for a renewal award for the  
1313 subsequent year, the young adult must:

1314 (I) Complete the number of hours, or the equivalent  
1315 considered full time by the educational institution, unless that  
1316 young adult has a recognized disability preventing full-time  
1317 attendance, in the last academic year in which the young adult  
1318 earned an award ~~a scholarship~~, except for a young adult who  
1319 meets the requirements of s. 1009.41.

1320 (II) Maintain appropriate progress as required by the  
1321 educational institution, except that, if the young adult's  
1322 progress is insufficient to renew the award ~~scholarship~~ at any  
1323 time during the eligibility period, the young adult may restore

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1324 eligibility by improving his or her progress to the required  
1325 level.

1326 ~~j.k.~~ ~~Scholarship~~ Funds may be terminated during the  
1327 interim between an award and the evaluation for a renewal award  
1328 if the department determines that the award recipient is no  
1329 longer enrolled in an educational institution as defined in sub-  
1330 subparagraph 2.d., or is no longer a state resident. The  
1331 department shall notify a recipient ~~student~~ who is terminated  
1332 and inform the recipient ~~student~~ of his or her right to appeal.

1333 ~~k.l.~~ An award recipient who does not qualify for a renewal  
1334 award or who chooses not to renew the award may subsequently  
1335 apply for reinstatement. An application for reinstatement must  
1336 be made before the young adult reaches 23 years of age, and a  
1337 student may not apply for reinstatement more than once. In order  
1338 to be eligible for reinstatement, the young adult must meet the  
1339 eligibility criteria and the criteria for award renewal for the  
1340 ~~scholarship~~ program.

1341 (c) Transitional support services.--

1342 1. In addition to any services provided through aftercare  
1343 support or the Road-to-Independence Program ~~Scholarship~~, a young  
1344 adult formerly in foster care may receive other appropriate  
1345 short-term funding and services, which may include financial,  
1346 housing, counseling, employment, education, mental health,  
1347 disability, and other services, if the young adult demonstrates  
1348 that the services are critical to the young adult's own efforts  
1349 to achieve self-sufficiency and to develop a personal support  
1350 system. The department or community-based care provider shall  
1351 work with the young adult in developing a joint transition plan

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1352 that is consistent with a needs assessment identifying the  
1353 specific need for transitional services to support the young  
1354 adult's own efforts. The young adult must have specific tasks to  
1355 complete or maintain included in the plan and be accountable for  
1356 the completion of or making progress towards the completion of  
1357 these tasks. If the young adult and the department or community-  
1358 based care provider cannot come to agreement regarding any part  
1359 of the plan, the young adult may access a grievance process to  
1360 its full extent in an effort to resolve the disagreement.

1361 2. A young adult formerly in foster care is eligible to  
1362 apply for transitional support services if he or she has reached  
1363 18 years of age but is not yet 23 years of age, was a dependent  
1364 child pursuant to chapter 39, was living in licensed foster care  
1365 or in subsidized independent living at the time of his or her  
1366 18th birthday, and had spent at least 6 months living in foster  
1367 care before that date.

1368 3. If at any time the services are no longer critical to  
1369 the young adult's own efforts to achieve self-sufficiency and to  
1370 develop a personal support system, they shall be terminated.

1371 (d) Payment of aftercare, Road-to-Independence Program  
1372 ~~scholarship~~, or transitional support funds.--

1373 1. Payment of aftercare, Road-to-Independence Program  
1374 ~~scholarship~~, or transitional support funds shall be made  
1375 directly to the recipient unless the recipient requests in  
1376 writing to the community-based care lead agency, or the  
1377 department, that the payments or a portion of the payments be  
1378 made directly on the recipient's behalf in order to secure  
1379 services such as housing, counseling, education, or employment

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1380 training as part of the young adult's own efforts to achieve  
1381 self-sufficiency.

1382 2. After the completion of aftercare support services that  
1383 satisfy the requirements of sub-subparagraph (a)1.h., payment of  
1384 awards under the Road-to-Independence Program shall be made by  
1385 direct deposit to the recipient, unless the recipient requests  
1386 in writing to the community-based care lead agency or the  
1387 department that:

1388 a. The payments be made directly to the recipient by check  
1389 or warrant;

1390 b. The payments or a portion of the payments be made  
1391 directly on the recipient's behalf to institutions the recipient  
1392 is attending to maintain eligibility under this section; or

1393 c. The payments be made on a two-party check to a business  
1394 or landlord for a legitimate expense, whether reimbursed or not.  
1395 A legitimate expense for the purposes of this sub-subparagraph  
1396 shall include automobile repair or maintenance expenses;  
1397 educational, job, or training expenses; and costs incurred,  
1398 except legal costs, fines, or penalties, when applying for or  
1399 executing a rental agreement for the purposes of securing a home  
1400 or residence.

1401 3. The community-based care lead agency may purchase  
1402 housing, transportation, or employment services to ensure the  
1403 availability and affordability of specific transitional services  
1404 thereby allowing an eligible young adult to utilize these  
1405 services in lieu of receiving a direct payment. Prior to  
1406 purchasing such services, the community-based care lead agency  
1407 must have a plan approved by the department describing the

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1408 services to be purchased, the rationale for purchasing the  
1409 services, and a specific range of expenses for each service that  
1410 is less than the cost of purchasing the service by an individual  
1411 young adult. The plan must include a description of the  
1412 transition of a young adult using these services into  
1413 independence and a timeframe for achievement of independence. An  
1414 eligible young adult who prefers a direct payment shall receive  
1415 such payment. The plan must be reviewed annually and evaluated  
1416 for cost-efficiency and for effectiveness in assisting young  
1417 adults in achieving independence, preventing homelessness among  
1418 young adults, and enabling young adults to earn a livable wage  
1419 in a permanent employment situation.

1420 4. The young adult who resides with a foster family may  
1421 not be included as a child in calculating any licensing  
1422 restriction on the number of children in the foster home.

1423 (e) Appeals process.--

1424 1. The Department of Children and Family Services shall  
1425 adopt by rule a procedure by which a young adult may appeal an  
1426 eligibility determination or the department's failure to provide  
1427 aftercare, Road-to-Independence Program scholarship, or  
1428 transitional support services, or the termination of such  
1429 services, if such funds are available.

1430 2. The procedure developed by the department must be  
1431 readily available to young adults, must provide timely  
1432 decisions, and must provide for an appeal to the Secretary of  
1433 Children and Family Services. The decision of the secretary  
1434 constitutes final agency action and is reviewable by the court  
1435 as provided in s. 120.68.

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1436 (6) ACCOUNTABILITY.--The department shall develop outcome  
1437 measures for the program and other performance measures in order  
1438 to maintain oversight of the program. The department shall  
1439 prepare a report on the outcome measures and the department's  
1440 oversight activities and submit the report to the President of  
1441 the Senate, the Speaker of the House of Representatives, and the  
1442 committees with jurisdiction over issues relating to children  
1443 and families in the Senate and the House of Representatives no  
1444 later than January 31 of each year. The report must include:

1445 (a) An analysis of performance on the outcome measures  
1446 developed under this section reported for each community-based  
1447 care lead agency and compared with the performance of the  
1448 department on the same measures.

1449 (b) A description of the department's oversight of the  
1450 program, including, by lead agency, any programmatic or fiscal  
1451 deficiencies found, corrective actions required, and current  
1452 status of compliance.

1453 (c) Any rules adopted or proposed under this section since  
1454 the last report. For the purposes of the first report, any rules  
1455 adopted or proposed under this section must be included.

1456 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The  
1457 Secretary of Children and Family Services shall establish the  
1458 Independent Living Services Advisory Council for the purpose of  
1459 reviewing and making recommendations concerning the  
1460 implementation and operation of the independent living  
1461 transition services. This advisory council shall continue to  
1462 function as specified in this subsection until the Legislature  
1463 determines that the advisory council can no longer provide a

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1464 | valuable contribution to the department's efforts to achieve the  
1465 | goals of the independent living transition services.

1466 |       (a) Specifically, the advisory council shall assess the  
1467 | implementation and operation of the system of independent living  
1468 | transition services and advise the department on actions that  
1469 | would improve the ability of the independent living transition  
1470 | services to meet the established goals. The advisory council  
1471 | shall keep the department informed of problems being experienced  
1472 | with the services, barriers to the effective and efficient  
1473 | integration of services and support across systems, and  
1474 | successes that the system of independent living transition  
1475 | services has achieved. The department shall consider, but is not  
1476 | required to implement, the recommendations of the advisory  
1477 | council.

1478 |       (b) The advisory council shall report to the appropriate  
1479 | substantive committees of the Senate and the House of  
1480 | Representatives on the status of the implementation of the  
1481 | system of independent living transition services; efforts to  
1482 | publicize the availability of aftercare support services, the  
1483 | Road-to-Independence ~~Scholarship~~ Program, and transitional  
1484 | support services; ~~specific barriers to financial aid created by~~  
1485 | ~~the scholarship and possible solutions;~~ the success of the  
1486 | services; problems identified; recommendations for department or  
1487 | legislative action; and the department's implementation of the  
1488 | recommendations contained in the Independent Living Services  
1489 | Integration Workgroup Report submitted to the Senate and the  
1490 | House substantive committees December 31, 2002. This advisory  
1491 | council report shall be submitted by December 31 of each year

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1492 that the council is in existence and shall be accompanied by a  
1493 report from the department which identifies the recommendations  
1494 of the advisory council and either describes the department's  
1495 actions to implement these recommendations or provides the  
1496 department's rationale for not implementing the recommendations.

1497 (c) Members of the advisory council shall be appointed by  
1498 the secretary of the department. The membership of the advisory  
1499 council must include, at a minimum, representatives from the  
1500 headquarters and district offices of the Department of Children  
1501 and Family Services, community-based care lead agencies, the  
1502 Agency for Workforce Innovation, the Department of Education,  
1503 the Agency for Health Care Administration, the State Youth  
1504 Advisory Board, Workforce Florida, Inc., the Statewide Guardian  
1505 Ad Litem Office, foster parents, recipients of Road-to-  
1506 Independence Program funding, and advocates for foster children.  
1507 The secretary shall determine the length of the term to be  
1508 served by each member appointed to the advisory council, which  
1509 may not exceed 4 years.

1510 (d) The Department of Children and Family Services shall  
1511 provide administrative support to the Independent Living  
1512 Services Advisory Council to accomplish its assigned tasks. The  
1513 advisory council shall be afforded access to all appropriate  
1514 data from the department, each community-based care lead agency,  
1515 and other relevant agencies in order to accomplish the tasks set  
1516 forth in this section. The data collected may not include any  
1517 information that would identify a specific child or young adult.

1518 (8) PERSONAL PROPERTY.--Property acquired on behalf of  
1519 clients of this program shall become the personal property of

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1520 the clients and is not subject to the requirements of chapter  
1521 273 relating to state-owned tangible personal property. Such  
1522 property continues to be subject to applicable federal laws.

1523 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER  
1524 CARE.--The department shall enroll in the Florida KidCare  
1525 program, outside the open enrollment period, each young adult  
1526 who is eligible as described in paragraph (2)(b) and who has not  
1527 yet reached his or her 19th birthday.

1528 (a) A young adult who was formerly in foster care at the  
1529 time of his or her 18th birthday and who is 18 years of age but  
1530 not yet 19, shall pay the premium for the Florida KidCare  
1531 program as required in s. 409.814.

1532 (b) A young adult who has health insurance coverage from a  
1533 third party through his or her employer or who is eligible for  
1534 Medicaid is not eligible for enrollment under this subsection.

1535 (10) RULEMAKING.--The department shall adopt by rule  
1536 procedures to administer this section, including balancing the  
1537 goals of normalcy and safety for the youth and providing the  
1538 caregivers with as much flexibility as possible to enable the  
1539 youth to participate in normal life experiences. The department  
1540 shall not adopt rules relating to reductions in ~~scholarship~~  
1541 awards. The department shall engage in appropriate planning to  
1542 prevent, to the extent possible, a reduction in ~~scholarship~~  
1543 awards after issuance.

1544 Section 12. Paragraph (b) of subsection (2) of section  
1545 409.175, Florida Statutes, is amended to read:



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1546 409.175 Licensure of family foster homes, residential  
1547 child-caring agencies, and child-placing agencies; public  
1548 records exemption.--

1549 (2) As used in this section, the term:

1550 (b) "Boarding school" means a school which is accredited  
1551 by the Florida Council of Independent Schools or the Southern  
1552 Association of Colleges and Schools; which is accredited by the  
1553 Council on Accreditation, the Commission on Accreditation of  
1554 Rehabilitation Facilities, or the Coalition for Residential  
1555 Education; and which is registered with the Department of  
1556 Education as a school. Its program must follow established  
1557 school schedules, with holiday breaks and summer recesses in  
1558 accordance with other public and private school programs. The  
1559 children in residence must customarily return to their family  
1560 homes or legal guardians during school breaks and must not be in  
1561 residence year-round, except that this provision does not apply  
1562 to foreign students. The parents of these children retain  
1563 custody and planning and financial responsibility. A boarding  
1564 school currently in existence and a boarding school opening and  
1565 seeking accreditation has 3 years to comply with the  
1566 requirements of this paragraph. A boarding school must provide  
1567 proof of accreditation or documentation of the accreditation  
1568 process upon request. A boarding school that cannot produce the  
1569 required documentation or that has not registered with the  
1570 Department of Education shall be considered to be providing  
1571 residential group care without a license. The department may  
1572 impose administrative sanctions or seek civil remedies as  
1573 provided under paragraph (11) (a).

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1574 Section 13. Subsection (4) of section 409.903, Florida  
1575 Statutes, is amended to read:

1576 409.903 Mandatory payments for eligible persons.--The  
1577 agency shall make payments for medical assistance and related  
1578 services on behalf of the following persons who the department,  
1579 or the Social Security Administration by contract with the  
1580 Department of Children and Family Services, determines to be  
1581 eligible, subject to the income, assets, and categorical  
1582 eligibility tests set forth in federal and state law. Payment on  
1583 behalf of these Medicaid eligible persons is subject to the  
1584 availability of moneys and any limitations established by the  
1585 General Appropriations Act or chapter 216.

1586 (4) A child who is eligible under Title IV-E of the Social  
1587 Security Act for subsidized board payments, foster care, or  
1588 adoption subsidies, and a child for whom the state has assumed  
1589 temporary or permanent responsibility and who does not qualify  
1590 for Title IV-E assistance but is in foster care, shelter or  
1591 emergency shelter care, or subsidized adoption. This category  
1592 includes a young adult who is eligible to receive services under  
1593 s. 409.1451(5), until the young adult reaches 20 years of age,  
1594 without regard to any income, resource, or categorical  
1595 eligibility test that is otherwise required. This category also  
1596 includes a person who as a child ~~who~~ was eligible under Title  
1597 IV-E of the Social Security Act for foster care or the state-  
1598 provided foster care, ~~who exited foster care due to attaining~~  
1599 ~~the age of 18 years,~~ and who is a participant in the ~~has been~~  
1600 ~~awarded a~~ Road-to-Independence Program ~~Scholarship~~.

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1601 Section 14. Section 743.045, Florida Statutes, is created  
1602 to read:

1603 743.045 Removal of disabilities of minors; executing  
1604 contracts for a residential lease.--For the sole purpose of  
1605 ensuring that a youth in foster care will be able to execute a  
1606 contract for the lease of residential property upon the youth's  
1607 18th birthday, the disability of nonage of minors is removed for  
1608 all youth who have reached 17 years of age, have been  
1609 adjudicated dependent, and are in the legal custody of the  
1610 Department of Children and Family Services through foster care  
1611 or subsidized independent living. These youth are authorized to  
1612 make and execute contracts, releases, and all other instruments  
1613 necessary for the purpose of entering into a contract for the  
1614 lease of residential property upon the youth's 18th birthday.  
1615 The contracts or other instruments made by the youth shall have  
1616 the same effect as though they were the obligations of persons  
1617 who were not minors. A youth seeking to enter into such lease  
1618 contracts or execute other necessary instruments that are  
1619 incidental to entering into a lease must present an order from a  
1620 court of competent jurisdiction removing the disabilities of  
1621 nonage of the minor under this section.

1622 Section 15. Paragraph (c) of subsection (2) of section  
1623 1009.25, Florida Statutes, is amended to read:

1624 1009.25 Fee exemptions.--

1625 (2) The following students are exempt from the payment of  
1626 tuition and fees, including lab fees, at a school district that  
1627 provides postsecondary career programs, community college, or  
1628 state university:

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1629           (c) A student who ~~the state has determined is eligible for~~  
1630 ~~the Road to Independence Scholarship, regardless of whether an~~  
1631 ~~award is issued or not, or a student who~~ is or was at the time  
1632 he or she reached 18 years of age in the custody of the  
1633 Department of Children and Family Services or a relative under  
1634 s. 39.5085, or who is adopted from the Department of Children  
1635 and Family Services after May 5, 1997, or who, after spending at  
1636 least 6 months in the custody of the department after reaching  
1637 16 years of age, was placed in a guardianship by the court. Such  
1638 exemption includes fees associated with enrollment in career-  
1639 preparatory instruction and completion of the college-level  
1640 communication and computation skills testing program. Such an  
1641 exemption is available to any student who was in the custody of  
1642 a relative under s. 39.5085 at the time he or she reached 18  
1643 years of age or was adopted from the Department of Children and  
1644 Family Services after May 5, 1997; however, the exemption  
1645 remains valid for no more than 4 years after the date of  
1646 graduation from high school.

1647           Section 16. This act shall take effect July 1, 2006, only  
1648 if a specific appropriation to fund the provisions of this act  
1649 is made in the General Appropriations Act for fiscal year 2006-  
1650 2007.