

1 A bill to be entitled

2 An act relating to the welfare of children; amending s.  
3 39.001, F.S.; providing additional purposes of ch. 39,  
4 F.S.; revising legislative intent; creating the Office of  
5 Child Abuse Prevention within the Executive Office of the  
6 Governor; directing the Governor to appoint a director of  
7 the office; providing duties and responsibilities of the  
8 director; providing procedures for evaluation of child  
9 abuse prevention programs; requiring a report to the  
10 Governor, Legislature, secretaries of certain state  
11 agencies, and certain committees of the Legislature;  
12 providing for information to be included in the report;  
13 providing for the development and implementation of a  
14 state plan for the coordination of child abuse prevention  
15 programs and services; establishing a Child Abuse  
16 Prevention Advisory Council; providing for membership,  
17 duties, and responsibilities; requiring requests for  
18 funding to be based on the state plan; providing for  
19 review and revision of the state plan; granting rulemaking  
20 authority to the Executive Office of the Governor;  
21 requiring the Legislature to evaluate the office by a  
22 specified date; amending s. 39.0014, F.S.; providing  
23 responsibilities of the office under ch. 39, F.S.;  
24 amending s. 39.01, F.S.; providing and revising  
25 definitions; amending s. 39.202, F.S.; providing access to  
26 records for agencies that provide early intervention and  
27 prevention services; amending ss. 39.0015, 39.013, and

28 39.302, F.S.; conforming cross-references and terminology;  
29 amending s. 39.701, F.S.; requiring the court to issue an  
30 order that is separate from other judicial review orders;  
31 amending s. 402.164, F.S.; establishing legislative intent  
32 for the statewide and local advocacy councils; revising a  
33 definition; amending s. 402.165, F.S.; providing for  
34 termination of members of the statewide council; providing  
35 guidelines for selection of the executive director of the  
36 Florida Statewide Advocacy Council; establishing a process  
37 for investigating reports of abuse; revising council  
38 meeting requirements; providing requirements for  
39 interagency agreements; requiring interagency agreements  
40 to be renewed annually and submitted to the Governor by a  
41 specified date; providing additional requirements for the  
42 statewide council to petition the circuit court for access  
43 to certain records; amending s. 409.1451, F.S., relating  
44 to independent living transition services; revising  
45 eligibility requirements for certain young adults;  
46 revising duties of the Department of Children and Family  
47 Services regarding independent living transition services;  
48 including additional parties in the review of a child's  
49 academic performance; requiring the department or a  
50 community-based care lead agency under contract with the  
51 department to develop a plan for delivery of such  
52 services; requiring additional aftercare support services;  
53 providing additional qualifications to receive an award  
54 under the Road-to-Independence Program; deleting certain

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

78 |  
79 | Be It Enacted by the Legislature of the State of Florida:  
80 |

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

87 39.001 Purposes and intent; personnel standards and  
88 screening.--

89 (1) PURPOSES OF CHAPTER.--The purposes of this chapter  
90 are:

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

97 (b) To recognize that most families desire to be competent  
98 caregivers and providers for their children and that children  
99 achieve their greatest potential when families are able to  
100 support and nurture the growth and development of their  
101 children. Therefore, the Legislature finds that policies and  
102 procedures that provide for prevention and intervention through  
103 the department's child protection system should be based on the  
104 following principles:

105 1. The health and safety of the children served shall be  
106 of paramount concern.

107           2. The prevention and intervention should engage families  
108 in constructive, supportive, and nonadversarial relationships.

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

113           4. The prevention and intervention should be based upon  
114 outcome evaluation results that demonstrate success in  
115 protecting children and supporting families.

116           (c) To provide a child protection system that reflects a  
117 partnership between the department, other agencies, and local  
118 communities.

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

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

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

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

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

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

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

154 (k) To make every possible effort, when two or more  
155 children who are in the care or under the supervision of the  
156 department are siblings, to place the siblings in the same home;  
157 and in the event of permanent placement of the siblings, to  
158 place them in the same adoptive home or, if the siblings are  
159 separated, to keep them in contact with each other.

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

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

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

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

187 further this end, it is the intent of the Legislature that an  
188 Office of Child Abuse Prevention be established ~~a comprehensive~~  
189 ~~approach for the prevention of abuse, abandonment, and neglect~~  
190 ~~of children be developed for the state and that this planned,~~  
191 ~~comprehensive approach be used as a basis for funding.~~

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

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

199 (b) The director shall:

200 1. Assist in developing rules pertaining to implementation  
201 of child abuse prevention efforts.

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

205 3. Work to secure funding and other support for the  
206 state's child abuse prevention efforts, including, but not  
207 limited to, establishing cooperative relationships among state  
208 and private agencies.

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

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

219 6. Develop child abuse prevention public awareness  
220 campaigns to be implemented throughout the state.

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

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

225 2. Provide for or make available continuing professional  
226 education and training in the prevention of child abuse and  
227 neglect.

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

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

234 a. Programs and services for the prevention of child abuse  
235 and neglect.

236 b. Training programs for the prevention of child abuse and  
237 neglect.

238 c. Multidisciplinary and discipline-specific training  
 239 programs for professionals with responsibilities affecting  
 240 children, young adults, and families.

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

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

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

253 c. Recommendations, by state agency, for the further  
 254 development and improvement of services and programs for the  
 255 prevention of child abuse and neglect.

256 d. The budget requests and prevention program needs by  
 257 state agency.

258 ~~(8)(7)~~ PLAN FOR COMPREHENSIVE APPROACH.--

259 (a) The office ~~department~~ shall develop a state plan for  
 260 the prevention of abuse, abandonment, and neglect of children  
 261 and shall submit the state plan to the Speaker of the House of  
 262 Representatives, the President of the Senate, and the Governor  
 263 no later than December 31, 2007 ~~January 1, 1983~~. The Department  
 264 of Children and Family Services, the Department of Corrections,

265 | the Department of Education, the Department of Health, the  
266 | Department of Juvenile Justice, the Department of Law  
267 | Enforcement, the Agency for Persons with Disabilities, and the  
268 | Agency for Workforce Innovation ~~The Department of Education and~~  
269 | ~~the Division of Children's Medical Services Prevention and~~  
270 | ~~Intervention of the Department of Health~~ shall participate and  
271 | fully cooperate in the development of the state plan at both the  
272 | state and local levels. Furthermore, appropriate local agencies  
273 | and organizations shall be provided an opportunity to  
274 | participate in the development of the state plan at the local  
275 | level. Appropriate local groups and organizations shall include,  
276 | but not be limited to, community mental health centers; guardian  
277 | ad litem programs for children under the circuit court; the  
278 | school boards of the local school districts; the Florida local  
279 | advocacy councils; community-based care lead agencies; private  
280 | or public organizations or programs with recognized expertise in  
281 | working with child abuse prevention programs for children and  
282 | families; private or public organizations or programs with  
283 | recognized expertise in working with children who are sexually  
284 | abused, physically abused, emotionally abused, abandoned, or  
285 | neglected and with expertise in working with the families of  
286 | such children; private or public programs or organizations with  
287 | expertise in maternal and infant health care; multidisciplinary  
288 | child protection teams; child day care centers; law enforcement  
289 | agencies;7 and the circuit courts, when guardian ad litem  
290 | programs are not available in the local area. The state plan to  
291 | be provided to the Legislature and the Governor shall include,

292 as a minimum, the information required of the various groups in  
 293 paragraph (b).

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

296 1. The office shall establish a Child Abuse Prevention  
 297 Advisory Council composed of representatives from each state  
 298 agency and appropriate local agencies and organizations  
 299 specified in paragraph (a). The advisory council shall serve as  
 300 the research arm of the office and ~~The department shall~~  
 301 ~~establish an interprogram task force comprised of the Program~~  
 302 ~~Director for Family Safety, or a designee, a representative from~~  
 303 ~~the Child Care Services Program Office, a representative from~~  
 304 ~~the Family Safety Program Office, a representative from the~~  
 305 ~~Mental Health Program Office, a representative from the~~  
 306 ~~Substance Abuse Program Office, a representative from the~~  
 307 ~~Developmental Disabilities Program Office, and a representative~~  
 308 ~~from the Division of Children's Medical Services Prevention and~~  
 309 ~~Intervention of the Department of Health. Representatives of the~~  
 310 ~~Department of Law Enforcement and of the Department of Education~~  
 311 ~~shall serve as ex officio members of the interprogram task~~  
 312 ~~force. The interprogram task force shall be responsible for:~~

313 a. Assisting in developing a plan of action for better  
 314 coordination and integration of the goals, activities, and  
 315 funding pertaining to the prevention of child abuse,  
 316 abandonment, and neglect conducted by the office ~~department~~ in  
 317 order to maximize staff and resources at the state level. The  
 318 plan of action shall be included in the state plan.

319           b. Assisting in providing a basic format to be utilized by  
320 the districts in the preparation of local plans of action in  
321 order to provide for uniformity in the district plans and to  
322 provide for greater ease in compiling information for the state  
323 plan.

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

326           d. Assisting in examining the local plans to determine if  
327 all the requirements of the local plans have been met and, if  
328 they have not, informing the districts of the deficiencies and  
329 requesting the additional information needed.

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

344           f. Conducting a feasibility study on the establishment of  
345 a Children's Cabinet.

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

348 2. The office, the department, the Department of  
349 Education, and the Department of Health shall work together in  
350 developing ways to inform and instruct parents of school  
351 children and appropriate district school personnel in all school  
352 districts in the detection of child abuse, abandonment, and  
353 neglect and in the proper action that should be taken in a  
354 suspected case of child abuse, abandonment, or neglect, and in  
355 caring for a child's needs after a report is made. The plan for  
356 accomplishing this end shall be included in the state plan.

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

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

371 5. The office, the department, the Department of  
372 Education, and the Department of Health shall work together on

373 the enhancement or adaptation of curriculum materials to assist  
374 instructional personnel in providing instruction through a  
375 multidisciplinary approach on the identification, intervention,  
376 and prevention of child abuse, abandonment, and neglect. The  
377 curriculum materials shall be geared toward a sequential program  
378 of instruction at the four progressional levels, K-3, 4-6, 7-9,  
379 and 10-12. Strategies for encouraging all school districts to  
380 utilize the curriculum are to be included in the ~~comprehensive~~  
381 state plan for the prevention of child abuse, abandonment, and  
382 neglect.

383         6. Each district of the department shall develop a plan  
384 for its specific geographical area. The plan developed at the  
385 district level shall be submitted to the advisory council  
386 ~~interprogram task force~~ for utilization in preparing the state  
387 plan. The district local plan of action shall be prepared with  
388 the involvement and assistance of the local agencies and  
389 organizations listed in this paragraph ~~(a)~~, as well as  
390 representatives from those departmental district offices  
391 participating in the treatment and prevention of child abuse,  
392 abandonment, and neglect. In order to accomplish this, the  
393 office ~~district administrator in each district~~ shall establish a  
394 task force on the prevention of child abuse, abandonment, and  
395 neglect. The office ~~district administrator~~ shall appoint the  
396 members of the task force in accordance with the membership  
397 requirements of this section. The office ~~In addition, the~~  
398 ~~district administrator shall ensure that each subdistrict is~~  
399 ~~represented on the task force; and, if the district does not~~

400 ~~have subdistricts, the district administrator~~ shall ensure that  
401 both urban and rural areas are represented on the task force.  
402 The task force shall develop a written statement clearly  
403 identifying its operating procedures, purpose, overall  
404 responsibilities, and method of meeting responsibilities. The  
405 district plan of action to be prepared by the task force shall  
406 include, but shall not be limited to:

407       a. Documentation of the magnitude of the problems of child  
408 abuse, including sexual abuse, physical abuse, and emotional  
409 abuse, and child abandonment and neglect in its geographical  
410 area.

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

416       c. A continuum of programs and services necessary for a  
417 comprehensive approach to the prevention of all types of child  
418 abuse, abandonment, and neglect as well as a brief description  
419 of such programs and services.

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

423       e. A plan for steps to be taken in meeting identified  
424 needs, including the coordination and integration of services to  
425 avoid unnecessary duplication and cost, and for alternative  
426 funding strategies for meeting needs through the reallocation of

427 existing resources, utilization of volunteers, contracting with  
 428 local universities for services, and local government or private  
 429 agency funding.

430 f. A description of barriers to the accomplishment of a  
 431 comprehensive approach to the prevention of child abuse,  
 432 abandonment, and neglect.

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

435 (9)~~(8)~~ FUNDING AND SUBSEQUENT PLANS.--

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

444 (b) The office ~~department at the state and district levels~~  
 445 and the other agencies and organizations listed in paragraph  
 446 (8) (a) ~~(7) (a)~~ shall readdress the state plan and make necessary  
 447 revisions every 5 years, at a minimum. Such revisions shall be  
 448 submitted to the Speaker of the House of Representatives and the  
 449 President of the Senate no later than June 30 of each year  
 450 divisible by 5. At least biennially, the office shall review the  
 451 state plan and make any necessary revisions based on changing  
 452 needs and program evaluation results. An annual progress report  
 453 shall be submitted to update the state plan in the years between

454 the 5-year intervals. In order to avoid duplication of effort,  
455 these required plans may be made a part of or merged with other  
456 plans required by either the state or Federal Government, so  
457 long as the portions of the other state or Federal Government  
458 plan that constitute the state plan for the prevention of child  
459 abuse, abandonment, and neglect are clearly identified as such  
460 and are provided to the Speaker of the House of Representatives  
461 and the President of the Senate as required above.

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

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

469 Section 2. Section 39.0014, Florida Statutes, is amended  
470 to read:

471 39.0014 Responsibilities of public agencies.--All state,  
472 county, and local agencies shall cooperate, assist, and provide  
473 information to the Office of Child Abuse Prevention and the  
474 department as will enable them ~~it~~ to fulfill their ~~its~~  
475 responsibilities under this chapter.

476 Section 3. Paragraph (b) of subsection (3) of section  
477 39.0015, Florida Statutes, is amended to read:

478 39.0015 Child abuse prevention training in the district  
479 school system.--

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

481 (b) "Child abuse" means those acts as defined in ss.  
 482 39.01(1), (2), (30), (43), (45), (53) ~~(52)~~, and (64) ~~(63)~~,  
 483 827.04, and 984.03(1), (2), and (37).

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

488 39.01 Definitions.--When used in this chapter, unless the  
 489 context otherwise requires:

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

493 (47) "Office" means the Office of Child Abuse Prevention  
 494 within the Executive Office of the Governor.

495 (48)~~(47)~~ "Other person responsible for a child's welfare"  
 496 includes the child's legal guardian, legal custodian, or foster  
 497 parent; an employee of any ~~a private~~ school, public or private  
 498 child day care center, residential home, institution, facility,  
 499 or agency; or any other person legally responsible for the  
 500 child's welfare in a residential setting; and also includes an  
 501 adult sitter or relative entrusted with a child's care. For the  
 502 purpose of departmental investigative jurisdiction, this  
 503 definition does not include law enforcement officers, or  
 504 employees of municipal or county detention facilities or the  
 505 Department of Corrections, while acting in an official capacity.

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

508 39.013 Procedures and jurisdiction; right to counsel.--  
509 (2) The circuit court shall have exclusive original  
510 jurisdiction of all proceedings under this chapter, of a child  
511 voluntarily placed with a licensed child-caring agency, a  
512 licensed child-placing agency, or the department, and of the  
513 adoption of children whose parental rights have been terminated  
514 under this chapter. Jurisdiction attaches when the initial  
515 shelter petition, dependency petition, or termination of  
516 parental rights petition is filed or when a child is taken into  
517 the custody of the department. The circuit court may assume  
518 jurisdiction over any such proceeding regardless of whether the  
519 child was in the physical custody of both parents, was in the  
520 sole legal or physical custody of only one parent, caregiver, or  
521 some other person, or was in the physical or legal custody of no  
522 person when the event or condition occurred that brought the  
523 child to the attention of the court. When the court obtains  
524 jurisdiction of any child who has been found to be dependent,  
525 the court shall retain jurisdiction, unless relinquished by its  
526 order, until the child reaches 18 years of age. However, if a  
527 youth petitions the court at any time before his or her 19th  
528 birthday requesting the court's continued jurisdiction, the  
529 juvenile court may retain jurisdiction under this chapter for a  
530 period not to exceed 1 year following the youth's 18th birthday  
531 for the purpose of determining whether appropriate aftercare  
532 support, Road-to-Independence Program Scholarship, transitional  
533 support, mental health, and developmental disability services,  
534 to the extent otherwise authorized by law, have been provided to

535 the formerly dependent child who was in the legal custody of the  
536 department immediately before his or her 18th birthday. If a  
537 petition for special immigrant juvenile status and an  
538 application for adjustment of status have been filed on behalf  
539 of a foster child and the petition and application have not been  
540 granted by the time the child reaches 18 years of age, the court  
541 may retain jurisdiction over the dependency case solely for the  
542 purpose of allowing the continued consideration of the petition  
543 and application by federal authorities. Review hearings for the  
544 child shall be set solely for the purpose of determining the  
545 status of the petition and application. The court's jurisdiction  
546 terminates upon the final decision of the federal authorities.  
547 Retention of jurisdiction in this instance does not affect the  
548 services available to a young adult under s. 409.1451. The court  
549 may not retain jurisdiction of the case after the immigrant  
550 child's 22nd birthday.

551 Section 6. Paragraph (a) of subsection (2) of section  
552 39.202, Florida Statutes, is amended to read:

553 39.202 Confidentiality of reports and records in cases of  
554 child abuse or neglect.--

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

559 (a) Employees, authorized agents, or contract providers of  
560 the department, the Department of Health, or county agencies  
561 responsible for carrying out:

- 562 | 1. Child or adult protective investigations;
- 563 | 2. Ongoing child or adult protective services;
- 564 | 3. Early intervention and prevention services;
- 565 | 4.3- Healthy Start services; ~~or~~
- 566 | 5.4- Licensure or approval of adoptive homes, foster
- 567 | homes, or child care facilities, or family day care homes or
- 568 | informal child care providers who receive subsidized child care
- 569 | funding, or other homes used to provide for the care and welfare
- 570 | of children; ~~or-~~
- 571 | 6.5- Services for victims of domestic violence when
- 572 | provided by certified domestic violence centers working at the
- 573 | department's request as case consultants or with shared clients.

574 |

575 | Also, employees or agents of the Department of Juvenile Justice

576 | responsible for the provision of services to children, pursuant

577 | to chapters 984 and 985.

578 | Section 7. Subsection (1) of section 39.302, Florida

579 | Statutes, is amended to read:

580 | 39.302 Protective investigations of institutional child

581 | abuse, abandonment, or neglect.--

582 | (1) The department shall conduct a child protective

583 | investigation of each report of institutional child abuse,

584 | abandonment, or neglect. Upon receipt of a report that alleges

585 | that an employee or agent of the department, or any other entity

586 | or person covered by s. 39.01(31) or (48) ~~(47)~~, acting in an

587 | official capacity, has committed an act of child abuse,

588 | abandonment, or neglect, the department shall initiate a child

589 protective investigation within the timeframe established by the  
590 central abuse hotline pursuant to s. 39.201(5) and orally notify  
591 the appropriate state attorney, law enforcement agency, and  
592 licensing agency. These agencies shall immediately conduct a  
593 joint investigation, unless independent investigations are more  
594 feasible. When conducting investigations onsite or having face-  
595 to-face interviews with the child, such investigation visits  
596 shall be unannounced unless it is determined by the department  
597 or its agent that such unannounced visits would threaten the  
598 safety of the child. When a facility is exempt from licensing,  
599 the department shall inform the owner or operator of the  
600 facility of the report. Each agency conducting a joint  
601 investigation shall be entitled to full access to the  
602 information gathered by the department in the course of the  
603 investigation. A protective investigation must include an onsite  
604 visit of the child's place of residence. In all cases, the  
605 department shall make a full written report to the state  
606 attorney within 3 working days after making the oral report. A  
607 criminal investigation shall be coordinated, whenever possible,  
608 with the child protective investigation of the department. Any  
609 interested person who has information regarding the offenses  
610 described in this subsection may forward a statement to the  
611 state attorney as to whether prosecution is warranted and  
612 appropriate. Within 15 days after the completion of the  
613 investigation, the state attorney shall report the findings to  
614 the department and shall include in such report a determination

615 | of whether or not prosecution is justified and appropriate in  
616 | view of the circumstances of the specific case.

617 |       Section 8. Paragraph (a) of subsection (6) of section  
618 | 39.701, Florida Statutes, is amended to read:

619 |       39.701 Judicial review.--

620 |       (6) (a) In addition to paragraphs (1) (a) and (2) (a), the  
621 | court shall hold a judicial review hearing within 90 days after  
622 | a youth's 17th birthday. The court shall also issue an order,  
623 | separate from the order on judicial review, that the disability  
624 | of nonage of the youth has been removed pursuant to s. 743.045.  
625 | The court ~~and~~ shall continue to hold timely judicial review  
626 | hearings thereafter. In addition, the court may review the  
627 | status of the child more frequently during the year prior to the  
628 | youth's 18th birthday if necessary. At each review held under  
629 | this subsection, in addition to any information or report  
630 | provided to the court, the foster parent, legal custodian,  
631 | guardian ad litem, and the child shall be given the opportunity  
632 | to address the court with any information relevant to the  
633 | child's best interests, particularly as it relates to  
634 | independent living transition services. In addition to any  
635 | information or report provided to the court, the department  
636 | shall include in its judicial review social study report written  
637 | verification that the child:

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

642           2. Has been provided with a certified copy of his or her  
643 birth certificate and, if the child does not have a valid  
644 driver's license, a Florida identification card issued under s.  
645 322.051.

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

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

654           5. Has been provided with all relevant information related  
655 to the Road-to-Independence Program ~~Scholarship~~, including, but  
656 not limited to, eligibility requirements, forms necessary to  
657 apply, and assistance in completing the forms. The child shall  
658 also be informed that, if he or she is eligible for the Road-to-  
659 Independence ~~Scholarship~~ Program, he or she may reside with the  
660 licensed foster family or group care provider with whom the  
661 child was residing at the time of attaining his or her 18th  
662 birthday or may reside in another licensed foster home or with a  
663 group care provider arranged by the department.

664           6. Has an open bank account, or has identification  
665 necessary to open an account, and has been provided with  
666 essential banking skills.

667           7. Has been provided with information on public assistance  
668 and how to apply.

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

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

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

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

681           402.164 Legislative intent; definitions.--

682           (1)(a) It is the intent of the Legislature to use citizen  
683 volunteers as members of the Florida Statewide Advocacy Council  
684 and the Florida local advocacy councils, and to have volunteers  
685 operate a network of councils that shall, without interference  
686 by an executive agency, undertake to discover, monitor,  
687 investigate, and determine the presence of conditions or  
688 individuals that constitute a threat to the rights, health,  
689 safety, or welfare of persons who receive services from state  
690 agencies.

691           (b) It is the further intent of the Legislature that the  
692 monitoring and investigation shall safeguard the health, safety,  
693 and welfare of consumers of services provided by these state  
694 agencies.

695           (c) It is the further intent of the Legislature that state  
 696 agencies cooperate with the councils in forming interagency  
 697 agreements to provide the councils with authorized client  
 698 records so that the councils may monitor services and  
 699 investigate claims.

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

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

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

717           402.165 Florida Statewide Advocacy Council; confidential  
 718 records and meetings.--

719           (2) Members of the statewide council shall be appointed to  
 720 serve terms of 4 years, subject to termination at the pleasure

721 of the Governor prior to expiration of such period. A member may  
 722 not serve more than two full consecutive terms.

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

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

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

740 (d) The statewide council shall annually prepare a budget  
 741 request that, after it is approved by the council, shall be  
 742 submitted to the Governor. The budget shall include a request  
 743 for funds to carry out the activities of the statewide council  
 744 and the local councils.

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

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

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

773 | reviews that do not require an examination of records may be  
 774 | made unannounced.

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

782 |       (d) Reviewing existing programs or services and new or  
 783 | revised programs of the state agencies that provide client  
 784 | services and making recommendations as to how the rights of  
 785 | clients are affected.

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

790 |       (f) Conducting meetings at least once ~~six times~~ a year at  
 791 | the call of the chair and at other times at the call of the  
 792 | Governor or by written request of eight ~~six~~ members of the  
 793 | council, including the executive director.

794 |       (g) Developing and adopting uniform procedures to be used  
 795 | to carry out the purpose and responsibilities of the statewide  
 796 | council and the local councils.

797 |       (h) Supervising the operations of the local councils and  
 798 | monitoring the performance and activities of all local councils  
 799 | and providing technical assistance to members of local councils.

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

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

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

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

821 2. Access to all client records, files, and reports from  
 822 any program, service, or facility that is operated, funded, or  
 823 contracted by any state agency that provides client services and  
 824 any records that are material to its investigation and are in  
 825 the custody of any other agency or department of government. The  
 826 council's investigation or monitoring shall not impede or

827 obstruct matters under investigation by law enforcement agencies  
828 or judicial authorities. Access shall not be granted if a  
829 specific procedure or prohibition for reviewing records is  
830 required by federal law and regulation that supersedes state  
831 law. Access shall not be granted to the records of a private  
832 licensed practitioner who is providing services outside the  
833 state agency, or outside a state facility, and whose client is  
834 competent and refuses disclosure.

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

853 Section 11. Section 409.1451, Florida Statutes, is amended  
854 to read:

855 409.1451 Independent living transition services.--

856 (1) SYSTEM OF SERVICES.--

857 (a) The Department of Children and Family Services, its  
858 agents, or community-based providers operating pursuant to s.  
859 409.1671 shall administer a system of independent living  
860 transition services to enable older children in foster care and  
861 young adults who exit foster care at age 18 to make the  
862 transition to self-sufficiency as adults.

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

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

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

880 with continued efforts to locate and achieve placement in  
 881 adoptive families for older children in foster care.

882 (2) ELIGIBILITY.--

883 (a) The department shall serve children who have reached  
 884 13 years of age but are not yet 18 years of age and who are in  
 885 foster care by providing services pursuant to subsection (4).  
 886 Children to be served must meet the eligibility requirements set  
 887 forth for specific services as provided in this section.

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

897 (3) PREPARATION FOR INDEPENDENT LIVING.--

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

907 services to build life ~~the~~ skills and increase their ability to  
908 live independently and become self-sufficient. To support the  
909 provision of opportunities for participation in age-appropriate  
910 life skills activities, the department shall:

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

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

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

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

932 5. Develop and implement procedures for older children to  
933 directly access and manage the personal allowance they receive

934 from the department in order to learn responsibility and  
935 participate in age-appropriate life skills activities to the  
936 extent feasible.

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

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

953 1. For children in foster care who have reached 13 years  
954 of age, entering the 9th grade, their foster parents, and the  
955 department or community-based provider shall ensure that the  
956 child's case plan includes an educational and career path be  
957 active participants in choosing a post high school goal based  
958 upon both the abilities and interests of each child. The child,  
959 the foster parents, and a teacher or other school staff member  
960 shall be included to the fullest extent possible in developing

961 | the path. The path shall be reviewed at each judicial hearing as  
 962 | part of the case plan and ~~goal~~ shall accommodate the needs of  
 963 | children served in exceptional education programs to the extent  
 964 | appropriate for each individual. Such children may continue to  
 965 | follow the courses outlined in the district school board student  
 966 | progression plan. Children in foster care, with the assistance  
 967 | of their foster parents, and the department or community-based  
 968 | provider shall choose one of the following postsecondary goals:  
 969 |       a. Attending a 4-year college or university, a community  
 970 | college plus university, or a military academy;  
 971 |       b. Receiving a 2-year postsecondary degree;  
 972 |       c. Attaining a postsecondary career and technical  
 973 | certificate or credential; or  
 974 |       d. Beginning immediate employment, including  
 975 | apprenticeship, after completion of a high school diploma or its  
 976 | equivalent, or enlisting in the military.  
 977 |       2. In order to assist the child in foster care in  
 978 | achieving his or her chosen goal, the department or community-  
 979 | based provider shall, with the participation of the child and  
 980 | foster parents, identify:  
 981 |       a. The core courses necessary to qualify for a chosen  
 982 | goal.  
 983 |       b. Any elective courses which would provide additional  
 984 | help in reaching a chosen goal.  
 985 |       c. The grade point requirement and any additional  
 986 | information necessary to achieve a specific goal.

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

992 3. In order to complement educational goals, the  
993 department and community-based providers are encouraged to form  
994 partnerships with the business community to support internships,  
995 apprenticeships, or other work-related opportunities.

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

1001 (c) All children in foster care and young adults formerly  
1002 in foster care are encouraged to take part in learning  
1003 opportunities that result from participation in community  
1004 service activities.

1005 (d) Children in foster care and young adults formerly in  
1006 foster care shall be provided with the opportunity to change  
1007 from one postsecondary goal to another, and each postsecondary  
1008 goal shall allow for changes in each individual's needs and  
1009 preferences. Any change, particularly a change that will result  
1010 in additional time required to achieve a goal, shall be made  
1011 with the guidance and assistance of the department or community-  
1012 based provider.

1013 (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The department  
1014 shall provide the following transition to independence services  
1015 to children in foster care who meet prescribed conditions and  
1016 are determined eligible by the department. The service  
1017 categories available to children in foster care which facilitate  
1018 successful transition into adulthood are:

1019 (a) Preindependent living services.--

1020 1. Preindependent living services include, but are not  
1021 limited to, life skills training, educational field trips, and  
1022 conferences. The specific services to be provided to a child  
1023 shall be determined using a preindependent living assessment.

1024 2. A child who has reached 13 years of age but is not yet  
1025 15 years of age who is in foster care is eligible for such  
1026 services.

1027 3. The department shall conduct an annual staffing for  
1028 each child who has reached 13 years of age but is not yet 15  
1029 years of age to ensure that the preindependent living training  
1030 and services to be provided as determined by the preindependent  
1031 living assessment are being received and to evaluate the  
1032 progress of the child in developing the needed independent  
1033 living skills.

1034 4. At the first annual staffing that occurs following a  
1035 child's 14th birthday, and at each subsequent staffing, the  
1036 department or community-based provider shall ensure that the  
1037 child's case plan includes an educational and career path based  
1038 upon both the abilities and interests of each child and shall  
1039 provide to each child detailed personalized information on

1040 services provided by the Road-to-Independence ~~Scholarship~~  
1041 Program, including requirements for eligibility; on other  
1042 grants, scholarships, and waivers that are available and should  
1043 be sought by the child with assistance from the department,  
1044 including, but not limited to, the Bright Futures Scholarship  
1045 Program, as provided in ss. 1009.53-1009.538; on application  
1046 deadlines; and on grade requirements for such programs.

1047 5. Information related to both the preindependent living  
1048 assessment and all staffings, which shall be reduced to writing  
1049 and signed by the child participant, shall be included as a part  
1050 of the written report required to be provided to the court at  
1051 each judicial review held pursuant to s. 39.701.

1052 (b) Life skills services.--

1053 1. Life skills services may include, but are not limited  
1054 to, independent living skills training, including training to  
1055 develop banking and budgeting skills, interviewing skills,  
1056 parenting skills, and time management or organizational skills,  
1057 educational support, employment training, and counseling.  
1058 Children receiving these services should also be provided with  
1059 information related to social security insurance benefits and  
1060 public assistance. The specific services to be provided to a  
1061 child shall be determined using an independent life skills  
1062 assessment.

1063 2. A child who has reached 15 years of age but is not yet  
1064 18 years of age who is in foster care is eligible for such  
1065 services.

1066 3. The department shall conduct a staffing at least once  
1067 every 6 months for each child who has reached 15 years of age  
1068 but is not yet 18 years of age to ensure that the appropriate  
1069 independent living training and services as determined by the  
1070 independent life skills assessment are being received and to  
1071 evaluate the progress of the child in developing the needed  
1072 independent living skills.

1073 4. The department shall provide to each child in foster  
1074 care during the calendar month following the child's 17th  
1075 birthday an independent living assessment to determine the  
1076 child's skills and abilities to live independently and become  
1077 self-sufficient. Based on the results of the independent living  
1078 assessment, services and training shall be provided in order for  
1079 the child to develop the necessary skills and abilities prior to  
1080 the child's 18th birthday.

1081 5. Information related to both the independent life skills  
1082 assessment and all staffings, which shall be reduced to writing  
1083 and signed by the child participant, shall be included as a part  
1084 of the written report required to be provided to the court at  
1085 each judicial review held pursuant to s. 39.701.

1086 (c) Subsidized independent living services.--

1087 1. Subsidized independent living services are living  
1088 arrangements that allow the child to live independently of the  
1089 daily care and supervision of an adult in a setting that is not  
1090 required to be licensed under s. 409.175.

1091 2. A child who has reached 16 years of age but is not yet  
1092 18 years of age is eligible for such services if he or she:

1093           a. Is adjudicated dependent under chapter 39; has been  
1094 placed in licensed out-of-home care for at least 6 months prior  
1095 to entering subsidized independent living; and has a permanency  
1096 goal of adoption, independent living, or long-term licensed  
1097 care; and

1098           b. Is able to demonstrate independent living skills, as  
1099 determined by the department, using established procedures and  
1100 assessments.

1101           3. Independent living arrangements established for a child  
1102 must be part of an overall plan leading to the total  
1103 independence of the child from the department's supervision. The  
1104 plan must include, but need not be limited to, a description of  
1105 the skills of the child and a plan for learning additional  
1106 identified skills; the behavior that the child has exhibited  
1107 which indicates an ability to be responsible and a plan for  
1108 developing additional responsibilities, as appropriate; a plan  
1109 for future educational, vocational, and training skills; present  
1110 financial and budgeting capabilities and a plan for improving  
1111 resources and ability; a description of the proposed residence;  
1112 documentation that the child understands the specific  
1113 consequences of his or her conduct in the independent living  
1114 program; documentation of proposed services to be provided by  
1115 the department and other agencies, including the type of service  
1116 and the nature and frequency of contact; and a plan for  
1117 maintaining or developing relationships with the family, other  
1118 adults, friends, and the community, as appropriate.

1119 4. Subsidy payments in an amount established by the  
 1120 department may be made directly to a child under the direct  
 1121 supervision of a caseworker or other responsible adult approved  
 1122 by the department.

1123 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER  
 1124 CARE.--Based on the availability of funds, the department shall  
 1125 provide or arrange for the following services to young adults  
 1126 formerly in foster care who meet the prescribed conditions and  
 1127 are determined eligible by the department. The department, or a  
 1128 community-based care lead agency when the agency is under  
 1129 contract with the department to provide the services described  
 1130 under this subsection, shall develop a plan to implement those  
 1131 services. A plan shall be developed for each community-based  
 1132 care service area in the state. Each plan that is developed by a  
 1133 community-based care lead agency shall be submitted to the  
 1134 department. Each plan shall include the number of young adults  
 1135 to be served each month of the fiscal year and specify the  
 1136 number of young adults who will reach 18 years of age who will  
 1137 be eligible for the plan and the number of young adults who will  
 1138 reach 23 years of age and will be ineligible for the plan or who  
 1139 are otherwise ineligible during each month of the fiscal year;  
 1140 staffing requirements and all related costs to administer the  
 1141 services and program; expenditures to or on behalf of the  
 1142 eligible recipients; costs of services provided to young adults  
 1143 through an approved plan for housing, transportation, and  
 1144 employment; reconciliation of these expenses and any additional  
 1145 related costs with the funds allocated for these services; and

1146 an explanation of and a plan to resolve any shortages or  
1147 surpluses in order to end the fiscal year with a balanced  
1148 budget. The categories of services available to assist a young  
1149 adult formerly in foster care to achieve independence are:

1150 (a) Aftercare support services.--

1151 1. Aftercare support services are available to assist  
1152 young adults who were formerly in foster care in their efforts  
1153 to continue to develop the skills and abilities necessary for  
1154 independent living. The aftercare support services available  
1155 include, but are not limited to, the following:

1156 a. Mentoring and tutoring.

1157 b. Mental health services and substance abuse counseling.

1158 c. Life skills classes, including credit management and  
1159 preventive health activities.

1160 d. Parenting classes.

1161 e. Job and career skills training.

1162 f. Counselor consultations.

1163 g. Temporary financial assistance.

1164 h. Financial literacy skills training.

1165

1166 The specific services to be provided under this subparagraph  
1167 shall be determined by an aftercare services assessment and may  
1168 be provided by the department or through referrals in the  
1169 community.

1170 2. Temporary assistance provided to prevent homelessness  
1171 shall be provided as expeditiously as possible and within the  
1172 limitations defined by the department.

1173           ~~3.2.~~ A young adult who has reached 18 years of age but is  
 1174 not yet 23 years of age who leaves foster care at 18 years of  
 1175 age but who requests services prior to reaching 23 years of age  
 1176 is eligible for such services.

1177           (b) Road-to-Independence ~~Scholarship~~ Program.--

1178           1. The Road-to-Independence ~~Scholarship~~ Program is  
 1179 intended to help eligible students who are former foster  
 1180 children in this state to receive the educational and vocational  
 1181 training needed to achieve independence. The amount of the award  
 1182 shall be based on the living and educational needs of the young  
 1183 adult and may be up to, but may not exceed, the amount of  
 1184 earnings that the student would have been eligible to earn  
 1185 working a 40-hour-a-week federal minimum wage job.

1186           2. A young adult who has reached 18 years of age but is  
 1187 not yet 21 years of age is eligible for the initial award, and a  
 1188 young adult under 23 years of age is eligible for renewal  
 1189 awards, if he or she:

1190           a. Was a dependent child, under chapter 39, and was living  
 1191 in licensed foster care or in subsidized independent living at  
 1192 the time of his or her 18th birthday or is currently in licensed  
 1193 foster care or subsidized independent living, was adopted from  
 1194 foster care after reaching 16 years of age, or, after spending  
 1195 at least 6 months in the custody of the department after  
 1196 reaching 16 years of age, was placed in a guardianship by the  
 1197 court;

1198           b. Spent at least 6 months living in foster care before  
 1199 reaching his or her 18th birthday;

1200 c. Is a resident of this state as defined in s. 1009.40;  
 1201 and  
 1202 d. Meets one of the following qualifications:  
 1203 (I) Has earned a standard high school diploma or its  
 1204 equivalent as described in s. 1003.43 or s. 1003.435, or has  
 1205 earned a special diploma or special certificate of completion as  
 1206 described in s. 1003.438, and has been admitted for full-time  
 1207 enrollment in an eligible postsecondary education institution as  
 1208 defined in s. 1009.533;  
 1209 (II) Is enrolled full time in an accredited high school;  
 1210 or  
 1211 (III) Is enrolled full time in an accredited adult  
 1212 education program designed to provide the student with a high  
 1213 school diploma or its equivalent.  
 1214 3. A young adult applying for the ~~a~~ Road-to-Independence  
 1215 Program Scholarship must apply for any other grants and  
 1216 scholarships for which he or she may qualify. The department  
 1217 shall assist the young adult in the application process and may  
 1218 use the federal financial aid grant process to determine the  
 1219 funding needs of the young adult.  
 1220 4. An award shall be available to a young adult who is  
 1221 considered a full-time student or its equivalent by the  
 1222 educational institution in which he or she is enrolled, unless  
 1223 that young adult has a recognized disability preventing full-  
 1224 time attendance. The amount of the award, whether it is being  
 1225 used by a young adult working toward completion of a high school  
 1226 diploma or its equivalent or working toward completion of a

1227 postsecondary education program, shall be determined based on an  
1228 assessment of the funding needs of the young adult. This  
1229 assessment must consider the young adult's living and  
1230 educational costs and other grants, scholarships, waivers,  
1231 earnings, and other income to be received by the young adult. An  
1232 award shall be available only to the extent that other grants  
1233 and scholarships are not sufficient to meet the living and  
1234 educational needs of the young adult, but an award may not be  
1235 less than \$25 in order to maintain Medicaid eligibility for the  
1236 young adult as provided in s. 409.903.

1237 5. The amount of the award may be disregarded for purposes  
1238 of determining the eligibility for, or the amount of, any other  
1239 federal or federally supported assistance.

1240 6.5.a. The department must advertise the criteria,  
1241 application procedures, and availability of the program to:

1242 (I) Children and young adults in, leaving, or formerly in  
1243 foster care.

1244 (II) Case managers.

1245 (III) Guidance and family services counselors.

1246 (IV) Principals or other relevant school administrators.

1247 (V) Guardians ad litem.

1248 (VI) Foster parents. ~~and must ensure that the children and~~  
1249 ~~young adults leaving foster care, foster parents, or family~~  
1250 ~~services counselors are informed of the availability of the~~  
1251 ~~program and the application procedures.~~

1252 ~~b. A young adult must apply for the initial award during~~  
1253 ~~the 6 months immediately preceding his or her 18th birthday, and~~

1254 ~~the department shall provide assistance with the application~~  
1255 ~~process. A young adult who fails to make an initial application,~~  
1256 ~~but who otherwise meets the criteria for an initial award, may~~  
1257 ~~make one application for the initial award if the application is~~  
1258 ~~made before the young adult's 21st birthday. If the young adult~~  
1259 ~~does not apply for an initial award before his or her 18th~~  
1260 ~~birthday, the department shall inform that young adult of the~~  
1261 ~~opportunity to apply before turning 21 years of age.~~

1262 ~~b.e.~~ If funding for the program is available, The  
1263 department shall issue awards from the ~~scholarship~~ program for  
1264 each young adult who meets all the requirements of the program  
1265 to the extent funding is available.

1266 ~~c.d.~~ An award shall be issued at the time the eligible  
1267 student reaches 18 years of age.

1268 ~~d.e.~~ A young adult who is eligible for the Road-to-  
1269 Independence Program, transitional support services, or  
1270 aftercare services and who so desires shall be allowed to reside  
1271 with the licensed foster family or group care provider with whom  
1272 he or she was residing at the time of attaining his or her 18th  
1273 birthday or to reside in another licensed foster home or with a  
1274 group care provider arranged by the department.

1275 ~~e.f.~~ If the award recipient transfers from one eligible  
1276 institution to another and continues to meet eligibility  
1277 requirements, the award must be transferred with the recipient.

1278 ~~f.g.~~ Scholarship Funds awarded to any eligible young adult  
1279 under this program are in addition to any other services or  
1280 funds provided to the young adult by the department through

1281 transitional support services or aftercare services ~~its~~  
 1282 ~~independent living transition services.~~

1283 ~~g.h.~~ The department shall provide information concerning  
 1284 young adults receiving funding through the Road-to-Independence  
 1285 Program Scholarship to the Department of Education for inclusion  
 1286 in the student financial assistance database, as provided in s.  
 1287 1009.94.

1288 ~~h.i.~~ ~~Scholarship~~ Funds are intended to help eligible young  
 1289 adults ~~students~~ who are former foster children in this state to  
 1290 receive the educational and vocational training needed to become  
 1291 independent and self-supporting. The funds shall be terminated  
 1292 when the young adult has attained one of four postsecondary  
 1293 goals under subsection (3) or reaches 23 years of age, whichever  
 1294 occurs earlier. In order to initiate postsecondary education, to  
 1295 allow for a change in career goal, or to obtain additional  
 1296 skills in the same educational or vocational area, a young adult  
 1297 may earn no more than two diplomas, certificates, or  
 1298 credentials. A young adult attaining an associate of arts or  
 1299 associate of science degree shall be permitted to work toward  
 1300 completion of a bachelor of arts or a bachelor of science degree  
 1301 or an equivalent undergraduate degree. Road-to-Independence  
 1302 Program Scholarship funds may not be used for education or  
 1303 training after a young adult has attained a bachelor of arts or  
 1304 a bachelor of science degree or an equivalent undergraduate  
 1305 degree.

1306 ~~i.j.~~ The department shall evaluate and renew each award  
 1307 annually during the 90-day period before the young adult's

1308 birthday. In order to be eligible for a renewal award for the  
1309 subsequent year, the young adult must:

1310 (I) Complete the number of hours, or the equivalent  
1311 considered full time by the educational institution, unless that  
1312 young adult has a recognized disability preventing full-time  
1313 attendance, in the last academic year in which the young adult  
1314 earned an award ~~a scholarship~~, except for a young adult who  
1315 meets the requirements of s. 1009.41.

1316 (II) Maintain appropriate progress as required by the  
1317 educational institution, except that, if the young adult's  
1318 progress is insufficient to renew the award ~~scholarship~~ at any  
1319 time during the eligibility period, the young adult may restore  
1320 eligibility by improving his or her progress to the required  
1321 level.

1322 ~~j.k.~~ Scholarship Funds may be terminated during the  
1323 interim between an award and the evaluation for a renewal award  
1324 if the department determines that the award recipient is no  
1325 longer enrolled in an educational institution as defined in sub-  
1326 subparagraph 2.d., or is no longer a state resident. The  
1327 department shall notify a recipient ~~student~~ who is terminated  
1328 and inform the recipient ~~student~~ of his or her right to appeal.

1329 ~~k.l.~~ An award recipient who does not qualify for a renewal  
1330 award or who chooses not to renew the award may subsequently  
1331 apply for reinstatement. An application for reinstatement must  
1332 be made before the young adult reaches 23 years of age, and a  
1333 student may not apply for reinstatement more than once. In order  
1334 to be eligible for reinstatement, the young adult must meet the

1335 eligibility criteria and the criteria for award renewal for the  
1336 ~~scholarship~~ program.

1337 (c) Transitional support services.--

1338 1. In addition to any services provided through aftercare  
1339 support or the Road-to-Independence Program Scholarship, a young  
1340 adult formerly in foster care may receive other appropriate  
1341 short-term funding and services, which may include financial,  
1342 housing, counseling, employment, education, mental health,  
1343 disability, and other services, if the young adult demonstrates  
1344 that the services are critical to the young adult's own efforts  
1345 to achieve self-sufficiency and to develop a personal support  
1346 system. The department or community-based care provider shall  
1347 work with the young adult in developing a joint transition plan  
1348 that is consistent with a needs assessment identifying the  
1349 specific need for transitional services to support the young  
1350 adult's own efforts. The young adult must have specific tasks to  
1351 complete or maintain included in the plan and be accountable for  
1352 the completion of or making progress towards the completion of  
1353 these tasks. If the young adult and the department or community-  
1354 based care provider cannot come to agreement regarding any part  
1355 of the plan, the young adult may access a grievance process to  
1356 its full extent in an effort to resolve the disagreement.

1357 2. A young adult formerly in foster care is eligible to  
1358 apply for transitional support services if he or she has reached  
1359 18 years of age but is not yet 23 years of age, was a dependent  
1360 child pursuant to chapter 39, was living in licensed foster care  
1361 or in subsidized independent living at the time of his or her

1362 18th birthday, and had spent at least 6 months living in foster  
 1363 care before that date.

1364 3. If at any time the services are no longer critical to  
 1365 the young adult's own efforts to achieve self-sufficiency and to  
 1366 develop a personal support system, they shall be terminated.

1367 (d) Payment of aftercare, Road-to-Independence Program  
 1368 ~~scholarship~~, or transitional support funds.--

1369 1. Payment of aftercare, Road-to-Independence Program  
 1370 ~~scholarship~~, or transitional support funds shall be made  
 1371 directly to the recipient unless the recipient requests in  
 1372 writing to the community-based care lead agency, or the  
 1373 department, that the payments or a portion of the payments be  
 1374 made directly on the recipient's behalf in order to secure  
 1375 services such as housing, counseling, education, or employment  
 1376 training as part of the young adult's own efforts to achieve  
 1377 self-sufficiency.

1378 2. After the completion of aftercare support services that  
 1379 satisfy the requirements of sub-subparagraph (a)1.h., payment of  
 1380 awards under the Road-to-Independence Program shall be made by  
 1381 direct deposit to the recipient, unless the recipient requests  
 1382 in writing to the community-based care lead agency or the  
 1383 department that:

1384 a. The payments be made directly to the recipient by check  
 1385 or warrant;

1386 b. The payments or a portion of the payments be made  
 1387 directly on the recipient's behalf to institutions the recipient  
 1388 is attending to maintain eligibility under this section; or

1389 c. The payments be made on a two-party check to a business  
1390 or landlord for a legitimate expense, whether reimbursed or not.  
1391 A legitimate expense for the purposes of this sub-subparagraph  
1392 shall include automobile repair or maintenance expenses;  
1393 educational, job, or training expenses; and costs incurred,  
1394 except legal costs, fines, or penalties, when applying for or  
1395 executing a rental agreement for the purposes of securing a home  
1396 or residence.

1397 3. The community-based care lead agency may purchase  
1398 housing, transportation, or employment services to ensure the  
1399 availability and affordability of specific transitional services  
1400 thereby allowing an eligible young adult to utilize these  
1401 services in lieu of receiving a direct payment. Prior to  
1402 purchasing such services, the community-based care lead agency  
1403 must have a plan approved by the department describing the  
1404 services to be purchased, the rationale for purchasing the  
1405 services, and a specific range of expenses for each service that  
1406 is less than the cost of purchasing the service by an individual  
1407 young adult. The plan must include a description of the  
1408 transition of a young adult using these services into  
1409 independence and a timeframe for achievement of independence. An  
1410 eligible young adult who prefers a direct payment shall receive  
1411 such payment. The plan must be reviewed annually and evaluated  
1412 for cost-efficiency and for effectiveness in assisting young  
1413 adults in achieving independence, preventing homelessness among  
1414 young adults, and enabling young adults to earn a livable wage  
1415 in a permanent employment situation.

1416           4. The young adult who resides with a foster family may  
 1417 not be included as a child in calculating any licensing  
 1418 restriction on the number of children in the foster home.

1419           (e) Appeals process.--

1420           1. The Department of Children and Family Services shall  
 1421 adopt by rule a procedure by which a young adult may appeal an  
 1422 eligibility determination or the department's failure to provide  
 1423 aftercare, Road-to-Independence Program ~~scholarship~~, or  
 1424 transitional support services, or the termination of such  
 1425 services, if such funds are available.

1426           2. The procedure developed by the department must be  
 1427 readily available to young adults, must provide timely  
 1428 decisions, and must provide for an appeal to the Secretary of  
 1429 Children and Family Services. The decision of the secretary  
 1430 constitutes final agency action and is reviewable by the court  
 1431 as provided in s. 120.68.

1432           (6) ACCOUNTABILITY.--The department shall develop outcome  
 1433 measures for the program and other performance measures in order  
 1434 to maintain oversight of the program. The department shall  
 1435 prepare a report on the outcome measures and the department's  
 1436 oversight activities and submit the report to the President of  
 1437 the Senate, the Speaker of the House of Representatives, and the  
 1438 committees with jurisdiction over issues relating to children  
 1439 and families in the Senate and the House of Representatives no  
 1440 later than January 31 of each year. The report must include:

1441           (a) An analysis of performance on the outcome measures  
 1442 developed under this section reported for each community-based

1443 care lead agency and compared with the performance of the  
1444 department on the same measures.

1445 (b) A description of the department's oversight of the  
1446 program, including, by lead agency, any programmatic or fiscal  
1447 deficiencies found, corrective actions required, and current  
1448 status of compliance.

1449 (c) Any rules adopted or proposed under this section since  
1450 the last report. For the purposes of the first report, any rules  
1451 adopted or proposed under this section must be included.

1452 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The  
1453 Secretary of Children and Family Services shall establish the  
1454 Independent Living Services Advisory Council for the purpose of  
1455 reviewing and making recommendations concerning the  
1456 implementation and operation of the independent living  
1457 transition services. This advisory council shall continue to  
1458 function as specified in this subsection until the Legislature  
1459 determines that the advisory council can no longer provide a  
1460 valuable contribution to the department's efforts to achieve the  
1461 goals of the independent living transition services.

1462 (a) Specifically, the advisory council shall assess the  
1463 implementation and operation of the system of independent living  
1464 transition services and advise the department on actions that  
1465 would improve the ability of the independent living transition  
1466 services to meet the established goals. The advisory council  
1467 shall keep the department informed of problems being experienced  
1468 with the services, barriers to the effective and efficient  
1469 integration of services and support across systems, and

1470 successes that the system of independent living transition  
1471 services has achieved. The department shall consider, but is not  
1472 required to implement, the recommendations of the advisory  
1473 council.

1474 (b) The advisory council shall report to the appropriate  
1475 substantive committees of the Senate and the House of  
1476 Representatives on the status of the implementation of the  
1477 system of independent living transition services; efforts to  
1478 publicize the availability of aftercare support services, the  
1479 Road-to-Independence ~~Scholarship~~ Program, and transitional  
1480 support services; ~~specific barriers to financial aid created by~~  
1481 ~~the scholarship and possible solutions;~~ the success of the  
1482 services; problems identified; recommendations for department or  
1483 legislative action; and the department's implementation of the  
1484 recommendations contained in the Independent Living Services  
1485 Integration Workgroup Report submitted to the Senate and the  
1486 House substantive committees December 31, 2002. This advisory  
1487 council report shall be submitted by December 31 of each year  
1488 that the council is in existence and shall be accompanied by a  
1489 report from the department which identifies the recommendations  
1490 of the advisory council and either describes the department's  
1491 actions to implement these recommendations or provides the  
1492 department's rationale for not implementing the recommendations.

1493 (c) Members of the advisory council shall be appointed by  
1494 the secretary of the department. The membership of the advisory  
1495 council must include, at a minimum, representatives from the  
1496 headquarters and district offices of the Department of Children

1497 and Family Services, community-based care lead agencies, the  
 1498 Agency for Workforce Innovation, the Department of Education,  
 1499 the Agency for Health Care Administration, the State Youth  
 1500 Advisory Board, Workforce Florida, Inc., the Statewide Guardian  
 1501 Ad Litem Office, foster parents, recipients of Road-to-  
 1502 Independence Program funding, and advocates for foster children.  
 1503 The secretary shall determine the length of the term to be  
 1504 served by each member appointed to the advisory council, which  
 1505 may not exceed 4 years.

1506 (d) The Department of Children and Family Services shall  
 1507 provide administrative support to the Independent Living  
 1508 Services Advisory Council to accomplish its assigned tasks. The  
 1509 advisory council shall be afforded access to all appropriate  
 1510 data from the department, each community-based care lead agency,  
 1511 and other relevant agencies in order to accomplish the tasks set  
 1512 forth in this section. The data collected may not include any  
 1513 information that would identify a specific child or young adult.

1514 (8) PERSONAL PROPERTY.--Property acquired on behalf of  
 1515 clients of this program shall become the personal property of  
 1516 the clients and is not subject to the requirements of chapter  
 1517 273 relating to state-owned tangible personal property. Such  
 1518 property continues to be subject to applicable federal laws.

1519 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER  
 1520 CARE.--The department shall enroll in the Florida KidCare  
 1521 program, outside the open enrollment period, each young adult  
 1522 who is eligible as described in paragraph (2) (b) and who has not  
 1523 yet reached his or her 19th birthday.

1524 (a) A young adult who was formerly in foster care at the  
 1525 time of his or her 18th birthday and who is 18 years of age but  
 1526 not yet 19, shall pay the premium for the Florida KidCare  
 1527 program as required in s. 409.814.

1528 (b) A young adult who has health insurance coverage from a  
 1529 third party through his or her employer or who is eligible for  
 1530 Medicaid is not eligible for enrollment under this subsection.

1531 (10) RULEMAKING.--The department shall adopt by rule  
 1532 procedures to administer this section, including balancing the  
 1533 goals of normalcy and safety for the youth and providing the  
 1534 caregivers with as much flexibility as possible to enable the  
 1535 youth to participate in normal life experiences. The department  
 1536 shall not adopt rules relating to reductions in ~~scholarship~~  
 1537 awards. The department shall engage in appropriate planning to  
 1538 prevent, to the extent possible, a reduction in ~~scholarship~~  
 1539 awards after issuance.

1540 Section 12. Paragraph (b) of subsection (2) of section  
 1541 409.175, Florida Statutes, is amended to read:

1542 409.175 Licensure of family foster homes, residential  
 1543 child-caring agencies, and child-placing agencies; public  
 1544 records exemption.--

1545 (2) As used in this section, the term:

1546 (b) "Boarding school" means a school which is accredited  
 1547 by the Florida Council of Independent Schools or the Southern  
 1548 Association of Colleges and Schools; which is accredited by the  
 1549 Council on Accreditation, the Commission on Accreditation of  
 1550 Rehabilitation Facilities, or the Coalition for Residential

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

1570 Section 13. Subsection (4) of section 409.903, Florida  
 1571 Statutes, is amended to read:

1572 409.903 Mandatory payments for eligible persons.--The  
 1573 agency shall make payments for medical assistance and related  
 1574 services on behalf of the following persons who the department,  
 1575 or the Social Security Administration by contract with the  
 1576 Department of Children and Family Services, determines to be  
 1577 eligible, subject to the income, assets, and categorical

1578 eligibility tests set forth in federal and state law. Payment on  
 1579 behalf of these Medicaid eligible persons is subject to the  
 1580 availability of moneys and any limitations established by the  
 1581 General Appropriations Act or chapter 216.

1582 (4) A child who is eligible under Title IV-E of the Social  
 1583 Security Act for subsidized board payments, foster care, or  
 1584 adoption subsidies, and a child for whom the state has assumed  
 1585 temporary or permanent responsibility and who does not qualify  
 1586 for Title IV-E assistance but is in foster care, shelter or  
 1587 emergency shelter care, or subsidized adoption. This category  
 1588 includes a young adult who is eligible to receive services under  
 1589 s. 409.1451(5), until the young adult reaches 20 years of age,  
 1590 without regard to any income, resource, or categorical  
 1591 eligibility test that is otherwise required. This category also  
 1592 includes a person who as a child ~~who~~ was eligible under Title  
 1593 IV-E of the Social Security Act for foster care or the state-  
 1594 provided foster care, ~~who exited foster care due to attaining~~  
 1595 ~~the age of 18 years,~~ and who is a participant in the ~~has been~~  
 1596 ~~awarded a Road-to-Independence~~ Program Scholarship.

1597 Section 14. Section 743.045, Florida Statutes, is created  
 1598 to read:

1599 743.045 Removal of disabilities of minors; executing  
 1600 contracts for a residential lease.--For the sole purpose of  
 1601 ensuring that a youth in foster care will be able to execute a  
 1602 contract for the lease of residential property upon the youth's  
 1603 18th birthday, the disability of nonage of minors is removed for  
 1604 all youth who have reached 17 years of age, have been

1605 adjudicated dependent, and are in the legal custody of the  
1606 Department of Children and Family Services through foster care  
1607 or subsidized independent living. These youth are authorized to  
1608 make and execute contracts, releases, and all other instruments  
1609 necessary for the purpose of entering into a contract for the  
1610 lease of residential property upon the youth's 18th birthday.  
1611 The contracts or other instruments made by the youth shall have  
1612 the same effect as though they were the obligations of persons  
1613 who were not minors. A youth seeking to enter into such lease  
1614 contracts or execute other necessary instruments that are  
1615 incidental to entering into a lease must present an order from a  
1616 court of competent jurisdiction removing the disabilities of  
1617 nonage of the minor under this section.

1618 Section 15. Paragraph (c) of subsection (2) of section  
1619 1009.25, Florida Statutes, is amended to read:

1620 1009.25 Fee exemptions.--

1621 (2) The following students are exempt from the payment of  
1622 tuition and fees, including lab fees, at a school district that  
1623 provides postsecondary career programs, community college, or  
1624 state university:

1625 (c) A student who ~~the state has determined is eligible for~~  
1626 ~~the Road to Independence Scholarship, regardless of whether an~~  
1627 ~~award is issued or not, or a student who~~ is or was at the time  
1628 he or she reached 18 years of age in the custody of the  
1629 Department of Children and Family Services or a relative under  
1630 s. 39.5085, or who is adopted from the Department of Children  
1631 and Family Services after May 5, 1997, or who, after spending at

1632 least 6 months in the custody of the department after reaching  
1633 16 years of age, was placed in a guardianship by the court. Such  
1634 exemption includes fees associated with enrollment in career-  
1635 preparatory instruction and completion of the college-level  
1636 communication and computation skills testing program. Such an  
1637 exemption is available to any student who was in the custody of  
1638 a relative under s. 39.5085 at the time he or she reached 18  
1639 years of age or was adopted from the Department of Children and  
1640 Family Services after May 5, 1997; however, the exemption  
1641 remains valid for no more than 4 years after the date of  
1642 graduation from high school.

1643 Section 16. For fiscal year 2006-2007, the sum of \$243,557  
1644 is appropriated from the General Revenue Fund to the Executive  
1645 Office of the Governor for the establishment of the Office of  
1646 Child Abuse Prevention, the sum of \$236,376 is appropriated from  
1647 the General Revenue Fund to the Department of Children and  
1648 Family Services to handle the increased workload as a result of  
1649 the mandatory reporting requirement for public school personnel,  
1650 and the sum of \$2,802,522 is appropriated from the General  
1651 Revenue Fund and the sum of \$3,994,766 is appropriated from the  
1652 Medical Care Trust Fund to the Agency for Health Care  
1653 Administration to fund the Medicaid expansion.

1654 Section 17. This act shall take effect July 1, 2006,  
1655 except that ss. 409.1451(2) and 409.1451(5)(b)a., Florida  
1656 Statutes, as created by this act, shall take effect only if a  
1657 specific appropriation to fund the provisions of those sections

1658 | is made in the General Appropriations Act for fiscal year 2006-  
1659 | 2007.