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HB 7173, Engrossed 2

2006 Legislature

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

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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

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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:
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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.

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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.

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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.

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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

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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.

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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.

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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,

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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,

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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.

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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.

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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

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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~~

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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

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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

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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:

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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:

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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

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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:

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- 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

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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

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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.

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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.

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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.

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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

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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:

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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

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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.

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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

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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.

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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

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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

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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

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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

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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.

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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.

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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

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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.

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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:

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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.

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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

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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.

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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;

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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

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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~~

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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.

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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

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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

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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

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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

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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 s. 409.1451(2) and (5)(b)2.a., Florida
1656 Statutes, as amended by this act, shall take effect only if a
1657 specific appropriation to fund the provisions of those sections

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