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1 A bill to be entitled
2 An act relating to independent living transition services;
3 amending s. 322.09, F.S.; limiting liability of a
4 caseworker who signs an application for a driver's license
5 for a minor who is in foster care; requiring a caseworker
6 to provide notice of intent to sign the application to
7 specified persons; amending s. 409.1451, F.S.; revising
8 eligibility criteria for independent living transition
9 services; exempting foster parents and caregivers from
10 responsibility for the actions of certain children engaged
11 in activities specified in a written plan; requiring
12 certain children eligible for subsidized independent
13 living services to be formally evaluated under certain
14 circumstances; revising eligibility criteria for the Road-
15 to-Independence Program; amending s. 409.903, F.S.;
16 increasing the age limit for eligibility for certain
17 persons to qualify for medical assistance payments;
18 creating s. 743.044, F.S.; providing for the removal of
19 disabilities of certain minors for purposes of securing
20 depository financial services; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 322.09, Florida Statutes, is amended to
26 read:

27 322.09 Application of minors; responsibility for
28 negligence or misconduct of minor.--

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29 (1) (a) The application of any person under the age of 18
30 years for a driver's license must be signed and verified before
31 a person authorized to administer oaths by the father, mother,
32 or guardian; by a secondary guardian if the primary guardian
33 dies before the minor reaches 18 years of age; or, if there is
34 no parent or guardian, by another responsible adult who is
35 willing to assume the obligation imposed under this chapter upon
36 a person signing the application of a minor. This section does
37 not apply to a person under the age of 18 years who is
38 emancipated by marriage.

39 (b) There shall be submitted with each application a
40 certified copy of a United States birth certificate, a valid
41 United States passport, an alien registration receipt card
42 (green card), an employment authorization card issued by the
43 United States Department of Homeland Security, or proof of
44 nonimmigrant classification provided by the United States
45 Department of Homeland Security, for an original license.

46 (2) Any negligence or willful misconduct of a minor under
47 the age of 18 years when driving a motor vehicle upon a highway
48 shall be imputed to the person who has signed the application of
49 such minor for a permit or license, which person shall be
50 jointly and severally liable with such minor for any damages
51 caused by such negligence or willful misconduct.

52 (3) The department may not issue a driver's license or
53 learner's driver's license to any applicant under the age of 18
54 years who is not in compliance with the requirements of s.
55 322.091.

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56 (4) Notwithstanding the provisions of subsections (1) and
57 (2), if a foster parent of a minor who is under the age of 18
58 years and is in foster care as defined in s. 39.01, ~~or~~ an
59 authorized representative of a residential group home at which
60 such a minor resides, or the caseworker at the agency at which
61 the state has placed the minor signs the minor's application for
62 a driver's license or a learner's driver's license, that foster
63 parent, ~~or~~ group home representative, or caseworker does not
64 assume any obligation or become liable for any damages caused by
65 the negligence or willful misconduct of the minor, by reason of
66 having signed the application. Prior to signing the application,
67 the caseworker shall notify the foster parents or other
68 responsible party of his or her intent to sign and verify the
69 application.

70 Section 2. Paragraph (b) of subsection (2), paragraph (a)
71 of subsection (3), paragraph (c) of subsection (4), and
72 paragraph (b) of subsection (5) of section 409.1451, Florida
73 Statutes, are amended to read:

74 409.1451 Independent living transition services.--

75 (2) ELIGIBILITY.--

76 (b) The department shall serve young adults who have
77 reached 18 years of age but are not yet 23 years of age and who
78 were in foster care when they turned 18 years of age or, after
79 reaching 16 years of age, were adopted from foster care or
80 placed with a court-approved dependency guardian and have spent
81 a minimum of 6 months in foster care within the 12 months
82 preceding such adoption or placement by providing services
83 pursuant to subsection (5). Young adults to be served must meet

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84 the eligibility requirements set forth for specific services in
85 this section.

86 (3) PREPARATION FOR INDEPENDENT LIVING.--

87 (a) It is the intent of the Legislature for the Department
88 of Children and Family Services to assist older children in
89 foster care and young adults who exit foster care at age 18 in
90 making the transition to independent living and self-sufficiency
91 as adults. The department shall provide such children and young
92 adults with opportunities to participate in life skills
93 activities in their foster families and communities which are
94 reasonable and appropriate for their respective ages or for any
95 special needs they may have and shall provide them with services
96 to build life skills and increase their ability to live
97 independently and become self-sufficient. To support the
98 provision of opportunities for participation in age-appropriate
99 life skills activities, the department shall:

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

103 2. Provide training for staff and foster parents to
104 address the issues of older children in foster care in
105 transitioning to adulthood, which shall include information on
106 high school completion, grant applications, vocational school
107 opportunities, supporting education and employment
108 opportunities, and opportunities to participate in appropriate
109 daily activities.

110 3. Develop procedures to maximize the authority of foster
111 parents or caregivers to approve participation in age-

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112 appropriate activities of children in their care. The age-
113 appropriate activities and the authority of the foster parent or
114 caregiver shall be developed into a written plan that the foster
115 parent or caregiver, the child, and the case manager all develop
116 together, sign, and follow. This plan must include specific
117 goals and objectives and be reviewed and updated no less than
118 quarterly. Foster parents or caregivers who have developed a
119 written plan as described in this subparagraph shall not be held
120 responsible under administrative rules or laws pertaining to
121 state licensure or have their licensure status in any manner
122 jeopardized as a result of the actions of a child engaged in the
123 approved age-appropriate activities specified in the written
124 plan.

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

127 5. Develop and implement procedures for older children to
128 directly access and manage the personal allowance they receive
129 from the department in order to learn responsibility and
130 participate in age-appropriate life skills activities to the
131 extent feasible.

132 6. Make a good faith effort to fully explain, prior to
133 execution of any signature, if required, any document, report,
134 form, or other record, whether written or electronic, presented
135 to a child or young adult pursuant to this chapter and allow for
136 the recipient to ask any appropriate questions necessary to
137 fully understand the document. It shall be the responsibility of
138 the person presenting the document to the child or young adult
139 to comply with this subparagraph.

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140 (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The department
141 shall provide the following transition to independence services
142 to children in foster care who meet prescribed conditions and
143 are determined eligible by the department. The service
144 categories available to children in foster care which facilitate
145 successful transition into adulthood are:

146 (c) Subsidized independent living services.--

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

151 2. A child who has reached 16 years of age but is not yet
152 18 years of age is eligible for such services and shall be
153 formally evaluated for placement in a subsidized independent
154 living arrangement, if he or she:

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

160 b. Is able to demonstrate independent living skills, as
161 determined by the department, using established procedures and
162 assessments.

163 3. Independent living arrangements established for a child
164 must be part of an overall plan leading to the total
165 independence of the child from the department's supervision. The
166 plan must include, but need not be limited to, a description of
167 the skills of the child and a plan for learning additional

168 identified skills; the behavior that the child has exhibited
 169 which indicates an ability to be responsible and a plan for
 170 developing additional responsibilities, as appropriate; a plan
 171 for future educational, vocational, and training skills; present
 172 financial and budgeting capabilities and a plan for improving
 173 resources and ability; a description of the proposed residence;
 174 documentation that the child understands the specific
 175 consequences of his or her conduct in the independent living
 176 program; documentation of proposed services to be provided by
 177 the department and other agencies, including the type of service
 178 and the nature and frequency of contact; and a plan for
 179 maintaining or developing relationships with the family, other
 180 adults, friends, and the community, as appropriate.

181 4. Subsidy payments in an amount established by the
 182 department may be made directly to a child under the direct
 183 supervision of a caseworker or other responsible adult approved
 184 by the department.

185 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
 186 CARE.--Based on the availability of funds, the department shall
 187 provide or arrange for the following services to young adults
 188 formerly in foster care who meet the prescribed conditions and
 189 are determined eligible by the department. The department, or a
 190 community-based care lead agency when the agency is under
 191 contract with the department to provide the services described
 192 under this subsection, shall develop a plan to implement those
 193 services. A plan shall be developed for each community-based
 194 care service area in the state. Each plan that is developed by a
 195 community-based care lead agency shall be submitted to the

196 department. Each plan shall include the number of young adults
 197 to be served each month of the fiscal year and specify the
 198 number of young adults who will reach 18 years of age who will
 199 be eligible for the plan and the number of young adults who will
 200 reach 23 years of age and will be ineligible for the plan or who
 201 are otherwise ineligible during each month of the fiscal year;
 202 staffing requirements and all related costs to administer the
 203 services and program; expenditures to or on behalf of the
 204 eligible recipients; costs of services provided to young adults
 205 through an approved plan for housing, transportation, and
 206 employment; reconciliation of these expenses and any additional
 207 related costs with the funds allocated for these services; and
 208 an explanation of and a plan to resolve any shortages or
 209 surpluses in order to end the fiscal year with a balanced
 210 budget. The categories of services available to assist a young
 211 adult formerly in foster care to achieve independence are:

212 (b) Road-to-Independence Program.--

213 1. The Road-to-Independence Program is intended to help
 214 eligible students who are former foster children in this state
 215 to receive the educational and vocational training needed to
 216 achieve independence. The amount of the award shall be based on
 217 the living and educational needs of the young adult and may be
 218 up to, but may not exceed, the amount of earnings that the
 219 student would have been eligible to earn working a 40-hour-a-
 220 week federal minimum wage job.

221 2. A young adult who has reached 18 years of age but is
 222 not yet 21 years of age is eligible for the initial award, and a

223 young adult under 23 years of age is eligible for renewal
 224 awards, if he or she:

225 a. Was a dependent child, under chapter 39, and was living
 226 in licensed foster care or in subsidized independent living at
 227 the time of his or her 18th birthday, is currently living in
 228 licensed foster care or subsidized independent living, or, after
 229 reaching 16 years of age, was adopted from foster care or placed
 230 with a court-approved dependency guardian and has spent a
 231 minimum of 6 months in foster care within the 12 months
 232 immediately preceding such adoption or placement;

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

235 c. Is a resident of this state as defined in s. 1009.40;
 236 and

237 d. Meets one of the following qualifications:

238 (I) Has earned a standard high school diploma or its
 239 equivalent as described in s. 1003.43 or s. 1003.435, or has
 240 earned a special diploma or special certificate of completion as
 241 described in s. 1003.438, and has been admitted for full-time
 242 enrollment in an eligible postsecondary education institution as
 243 defined in s. 1009.533;

244 (II) Is enrolled full time in an accredited high school;
 245 or

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

249 3. A young adult applying for the Road-to-Independence
 250 Program must apply for any other grants and scholarships for

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251 | which he or she may qualify. The department shall assist the
252 | young adult in the application process and may use the federal
253 | financial aid grant process to determine the funding needs of
254 | the young adult.

255 | 4. An award shall be available to a young adult who is
256 | considered a full-time student or its equivalent by the
257 | educational institution in which he or she is enrolled, unless
258 | that young adult has a recognized disability preventing full-
259 | time attendance. The amount of the award, whether it is being
260 | used by a young adult working toward completion of a high school
261 | diploma or its equivalent or working toward completion of a
262 | postsecondary education program, shall be determined based on an
263 | assessment of the funding needs of the young adult. This
264 | assessment must consider the young adult's living and
265 | educational costs and other grants, scholarships, waivers,
266 | earnings, and other income to be received by the young adult. An
267 | award shall be available only to the extent that other grants
268 | and scholarships are not sufficient to meet the living and
269 | educational needs of the young adult, but an award may not be
270 | less than \$25 in order to maintain Medicaid eligibility for the
271 | young adult as provided in s. 409.903.

272 | 5. The amount of the award may be disregarded for purposes
273 | of determining the eligibility for, or the amount of, any other
274 | federal or federally supported assistance.

275 | 6.a. The department must advertise the criteria,
276 | application procedures, and availability of the program to:

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

279 (II) Case managers.
 280 (III) Guidance and family services counselors.
 281 (IV) Principals or other relevant school administrators.
 282 (V) Guardians ad litem.
 283 (VI) Foster parents.

284 b. The department shall issue awards from the program for
 285 each young adult who meets all the requirements of the program
 286 to the extent funding is available.

287 c. An award shall be issued at the time the eligible
 288 student reaches 18 years of age.

289 d. A young adult who is eligible for the Road-to-
 290 Independence Program, transitional support services, or
 291 aftercare services and who so desires shall be allowed to reside
 292 with the licensed foster family or group care provider with whom
 293 he or she was residing at the time of attaining his or her 18th
 294 birthday or to reside in another licensed foster home or with a
 295 group care provider arranged by the department.

296 e. If the award recipient transfers from one eligible
 297 institution to another and continues to meet eligibility
 298 requirements, the award must be transferred with the recipient.

299 f. Funds awarded to any eligible young adult under this
 300 program are in addition to any other services or funds provided
 301 to the young adult by the department through transitional
 302 support services or aftercare services.

303 g. The department shall provide information concerning
 304 young adults receiving funding through the Road-to-Independence
 305 Program to the Department of Education for inclusion in the

306 student financial assistance database, as provided in s.
307 1009.94.

308 h. Funds are intended to help eligible young adults who
309 are former foster children in this state to receive the
310 educational and vocational training needed to become independent
311 and self-supporting. The funds shall be terminated when the
312 young adult has attained one of four postsecondary goals under
313 subsection (3) or reaches 23 years of age, whichever occurs
314 earlier. In order to initiate postsecondary education, to allow
315 for a change in career goal, or to obtain additional skills in
316 the same educational or vocational area, a young adult may earn
317 no more than two diplomas, certificates, or credentials. A young
318 adult attaining an associate of arts or associate of science
319 degree shall be permitted to work toward completion of a
320 bachelor of arts or a bachelor of science degree or an
321 equivalent undergraduate degree. Road-to-Independence Program
322 funds may not be used for education or training after a young
323 adult has attained a bachelor of arts or a bachelor of science
324 degree or an equivalent undergraduate degree.

325 i. The department shall evaluate and renew each award
326 annually during the 90-day period before the young adult's
327 birthday. In order to be eligible for a renewal award for the
328 subsequent year, the young adult must:

329 (I) Complete the number of hours, or the equivalent
330 considered full time by the educational institution, unless that
331 young adult has a recognized disability preventing full-time
332 attendance, in the last academic year in which the young adult

333 earned an award, except for a young adult who meets the
 334 requirements of s. 1009.41.

335 (II) Maintain appropriate progress as required by the
 336 educational institution, except that, if the young adult's
 337 progress is insufficient to renew the award at any time during
 338 the eligibility period, the young adult may restore eligibility
 339 by improving his or her progress to the required level.

340 j. Funds may be terminated during the interim between an
 341 award and the evaluation for a renewal award if the department
 342 determines that the award recipient is no longer enrolled in an
 343 educational institution as defined in sub-subparagraph 2.d., or
 344 is no longer a state resident. The department shall notify a
 345 recipient who is terminated and inform the recipient of his or
 346 her right to appeal.

347 k. An award recipient who does not qualify for a renewal
 348 award or who chooses not to renew the award may subsequently
 349 apply for reinstatement. An application for reinstatement must
 350 be made before the young adult reaches 23 years of age, and a
 351 student may not apply for reinstatement more than once. In order
 352 to be eligible for reinstatement, the young adult must meet the
 353 eligibility criteria and the criteria for award renewal for the
 354 program.

355 Section 3. Subsection (4) of section 409.903, Florida
 356 Statutes, is amended to read:

357 409.903 Mandatory payments for eligible persons.--The
 358 agency shall make payments for medical assistance and related
 359 services on behalf of the following persons who the department,
 360 or the Social Security Administration by contract with the

361 Department of Children and Family Services, determines to be
 362 eligible, subject to the income, assets, and categorical
 363 eligibility tests set forth in federal and state law. Payment on
 364 behalf of these Medicaid eligible persons is subject to the
 365 availability of moneys and any limitations established by the
 366 General Appropriations Act or chapter 216.

367 (4) A child who is eligible under Title IV-E of the Social
 368 Security Act for subsidized board payments, foster care, or
 369 adoption subsidies, and a child for whom the state has assumed
 370 temporary or permanent responsibility and who does not qualify
 371 for Title IV-E assistance but is in foster care, shelter or
 372 emergency shelter care, or subsidized adoption. This category
 373 includes a young adult who is eligible to receive services under
 374 s. 409.1451(5), until the young adult reaches 21 ~~20~~ years of
 375 age, without regard to any income, resource, or categorical
 376 eligibility test that is otherwise required. This category also
 377 includes a person who as a child was eligible under Title IV-E
 378 of the Social Security Act for foster care or the state-provided
 379 foster care and who is a participant in the Road-to-Independence
 380 Program.

381 Section 4. Section 743.044, Florida Statutes, is created
 382 to read:

383 743.044 Removal of disabilities of minors; executing
 384 agreements for depository financial services.--For the purpose
 385 of ensuring that a youth in foster care will be able to secure
 386 depository financial services, such as checking and savings
 387 accounts, the disability of nonage of minors shall be removed
 388 provided that the youth has reached 16 years of age, has been

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389 adjudicated dependent, is residing in an out-of home placement
390 as defined in s. 39.01, and has completed a financial literacy
391 class. Upon issuance of an order by a court of competent
392 jurisdiction, these youth are authorized to make and execute all
393 documents, contracts, or agreements necessary for obtaining the
394 rights, privileges, and benefits of depository financial
395 services as if the youth is otherwise competent to make and
396 execute contracts. Execution of any such contract or agreement
397 for depository financial services shall have the same effect as
398 though they were the acts of persons who were not minors. A
399 youth seeking to enter into such contracts or agreements or
400 execute other necessary instruments incidental to obtaining
401 depository financial services must present an order from a court
402 of competent jurisdiction removing the disabilities of nonage of
403 the minor under this section.

404 Section 5. This act shall take effect July 1, 2007.