

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 a contingent
 21 effective 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 (5) Notwithstanding the provisions of subsections (1) and
71 (2), a caseworker at the agency at which the state has placed a
72 minor in foster care may sign the minor's application for a
73 driver's license if part of a court-approved transition plan.
74 Prior to signing the application, the caseworker shall notify
75 the foster parents or other responsible party of the intent to
76 sign the application. The caseworker does not assume any
77 obligation or become liable for any damages caused by the
78 negligence or willful misconduct of the minor by reason of
79 having signed the application.

80 Section 2. Paragraph (b) of subsection (2), paragraph (a)
81 of subsection (3), paragraph (c) of subsection (4), and
82 paragraph (b) of subsection (5) of section 409.1451, Florida
83 Statutes, are amended to read:

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84 409.1451 Independent living transition services.--

85 (2) ELIGIBILITY.--

86 (b) The department shall serve young adults who have
87 reached 18 years of age but are not yet 23 years of age and who
88 were in foster care when they turned 18 years of age or, after
89 reaching 16 years of age, were adopted from foster care or
90 placed with a court-approved dependency guardian and have spent
91 a minimum of 6 months in foster care within the 12 months
92 preceding such adoption or placement by providing services
93 pursuant to subsection (5). Young adults to be served must meet
94 the eligibility requirements set forth for specific services in
95 this section.

96 (3) PREPARATION FOR INDEPENDENT LIVING.--

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

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

113 2. Provide training for staff and foster parents to
114 address the issues of older children in foster care in
115 transitioning to adulthood, which shall include information on
116 high school completion, grant applications, vocational school
117 opportunities, supporting education and employment
118 opportunities, and opportunities to participate in appropriate
119 daily activities.

120 3. Develop procedures to maximize the authority of foster
121 parents or caregivers to approve participation in age-
122 appropriate activities of children in their care. The age-
123 appropriate activities and the authority of the foster parent or
124 caregiver shall be developed into a written plan that the foster
125 parent or caregiver, the child, and the case manager all develop
126 together, sign, and follow. This plan must include specific
127 goals and objectives and be reviewed and updated no less than
128 quarterly. Foster parents or caregivers who have developed a
129 written plan as described in this subparagraph shall not be held
130 responsible under administrative rules or laws pertaining to
131 state licensure or have their licensure status in any manner
132 jeopardized as a result of the actions of a child engaged in the
133 approved age-appropriate activities specified in the written
134 plan.

135 4. Provide opportunities for older children in foster care
136 to interact with mentors.

137 5. Develop and implement procedures for older children to
 138 directly access and manage the personal allowance they receive
 139 from the department in order to learn responsibility and
 140 participate in age-appropriate life skills activities to the
 141 extent feasible.

142 6. Make a good faith effort to fully explain, prior to
 143 execution of any signature, if required, any document, report,
 144 form, or other record, whether written or electronic, presented
 145 to a child or young adult pursuant to this chapter and allow for
 146 the recipient to ask any appropriate questions necessary to
 147 fully understand the document. It shall be the responsibility of
 148 the person presenting the document to the child or young adult
 149 to comply with this subparagraph.

150 (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The department
 151 shall provide the following transition to independence services
 152 to children in foster care who meet prescribed conditions and
 153 are determined eligible by the department. The service
 154 categories available to children in foster care which facilitate
 155 successful transition into adulthood are:

156 (c) Subsidized independent living services.--

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

161 2. A child who has reached 16 years of age but is not yet
 162 18 years of age is eligible for such services and shall be
 163 formally evaluated for placement in a subsidized independent
 164 living arrangement, if he or she:

165 a. Is adjudicated dependent under chapter 39; has been
166 placed in licensed out-of-home care for at least 6 months prior
167 to entering subsidized independent living; and has a permanency
168 goal of adoption, independent living, or long-term licensed
169 care; and

170 b. Is able to demonstrate independent living skills, as
171 determined by the department, using established procedures and
172 assessments.

173 3. Independent living arrangements established for a child
174 must be part of an overall plan leading to the total
175 independence of the child from the department's supervision. The
176 plan must include, but need not be limited to, a description of
177 the skills of the child and a plan for learning additional
178 identified skills; the behavior that the child has exhibited
179 which indicates an ability to be responsible and a plan for
180 developing additional responsibilities, as appropriate; a plan
181 for future educational, vocational, and training skills; present
182 financial and budgeting capabilities and a plan for improving
183 resources and ability; a description of the proposed residence;
184 documentation that the child understands the specific
185 consequences of his or her conduct in the independent living
186 program; documentation of proposed services to be provided by
187 the department and other agencies, including the type of service
188 and the nature and frequency of contact; and a plan for
189 maintaining or developing relationships with the family, other
190 adults, friends, and the community, as appropriate.

191 4. Subsidy payments in an amount established by the
192 department may be made directly to a child under the direct

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193 supervision of a caseworker or other responsible adult approved
194 by the department.

195 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
196 CARE.--Based on the availability of funds, the department shall
197 provide or arrange for the following services to young adults
198 formerly in foster care who meet the prescribed conditions and
199 are determined eligible by the department. The department, or a
200 community-based care lead agency when the agency is under
201 contract with the department to provide the services described
202 under this subsection, shall develop a plan to implement those
203 services. A plan shall be developed for each community-based
204 care service area in the state. Each plan that is developed by a
205 community-based care lead agency shall be submitted to the
206 department. Each plan shall include the number of young adults
207 to be served each month of the fiscal year and specify the
208 number of young adults who will reach 18 years of age who will
209 be eligible for the plan and the number of young adults who will
210 reach 23 years of age and will be ineligible for the plan or who
211 are otherwise ineligible during each month of the fiscal year;
212 staffing requirements and all related costs to administer the
213 services and program; expenditures to or on behalf of the
214 eligible recipients; costs of services provided to young adults
215 through an approved plan for housing, transportation, and
216 employment; reconciliation of these expenses and any additional
217 related costs with the funds allocated for these services; and
218 an explanation of and a plan to resolve any shortages or
219 surpluses in order to end the fiscal year with a balanced

220 budget. The categories of services available to assist a young
 221 adult formerly in foster care to achieve independence are:

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

223 1. The Road-to-Independence Program is intended to help
 224 eligible students who are former foster children in this state
 225 to receive the educational and vocational training needed to
 226 achieve independence. The amount of the award shall be based on
 227 the living and educational needs of the young adult and may be
 228 up to, but may not exceed, the amount of earnings that the
 229 student would have been eligible to earn working a 40-hour-a-
 230 week federal minimum wage job.

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

235 a. Was a dependent child, under chapter 39, and was living
 236 in licensed foster care or in subsidized independent living at
 237 the time of his or her 18th birthday, is currently living in
 238 licensed foster care or subsidized independent living, or, after
 239 reaching 16 years of age, was adopted from foster care or placed
 240 with a court-approved dependency guardian and has spent a
 241 minimum of 6 months in foster care within the 12 months
 242 immediately preceding such adoption or placement;

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

245 c. Is a resident of this state as defined in s. 1009.40;
 246 and

247 d. Meets one of the following qualifications:

248 (I) Has earned a standard high school diploma or its
 249 equivalent as described in s. 1003.43 or s. 1003.435, or has
 250 earned a special diploma or special certificate of completion as
 251 described in s. 1003.438, and has been admitted for full-time
 252 enrollment in an eligible postsecondary education institution as
 253 defined in s. 1009.533;

254 (II) Is enrolled full time in an accredited high school;
 255 or

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

259 3. A young adult applying for the Road-to-Independence
 260 Program must apply for any other grants and scholarships for
 261 which he or she may qualify. The department shall assist the
 262 young adult in the application process and may use the federal
 263 financial aid grant process to determine the funding needs of
 264 the young adult.

265 4. An award shall be available to a young adult who is
 266 considered a full-time student or its equivalent by the
 267 educational institution in which he or she is enrolled, unless
 268 that young adult has a recognized disability preventing full-
 269 time attendance. The amount of the award, whether it is being
 270 used by a young adult working toward completion of a high school
 271 diploma or its equivalent or working toward completion of a
 272 postsecondary education program, shall be determined based on an
 273 assessment of the funding needs of the young adult. This
 274 assessment must consider the young adult's living and
 275 educational costs and other grants, scholarships, waivers,

276 earnings, and other income to be received by the young adult. An
 277 award shall be available only to the extent that other grants
 278 and scholarships are not sufficient to meet the living and
 279 educational needs of the young adult, but an award may not be
 280 less than \$25 in order to maintain Medicaid eligibility for the
 281 young adult as provided in s. 409.903.

282 5. The amount of the award may be disregarded for purposes
 283 of determining the eligibility for, or the amount of, any other
 284 federal or federally supported assistance.

285 6.a. The department must advertise the criteria,
 286 application procedures, and availability of the program to:

287 (I) Children and young adults in, leaving, or formerly in
 288 foster care.

289 (II) Case managers.

290 (III) Guidance and family services counselors.

291 (IV) Principals or other relevant school administrators.

292 (V) Guardians ad litem.

293 (VI) Foster parents.

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

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

299 d. A young adult who is eligible for the Road-to-
 300 Independence Program, transitional support services, or
 301 aftercare services and who so desires shall be allowed to reside
 302 with the licensed foster family or group care provider with whom
 303 he or she was residing at the time of attaining his or her 18th

304 birthday or to reside in another licensed foster home or with a
305 group care provider arranged by the department.

306 e. If the award recipient transfers from one eligible
307 institution to another and continues to meet eligibility
308 requirements, the award must be transferred with the recipient.

309 f. Funds awarded to any eligible young adult under this
310 program are in addition to any other services or funds provided
311 to the young adult by the department through transitional
312 support services or aftercare services.

313 g. The department shall provide information concerning
314 young adults receiving funding through the Road-to-Independence
315 Program to the Department of Education for inclusion in the
316 student financial assistance database, as provided in s.
317 1009.94.

318 h. Funds are intended to help eligible young adults who
319 are former foster children in this state to receive the
320 educational and vocational training needed to become independent
321 and self-supporting. The funds shall be terminated when the
322 young adult has attained one of four postsecondary goals under
323 subsection (3) or reaches 23 years of age, whichever occurs
324 earlier. In order to initiate postsecondary education, to allow
325 for a change in career goal, or to obtain additional skills in
326 the same educational or vocational area, a young adult may earn
327 no more than two diplomas, certificates, or credentials. A young
328 adult attaining an associate of arts or associate of science
329 degree shall be permitted to work toward completion of a
330 bachelor of arts or a bachelor of science degree or an
331 equivalent undergraduate degree. Road-to-Independence Program

332 funds may not be used for education or training after a young
333 adult has attained a bachelor of arts or a bachelor of science
334 degree or an equivalent undergraduate degree.

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

339 (I) Complete the number of hours, or the equivalent
340 considered full time by the educational institution, unless that
341 young adult has a recognized disability preventing full-time
342 attendance, in the last academic year in which the young adult
343 earned an award, except for a young adult who meets the
344 requirements of s. 1009.41.

345 (II) Maintain appropriate progress as required by the
346 educational institution, except that, if the young adult's
347 progress is insufficient to renew the award at any time during
348 the eligibility period, the young adult may restore eligibility
349 by improving his or her progress to the required level.

350 j. Funds may be terminated during the interim between an
351 award and the evaluation for a renewal award if the department
352 determines that the award recipient is no longer enrolled in an
353 educational institution as defined in sub-subparagraph 2.d., or
354 is no longer a state resident. The department shall notify a
355 recipient who is terminated and inform the recipient of his or
356 her right to appeal.

357 k. An award recipient who does not qualify for a renewal
358 award or who chooses not to renew the award may subsequently
359 apply for reinstatement. An application for reinstatement must

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360 be made before the young adult reaches 23 years of age, and a
361 student may not apply for reinstatement more than once. In order
362 to be eligible for reinstatement, the young adult must meet the
363 eligibility criteria and the criteria for award renewal for the
364 program.

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

367 409.903 Mandatory payments for eligible persons.--The
368 agency shall make payments for medical assistance and related
369 services on behalf of the following persons who the department,
370 or the Social Security Administration by contract with the
371 Department of Children and Family Services, determines to be
372 eligible, subject to the income, assets, and categorical
373 eligibility tests set forth in federal and state law. Payment on
374 behalf of these Medicaid eligible persons is subject to the
375 availability of moneys and any limitations established by the
376 General Appropriations Act or chapter 216.

377 (4) A child who is eligible under Title IV-E of the Social
378 Security Act for subsidized board payments, foster care, or
379 adoption subsidies, and a child for whom the state has assumed
380 temporary or permanent responsibility and who does not qualify
381 for Title IV-E assistance but is in foster care, shelter or
382 emergency shelter care, or subsidized adoption. This category
383 includes a young adult who is eligible to receive services under
384 s. 409.1451(5), until the young adult reaches 21 ~~20~~ years of
385 age, without regard to any income, resource, or categorical
386 eligibility test that is otherwise required. This category also
387 includes a person who as a child was eligible under Title IV-E

388 of the Social Security Act for foster care or the state-provided
 389 foster care and who is a participant in the Road-to-Independence
 390 Program.

391 Section 4. Section 743.044, Florida Statutes, is created
 392 to read:

393 743.044 Removal of disabilities of minors; executing
 394 agreements for depository financial services.--For the purpose
 395 of ensuring that a youth in foster care will be able to secure
 396 depository financial services, such as checking and savings
 397 accounts, the disability of nonage of minors shall be removed
 398 provided that the youth has reached 16 years of age, has been
 399 adjudicated dependent, is residing in an out-of home placement
 400 as defined in s. 39.01, and has completed a financial literacy
 401 class. Upon issuance of an order by a court of competent
 402 jurisdiction, these youth are authorized to make and execute all
 403 documents, contracts, or agreements necessary for obtaining the
 404 rights, privileges, and benefits of depository financial
 405 services as if the youth is otherwise competent to make and
 406 execute contracts. Execution of any such contract or agreement
 407 for depository financial services shall have the same effect as
 408 though they were the acts of persons who were not minors. A
 409 youth seeking to enter into such contracts or agreements or
 410 execute other necessary instruments incidental to obtaining
 411 depository financial services must present an order from a court
 412 of competent jurisdiction removing the disabilities of nonage of
 413 the minor under this section.

414 Section 5. This act shall take effect July 1, 2007, except
 415 that changes made to ss. 409.1451(2) and (5) and 409.903,

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416 | Florida Statutes, as amended by this act, shall take effect only
417 | if a specific appropriation to fund those provisions is made in
418 | the General Appropriations Act for fiscal year 2007-2008.