

By Senator Rich

34-01243-11

20111902__

1 A bill to be entitled
2 An act relating to independent living; amending s.
3 39.013, F.S.; requiring the court to exercise
4 jurisdiction until a child is 21 years of age if the
5 child elects to receive Foundations for Success
6 services; retaining jurisdiction for the purpose of
7 reviewing the child's transition and permanency plans
8 and services; creating s. 39.605, F.S.; directing the
9 Department of Children and Family Services to
10 administer a system of independent living transition
11 services to enable older children in out-of-home care
12 to make the transition to self-sufficiency as adults;
13 providing that the goals of independent living
14 transition services are to assist older children in
15 planning successful futures that lead to independence
16 and assist caregivers of older children in out-of-home
17 care to teach life skills to all children in their
18 care; providing for eligibility to receive independent
19 living services; requiring the department to provide
20 these children with skills for out-of-home,
21 independent, self-sufficient living; specifying the
22 training, support, and services the department must
23 give to prepare a child for independent living;
24 providing for a detailed transition plan for each
25 child in the program; establishing educational goals;
26 requiring all children in out-of-home care to take
27 part in learning opportunities that result from
28 participation in community service activities;
29 specifying services for children living in foster

34-01243-11

20111902__

30 care, including preindependent living services,
31 quality parenting services, performance
32 accountability, and early entry into the Foundations
33 for Success program; requiring the department to adopt
34 rules for the independent living program; creating s.
35 39.911, F.S.; defining terms; creating s. 39.912,
36 F.S.; requiring the department to provide or arrange
37 services for the Pathways to Success, Foundations for
38 Success, and Jumpstart to Success programs; providing
39 for portability of services between counties;
40 providing that the Pathways to Success program is
41 intended to help eligible students who were foster
42 children in this state to receive the educational and
43 vocational training needed to achieve independence;
44 providing for a stipend that is based on a needs
45 assessment of the young adult's educational and living
46 needs; providing for the permissible use of the
47 stipend; providing for the termination of the stipend;
48 authorizing eligible children to participate in the
49 Foundations for Success program; describing the
50 structure and operations of the two Foundations for
51 Success components; detailing eligibility criteria for
52 the Foundations for Success program; requiring a
53 review of the child's progress on the anniversary of
54 his or her approval for Foundations for Success
55 services; providing eligibility for the Jumpstart to
56 Success program; providing for an appeals process for
57 any decision relating to the three programs; directing
58 the department to develop outcome measures; requiring

34-01243-11

20111902__

59 the department to prepare a report for the
60 Legislature; specifying the contents of the report;
61 requiring the department to establish the Independent
62 Living Services Advisory Council; providing the
63 functions and duties of the advisory council;
64 requiring a report; providing for the membership of
65 the advisory council; requiring the department to
66 provide administrative support to the advisory
67 council; requiring a report to the Legislature by a
68 specified date; requiring the department to enroll
69 eligible children in the Florida Kidcare program;
70 requiring the department to adopt rules; amending s.
71 409.903, F.S., conforming a cross-reference;
72 authorizing youth receiving Road-to-Independence or
73 transitional support services to choose to terminate
74 their existing services or continue in their existing
75 services until their eligibility for that benefit
76 program expires; providing an effective date.

77

78 Be It Enacted by the Legislature of the State of Florida:

79

80 Section 1. Section 39.013, Florida Statutes, is amended to
81 read:

82 39.013 Procedures and jurisdiction; right to counsel.-

83 (1) All procedures, including petitions, pleadings,
84 subpoenas, summonses, and hearings, in this chapter shall be
85 conducted according to the Florida Rules of Juvenile Procedure
86 unless otherwise provided by law. Parents must be informed by
87 the court of their right to counsel in dependency proceedings at

34-01243-11

20111902__

88 each stage of the dependency proceedings. Parents who are unable
89 to afford counsel must be appointed counsel.

90 (2) The circuit court has exclusive original jurisdiction
91 of all proceedings under this chapter, of a child voluntarily
92 placed with a licensed child-caring agency, a licensed child-
93 placing agency, or the department, and of the adoption of
94 children whose parental rights have been terminated under this
95 chapter. Jurisdiction attaches when a petition for an injunction
96 pursuant to s. 39.504, the initial shelter petition, the
97 dependency petition, or the termination of parental rights
98 petition is filed or when a child is taken into the custody of
99 the department. The circuit court may assume jurisdiction over
100 any such proceeding regardless of whether the child was in the
101 physical custody of both parents, was in the sole legal or
102 physical custody of only one parent, caregiver, or some other
103 person, or was in the physical or legal custody of no person
104 when the event or condition occurred which ~~that~~ brought the
105 child to the attention of the court. When the court obtains
106 jurisdiction of any child who has been found to be dependent,
107 the court shall retain jurisdiction, unless relinquished by its
108 order, until the child reaches 18 years of age. ~~However, if a~~
109 ~~youth petitions the court at any time before his or her 19th~~
110 ~~birthday requesting the court's continued jurisdiction, the~~
111 ~~juvenile court may retain jurisdiction under this chapter for a~~
112 ~~period not to exceed 1 year following the youth's 18th birthday~~
113 ~~for the purpose of determining whether appropriate aftercare~~
114 ~~support, Road to Independence Program, transitional support,~~
115 ~~mental health, and developmental disability services, to the~~
116 ~~extent otherwise authorized by law, have been provided to the~~

34-01243-11

20111902__

117 ~~formerly dependent child who was in the legal custody of the~~
118 ~~department immediately before his or her 18th birthday.~~

119 (3) When any child requests, or is approved for, continuing
120 Foundations for Success services pursuant to s. 39.912, the
121 court shall exercise jurisdiction over the child until the child
122 reaches 21 years of age, or until Foundations for Success
123 services are terminated. Jurisdiction of the court is retained
124 for children between the ages of 18 to 21 in order that the
125 court may review the child's transition and permanency plans and
126 the status of the services provided. The court does not have
127 jurisdiction to review the amount of the stipend provided to the
128 child. The court shall hold an annual review hearing for
129 children between the ages of 18 and 21 but may review the
130 child's status more frequently at the request of any party.

131 (4) If a petition for special immigrant juvenile status and
132 an application for adjustment of status have been filed on
133 behalf of a foster child and the petition and application have
134 not been granted by the time the child reaches 18 years of age,
135 the court may retain jurisdiction over the dependency case
136 solely for the purpose of allowing the continued consideration
137 of the petition and application by federal authorities. Review
138 hearings for the child shall be set solely for the purpose of
139 determining the status of the petition and application. The
140 court's jurisdiction terminates upon the final decision of the
141 federal authorities. Retention of jurisdiction in this instance
142 does not affect the transitional services available to a young
143 adult from the department pursuant to s. 409.175 ~~under s.~~
144 ~~409.1451~~. The court may not retain jurisdiction of the case
145 after the immigrant child's 22nd birthday.

34-01243-11

20111902__

146 (5)~~(3)~~ When a child is under the jurisdiction of the
147 circuit court pursuant to this chapter, the circuit court
148 assigned to handle dependency matters may exercise the general
149 and equitable jurisdiction over guardianship proceedings under
150 chapter 744 and proceedings for temporary custody of minor
151 children by extended family under chapter 751.

152 (6)~~(4)~~ Orders entered pursuant to this chapter which affect
153 the placement of, access to, parental time with, adoption of, or
154 parental rights and responsibilities for a minor child shall
155 take precedence over other orders entered in civil actions or
156 proceedings. However, if the court has terminated jurisdiction,
157 the order may be subsequently modified by a court of competent
158 jurisdiction in any other civil action or proceeding affecting
159 placement of, access to, parental time with, adoption of, or
160 parental rights and responsibilities for the same minor child.

161 (7)~~(5)~~ The court shall expedite the resolution of the
162 placement issue in cases involving a child who has been removed
163 from the parent and placed in an out-of-home placement.

164 (8)~~(6)~~ The court shall expedite the judicial handling of
165 all cases when the child has been removed from the parent and
166 placed in an out-of-home placement.

167 (9)~~(7)~~ Children removed from their homes shall be provided
168 equal treatment with respect to goals, objectives, services, and
169 case plans, without regard to the location of their placement.

170 (10)~~(8)~~ For any child who remains in the custody of the
171 department, the court shall, within the month that ~~which~~
172 constitutes the beginning of the 6-month period before the
173 child's 18th birthday, hold a hearing to review the progress of
174 the child while in the custody of the department.

34-01243-11

20111902__

175 (11)~~(9)~~ (a) At each stage of the proceedings under this
176 chapter, the court shall advise the parents of the right to
177 counsel. The court shall appoint counsel for indigent parents.
178 The court shall ascertain whether the right to counsel is
179 understood. When right to counsel is waived, the court shall
180 determine whether the waiver is knowing and intelligent. The
181 court shall enter its findings in writing with respect to the
182 appointment or waiver of counsel for indigent parents or the
183 waiver of counsel by nonindigent parents.

184 (b) Once counsel has entered an appearance or been
185 appointed by the court to represent the parent of the child, the
186 attorney shall continue to represent the parent throughout the
187 proceedings. If the attorney-client relationship is
188 discontinued, the court shall advise the parent of the right to
189 have new counsel retained or appointed for the remainder of the
190 proceedings.

191 (c)1. A waiver of counsel may not be accepted if it appears
192 that the parent is unable to make an intelligent and
193 understanding choice because of mental condition, age,
194 education, experience, the nature or complexity of the case, or
195 other factors.

196 2. A waiver of counsel made in court must be of record.

197 3. If a waiver of counsel is accepted at any hearing or
198 proceeding, the offer of assistance of counsel must be renewed
199 by the court at each subsequent stage of the proceedings at
200 which the parent appears without counsel.

201 (d) This subsection does not apply to any parent who has
202 voluntarily executed a written surrender of the child and
203 consents to the entry of a court order terminating parental

34-01243-11

20111902__

204 rights.

205 (12)~~(10)~~ Court-appointed counsel representing indigent
206 parents at shelter hearings shall be paid from state funds
207 appropriated by general law.

208 (13)~~(11)~~ The court shall encourage the Statewide Guardian
209 Ad Litem Office to provide greater representation to those
210 children who are within 1 year of transferring out of foster
211 care.

212 Section 2. Section 39.605, Florida Statutes, is created to
213 read:

214 39.605 Services to older children in out-of-home care.-

215 (1) SYSTEM OF SERVICES.-

216 (a) The Department of Children and Family Services, its
217 agents, or community-based providers operating pursuant to s.
218 409.1671 shall administer a system of independent living
219 transition services to enable older children in out-of-home care
220 to make the transition to self-sufficiency as adults.

221 (b) The system for preparing children shall be
222 comprehensive, measure progress, and include all the key
223 participants working toward the same goals.

224 (c) The goals of independent living transition services are
225 to assist older children to plan for successful futures that
226 lead to independence and to assist caregivers of older children
227 in out-of-home care to teach life skills to all children in
228 their care. Independent living transition services shall help
229 older children establish a quality of life appropriate for their
230 age and assume personal responsibility for becoming self-
231 sufficient adults.

232 (d) State and federal funds for out-of-home care shall be

34-01243-11

20111902

233 used to establish a continuum of services for eligible children
234 in out-of-home care.

235 (e) For children in out-of-home care, independent living
236 transition services are not an alternative to adoption.

237 Independent living transition services are never a replacement
238 for the permanency goals of reunification, adoption, or
239 permanent guardianship.

240 (2) ELIGIBILITY.—Children who are at least 13 years of age
241 but are not yet 18 years of age and who are in out-of-home care
242 are eligible to receive preindependent living services.

243 (3) PREPARATION FOR INDEPENDENT LIVING.—

244 (a) It is the intent of the Legislature that the Department
245 of Children and Family Services and its community-based
246 providers assist children in out-of-home care to make the
247 transition to independent living and self-sufficiency as adults.
248 The department shall encourage the adoption of quality parenting
249 initiatives that will allow children to learn age-appropriate
250 life skills in their families and communities, with
251 consideration for addressing the special needs of the children.
252 To facilitate this process, the department shall:

253 1. Provide caregivers the training, support, and services
254 needed to allow the caregivers to teach children in out-of-home
255 care the necessary life skills and to assist the children to
256 build a transition to independent, self-sufficient adulthood.

257 2. Ensure that training is provided to appropriate staff
258 and out-of-home caregivers in order to address the unique issues
259 of older children as they transition into adulthood. These
260 issues include, but are not limited to, providing information on
261 high school completion, grant applications, vocational school

34-01243-11

20111902

262 opportunities, education and employment opportunities, and
263 opportunities to participate in appropriate daily activities.

264 3. Develop procedures to maximize the authority of
265 caregivers to approve a child's participation in age-appropriate
266 activities for out-of-home children in their care. The age-
267 appropriate activities and the authority of the caregiver to
268 approve participating in such activities shall be specified in a
269 written plan that the caregiver, the child, and the case manager
270 develop together, sign, and follow. This plan must include
271 specific goals and objectives and must be reviewed and updated
272 at least quarterly. Caregivers who develop a written plan are
273 not responsible for the acts of a child engaged in approved,
274 age-appropriate activities identified in the plan.

275 4. Provide opportunities for older children in out-of-home
276 care to interact with mentors.

277 5. Allow older children to directly access and manage the
278 personal allowance they receive from the department in
279 conjunction with training in financial literacy, budgeting, and
280 banking.

281 6. Make a good faith effort to fully explain, before the
282 execution of any required signatures, the content and import of
283 any document, report, form, or other record, whether written or
284 electronic, presented to a child pursuant to this chapter. The
285 department shall allow the child to ask appropriate questions
286 necessary to fully understand the document. It is the
287 responsibility of the person presenting the document to the
288 child to fully comply with this subparagraph.

289 (b) It is further the intent of the Legislature that each
290 child in out-of-home care, his or her caregivers, if applicable,

34-01243-11

20111902

291 and the department or community-based provider, create a
292 detailed transition plan to regularly assess and monitor the
293 child's progress in developing educational, social,
294 developmental, and independent living skills. The transition
295 plan must set early achievement and career goals for the child's
296 postsecondary educational and work experience and shall
297 emphasize high school completion for each child in care, with
298 consideration for children with special needs. The department
299 and community-based providers shall ensure that children in out-
300 of-home care complete specific educational goals and be ready
301 for postsecondary education and the workplace. For public school
302 students in middle school and high school, the mandatory
303 educational plan outlined in ss. 1003.4156(1) and 1009.531(4)
304 shall be included in the educational path required for children
305 in out-of-home care. Receiving a high school diploma shall take
306 precedence as an educational goal over the receipt of an
307 equivalent diploma or a GED.

308 1. The child, the child's caregivers, and the child's
309 teacher or other school staff members shall be included to the
310 fullest extent possible in developing the transition plan. The
311 transition plan shall be reviewed at each judicial hearing as
312 part of the case plan and shall accommodate the needs of
313 children served in exceptional education programs. Children in
314 out-of-home care, with the assistance of their caregivers and
315 the department or community-based provider, shall choose one of
316 the following postsecondary goals:

317 a. Attending a 4-year college or university, a community
318 college and a university, or a military academy;

319 b. Receiving a 2-year postsecondary degree;

34-01243-11

20111902__

- 320 c. Attaining a postsecondary career and technical
321 certificate or credential; or
- 322 d. Beginning immediate employment, including
323 apprenticeship, after completion of a high school diploma or its
324 equivalent, or enlisting in the military.
- 325 2. In order to assist the child in out-of-home care in
326 achieving his or her chosen goal, the department or community-
327 based provider shall, with the participation of the child and
328 the child's caregivers, identify:
- 329 a. The core courses necessary to qualify for a chosen goal.
330 b. Any elective courses that would provide additional help
331 in reaching a chosen goal.
- 332 c. The grade point requirement and any additional
333 information necessary to achieve a specific goal.
- 334 d. A teacher, other school staff member, employee of the
335 department or community-based care provider, or community
336 volunteer who would be willing to work with the child as an
337 academic advocate or mentor if caregiver involvement is
338 insufficient or unavailable.
- 339 e. The standardized tests that are necessary in order to be
340 eligible to attain future goals as well as tutoring and support
341 services needed to succeed in standardized testing.
- 342 3. In order to complement educational goals, the department
343 and community-based providers are encouraged to form
344 partnerships with the business community to support internships,
345 apprenticeships, or other work-related opportunities.
- 346 4. The department and community-based providers shall
347 ensure that children in out-of-home care and their caregivers
348 are made aware of these postsecondary goals and shall assist in

34-01243-11

20111902__

349 identifying the coursework necessary to enable the child to
350 reach identified goals.

351 (c) All children in out-of-home care are required to take
352 part in learning opportunities that result from participating in
353 community service activities, taking into account the child's
354 level of functioning and educational achievement.

355 (d) Children in out-of-home care shall be provided with the
356 opportunity to change from one postsecondary goal to another,
357 and each postsecondary goal shall take into consideration
358 changes in the child's needs and preferences. Any change,
359 particularly a change that will require additional time to
360 achieve a goal, shall be made with the guidance and assistance
361 of the department or the community-based provider.

362 (4) SERVICES FOR CHILDREN IN OUT-OF-HOME CARE.—The
363 department and its community-based providers shall provide the
364 following services to older children in out-of-home care who
365 meet prescribed conditions and are determined eligible by the
366 department.

367 (a) *Preindependent living services.*—

368 1. Although preparation for independence starts the moment
369 a child enters care, regardless of age or development, the
370 department shall offer preindependent living services to
371 children in out-of-home care starting at the age of 13. These
372 services must include, but are not limited to:

373 a. An annual life skills assessment conducted by community-
374 based providers to assess each child's competency in
375 demonstrating age-appropriate and developmentally appropriate
376 life skills. This assessment must include information from the
377 caregiver and the child and be included in the child's

34-01243-11

20111902__

378 transition plan.

379 b. Identification by the caregiver, case manager, and child
380 of needed life skills, how these skills will be taught to the
381 child, and how the child's progress will be evaluated.

382 c. The development and regular updating of a comprehensive
383 transition plan that includes all of the child's annual life
384 skills assessments and educational records and status, a
385 description of the child's progress in acquiring life skills,
386 and an individualized educational plan.

387 2. The department shall meet with appropriate staff before
388 each judicial review for each child who has reached 13 years of
389 age but is not yet 17 years of age. The meeting shall include a
390 review of the transition plan, particularly the most recent life
391 skills assessment, and an evaluation of the progress the child
392 has made acquiring the needed independent living skills. Based
393 on the results of the independent living assessment, services
394 and training identified in the assessment meeting shall be added
395 to the child's transition plan. The revised plan shall be
396 provided to the court as part of the next scheduled judicial
397 review hearing.

398 3. At the first annual assessment meeting that occurs after
399 a child's 13th birthday, and at each subsequent annual meeting,
400 the department or the community-based provider shall ensure that
401 the child's transition plan includes an educational and career
402 path based upon his or her unique abilities and interests. The
403 department or community-based provider shall provide to each
404 child detailed and personalized information on the Pathways to
405 Success program, and the grants, scholarships, and tuition
406 waivers that may be available to the child with assistance from

34-01243-11

20111902__

407 the department.

408 4. The transition plan, signed by the child participant,
409 shall be included as a part of the written report required to be
410 provided to the court at each judicial review held pursuant to
411 s. 39.701.

412 (b) Quality parenting services.-

413 1. Recognizing that the child-parent learning environment
414 is an effective and normal means of teaching life skills, the
415 department shall provide training, services, and support to
416 enable caregivers to teach independent life skills to children
417 in their care, including, but not limited to, banking and
418 budgeting, self-care, nutrition and food preparation, time-
419 management and organization, studying, transportation, and
420 interviewing and employment.

421 2. The department shall conduct an assessment meeting at
422 least once every 6 months for each child who has reached 16
423 years of age but is not yet 18 years of age. The meeting shall
424 ensure that the independent living training and services
425 determined appropriate by the independent life skills assessment
426 are being received by the child and include an evaluation of the
427 progress the child is making in developing the needed
428 independent living skills. The results of the independent living
429 assessment meeting shall be included in the child's case plan
430 and provided to the court as part of the next scheduled judicial
431 review hearing.

432 3. The department shall provide to each child in licensed
433 out-of-home care during the calendar month following the child's
434 17th birthday an independent living assessment to determine the
435 child's skills and abilities to live independently and become

34-01243-11

20111902__

436 self-sufficient. The department shall conduct an assessment
437 meeting with the child and all other appropriate participants to
438 review the assessment and to assist the child in developing a
439 transition plan. The necessary services and training identified
440 in the assessment meeting shall be included in the transition
441 plan and provided to the court as part of the judicial review
442 required by s. 39.701. The transition plan must be completed
443 during the 90-day period before the child turns 18.

444 (c) Performance accountability.—The department and its
445 community-based providers shall establish a system that measures
446 progress on the part of the child, caregivers, and providers.
447 This system shall track performance in preparing the child for
448 adulthood and measure progress toward and achievement of key
449 self-care, social, educational, prevocational, and vocational
450 skills and goals using the following:

451 1. Starting at age 13, annual surveys of older children in
452 out-of-home care designed to specifically determine the level of
453 independent life skills achieved and how those skills are
454 acquired.

455 2. Annual surveys of the adult caregivers living with and
456 caring for the child.

457 3. Exit interviews for children leaving an out-of-home care
458 setting where they have lived for more than 30 days.

459 4. Related data regarding educational progress, meeting
460 case planning requirements, and biennial meetings.

461 5. Visits to the home to assess and report the child's
462 progress in attaining developmental milestones and life skills.

463 (d) Early entry into the Foundations for Success program.—

464 1. Early entry into Foundations for Success under ss.

34-01243-11

20111902

465 39.911-39.913 allows a child to live independent of the daily
466 care and supervision of an adult in a setting that may be, but
467 is not required to be, licensed under s. 409.175.

468 2. A child who has reached 16 years of age but is not yet
469 18 years of age is eligible for early entry into Foundations for
470 Success if he or she is:

471 a. Adjudicated dependent under chapter 39, has been placed
472 in licensed out-of-home care for at least 6 months before
473 entering Foundations for Success, and has any permanency goal
474 other than reunification; and

475 b. Able to demonstrate independent living skills, as
476 determined by the department, using established procedures and
477 assessments.

478 3. Early entry into Foundations for Success must be part of
479 an overall plan leading to the total independence of the child
480 from the department's supervision. The plan must include, but
481 need not be limited to, a description of the skills of the child
482 and a plan for learning additional identified skills; the
483 behavior that the child has exhibited which demonstrates
484 responsibility and a plan for developing additional
485 responsibilities, as appropriate; a plan for future educational,
486 vocational, and training skills; present financial and budgeting
487 capabilities and a plan for improving resources and ability; a
488 description of the proposed residence; documentation that the
489 child understands the specific consequences of his or her
490 conduct in the Foundations for Success program; documentation of
491 proposed services to be provided by the department and other
492 agencies, including the type of service and the nature and
493 frequency of contact; and a plan for maintaining or developing

34-01243-11

20111902__

494 relationships with the child's family, other adults, friends,
495 and the community, as appropriate.

496 4. Stipends to the child shall be determined as part of the
497 Foundations for Success application and approval process.

498 (5) RULEMAKING.-The department shall adopt by rule
499 procedures to administer this section which balance the goals of
500 normalcy and safety for the child and provide caregivers with
501 skills that will enable the child to participate in normal life
502 experiences.

503 Section 3. Section 39.911, Florida Statutes, is created to
504 read:

505 39.911 Definitions.-As used in ss. 39.911-39.912, the term:

506 (1) "Child" means an individual younger than 21 years of
507 age who requests Foundations for Success services, is
508 adjudicated dependent, and, on his or her 18th birthday, lives
509 in out-of-home care under the supervision of the department. An
510 individual who meets this definition remains eligible as an
511 adult for other agency programs for which the individual
512 qualifies.

513 (2) "Foundations for Success" means a program for children
514 who opt into extended out-of-home care, meet the eligibility
515 criteria set forth in ss. 39.911-39.912, and who agree to
516 receive case management services on at least a monthly basis.
517 The following services shall be provided by the program to
518 eligible children:

519 (a) Case work.

520 (b) Support services, to be determined by the case manager
521 and child, which are in keeping with the child's transition
522 plan. These services include, but are not limited to:

34-01243-11

20111902

- 523 1. Mentoring and tutoring;
524 2. Mental health services;
525 3. Substance abuse treatment counseling;
526 4. Life skills activities and classes, including financial
527 literacy, credit management, and preventive health activities;
528 5. Parenting classes;
529 6. Job and career skills training; and
530 7. Financial assistance in an amount to be determined by a
531 needs assessment. The amount of financial assistance paid
532 directly to a child participating in the Foundations for Success
533 program shall be determined by the bills and expenses that the
534 child must pay directly, as noted in the transition plan.

535 (c) Housing, which includes, but is not limited to,
536 licensed foster family homes, child-care institutions, and
537 supervised settings.

538 (d) Annual judicial reviews.

539 (3) "Jumpstart to Success" means a temporary support system
540 that serves young adults from their 18th birthday to their 21st
541 birthday who opt out of the Foundations for Success program or
542 who do not meet the eligibility criteria for Pathways to Success
543 or Foundations for Success. The following services shall be
544 provided by the program to eligible young adults:

545 (a) Limited cash assistance, with the amount determined by
546 a needs assessment and taking into consideration the goal of
547 moving the young adult to self-sufficiency, as identified in a
548 transition plan;

549 (b) Access to an independent living counselor in the county
550 in which the young adult resides, who will provide information
551 and referral services upon request; and

34-01243-11

20111902

552 (c) Supportive services available to children in the
553 Foundations for Success program.

554 (4) "Needs assessment" means an assessment of a child's or
555 young adult's need for cash assistance, through the Pathways to
556 Success, Foundations for Success, or Jumpstart to Success
557 programs, which considers his or her out-of-pocket educational
558 expenses, including tuition, books and supplies, and necessary
559 computer and other equipment; housing and utilities; daily
560 living expenses, including, but not limited to, food,
561 transportation, medical, dental, and vision care, and day care;
562 and clothing. The needs assessment shall take into consideration
563 the child's or young adult's income, both earned and unearned,
564 and savings. The needs assessment shall be adjusted to consider
565 any emergency needs that the child or young adult experiences.
566 The department may adopt rules that provide incentives for
567 earning and saving, including income and savings protection
568 allowances, and further definition of, and response to,
569 emergency needs.

570 (5) "Pathways to Success" means an education program for
571 eligible young adults from age 18 through age 22 who are
572 attending a postsecondary institution approved by the department
573 full-time and are continuing to progress toward independence
574 through educational success. After a needs assessment,
575 independent living assessment, and the creation of a transition
576 plan, a monthly cash stipend may be offered of up to 100 percent
577 of the federal minimum wage. Progress shall be reviewed annually
578 for successful completion of a full-time attendance course load
579 at or above a passing level.

580 (6) "Qualifying residential facility" means a juvenile

34-01243-11

20111902

581 residential commitment or secure detention facility or an adult
582 correctional facility that is owned, operated, or licensed by a
583 governmental entity and that provides housing, including all
584 utilities and meals.

585 (7) "Young adult" means an individual who is at least 21
586 years of age but not more than 23 years of age.

587 Section 4. Section 39.912, Florida Statutes, is created to
588 read:

589 39.912 Provision of services.—

590 (1) (a) Based on the availability of funds, the department
591 shall provide or arrange for Pathways to Success, Foundations
592 for Success, and Jumpstart to Success programs for children and
593 young adults who meet prescribed conditions and are determined
594 eligible by the department.

595 (b) The department or a community-based care lead agency
596 shall develop a plan to implement those services. A plan must be
597 developed for each community-based care service area in the
598 state. Each plan that is developed by a community-based care
599 lead agency shall be submitted to the department.

600 (c) Each plan must include:

601 1. The number of young adults to be served each month of
602 the fiscal year and must specify the number of young adults who
603 will reach 18 years of age and be eligible for services;

604 2. The number of young adults who will reach 21 years of
605 age and who will be eligible for Foundations to Success and
606 Jumpstart to Success;

607 3. The number of young adults in the Pathways to Success
608 program who will reach 23 years of age and who will become
609 ineligible for the program or who are otherwise ineligible

34-01243-11

20111902

610 during each month of the fiscal year;

611 4. The staffing requirements and all related costs to
612 administer the services and program;

613 5. The expenditures to or on behalf of the eligible
614 recipients; costs of services provided to young adults through
615 an approved plan for housing, transportation, and employment;
616 and reconciliation of these expenses and any additional related
617 costs with the funds allocated for these services; and

618 6. An explanation of and a plan to resolve any shortages or
619 surpluses in order to end the fiscal year with a balanced
620 budget.

621 (2) The services available to assist a child or young adult
622 to achieve independence must be provided through the Pathways to
623 Success, Foundations for Success, or Jumpstart to Success
624 programs. An eligible child or young adult may participate in
625 only one program at any given time, although an eligible child
626 or young adult may move from one program to another at any time
627 until his or her 23rd birthday for the Pathways to Success
628 program, or until his or her 21st birthday for the Foundations
629 for Success and Jumpstart to Success programs.

630 (3) (a) For all children or young adults who move between
631 counties in this state and remain otherwise eligible for
632 services, the transition plan must be modified to reflect the
633 change of residence. The revised transition plan must be signed
634 by the case manager from the original county where the child or
635 young adult resided as well as the case manager in the receiving
636 county that will provide the services outlined in the transition
637 plan. The services for the child or young adult shall be
638 provided by the county where the young adult resides, but the

34-01243-11

20111902__

639 costs of such services shall be paid by the county of former
640 residence.

641 (b) The department may enter into an agreement with another
642 state to provide independent living services to eligible
643 individuals from another state, but, unless it is required to do
644 so by federal law and funding is available, the department is
645 not required to accept financial responsibility for the
646 provision of independent living services for a child or young
647 adult from another state.

648 (4) A child or a young adult who spent a minimum of 6
649 months in out-of-home care under the jurisdiction of a court in
650 this state and, on his or her 18th birthday, was living in out-
651 of-home care under supervision of the department is eligible for
652 independent living services provided through one of the three
653 independent living programs.

654 (5) For all children or young adults who participate in any
655 of the three independent living programs, a transition plan must
656 be updated in compliance with the definition in s. 39.01 within
657 30 days after the child or young adult receives services or cash
658 assistance from the independent living program. At each review
659 to determine a renewal of services, the transition plan must be
660 updated to reflect the child or young adult's progress to ensure
661 as complete a preparation for independence as possible. If
662 necessary, the needs assessment and independent living
663 assessment shall be amended as the child or young adult's
664 situation requires.

665 (6) The Pathways to Success program is intended to help
666 eligible students who are former foster children to receive the
667 educational and vocational training needed to achieve

34-01243-11

20111902__

668 independence. The amount of the stipend received by the
669 participant shall be based on a needs assessment of the
670 student's educational and living needs and may be up to, but may
671 not exceed, the amount of earnings that the student would have
672 been eligible to earn working a 40-hour-a-week federal minimum
673 wage job.

674 (a) A young adult who has earned a standard high school
675 diploma or its equivalent, as described in s. 1003.43 or s.
676 1003.435, is eligible for the Pathways to Success program if he
677 or she meets the eligibility requirements for independent living
678 services and is attending a postsecondary or vocational
679 institution approved by the department. Full-time enrollment in
680 school is required for program eligibility unless the young
681 adult has a recognized disability preventing full-time
682 enrollment. The department shall adopt a rule to define what
683 constitutes full-time enrollment in postsecondary and vocational
684 institutions.

685 (b) A young adult is eligible to receive a stipend as a
686 full-time student at an educational institution in which he or
687 she is enrolled. The stipend shall be based on a needs
688 assessment considering the young adult's living and educational
689 costs and other grants, scholarships, waivers, earnings, and
690 other income received by the young adult. A stipend is available
691 only to the extent that other grants and scholarships are not
692 sufficient to meet the living and educational needs of the young
693 adult. The amount of the stipend may be disregarded for purposes
694 of determining the eligibility for, or the amount of, any other
695 federal or federally supported assistance administered by this
696 state.

34-01243-11

20111902

697 (c) The department shall annually evaluate and renew each
698 stipend during the 90-day period before the young adult's
699 birthday. In order to be eligible for a renewal stipend for the
700 subsequent year, the young adult must:

701 1. Complete the required number of hours, or the
702 equivalent, considered full-time by the educational institution,
703 unless the young adult has a recognized disability preventing
704 full-time attendance, in the last academic year in which the
705 young adult earned a stipend.

706 2. Maintain appropriate progress as required by the
707 educational institution.

708 3. Make substantial progress toward meeting the goals
709 outlined in the transition plan. In order to be eligible for
710 reinstatement, the young adult must meet the eligibility
711 criteria, create a transition plan in conjunction with the case
712 manager, and meet the criteria for stipend renewal for the
713 program.

714 (d) The stipend shall be terminated when the young adult
715 attains the postsecondary goals in the transition plan or
716 reaches 23 years of age, whichever occurs earlier. Funds may be
717 terminated during the interim between a stipend and the
718 evaluation for a renewal stipend if the department determines
719 that the stipend recipient is no longer enrolled in an
720 educational institution. If the case manager determines that the
721 young adult has disregarded eligibility criteria, failed to make
722 progress toward goals within the reasonable timelines
723 established in the transition plan, or provided false
724 documentation, the young adult may be terminated for cause. The
725 department shall notify a recipient who is terminated and inform

34-01243-11

20111902

726 the recipient of his or her right to appeal.

727 (7) All children who meet the eligibility requirements and
728 who desire to participate in the extension of out-of-home care
729 services to age 21 may voluntarily opt into the Foundations For
730 Success program of services.

731 (a) Foundations For Success consists of two levels of
732 services, one providing greater supervision and financial
733 direction for the child and the other providing greater
734 independence both as to supervision and financial direction,
735 based upon the child's demonstration of progress toward
736 achieving the goals identified in his or her transition plan.
737 Each time a child requests Foundations For Success services, the
738 case manager, in consultation with the child, shall determine
739 which services are appropriate. Foundations For Success includes
740 providing cash assistance paid directly to the child, with the
741 amount to be determined by a needs assessment.

742 1. A child who has not yet completed high school shall
743 receive basic services. A child who wishes to continue in the
744 Foundations For Success program after completing high school
745 shall receive more advanced services, subject to a determination
746 of and compliance with the services entry criteria described in
747 the transition plan.

748 2. Access to advanced services shall be based on a
749 demonstration of an acceptable level of independence and high
750 school graduation or its equivalent or successful completion of
751 a trade school.

752 3. The case manager, in consultation with the child, shall
753 determine whether the child exhibits an acceptable level of
754 independence to benefit from advanced services, and that

34-01243-11

20111902__

755 determination must be included in the transition plan. The
756 determination shall, at a minimum, consider whether the child
757 will benefit from activities related to successful completion of
758 financial literacy training and will comply with behavior
759 standards.

760 (b) To be eligible for Foundations For Success, the case
761 manager, in consultation with the child, shall choose from the
762 following mandatory activities to equal a full-time or 40-hour
763 week:

764 1. Working to complete secondary education or a program
765 leading to an equivalent credential, including high school or
766 preparation for a general equivalency diploma exam;

767 2. Full-time enrollment in a university, college, or
768 vocational or trade school that provides postsecondary or
769 vocational education;

770 3. Part-time enrollment in an institution that provides
771 postsecondary or vocational education or a program designed to
772 promote or remove barriers to employment and part-time
773 employment at one or more places of employment; or

774 4. Participation in a full-time program or activity
775 designated to promote or remove barriers to employment.

776 (c) The application process for Foundations For Success
777 starts at the age of 17, although exceptionally independent
778 youth may apply as early as 16. Once a child's application for
779 participation is approved, a transition plan shall be created at
780 least 90 days before the youth's 18th birthday and shall be
781 approved at least 30 days before the child's 18th birthday. An
782 eligibility decision regarding an application by a child who is
783 no longer in out-of-home care shall be made within 10 days after

34-01243-11

20111902__

784 the application is received and a transition plan shall be
785 completed for the child within 30 days. Jumpstart to Success
786 services may be provided to the child for the 30 days during
787 which eligibility is being determined and the transition plan is
788 being developed and approved.

789 (d) There shall be a judicial review on the 1-year
790 anniversary of the child's Foundations For Success application
791 approval date. The court shall review the child's progress
792 toward achieving independence, with reference to the specific
793 goals and activities in the transition plan. The court shall
794 also review the child's progress toward achieving permanent
795 connections with adults. There shall be an administrative
796 review, as defined by the department in rule, at the 6-month
797 anniversary of the child receiving the Foundations For Success
798 stipends. The administrative review shall include a
799 determination of the child's progress toward achieving
800 independence, with reference to the specific goals and
801 activities in the transition plan.

802 (e) Foundations For Success services, including any direct
803 cash assistance, shall be awarded for a 6-month period and may
804 be renewed in 6-month increments. In order to be eligible for
805 Foundations For Success renewal, the child must make substantial
806 progress toward the goals outlined in the transition plan, as
807 determined during the judicial or administrative review.

808 (f) The transition plan shall include specific activities
809 and goals for the child which are crucial to achieving
810 independence, taking into account the child's specific
811 circumstances. The activities and goals shall include timeframes
812 for completion of specific activities, and must include

34-01243-11

20111902

813 indicators of progress for any activities that will continue
814 beyond the Foundations For Success stipend period. At any time
815 during the Foundations For Success stipend period, the case
816 manager or child may request a reevaluation and modification of
817 the chosen eligibility activity or goals and progress
818 indicators.

819 (g) If at any point the child is determined to have
820 disregarded eligibility criteria, failed to make progress toward
821 goals within the reasonable timelines established in his or her
822 transition plan, or provided false documentation, the child may
823 be terminated for cause. The department shall notify a child who
824 is terminated and inform the child of his or her right to
825 appeal. During the process of court review, the child may
826 receive Jumpstart to Success services until a determination has
827 been reached. The child shall be terminated from the program on
828 his or her 21st birthday or in accordance with the provisions of
829 this section.

830 (8) A child who meets the eligibility requirements may
831 voluntarily opt into the Jumpstart to Success program. An
832 eligible child may opt into this program any time until his or
833 her 21st birthday; however, the Jumpstart to Success program is
834 limited to a total of 12 cumulative months between the ages of
835 18 and 21. In extenuating circumstances, Jumpstart to Success
836 services may be extended to the young adult's 23rd birthday or a
837 total of 18 cumulative months. If a child requests entry into
838 Foundations for Success after his or her 18th birthday and does
839 not have a current transition plan, any cash assistance that is
840 provided under Jumpstart to Success until the transition plan is
841 developed does not count toward these time limitations.

34-01243-11

20111902

842 (a) After the child submits the application for Jumpstart
843 to Success services, the department shall, within 3 business
844 days, determine if the child is eligible for Jumpstart to
845 Success services and what services will be offered to him or
846 her. For Jumpstart to Success services offered beyond 30 days, a
847 transition plan is required. If no agreement on a transition
848 plan has been reached within 30 days, Jumpstart to Success
849 services are limited to a 30-day period. If necessary and
850 available, community services and emergency cash assistance may
851 be provided.

852 (b) The case manager will evaluate renewing Jumpstart to
853 Success services according to the specifications of each child's
854 individualized transition plan. As long as the case manager
855 determines the child to be showing substantial compliance in
856 completing the goals outlined in the transition plan, Jumpstart
857 to Success services may be continued and renewed up to 12
858 months, or 18 months in extenuating circumstances only. If the
859 case manager finds that the child is not in substantial
860 compliance with the transition plan, the child may be denied a
861 continuation of services. The department shall notify a child
862 who is terminated and inform the child of his or her right to
863 appeal.

864 (9) (a) 1. If the child is under the jurisdiction of the
865 court, the child shall appeal all adverse decisions to the
866 court. Any appeal challenging the amount of any stipend to be
867 paid to the child and any appeal objecting to a decision that
868 the child is not eligible for termination of program services
869 shall be decided solely by the court.

870 2. For a child or young adult who is not under the

34-01243-11

20111902

871 jurisdiction of the court, the department shall adopt by rule a
872 procedure by which the child may appeal a decision finding that
873 the child is not eligible for services, that the department has
874 failed to provide the services promised, or that the department
875 has unfairly terminated the child's access to the Pathways to
876 Success, Foundations for Success, or Jumpstart to Success
877 program services.

878 (b) Whenever cash assistance continues to be paid to a
879 child or young adult through the Jumpstart to Success program
880 pending a due process hearing, upon a ruling in favor of the
881 department, the months for which this assistance is paid shall
882 count against the time limitations for receipt of Jumpstart to
883 Success cash assistance.

884 (10) The department shall develop outcome and other
885 performance measures for the independent living program. The
886 department shall prepare a report on the outcome measures and
887 the department's oversight activities and submit the report to
888 the President of the Senate, the Speaker of the House of
889 Representatives, and the legislative committees in both houses
890 having jurisdiction over issues relating to children and
891 families by January 31 of each year. The report must include:

892 (a) An analysis of performance on the outcome measures
893 developed under this section, reported for each community-based
894 care lead agency and compared with the performance of the
895 department on the same measures.

896 (b) A description of the department's oversight of the
897 program, including, by lead agency, any programmatic or fiscal
898 deficiencies found and corrective actions required and the
899 current status of compliance.

34-01243-11

20111902

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

903 (11) The Secretary of Children and Family Services shall
904 establish the Independent Living Services Advisory Council. The
905 council shall review the independent living program and make
906 recommendations concerning the implementation and operation of
907 independent living transition services. The advisory council
908 shall continue to function until the Legislature determines that
909 the advisory council is no longer necessary and beneficial to
910 the furtherance of the department's efforts to achieve the goals
911 of the independent living transition services.

912 (a) The advisory council shall:

913 1. Assess the implementation and operation of the system of
914 independent living transition services and advise the department
915 on actions that would improve the ability of the independent
916 living transition services to meet established goals. The
917 advisory council shall keep the department informed of problems
918 with service delivery, barriers to the effective and efficient
919 integration of services and support across systems, and
920 successes.

921 2. Report to the secretary on the status of the
922 implementation of the system of independent living transition
923 services; efforts to publicize the availability of aftercare
924 support services, the Road-to-Independence Program, and
925 transitional support services; the success of the services;
926 problems identified; recommendations for department or
927 legislative action; and the department's implementation of the
928 recommendations contained in the Independent Living Services

34-01243-11

20111902

929 Integration Workgroup Report submitted to the Legislature on
930 December 31, 2002. The department shall submit a report by
931 December 31 of each year to the Governor and the Legislature
932 which includes a summary of the factors reported on by the
933 council, identifies the recommendations of the advisory council,
934 and describes the department's actions to implement the
935 recommendations or provides the department's rationale for not
936 implementing the recommendations.

937 (b) Members of the advisory council shall be appointed by
938 the secretary of the department. The membership of the advisory
939 council must include, at a minimum, representatives from the
940 headquarters and district offices of the department, community-
941 based care lead agencies, the Agency for Workforce Innovation,
942 the Department of Education, the Agency for Health Care
943 Administration, the State Youth Advisory Board, Workforce
944 Florida, Inc., the Statewide Guardian Ad Litem Office,
945 caregivers, recipients of Independent Living funding, and
946 advocates for foster children. The secretary shall determine the
947 length of the term to be served by each member appointed to the
948 advisory council, which may not exceed 4 years.

949 (c) The department shall provide administrative support to
950 the Independent Living Services Advisory Council to accomplish
951 its assigned tasks. The advisory council shall be afforded
952 access to all appropriate data from the department, each
953 community-based care lead agency, and other relevant agencies in
954 order to accomplish the tasks set forth in this subsection. The
955 data collected may not include any information that would
956 identify a specific child or young adult.

957 (d) The advisory council report shall be submitted to the

34-01243-11

20111902__

958 substantive committees of the Senate and the House of
959 Representatives by December 31, 2012, and must include an
960 analysis of the system of independent living transition services
961 for young adults who attain 18 years of age while in out-of-home
962 care prior to completing high school or its equivalent and
963 recommendations for department or legislative action. The
964 council shall assess and report on the most effective method of
965 assisting these young adults to complete high school or its
966 equivalent by examining the practices of other states.

967 (12) Property acquired on behalf of clients of this program
968 shall become the personal property of the clients and are not
969 subject to the requirements of chapter 273 relating to state-
970 owned tangible personal property. Such property continues to be
971 subject to applicable federal laws.

972 (13) The department shall enroll each young adult who is
973 eligible and who has not yet reached his or her 19th birthday in
974 the Florida Kidcare program.

975 (a) A young adult who has not yet reached 19 years of age
976 and who, at the time of his or her 18th birthday, had previously
977 been in out-of-home care, may participate in the Kidcare program
978 by paying the premium for the Florida Kidcare program as
979 required in s. 409.814.

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

983 (14) The department shall adopt rules necessary to
984 administer this section.

985 Section 5. Subsection (4) of section 409.903, Florida
986 Statutes, is amended to read:

34-01243-11

20111902__

987 409.903 Mandatory payments for eligible persons.—The agency
 988 shall make payments for medical assistance and related services
 989 on behalf of the following persons who the department, or the
 990 Social Security Administration by contract with the Department
 991 of Children and Family Services, determines to be eligible,
 992 subject to the income, assets, and categorical eligibility tests
 993 set forth in federal and state law. Payment on behalf of these
 994 Medicaid eligible persons is subject to the availability of
 995 moneys and any limitations established by the General
 996 Appropriations Act or chapter 216.

997 (4) A child who is eligible under Title IV-E of the Social
 998 Security Act for subsidized board payments, foster care, or
 999 adoption subsidies, and a child for whom the state has assumed
 1000 temporary or permanent responsibility and who does not qualify
 1001 for Title IV-E assistance but is in foster care, shelter or
 1002 emergency shelter care, or subsidized adoption. This category
 1003 includes a young adults ~~adult~~ who are ~~is~~ eligible to receive
 1004 transitional services pursuant to s. 409.175 ~~under s.~~
 1005 ~~409.1451(5)~~, until the young adult reaches 21 years of age,
 1006 without regard to any income, resource, or categorical
 1007 eligibility test that is otherwise required. This category also
 1008 includes a person who as a child was eligible under Title IV-E
 1009 of the Social Security Act for foster care or the state-provided
 1010 foster care and who is a participant in the Pathways to Success,
 1011 Foundations for Success, and Jumpstart to Success programs of
 1012 the Road-to-Independence Program.

1013 Section 6. Effective July 1, 2011, a child or young adult
 1014 who is currently receiving Road-to-Independence or transitional
 1015 support services shall choose to terminate his or her

34-01243-11

20111902__

1016 participation in the existing program or continue in the
1017 existing program until the term of that benefit program expires.
1018 Road-to-Independence services continue for a maximum of 1 year
1019 and transitional support services continue for up to 3 months.
1020 There shall be no renewals, extensions, or new applications for
1021 Road-to-Independence and transitional support services on or
1022 after July 1, 2011. Aftercare services expire October 1, 2011.
1023 Any child or young adult who turns 18 on or after July 1, 2011,
1024 may apply for program services only as provided in this act.

1025 Section 7. This act shall take effect July 1, 2011.