

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hudson offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (b) of subsection (2) and subsection  
6 (5) of section 409.1451, Florida Statutes, are amended to read:  
7 409.1451 Independent living transition services.—

8 (2) ELIGIBILITY.—

9 (b) The department shall serve young adults who have  
10 reached 18 years of age but are not yet 21 ~~23~~ years of age and  
11 who were in foster care when they turned 18 years of age or,  
12 after reaching 16 years of age, were adopted from foster care or  
13 placed with a court-approved dependency guardian and have spent  
14 a minimum of 6 months in foster care within the 12 months  
15 immediately preceding such placement or adoption, by providing  
16 services pursuant to subsection (5). Young adults to be served  
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17 must meet the eligibility requirements set forth for specific  
18 services in this section.

19 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—

20 Based on the availability of funds, the department shall provide  
21 or arrange for the following services to young adults formerly  
22 in foster care who meet the prescribed conditions and are  
23 determined eligible by the department. The department, or a  
24 community-based care lead agency when the agency is under  
25 contract with the department to provide the services described  
26 under this subsection, shall develop a plan to implement those  
27 services. A plan shall be developed for each community-based  
28 care service area in the state. Each plan that is developed by a  
29 community-based care lead agency shall be submitted to the  
30 department. Each plan shall include the number of young adults  
31 to be served each month of the fiscal year and specify the  
32 number of young adults who will reach 18 years of age who will  
33 be eligible for the plan and the number of young adults who will  
34 reach 21 ~~23~~ years of age and will be ineligible for the plan or  
35 who are otherwise ineligible during each month of the fiscal  
36 year; staffing requirements and all related costs to administer  
37 the services and program; expenditures to or on behalf of the  
38 eligible recipients; costs of services provided to young adults  
39 through an approved plan for housing, transportation, and  
40 employment; reconciliation of these expenses and any additional  
41 related costs with the funds allocated for these services; and  
42 an explanation of and a plan to resolve any shortages or  
43 surpluses in order to end the fiscal year with a balanced

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

46 (a) Aftercare support services.-

47 1. Aftercare support services are available to assist  
48 young adults who were formerly in foster care in their efforts  
49 to continue to develop the skills and abilities necessary for  
50 independent living. The aftercare support services available  
51 include, but are not limited to, the following:

52 a. Mentoring and tutoring.

53 b. Mental health services and substance abuse counseling.

54 c. Life skills classes, including credit management and  
55 preventive health activities.

56 d. Parenting classes.

57 e. Job and career skills training.

58 f. Counselor consultations.

59 g. Temporary financial assistance.

60 h. Financial literacy skills training.

61  
62 The specific services to be provided under this subparagraph  
63 shall be determined by an aftercare services assessment and may  
64 be provided by the department or through referrals in the  
65 community.

66 2. Temporary assistance provided to prevent homelessness  
67 shall be provided as expeditiously as possible and within the  
68 limitations defined by the department.

69 3. A young adult who has reached 18 years of age but is  
70 not yet 21 ~~23~~ years of age who leaves foster care at 18 years of

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71 age but who requests services prior to reaching 21 ~~23~~ years of  
72 age is eligible for such services.

73 (b) Road-to-Independence Program.—

74 1. The Road-to-Independence Program is intended to help  
75 eligible students who are former foster children in this state  
76 to receive the educational and vocational training needed to  
77 achieve independence. The amount of the award shall be based on  
78 the living and educational needs of the young adult and may be  
79 up to, but may not exceed, the amount of earnings that the  
80 student would have been eligible to earn working a 40-hour-a-  
81 week federal minimum wage job.

82 2. A young adult who has earned a standard high school  
83 diploma or its equivalent as described in s. 1003.43 or s.  
84 1003.435, has earned a special diploma or special certificate of  
85 completion as described in s. 1003.438, or has reached 18 years  
86 of age but is not yet 21 years of age is eligible for the  
87 initial award, ~~and a young adult under 23 years of age is~~  
88 ~~eligible~~ for renewal awards, if he or she:

89 a. Was a dependent child, under chapter 39, and was living  
90 in licensed foster care or in subsidized independent living at  
91 the time of his or her 18th birthday or is currently living in  
92 licensed foster care or subsidized independent living, or, after  
93 reaching the age of 16, was adopted from foster care or placed  
94 with a court-approved dependency guardian and has spent a  
95 minimum of 6 months in foster care immediately preceding such  
96 placement or adoption;

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

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99 c. Is a resident of this state as defined in s. 1009.40;  
100 and

101 d. Meets one of the following qualifications:

102 (I) Has earned a standard high school diploma or its  
103 equivalent as described in s. 1003.43 or s. 1003.435, or has  
104 earned a special diploma or special certificate of completion as  
105 described in s. 1003.438, and has been admitted for full-time  
106 enrollment in an eligible postsecondary education institution as  
107 defined in s. 1009.533;

108 (II) Is enrolled full time in an accredited high school;  
109 or

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

113 3. A young adult applying for the Road-to-Independence  
114 Program must apply for any other grants and scholarships for  
115 which he or she may qualify. The department shall assist the  
116 young adult in the application process and may use the federal  
117 financial aid grant process to determine the funding needs of  
118 the young adult.

119 4. An award shall be available to a young adult who is  
120 considered a full-time student or its equivalent by the  
121 educational institution in which he or she is enrolled, unless  
122 that young adult has a recognized disability preventing full-  
123 time attendance. The amount of the award, whether it is being  
124 used by a young adult working toward completion of a high school  
125 diploma or its equivalent or working toward completion of a  
126 postsecondary education program, shall be determined based on an  
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127 assessment of the funding needs of the young adult. This  
128 assessment must consider the young adult's living and  
129 educational costs and other grants, scholarships, waivers,  
130 earnings, and other income to be received by the young adult. An  
131 award shall be available only to the extent that other grants  
132 and scholarships are not sufficient to meet the living and  
133 educational needs of the young adult, but an award may not be  
134 less than \$25 in order to maintain Medicaid eligibility for the  
135 young adult as provided in s. 409.903.

136 5. The amount of the award may be disregarded for purposes  
137 of determining the eligibility for, or the amount of, any other  
138 federal or federally supported assistance.

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

141 (I) Children and young adults in, leaving, or formerly in  
142 foster care.

143 (II) Case managers.

144 (III) Guidance and family services counselors.

145 (IV) Principals or other relevant school administrators.

146 (V) Guardians ad litem.

147 (VI) Foster parents.

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

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

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

160 e. If the award recipient transfers from one eligible  
161 institution to another and continues to meet eligibility  
162 requirements, the award must be transferred with the recipient.

163 f. Funds awarded to any eligible young adult under this  
164 program are in addition to any other services or funds provided  
165 to the young adult by the department through transitional  
166 support services or aftercare services.

167 g. The department shall provide information concerning  
168 young adults receiving funding through the Road-to-Independence  
169 Program to the Department of Education for inclusion in the  
170 student financial assistance database, as provided in s.  
171 1009.94.

172 h. Funds are intended to help eligible young adults who  
173 are former foster children in this state to receive the  
174 educational and vocational training needed to become independent  
175 and self-supporting. The funds shall be terminated when the  
176 young adult has attained one of four postsecondary goals under  
177 subsection (3) or reaches 21 ~~23~~ years of age, whichever occurs  
178 earlier. In order to initiate postsecondary education, to allow  
179 for a change in career goal, or to obtain additional skills in  
180 the same educational or vocational area, a young adult may earn  
181 no more than two diplomas, certificates, or credentials. A young  
182 adult attaining an associate of arts or associate of science

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183 degree shall be permitted to work toward completion of a  
184 bachelor of arts or a bachelor of science degree or an  
185 equivalent undergraduate degree. Road-to-Independence Program  
186 funds may not be used for education or training after a young  
187 adult has attained a bachelor of arts or a bachelor of science  
188 degree or an equivalent undergraduate degree.

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

193 (I) Complete the number of hours, or the equivalent  
194 considered full time by the educational institution, unless that  
195 young adult has a recognized disability preventing full-time  
196 attendance, in the last academic year in which the young adult  
197 earned an award, except for a young adult who meets the  
198 requirements of s. 1009.41.

199 (II) Maintain appropriate progress as required by the  
200 educational institution, except that, if the young adult's  
201 progress is insufficient to renew the award at any time during  
202 the eligibility period, the young adult may restore eligibility  
203 by improving his or her progress to the required level.

204 j. Funds may be terminated during the interim between an  
205 award and the evaluation for a renewal award if the department  
206 determines that the award recipient is no longer enrolled in an  
207 educational institution as defined in sub-subparagraph 2.d., or  
208 is no longer a state resident. The department shall notify a  
209 recipient who is terminated and inform the recipient of his or  
210 her right to appeal.

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211 k. An award recipient who does not qualify for a renewal  
212 award or who chooses not to renew the award may subsequently  
213 apply for reinstatement. An application for reinstatement must  
214 be made before the young adult reaches 21 ~~23~~ years of age, and a  
215 student may not apply for reinstatement more than once. In order  
216 to be eligible for reinstatement, the young adult must meet the  
217 eligibility criteria and the criteria for award renewal for the  
218 program.

219 (c) Transitional support services.—

220 1. In addition to any services provided through aftercare  
221 support or the Road-to-Independence Program, a young adult  
222 formerly in foster care may receive other appropriate short-term  
223 funding and services, which may include financial, housing,  
224 counseling, employment, education, mental health, disability,  
225 and other services, if the young adult demonstrates that the  
226 services are critical to the young adult's own efforts to  
227 achieve self-sufficiency and to develop a personal support  
228 system. The department or community-based care provider shall  
229 work with the young adult in developing a joint transition plan  
230 that is consistent with a needs assessment identifying the  
231 specific need for transitional services to support the young  
232 adult's own efforts. The young adult must have specific tasks to  
233 complete or maintain included in the plan and be accountable for  
234 the completion of or making progress towards the completion of  
235 these tasks. If the young adult and the department or community-  
236 based care provider cannot come to agreement regarding any part  
237 of the plan, the young adult may access a grievance process to  
238 its full extent in an effort to resolve the disagreement.

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239           2. A young adult formerly in foster care is eligible to  
240 apply for transitional support services if he or she has reached  
241 18 years of age but is not yet 21 ~~23~~ years of age, was a  
242 dependent child pursuant to chapter 39, was living in licensed  
243 foster care or in subsidized independent living at the time of  
244 his or her 18th birthday, and had spent at least 6 months living  
245 in foster care before that date.

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

249           (d) Payment of aftercare, Road-to-Independence Program, or  
250 transitional support funds.—

251           1. Payment of aftercare, Road-to-Independence Program, or  
252 transitional support funds shall be made directly to the  
253 recipient unless the recipient requests in writing to the  
254 community-based care lead agency, or the department, that the  
255 payments or a portion of the payments be made directly on the  
256 recipient's behalf in order to secure services such as housing,  
257 counseling, education, or employment training as part of the  
258 young adult's own efforts to achieve self-sufficiency.

259           2. After the completion of aftercare support services that  
260 satisfy the requirements of sub-subparagraph (a)1.h., payment of  
261 awards under the Road-to-Independence Program shall be made by  
262 direct deposit to the recipient, unless the recipient requests  
263 in writing to the community-based care lead agency or the  
264 department that:

265           a. The payments be made directly to the recipient by check  
266 or warrant;

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

270           c. The payments be made on a two-party check to a business  
271 or landlord for a legitimate expense, whether reimbursed or not.  
272 A legitimate expense for the purposes of this sub-subparagraph  
273 shall include automobile repair or maintenance expenses;  
274 educational, job, or training expenses; and costs incurred,  
275 except legal costs, fines, or penalties, when applying for or  
276 executing a rental agreement for the purposes of securing a home  
277 or residence.

278           3. The community-based care lead agency may purchase  
279 housing, transportation, or employment services to ensure the  
280 availability and affordability of specific transitional services  
281 thereby allowing an eligible young adult to utilize these  
282 services in lieu of receiving a direct payment. Prior to  
283 purchasing such services, the community-based care lead agency  
284 must have a plan approved by the department describing the  
285 services to be purchased, the rationale for purchasing the  
286 services, and a specific range of expenses for each service that  
287 is less than the cost of purchasing the service by an individual  
288 young adult. The plan must include a description of the  
289 transition of a young adult using these services into  
290 independence and a timeframe for achievement of independence. An  
291 eligible young adult who prefers a direct payment shall receive  
292 such payment. The plan must be reviewed annually and evaluated  
293 for cost-efficiency and for effectiveness in assisting young  
294 adults in achieving independence, preventing homelessness among  
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295 young adults, and enabling young adults to earn a livable wage  
296 in a permanent employment situation.

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

300 (e) Appeals process.—

301 1. The Department of Children and Family Services shall  
302 adopt by rule a procedure by which a young adult may appeal an  
303 eligibility determination or the department's failure to provide  
304 aftercare, Road-to-Independence Program, or transitional support  
305 services, or the termination of such services, if such funds are  
306 available.

307 2. The procedure developed by the department must be  
308 readily available to young adults, must provide timely  
309 decisions, and must provide for an appeal to the Secretary of  
310 Children and Family Services. The decision of the secretary  
311 constitutes final agency action and is reviewable by the court  
312 as provided in s. 120.68.

313 Section 2. Section 415.1114, Florida Statutes, is created  
314 to read:

315 415.1114 Adult protective investigations; procedures;  
316 funding.—

317 (1) The department may transfer all responsibility for  
318 adult protective investigations to the sheriff of a county in  
319 which the abuse, neglect, or exploitation of a vulnerable adult  
320 in need of services is alleged to have occurred. Each sheriff is  
321 responsible for the provision of adult protective investigations  
322 in his or her county. An individual who provides these services

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323 must complete the training required of protective investigators  
324 employed by the department.

325 (2) In order to implement the transfer of responsibilities  
326 for adult protective investigations, the department and a  
327 sheriff's office shall enter into a contract for the provision  
328 of these services. Funding for the services shall be  
329 appropriated to the department and the department shall transfer  
330 to the respective sheriff's office funding for the investigative  
331 responsibilities assumed by the sheriffs, including any federal  
332 funds for which a provider is eligible and agrees to receive and  
333 that portion of general revenue funds currently designated to  
334 provide those services, including, but not limited to, funding  
335 for all investigative positions, training, associated equipment  
336 and furnishings, and other fixed capital items. The contract  
337 must specify whether the department will continue to perform any  
338 adult protective investigations during the initial year and  
339 specify if services are to be performed by employees of the  
340 department or by persons appointed by the sheriff.

341 (3) A sheriff's office that is providing adult protective  
342 investigations shall operate in accordance with the performance  
343 standards and outcome measures established by the Legislature  
344 for protective investigations conducted by the department.

345 (4) Funds for adult protective investigations must be  
346 identified in the annual appropriation made to the department,  
347 which shall award grants for the full amount identified in the  
348 General Appropriations Act to the respective sheriffs' offices.  
349 Notwithstanding the provisions of ss. 216.181(16)(b) and  
350 216.351, the department may advance payments to a sheriff's

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351 office for adult protective investigations. Funds for adult  
352 protective investigations may not be integrated into the regular  
353 budget of the sheriff's office. Budgetary data and other data  
354 relating to the performance of adult protective investigations  
355 must be maintained separately from all other records of the  
356 sheriff's office and reported to the department as specified in  
357 the grant agreement.

358 (5) The program performance evaluation shall be based on  
359 criteria mutually agreed upon by the respective sheriffs'  
360 offices and the department. The program performance evaluation  
361 shall be conducted by the adult protective services program in  
362 collaboration with the respective sheriff's office.

363 Section 3. This act shall take effect July 1, 2011.

364  
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366 -----  
367 **T I T L E A M E N D M E N T**

368 Remove the entire title and insert:

369 A bill to be entitled

370 An act relating to the Department of Children and Family  
371 Services; amending s. 409.1451, F.S.; revising the age up  
372 to which young adults are eligible for independent living  
373 services; creating s. 415.1114, F.S.; transferring the  
374 responsibility for adult protective investigations from  
375 the Department of Children and Family Services to county  
376 sheriffs' offices under certain circumstances; providing  
377 contract requirements for implementation of the transfer

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378 of responsibilities; providing conditions for funding and  
379 performance evaluation; providing an effective date.