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1 A bill to be entitled
2 An act relating to the Department of Children and Family
3 Services; amending s. 409.1451, F.S.; revising the age up
4 to which young adults are eligible for independent living
5 services; creating s. 415.1114, F.S.; transferring the
6 responsibility for adult protective investigations from
7 the Department of Children and Family Services to county
8 sheriffs' offices under certain circumstances; providing
9 contract requirements for implementation of the transfer
10 of responsibilities; providing conditions for funding and
11 performance evaluation; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (b) of subsection (2) and subsection
16 (5) of section 409.1451, Florida Statutes, are amended to read:
17 409.1451 Independent living transition services.—

18 (2) ELIGIBILITY.—

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

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29 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—
30 Based on the availability of funds, the department shall provide
31 or arrange for the following services to young adults formerly
32 in foster care who meet the prescribed conditions and are
33 determined eligible by the department. The department, or a
34 community-based care lead agency when the agency is under
35 contract with the department to provide the services described
36 under this subsection, shall develop a plan to implement those
37 services. A plan shall be developed for each community-based
38 care service area in the state. Each plan that is developed by a
39 community-based care lead agency shall be submitted to the
40 department. Each plan shall include the number of young adults
41 to be served each month of the fiscal year and specify the
42 number of young adults who will reach 18 years of age who will
43 be eligible for the plan and the number of young adults who will
44 reach 21 ~~23~~ years of age and will be ineligible for the plan or
45 who are otherwise ineligible during each month of the fiscal
46 year; staffing requirements and all related costs to administer
47 the services and program; expenditures to or on behalf of the
48 eligible recipients; costs of services provided to young adults
49 through an approved plan for housing, transportation, and
50 employment; reconciliation of these expenses and any additional
51 related costs with the funds allocated for these services; and
52 an explanation of and a plan to resolve any shortages or
53 surpluses in order to end the fiscal year with a balanced
54 budget. The categories of services available to assist a young
55 adult formerly in foster care to achieve independence are:
56 (a) Aftercare support services.—

57 | 1. Aftercare support services are available to assist
 58 | young adults who were formerly in foster care in their efforts
 59 | to continue to develop the skills and abilities necessary for
 60 | independent living. The aftercare support services available
 61 | include, but are not limited to, the following:

- 62 | a. Mentoring and tutoring.
- 63 | b. Mental health services and substance abuse counseling.
- 64 | c. Life skills classes, including credit management and
 65 | preventive health activities.
- 66 | d. Parenting classes.
- 67 | e. Job and career skills training.
- 68 | f. Counselor consultations.
- 69 | g. Temporary financial assistance.
- 70 | h. Financial literacy skills training.

71 |
 72 | The specific services to be provided under this subparagraph
 73 | shall be determined by an aftercare services assessment and may
 74 | be provided by the department or through referrals in the
 75 | community.

76 | 2. Temporary assistance provided to prevent homelessness
 77 | shall be provided as expeditiously as possible and within the
 78 | limitations defined by the department.

79 | 3. A young adult who has reached 18 years of age but is
 80 | not yet 21 ~~23~~ years of age who leaves foster care at 18 years of
 81 | age but who requests services prior to reaching 21 ~~23~~ years of
 82 | age is eligible for such services.

83 | (b) Road-to-Independence Program.—

84 | 1. The Road-to-Independence Program is intended to help

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85 eligible students who are former foster children in this state
86 to receive the educational and vocational training needed to
87 achieve independence. The amount of the award shall be based on
88 the living and educational needs of the young adult and may be
89 up to, but may not exceed, the amount of earnings that the
90 student would have been eligible to earn working a 40-hour-a-
91 week federal minimum wage job.

92 2. A young adult who has earned a standard high school
93 diploma or its equivalent as described in s. 1003.43 or s.
94 1003.435, has earned a special diploma or special certificate of
95 completion as described in s. 1003.438, or has reached 18 years
96 of age but is not yet 21 years of age is eligible for the
97 initial award, ~~and a young adult under 23 years of age is~~
98 ~~eligible~~ for renewal awards, if he or she:

99 a. Was a dependent child, under chapter 39, and was living
100 in licensed foster care or in subsidized independent living at
101 the time of his or her 18th birthday or is currently living in
102 licensed foster care or subsidized independent living, or, after
103 reaching the age of 16, was adopted from foster care or placed
104 with a court-approved dependency guardian and has spent a
105 minimum of 6 months in foster care immediately preceding such
106 placement or adoption;

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

109 c. Is a resident of this state as defined in s. 1009.40;
110 and

111 d. Meets one of the following qualifications:

112 (I) Has earned a standard high school diploma or its

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113 equivalent as described in s. 1003.43 or s. 1003.435, or has
114 earned a special diploma or special certificate of completion as
115 described in s. 1003.438, and has been admitted for full-time
116 enrollment in an eligible postsecondary education institution as
117 defined in s. 1009.533;

118 (II) Is enrolled full time in an accredited high school;
119 or

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

123 3. A young adult applying for the Road-to-Independence
124 Program must apply for any other grants and scholarships for
125 which he or she may qualify. The department shall assist the
126 young adult in the application process and may use the federal
127 financial aid grant process to determine the funding needs of
128 the young adult.

129 4. An award shall be available to a young adult who is
130 considered a full-time student or its equivalent by the
131 educational institution in which he or she is enrolled, unless
132 that young adult has a recognized disability preventing full-
133 time attendance. The amount of the award, whether it is being
134 used by a young adult working toward completion of a high school
135 diploma or its equivalent or working toward completion of a
136 postsecondary education program, shall be determined based on an
137 assessment of the funding needs of the young adult. This
138 assessment must consider the young adult's living and
139 educational costs and other grants, scholarships, waivers,
140 earnings, and other income to be received by the young adult. An

141 | award shall be available only to the extent that other grants
 142 | and scholarships are not sufficient to meet the living and
 143 | educational needs of the young adult, but an award may not be
 144 | less than \$25 in order to maintain Medicaid eligibility for the
 145 | young adult as provided in s. 409.903.

146 | 5. The amount of the award may be disregarded for purposes
 147 | of determining the eligibility for, or the amount of, any other
 148 | federal or federally supported assistance.

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

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

153 | (II) Case managers.

154 | (III) Guidance and family services counselors.

155 | (IV) Principals or other relevant school administrators.

156 | (V) Guardians ad litem.

157 | (VI) Foster parents.

158 | b. The department shall issue awards from the program for
 159 | each young adult who meets all the requirements of the program
 160 | to the extent funding is available.

161 | c. An award shall be issued at the time the eligible
 162 | student reaches 18 years of age.

163 | d. A young adult who is eligible for the Road-to-
 164 | Independence Program, transitional support services, or
 165 | aftercare services and who so desires shall be allowed to reside
 166 | with the licensed foster family or group care provider with whom
 167 | he or she was residing at the time of attaining his or her 18th
 168 | birthday or to reside in another licensed foster home or with a

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169 group care provider arranged by the department.

170 e. If the award recipient transfers from one eligible
171 institution to another and continues to meet eligibility
172 requirements, the award must be transferred with the recipient.

173 f. Funds awarded to any eligible young adult under this
174 program are in addition to any other services or funds provided
175 to the young adult by the department through transitional
176 support services or aftercare services.

177 g. The department shall provide information concerning
178 young adults receiving funding through the Road-to-Independence
179 Program to the Department of Education for inclusion in the
180 student financial assistance database, as provided in s.
181 1009.94.

182 h. Funds are intended to help eligible young adults who
183 are former foster children in this state to receive the
184 educational and vocational training needed to become independent
185 and self-supporting. The funds shall be terminated when the
186 young adult has attained one of four postsecondary goals under
187 subsection (3) or reaches 21 ~~23~~ years of age, whichever occurs
188 earlier. In order to initiate postsecondary education, to allow
189 for a change in career goal, or to obtain additional skills in
190 the same educational or vocational area, a young adult may earn
191 no more than two diplomas, certificates, or credentials. A young
192 adult attaining an associate of arts or associate of science
193 degree shall be permitted to work toward completion of a
194 bachelor of arts or a bachelor of science degree or an
195 equivalent undergraduate degree. Road-to-Independence Program
196 funds may not be used for education or training after a young

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197 adult has attained a bachelor of arts or a bachelor of science
198 degree or an equivalent undergraduate degree.

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

203 (I) Complete the number of hours, or the equivalent
204 considered full time by the educational institution, unless that
205 young adult has a recognized disability preventing full-time
206 attendance, in the last academic year in which the young adult
207 earned an award, except for a young adult who meets the
208 requirements of s. 1009.41.

209 (II) Maintain appropriate progress as required by the
210 educational institution, except that, if the young adult's
211 progress is insufficient to renew the award at any time during
212 the eligibility period, the young adult may restore eligibility
213 by improving his or her progress to the required level.

214 j. Funds may be terminated during the interim between an
215 award and the evaluation for a renewal award if the department
216 determines that the award recipient is no longer enrolled in an
217 educational institution as defined in sub-subparagraph 2.d., or
218 is no longer a state resident. The department shall notify a
219 recipient who is terminated and inform the recipient of his or
220 her right to appeal.

221 k. An award recipient who does not qualify for a renewal
222 award or who chooses not to renew the award may subsequently
223 apply for reinstatement. An application for reinstatement must
224 be made before the young adult reaches 21 ~~23~~ years of age, and a

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225 student may not apply for reinstatement more than once. In order
226 to be eligible for reinstatement, the young adult must meet the
227 eligibility criteria and the criteria for award renewal for the
228 program.

229 (c) Transitional support services.—

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

249 2. A young adult formerly in foster care is eligible to
250 apply for transitional support services if he or she has reached
251 18 years of age but is not yet 21 ~~23~~ years of age, was a
252 dependent child pursuant to chapter 39, was living in licensed

253 foster care or in subsidized independent living at the time of
 254 his or her 18th birthday, and had spent at least 6 months living
 255 in foster care before that date.

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

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

261 1. Payment of aftercare, Road-to-Independence Program, or
 262 transitional support funds shall be made directly to the
 263 recipient unless the recipient requests in writing to the
 264 community-based care lead agency, or the department, that the
 265 payments or a portion of the payments be made directly on the
 266 recipient's behalf in order to secure services such as housing,
 267 counseling, education, or employment training as part of the
 268 young adult's own efforts to achieve self-sufficiency.

269 2. After the completion of aftercare support services that
 270 satisfy the requirements of sub-subparagraph (a)1.h., payment of
 271 awards under the Road-to-Independence Program shall be made by
 272 direct deposit to the recipient, unless the recipient requests
 273 in writing to the community-based care lead agency or the
 274 department that:

275 a. The payments be made directly to the recipient by check
 276 or warrant;

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

280 c. The payments be made on a two-party check to a business

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281 or landlord for a legitimate expense, whether reimbursed or not.
282 A legitimate expense for the purposes of this sub-subparagraph
283 shall include automobile repair or maintenance expenses;
284 educational, job, or training expenses; and costs incurred,
285 except legal costs, fines, or penalties, when applying for or
286 executing a rental agreement for the purposes of securing a home
287 or residence.

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

307 4. The young adult who resides with a foster family may
308 not be included as a child in calculating any licensing

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309 restriction on the number of children in the foster home.

310 (e) Appeals process.—

311 1. The Department of Children and Family Services shall
 312 adopt by rule a procedure by which a young adult may appeal an
 313 eligibility determination or the department's failure to provide
 314 aftercare, Road-to-Independence Program, or transitional support
 315 services, or the termination of such services, if such funds are
 316 available.

317 2. The procedure developed by the department must be
 318 readily available to young adults, must provide timely
 319 decisions, and must provide for an appeal to the Secretary of
 320 Children and Family Services. The decision of the secretary
 321 constitutes final agency action and is reviewable by the court
 322 as provided in s. 120.68.

323 Section 2. Section 415.1114, Florida Statutes, is created
 324 to read:

325 415.1114 Adult protective investigations; procedures;
 326 funding.—

327 (1) The department may transfer all responsibility for
 328 adult protective investigations to the sheriff of a county in
 329 which the abuse, neglect, or exploitation of a vulnerable adult
 330 in need of services is alleged to have occurred. Each sheriff is
 331 responsible for the provision of adult protective investigations
 332 in his or her county. An individual who provides these services
 333 must complete the training required of protective investigators
 334 employed by the department.

335 (2) In order to implement the transfer of responsibilities
 336 for adult protective investigations, the department and a

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337 sheriff's office shall enter into a contract for the provision
338 of these services. Funding for the services shall be
339 appropriated to the department and the department shall transfer
340 to the respective sheriff's office funding for the investigative
341 responsibilities assumed by the sheriffs, including any federal
342 funds for which a provider is eligible and agrees to receive and
343 that portion of general revenue funds currently designated to
344 provide those services, including, but not limited to, funding
345 for all investigative positions, training, associated equipment
346 and furnishings, and other fixed capital items. The contract
347 must specify whether the department will continue to perform any
348 adult protective investigations during the initial year and
349 specify if services are to be performed by employees of the
350 department or by persons appointed by the sheriff.

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

355 (4) Funds for adult protective investigations must be
356 identified in the annual appropriation made to the department,
357 which shall award grants for the full amount identified in the
358 General Appropriations Act to the respective sheriffs' offices.
359 Notwithstanding the provisions of ss. 216.181(16) (b) and
360 216.351, the department may advance payments to a sheriff's
361 office for adult protective investigations. Funds for adult
362 protective investigations may not be integrated into the regular
363 budget of the sheriff's office. Budgetary data and other data
364 relating to the performance of adult protective investigations

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365 must be maintained separately from all other records of the
366 sheriff's office and reported to the department as specified in
367 the grant agreement.

368 (5) The program performance evaluation shall be based on
369 criteria mutually agreed upon by the respective sheriffs'
370 offices and the department. The program performance evaluation
371 shall be conducted by the adult protective services program in
372 collaboration with the respective sheriff's office.

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