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1 A bill to be entitled
 2 An act relating to the Department of Children and
 3 Family Services; amending s. 409.1451, F.S.; revising
 4 the age limit requirements for young adults eligible
 5 for independent living services; providing an
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraph (b) of subsection (2) and subsection
 11 (5) of section 409.1451, Florida Statutes, are amended to read:
 12 409.1451 Independent living transition services.—

13 (2) ELIGIBILITY.—

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

24 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—
 25 Based on the availability of funds, the department shall provide
 26 or arrange for the following services to young adults formerly
 27 in foster care who meet the prescribed conditions and are
 28 determined eligible by the department. The department, or a

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

51 | (a) Aftercare support services.-

52 | 1. Aftercare support services are available to assist
53 | young adults who were formerly in foster care in their efforts
54 | to continue to develop the skills and abilities necessary for
55 | independent living. The aftercare support services available
56 | include, but are not limited to, the following:

- 57 a. Mentoring and tutoring.
- 58 b. Mental health services and substance abuse counseling.
- 59 c. Life skills classes, including credit management and
- 60 preventive health activities.
- 61 d. Parenting classes.
- 62 e. Job and career skills training.
- 63 f. Counselor consultations.
- 64 g. Temporary financial assistance.
- 65 h. Financial literacy skills training.

66
 67 The specific services to be provided under this subparagraph
 68 shall be determined by an aftercare services assessment and may
 69 be provided by the department or through referrals in the
 70 community.

71 2. Temporary assistance provided to prevent homelessness
 72 shall be provided as expeditiously as possible and within the
 73 limitations defined by the department.

74 3. A young adult who has reached 18 years of age but is
 75 not yet 21 ~~23~~ years of age who leaves foster care at 18 years of
 76 age but who requests services prior to reaching 21 ~~23~~ years of
 77 age is eligible for such services.

78 (b) Road-to-Independence Program.—

79 1. The Road-to-Independence Program is intended to help
 80 eligible students who are former foster children in this state
 81 to receive the educational and vocational training needed to
 82 achieve independence. The amount of the award shall be based on
 83 the living and educational needs of the young adult and may be
 84 up to, but may not exceed, the amount of earnings that the

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85 student would have been eligible to earn working a 40-hour-a-
86 week federal minimum wage job.

87 2. A young adult who has earned a standard high school
88 diploma or its equivalent as described in s. 1003.43 or s.
89 1003.435, has earned a special diploma or special certificate of
90 completion as described in s. 1003.438, or has reached 18 years
91 of age but is not yet 21 years of age is eligible for the
92 initial award, ~~and a young adult under 23 years of age is~~
93 ~~eligible~~ for renewal awards, if he or she:

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

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

104 c. Is a resident of this state as defined in s. 1009.40;
105 and

106 d. Meets one of the following qualifications:

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

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113 (II) Is enrolled full time in an accredited high school;
114 or

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

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

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

141 5. The amount of the award may be disregarded for purposes
 142 of determining the eligibility for, or the amount of, any other
 143 federal or federally supported assistance.

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

146 (I) Children and young adults in, leaving, or formerly in
 147 foster care.

148 (II) Case managers.

149 (III) Guidance and family services counselors.

150 (IV) Principals or other relevant school administrators.

151 (V) Guardians ad litem.

152 (VI) Foster parents.

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

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

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

165 e. If the award recipient transfers from one eligible
 166 institution to another and continues to meet eligibility
 167 requirements, the award must be transferred with the recipient.

168 f. Funds awarded to any eligible young adult under this

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169 program are in addition to any other services or funds provided
170 to the young adult by the department through transitional
171 support services or aftercare services.

172 g. The department shall provide information concerning
173 young adults receiving funding through the Road-to-Independence
174 Program to the Department of Education for inclusion in the
175 student financial assistance database, as provided in s.
176 1009.94.

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

194 i. The department shall evaluate and renew each award
195 annually during the 90-day period before the young adult's
196 birthday. In order to be eligible for a renewal award for the

197 subsequent year, the young adult must:

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

204 (II) Maintain appropriate progress as required by the
 205 educational institution, except that, if the young adult's
 206 progress is insufficient to renew the award at any time during
 207 the eligibility period, the young adult may restore eligibility
 208 by improving his or her progress to the required level.

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

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

224 (c) Transitional support services.—

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

244 2. A young adult formerly in foster care is eligible to
245 apply for transitional support services if he or she has reached
246 18 years of age but is not yet 21 ~~23~~ years of age, was a
247 dependent child pursuant to chapter 39, was living in licensed
248 foster care or in subsidized independent living at the time of
249 his or her 18th birthday, and had spent at least 6 months living
250 in foster care before that date.

251 3. If at any time the services are no longer critical to
252 the young adult's own efforts to achieve self-sufficiency and to

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253 | develop a personal support system, they shall be terminated.

254 | (d) Payment of aftercare, Road-to-Independence Program, or
 255 | transitional support funds.—

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

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

270 | a. The payments be made directly to the recipient by check
 271 | or warrant;

272 | b. The payments or a portion of the payments be made
 273 | directly on the recipient's behalf to institutions the recipient
 274 | is attending to maintain eligibility under this section; or

275 | c. The payments be made on a two-party check to a business
 276 | or landlord for a legitimate expense, whether reimbursed or not.
 277 | A legitimate expense for the purposes of this sub-subparagraph
 278 | shall include automobile repair or maintenance expenses;
 279 | educational, job, or training expenses; and costs incurred,
 280 | except legal costs, fines, or penalties, when applying for or

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281 | executing a rental agreement for the purposes of securing a home
282 | or residence.

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

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

305 | (e) Appeals process.—

306 | 1. The Department of Children and Family Services shall
307 | adopt by rule a procedure by which a young adult may appeal an
308 | eligibility determination or the department's failure to provide

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309 | aftercare, Road-to-Independence Program, or transitional support
310 | services, or the termination of such services, if such funds are
311 | available.

312 | 2. The procedure developed by the department must be
313 | readily available to young adults, must provide timely
314 | decisions, and must provide for an appeal to the Secretary of
315 | Children and Family Services. The decision of the secretary
316 | constitutes final agency action and is reviewable by the court
317 | as provided in s. 120.68.

318 | Section 2. This act shall take effect July 1, 2012.