

By the Committee on Children, Families, and Elder Affairs; and
Senator Detert

586-01857-14

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1 A bill to be entitled
2 An act relating to motor vehicle insurance and driver
3 education for children in care; amending s. 39.701,
4 F.S.; authorizing the court to consider the best
5 interest of a child in removing specified disabilities
6 of nonage for certain minors; creating s. 409.1454,
7 F.S.; providing legislative findings; directing the
8 Department of Children and Families to establish a
9 statewide pilot program to pay specified costs of
10 driver education, licensure and costs incidental to
11 licensure, and motor vehicle insurance for a child in
12 licensed out-of-home care who meets certain
13 qualifications; providing limits of the amount to be
14 paid; requiring payments to be made in the order of
15 eligibility until funds are exhausted; requiring the
16 department to contract with a qualified not-for-profit
17 entity to operate and develop procedures for the pilot
18 program; requiring the department to submit an annual
19 report with recommendations to the Governor and the
20 Legislature; creating s. 743.047, F.S.; removing the
21 disability of nonage of minors for purposes of
22 obtaining motor vehicle insurance; requiring an order
23 by the court for the disability of nonage to be
24 removed; amending s. 1003.48, F.S.; providing for
25 preferential enrollment in driver education for
26 specified children in care; providing an
27 appropriation; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Paragraph (a) of subsection (3) of section
32 39.701, Florida Statutes, is amended to read:

33 39.701 Judicial review.—

34 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

35 (a) In addition to the review and report required under
36 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
37 a judicial review hearing within 90 days after a child's 17th
38 birthday. The court shall also issue an order, separate from the
39 order on judicial review, that the disability of nonage of the
40 child has been removed pursuant to ss. 743.045 and 743.047 for
41 any of these disabilities that the court finds is in the child's
42 best interest to remove. The court ~~s. 743.045 and~~ shall continue
43 to hold timely judicial review hearings. If necessary, the court
44 may review the status of the child more frequently during the
45 year before the child's 18th birthday. At each review hearing
46 held under this subsection, in addition to any information or
47 report provided to the court by the foster parent, legal
48 custodian, or guardian ad litem, the child shall be given the
49 opportunity to address the court with any information relevant
50 to the child's best interest, particularly in relation to
51 independent living transition services. The department shall
52 include in the social study report for judicial review written
53 verification that the child has:

54 1. A current Medicaid card and all necessary information
55 concerning the Medicaid program sufficient to prepare the child
56 to apply for coverage upon reaching the age of 18, if such
57 application is appropriate.

58 2. A certified copy of the child's birth certificate and,

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59 if the child does not have a valid driver license, a Florida
60 identification card issued under s. 322.051.

61 3. A social security card and information relating to
62 social security insurance benefits if the child is eligible for
63 those benefits. If the child has received such benefits and they
64 are being held in trust for the child, a full accounting of
65 these funds must be provided and the child must be informed as
66 to how to access those funds.

67 4. All relevant information related to the Road-to-
68 Independence Program, including, but not limited to, eligibility
69 requirements, information on participation, and assistance in
70 gaining admission to the program. If the child is eligible for
71 the Road-to-Independence Program, he or she must be advised that
72 he or she may continue to reside with the licensed family home
73 or group care provider with whom the child was residing at the
74 time the child attained his or her 18th birthday, in another
75 licensed family home, or with a group care provider arranged by
76 the department.

77 5. An open bank account or the identification necessary to
78 open a bank account and to acquire essential banking and
79 budgeting skills.

80 6. Information on public assistance and how to apply for
81 public assistance.

82 7. A clear understanding of where he or she will be living
83 on his or her 18th birthday, how living expenses will be paid,
84 and the educational program or school in which he or she will be
85 enrolled.

86 8. Information related to the ability of the child to
87 remain in care until he or she reaches 21 years of age under s.

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88 39.013.

89 9. A letter providing the dates that the child is under the
90 jurisdiction of the court.

91 10. A letter stating that the child is in compliance with
92 financial aid documentation requirements.

93 11. The child's educational records.

94 12. The child's entire health and mental health records.

95 13. The process for accessing his or her case file.

96 14. A statement encouraging the child to attend all
97 judicial review hearings occurring after the child's 17th
98 birthday.

99 Section 2. Section 409.1454, Florida Statutes, is created
100 to read:

101 409.1454 Motor vehicle insurance for children in care.-

102 (1) The Legislature finds that the costs of driver
103 education, licensure and costs incidental to licensure, and
104 motor vehicle insurance for a child in licensed out-of-home care
105 after such child obtains a driver license creates an additional
106 barrier to engaging in normal age-appropriate activities and
107 gaining independence and may limit opportunities for obtaining
108 employment and completing educational goals. The Legislature
109 also finds that the completion of an approved driver education
110 course is necessary to develop safe driving skills.

111 (2) To the extent that funding is available, the department
112 shall establish a 3-year pilot program to pay the cost of driver
113 education, licensure and other costs incidental to licensure,
114 and motor vehicle insurance for children in licensed out-of-home
115 care who have successfully completed a driver education program.

116 (3) If a caregiver, or an individual or not-for-profit

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117 entity approved by the caregiver, adds a child to his or her
118 existing insurance policy, the amount paid to the caregiver or
119 approved purchaser may not exceed the increase in cost
120 attributable to the addition of the child to the policy.

121 (4) Payment shall be made to eligible recipients in the
122 order of eligibility until available funds are exhausted.

123 (5) The department shall contract with a not-for-profit
124 entity whose mission is to support youth aging out of foster
125 care to develop procedures for operating and administering the
126 pilot program, including, but not limited to:

127 (a) Determining eligibility, including responsibilities for
128 the child and caregivers.

129 (b) Developing application and payment forms.

130 (c) Notifying eligible children, caregivers, group homes,
131 and residential programs of the pilot program.

132 (d) Providing technical assistance to lead agencies,
133 providers, group homes, and residential programs to support
134 removing obstacles that prevent children in foster care from
135 driving.

136 (6) By July 1, 2015, and annually thereafter for the
137 duration of the pilot program, the department shall submit a
138 report to the Governor, the President of the Senate, and the
139 Speaker of the House of Representatives evaluating the success
140 of and outcomes achieved by the pilot program. The report shall
141 include a recommendation as to whether the pilot program should
142 be continued, terminated, or expanded.

143 Section 3. Section 743.047, Florida Statutes, is created to
144 read:

145 743.047 Removal of disabilities of minors; executing

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146 agreements for motor vehicle insurance.—For the purpose of
147 ensuring that a child in foster care will be able to secure
148 motor vehicle insurance, the disability of nonage of minors
149 shall be removed provided that the child has reached 16 years of
150 age, has been adjudicated dependent, is residing in an out-of-
151 home placement as defined in s. 39.01, and has completed a
152 driver education program. Upon issuance of an order by a court
153 of competent jurisdiction, such child is authorized to make and
154 execute all documents, contracts, or agreements necessary for
155 obtaining motor vehicle insurance as if the child is otherwise
156 competent to make and execute contracts. Execution of any such
157 contract or agreement for motor vehicle insurance has the same
158 effect as if it were the act of a person who is not a minor. A
159 child seeking to enter into such contract or agreement or
160 execute other necessary instrument incidental to obtaining motor
161 vehicle insurance must present an order from a court of
162 competent jurisdiction removing the disabilities of nonage of
163 the minor pursuant to this section.

164 Section 4. Section 1003.48, Florida Statutes, is amended to
165 read:

166 1003.48 Instruction in operation of motor vehicles.—

167 (1) A course of study and instruction in the safe and
168 lawful operation of a motor vehicle shall be made available by
169 each district school board to students in the secondary schools
170 in the state. The secondary school shall provide preferential
171 enrollment to a student who is in the custody of the Department
172 of Children and Families if the student maintains appropriate
173 progress as required by the school. As used in this section, the
174 term "motor vehicle" has ~~shall have~~ the same meaning as in s.

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175 320.01(1) (a) and includes ~~shall include~~ motorcycles and mopeds.
176 Instruction in motorcycle or moped operation may be limited to
177 classroom instruction. The course may ~~shall~~ not be made a part
178 of, or a substitute for, any of the minimum requirements for
179 graduation.

180 (2) In order to make such a course available to any
181 secondary school student, the district school board may use any
182 one of the following procedures or any combination thereof:

183 (a) Use ~~Utilize~~ instructional personnel employed by the
184 district school board.

185 (b) Contract with a commercial driving school licensed
186 under ~~the provisions of~~ chapter 488.

187 (c) Contract with an instructor certified under ~~the~~
188 ~~provisions of~~ chapter 488.

189 (3) ~~(a)~~ District school boards shall earn funds on full-time
190 equivalent students at the appropriate basic program cost
191 factor, regardless of the method by which such courses are
192 offered.

193 (4) ~~(b)~~ For the purpose of financing the Driver Education
194 Program in the secondary schools, there shall be levied an
195 additional 50 cents per year to the driver ~~driver's~~ license fee
196 required by s. 322.21. The additional fee shall be promptly
197 remitted to the Department of Highway Safety and Motor Vehicles,
198 which shall transmit the fee to the Chief Financial Officer to
199 be deposited in the General Revenue Fund.

200 (5) ~~(4)~~ The district school board shall prescribe standards
201 for the course required by this section and for instructional
202 personnel directly employed by the district school board. A ~~Any~~
203 certified instructor or licensed commercial driving school is

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204 ~~shall be deemed~~ sufficiently qualified and is ~~shall not be~~
205 required to meet any standards in lieu of or in addition to
206 those prescribed under chapter 488.

207 Section 5. The sum of \$800,000 is appropriated from the
208 General Revenue Fund to the Department of Children and Families
209 for the purpose of implementing this act during the 2014-2015
210 fiscal year.

211 Section 6. This act shall take effect July 1, 2014.