

1 A bill to be entitled
2 An act relating to children obtaining driver licenses;
3 amending s. 39.4091, F.S.; conforming a provision to
4 changes made by the act; transferring, renumbering,
5 and amending s. 409.1454, F.S.; revising legislative
6 findings; revising a pilot program to make it
7 permanent; revising the applicability of the program
8 to children in out-of-home care; authorizing the
9 program to pay for a child to complete a driver
10 education program and obtain a driver license or the
11 related costs of licensure under certain
12 circumstances; revising the duties of the Department
13 of Children and Families under the program; deleting
14 the requirement for an annual report by the department
15 to the Governor and the Legislature; amending s.
16 39.6035, F.S.; revising a child's transition plan to
17 include options to use in obtaining a driver license
18 under certain circumstances; amending s. 39.701, F.S.;
19 revising a required determination made by the court
20 and a citizen review panel; requiring the department
21 to include specified information in the social study
22 report for judicial review under certain
23 circumstances; amending s. 322.09, F.S.; providing
24 that a guardian ad litem authorized by a minor's
25 caregiver to sign for the minor's learner's driver

26 license does not assume any obligation or liability
 27 for damages; making technical changes; reenacting s.
 28 409.1451(5)(a), F.S., relating to the Road-to-
 29 Independence Program, to incorporate the amendment
 30 made to s. 39.6035, F.S., in a reference thereto;
 31 reenacting ss. 322.05(3), relating to issuance of
 32 driver licenses to certain minors, and 322.56(8)(a),
 33 F.S., relating to the administration of testing
 34 programs for learner's driver licenses, to incorporate
 35 the amendment made to s. 322.09, F.S., in references
 36 thereto; providing an effective date.

37

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

39

40 Section 1. Present subsection (4) of section 39.4091,
 41 Florida Statutes, is redesignated as subsection (5), and section
 42 409.1454, Florida Statutes, is transferred, renumbered as a new
 43 subsection (4) of section 39.4091, Florida Statutes, and
 44 amended, to read:

45 39.4091 Participation in childhood activities.—

46 (4)~~409.1454~~ MOTOR VEHICLE INSURANCE AND DRIVER LICENSES
 47 FOR CHILDREN IN CARE.—

48 (a)~~(1)~~ The Legislature finds that the costs of driver
 49 education, licensure and costs incidental to licensure, and
 50 motor vehicle insurance for a child in ~~licensed~~ out-of-home care

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51 after such child obtains a driver license create ~~creates~~ an
52 additional barrier to engaging in normal age-appropriate
53 activities and gaining independence and may limit opportunities
54 for obtaining employment and completing educational goals. The
55 Legislature also finds that the completion of an approved driver
56 education course is necessary to develop safe driving skills.

57 (b)(2) To the extent that funding is available, the
58 department shall establish a ~~3-year pilot~~ program to pay the
59 cost of driver education, licensure and other costs incidental
60 to licensure, and motor vehicle insurance for children in
61 ~~licensed~~ out-of-home care who have successfully completed a
62 driver education program.

63 (c)(3) If a caregiver, or an individual or not-for-profit
64 entity approved by the caregiver, adds a child to his or her
65 existing insurance policy, the amount paid to the caregiver or
66 approved purchaser may not exceed the increase in cost
67 attributable to the addition of the child to the policy.

68 (d)(4) Payment shall be made to eligible recipients in the
69 order of eligibility until available funds are exhausted. If a
70 child determined to be eligible reaches permanency status or
71 turns 18 years of age, the program may pay for that child to
72 complete a driver education program and obtain a driver license
73 for up to 6 months after the date the child reaches permanency
74 status or 6 months after the date the child turns 18 years of
75 age. A child continuing in care under s. 39.6251 may be eligible

76 to have the costs of licensure and costs incidental to licensure
77 paid if the child demonstrates such costs are creating barriers
78 to obtaining employment or completing educational goals.

79 ~~(e)-(5)~~ The department shall contract with a not-for-profit
80 entity whose mission is to support youth aging out of foster
81 care to develop procedures for operating and administering the
82 ~~pilot~~ program, including, but not limited to:

83 1.(a) Determining eligibility, including responsibilities
84 for the child and caregivers.

85 2.(b) Developing application and payment forms.

86 3.(e) Notifying eligible children, caregivers, group
87 homes, and residential programs of the ~~pilot~~ program.

88 4.(d) Providing technical assistance to lead agencies,
89 providers, group homes, and residential programs to support
90 removing obstacles that prevent children in foster care from
91 driving.

92 5. Publicizing the program, engaging in outreach, and
93 providing incentives to youth participating in the program to
94 encourage the greatest number of eligible children to obtain
95 driver licenses.

96 ~~(6) By July 1, 2015, and annually thereafter for the~~
97 ~~duration of the pilot program, the department shall submit a~~
98 ~~report to the Governor, the President of the Senate, and the~~
99 ~~Speaker of the House of Representatives evaluating the success~~
100 ~~of and outcomes achieved by the pilot program. The report shall~~

101 ~~include a recommendation as to whether the pilot program should~~
102 ~~be continued, terminated, or expanded.~~

103 Section 2. Subsection (1) of section 39.6035, Florida
104 Statutes, is amended to read:

105 39.6035 Transition plan.—

106 (1) During the 180-day period after a child reaches 17
107 years of age, the department and the community-based care
108 provider, in collaboration with the caregiver and any other
109 individual whom the child would like to include, shall assist
110 the child in developing a transition plan. The required
111 transition plan is in addition to standard case management
112 requirements. The transition plan must address specific options
113 for the child to use in obtaining services, including housing,
114 health insurance, education, a driver license, and workforce
115 support and employment services. The plan must also consider
116 establishing and maintaining naturally occurring mentoring
117 relationships and other personal support services. The
118 transition plan may be as detailed as the child chooses. In
119 developing the transition plan, the department and the
120 community-based provider shall:

121 (a) Provide the child with the documentation required
122 pursuant to s. 39.701(3); and

123 (b) Coordinate the transition plan with the independent
124 living provisions in the case plan and, for a child with
125 disabilities, the Individuals with Disabilities Education Act

126 transition plan.

127 Section 3. Paragraph (c) of subsection (2) and paragraph
128 (a) of subsection (3) of section 39.701, Florida Statutes, are
129 amended to read:

130 39.701 Judicial review.—

131 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
132 AGE.—

133 (c) Review determinations.—The court and any citizen
134 review panel shall take into consideration the information
135 contained in the social services study and investigation and all
136 medical, psychological, and educational records that support the
137 terms of the case plan; testimony by the social services agency,
138 the parent, the foster parent or legal custodian, the guardian
139 ad litem or surrogate parent for educational decisionmaking if
140 one has been appointed for the child, and any other person
141 deemed appropriate; and any relevant and material evidence
142 submitted to the court, including written and oral reports to
143 the extent of their probative value. These reports and evidence
144 may be received by the court in its effort to determine the
145 action to be taken with regard to the child and may be relied
146 upon to the extent of their probative value, even though not
147 competent in an adjudicatory hearing. In its deliberations, the
148 court and any citizen review panel shall seek to determine:

149 1. If the parent was advised of the right to receive
150 assistance from any person or social service agency in the

151 preparation of the case plan.

152 2. If the parent has been advised of the right to have
153 counsel present at the judicial review or citizen review
154 hearings. If not so advised, the court or citizen review panel
155 shall advise the parent of such right.

156 3. If a guardian ad litem needs to be appointed for the
157 child in a case in which a guardian ad litem has not previously
158 been appointed or if there is a need to continue a guardian ad
159 litem in a case in which a guardian ad litem has been appointed.

160 4. Who holds the rights to make educational decisions for
161 the child. If appropriate, the court may refer the child to the
162 district school superintendent for appointment of a surrogate
163 parent or may itself appoint a surrogate parent under the
164 Individuals with Disabilities Education Act and s. 39.0016.

165 5. The compliance or lack of compliance of all parties
166 with applicable items of the case plan, including the parents'
167 compliance with child support orders.

168 6. The compliance or lack of compliance with a visitation
169 contract between the parent and the social service agency for
170 contact with the child, including the frequency, duration, and
171 results of the parent-child visitation and the reason for any
172 noncompliance.

173 7. The frequency, kind, and duration of contacts among
174 siblings who have been separated during placement, as well as
175 any efforts undertaken to reunite separated siblings if doing so

176 is in the best interest of the child.

177 8. The compliance or lack of compliance of the parent in
178 meeting specified financial obligations pertaining to the care
179 of the child, including the reason for failure to comply, if
180 applicable.

181 9. Whether the child is receiving safe and proper care
182 according to s. 39.6012, including, but not limited to, the
183 appropriateness of the child's current placement, including
184 whether the child is in a setting that is as family-like and as
185 close to the parent's home as possible, consistent with the
186 child's best interests and special needs, and including
187 maintaining stability in the child's educational placement, as
188 documented by assurances from the community-based care provider
189 that:

190 a. The placement of the child takes into account the
191 appropriateness of the current educational setting and the
192 proximity to the school in which the child is enrolled at the
193 time of placement.

194 b. The community-based care agency has coordinated with
195 appropriate local educational agencies to ensure that the child
196 remains in the school in which the child is enrolled at the time
197 of placement.

198 10. A projected date likely for the child's return home or
199 other permanent placement.

200 11. When appropriate, the basis for the unwillingness or

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201 inability of the parent to become a party to a case plan. The
202 court and the citizen review panel shall determine if the
203 efforts of the social service agency to secure party
204 participation in a case plan were sufficient.

205 12. For a child who has reached 13 years of age but is not
206 yet 18 years of age, the adequacy of the child's preparation for
207 adulthood and independent living. For a child who is 15 years of
208 age or older, the court shall determine if appropriate steps are
209 being taken for the child to obtain a driver license or
210 learner's driver license.

211 13. If amendments to the case plan are required.
212 Amendments to the case plan must be made under s. 39.6013.

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

214 (a) In addition to the review and report required under
215 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
216 a judicial review hearing within 90 days after a child's 17th
217 birthday. The court shall also issue an order, separate from the
218 order on judicial review, that the disability of nonage of the
219 child has been removed pursuant to ss. 743.044, 743.045,
220 743.046, and 743.047, and for any of these disabilities that the
221 court finds is in the child's best interest to remove. The court
222 shall continue to hold timely judicial review hearings. If
223 necessary, the court may review the status of the child more
224 frequently during the year before the child's 18th birthday. At
225 each review hearing held under this subsection, in addition to

226 any information or report provided to the court by the foster
227 parent, legal custodian, or guardian ad litem, the child shall
228 be given the opportunity to address the court with any
229 information relevant to the child's best interest, particularly
230 in relation to independent living transition services. The
231 department shall include in the social study report for judicial
232 review written verification that the child has:

233 1. A current Medicaid card and all necessary information
234 concerning the Medicaid program sufficient to prepare the child
235 to apply for coverage upon reaching the age of 18, if such
236 application is appropriate.

237 2. A certified copy of the child's birth certificate and,
238 if the child does not have a valid driver license, a Florida
239 identification card issued under s. 322.051.

240 3. A social security card and information relating to
241 social security insurance benefits if the child is eligible for
242 those benefits. If the child has received such benefits and they
243 are being held in trust for the child, a full accounting of
244 these funds must be provided and the child must be informed as
245 to how to access those funds.

246 4. All relevant information related to the Road-to-
247 Independence Program, including, but not limited to, eligibility
248 requirements, information on participation, and assistance in
249 gaining admission to the program. If the child is eligible for
250 the Road-to-Independence Program, he or she must be advised that

251 he or she may continue to reside with the licensed family home
 252 or group care provider with whom the child was residing at the
 253 time the child attained his or her 18th birthday, in another
 254 licensed family home, or with a group care provider arranged by
 255 the department.

256 5. An open bank account or the identification necessary to
 257 open a bank account and to acquire essential banking and
 258 budgeting skills.

259 6. Information on public assistance and how to apply for
 260 public assistance.

261 7. A clear understanding of where he or she will be living
 262 on his or her 18th birthday, how living expenses will be paid,
 263 and the educational program or school in which he or she will be
 264 enrolled.

265 8. Information related to the ability of the child to
 266 remain in care until he or she reaches 21 years of age under s.
 267 39.013.

268 9. A letter providing the dates that the child is under
 269 the jurisdiction of the court.

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

272 11. The child's educational records.

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

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

275 14. A statement encouraging the child to attend all

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276 | judicial review hearings occurring after the child's 17th
277 | birthday.

278 | 15. Information on how to obtain a driver license or
279 | learner's driver license.

280 | Section 4. Subsection (4) of section 322.09, Florida
281 | Statutes, is amended to read:

282 | 322.09 Application of minors; responsibility for
283 | negligence or misconduct of minor.—

284 | (4) Notwithstanding ~~the provisions of~~ subsections (1) and
285 | (2), if a foster parent of a minor who is under the age of 18
286 | years and is in foster care as defined in s. 39.01, an
287 | authorized representative of a residential group home at which
288 | such a minor resides, ~~or~~ the caseworker at the agency at which
289 | the state has placed the minor, or a guardian ad litem
290 | specifically authorized by the minor's caregiver to sign for a
291 | learner's driver license signs the minor's application for a
292 | learner's driver license, that foster parent, group home
293 | representative, ~~or~~ caseworker, or guardian ad litem does not
294 | assume any obligation or become liable for any damages caused by
295 | the negligence or willful misconduct of the minor by reason of
296 | having signed the application. Before ~~Prior to~~ signing the
297 | application, the caseworker shall notify the foster parent or
298 | other responsible party of his or her intent to sign and verify
299 | the application.

300 | Section 5. For the purpose of incorporating the amendment

301 made by this act to section 39.6035, Florida Statutes, in a
302 reference thereto, paragraph (a) of subsection (5) of section
303 409.1451, Florida Statutes, is reenacted to read:

304 409.1451 The Road-to-Independence Program.—

305 (5) PORTABILITY.—The services provided under this section
306 are portable across county lines and between lead agencies.

307 (a) The service needs that are identified in the original
308 or updated transition plan, pursuant to s. 39.6035, shall be
309 provided by the lead agency where the young adult is currently
310 residing but shall be funded by the lead agency who initiated
311 the transition plan.

312 Section 6. For the purpose of incorporating the amendment
313 made by this act to section 322.09, Florida Statutes, in a
314 reference thereto, subsection (3) of section 322.05, Florida
315 Statutes, is reenacted to read:

316 322.05 Persons not to be licensed.—The department may not
317 issue a license:

318 (3) To a person who is at least 16 years of age but who is
319 under 18 years of age, unless the parent, guardian, or other
320 responsible adult meeting the requirements of s. 322.09
321 certifies that he or she, or another licensed driver 21 years of
322 age or older, has accompanied the applicant for a total of not
323 less than 50 hours' behind-the-wheel experience, of which not
324 less than 10 hours must be at night. This subsection is not
325 intended to create a private cause of action as a result of the

326 certification. The certification is inadmissible for any purpose
327 in any civil proceeding.

328 Section 7. For the purpose of incorporating the amendment
329 made by this act to section 322.09, Florida Statutes, in a
330 reference thereto, paragraph (a) of subsection (8) of section
331 322.56, Florida Statutes, is reenacted to read:

332 322.56 Contracts for administration of driver license
333 examination.-

334 (8) The department shall contract with providers of
335 approved online traffic law and substance abuse education
336 courses to serve as third-party providers to conduct online, on
337 behalf of the department, examinations required pursuant to ss.
338 322.12 and 322.1615 to applicants for Class E learner's driver
339 licenses.

340 (a) The online testing program shall:

341 1. Use personal questions before the examination, which
342 the applicant is required to answer during the examination, to
343 strengthen test security to deter fraud;

344 2. Require, before the start of the examination, the
345 applicant's parent, guardian, or other responsible adult who
346 meets the requirements of s. 322.09 to provide the third-party
347 administrator with his or her driver license number and to
348 certify that the parent, guardian, or responsible adult will
349 monitor the applicant during the examination; and

350 3. Require, before issuance by the department of a

351 learner's driver license to an applicant who has passed an
352 online examination, the applicant's parent, guardian, or other
353 responsible adult who meets the requirements of s. 322.09 to
354 certify to the department that he or she monitored the applicant
355 during the online examination. This certification shall be
356 similar to the certification required by s. 322.05(3). This
357 subsection does not preclude the department from continuing to
358 provide written examinations at driver license facilities.

359 Section 8. This act shall take effect upon becoming a law.