

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: SB 764

INTRODUCER: Senator Albritton

SUBJECT: Step Into Success Internship Program

DATE: February 21, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Cox</u>	<u>CF</u>	Favorable
2.	<u>Sneed</u>	<u>Money</u>	<u>AHS</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 764 creates section 409.1455, Florida Statutes, establishing the Step Into Success internship program (program) to connect eligible foster youth with internship opportunities at participating state agencies and requires that foster youth be given priority consideration for such internship positions. The program is established to assist foster youth to develop workforce and professional skills to be better prepared for their transition to independent living. The bill requires the Department of Children and Families (DCF) to establish and administer the program and work with the participating state agencies.

In addition to the DCF, the following state agencies will participate in the program:

- The Department of Health;
- The Agency for Health Care Administration;
- The Department of Education;
- The Department of Environmental Protection;
- The Fish and Wildlife Conservation Commission; and
- The Office of the State Fire Marshal within the Department of Financial Services.

Under the program, a state agency must invite a foster youth who is eligible to participate in the internship program to be interviewed for any position for which he or she meets the minimum qualifications. The program is available to foster youth between the ages of 17 and 25 who are currently or was previously placed in foster care within the state.

The bill limits the length of time that a foster youth may be employed under the program to one year, but allows a state agency to continue the foster youth's employment outside of participation in the program. The foster youth may be employed as an intern under the program by more than one participating agency over the duration of his or her participation in the program, but may not

be employed by more than one agency at the same time. The foster youth must be compensated at the minimum wage and may work up to 20 hours per week through the program.

As part of the program requirements, the state agency must recruit employees to serve as mentors. A mentor is required to complete one hour of trauma-informed training and may be required to pass a level 2 background screening if mentoring a foster youth who is under the age of 18. Employees who serve as mentors for a minimum of six consecutive months are eligible to receive compensation of \$1,000 per intern per fiscal year (annual cap of \$3,000 per mentor).

The bill requires the DCF to begin the program by January 1, 2023.

The bill requires the Florida Institute for Child Welfare (FICW) to report annually on the program and grants the DCF and participating state agencies rulemaking authority as necessary to implement the program.

For the 2022-2023 fiscal year, the bill appropriates \$1,292,378 in recurring funds and \$350,376 in nonrecurring funds from General Revenue Fund to the DCF to implement the program. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.

II. Present Situation:

The DCF is required to establish and maintain a state central abuse hotline to receive reports of child abuse, abandonment, and neglect or reports that a child is in need of supervision.¹ In Fiscal Year 2019-2020, the DCF served 22,553 children in out-of-home care,² and 578 children aged out of licensed foster care.³

Transition to Independent Living

The DCF is required to assist children who are transitioning out of foster care to independent living and self-sufficiency, including to:

- Identify important life skills that children in out-of-home care should acquire;
- Develop a list of age-appropriate activities and responsibilities for children and caregivers;
- Design and disseminate training for caregivers related to building needed life skills;
- Regularly assess the degree of life skills acquired by each child beginning after the child's 13th birthday, and support the caregiver in implementing an updated transition plan as necessary;
- Provide opportunities for children to interact with qualified, trained mentors; and

¹ Section 39.101(1)(a), F.S.

² Office of Program Policy Analysis and Government Accountability, *Department of Children and Families: Child Welfare*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=5053> (last visited November 22, 2021) (hereinafter cited as "OPPAGA DCF Child Welfare").

³ The DCF, Electronic mail from John Paul Fiore, Deputy Director of Legislative Affairs, RE: Children Aging Out of Foster Care, November 24, 2021 (on file with the Senate Committee on Children, Families, and Elder Affairs) (noting that 578 children aged out of licensed care in Fiscal Year 2019-2020).

- Develop and implement procedures for children of sufficient age and understanding to directly access and manage the personal allowance they receive from the DCF.⁴

During the year after a child reaches 16 years of age, the DCF and community-based care lead agency as well as other specified individuals are required to assist the child in developing a transition plan. The plan must include specific resources that the child may use to obtain services, such as housing, health insurance and education, and tasks to establish and maintain naturally occurring mentoring relationships.⁵

Road-to-Independence Program

A young adult is eligible for postsecondary education services and support if certain criteria are met, including:

- Specified criteria with respect to when the child was living in foster care;
- Earned a standard high school diploma;⁶
- Has been admitted for enrollment as a full-time⁷ student or its equivalent in an eligible postsecondary institution as provided in s. 1009.533, F.S.;⁸
- Has reached 18 years of age, but is not yet 23 years of age;
- Has applied for any other grants and scholarships for which he or she may qualify;
- Submitted a complete and error-free Free Application for Federal Student Aid; and
- Signed an agreement to allow the DCF and the community-based care lead agency to access his or her school records.⁹

Current law sets out the amount of financial assistance for which the young adult is eligible based upon certain circumstances including, in part, whether the child remains in foster care.¹⁰

Aftercare Services

Aftercare services are available for a young adult who has reached 18 years of age but is not yet 23 years of age and is:

- Not in foster care.
- Temporarily not receiving financial assistance to pursue postsecondary education.¹¹

⁴ Section 409.14515, F.S.

⁵ Section 39.6035(1), F.S.

⁶ Pursuant to s. 1002.3105(5), F.S., s. 1003.4281, F.S., or s. 1003.4282, F.S., or its equivalent pursuant to s. 1003.435, F.S.

⁷ Section 409.1451(2)(a)4., F.S., defines “full-time” as 9 credit hours or the vocational school equivalent.

⁸ Section 1009.533, F.S., provides for eligible postsecondary education institutions, including: (1) a Florida public university, Florida College System institution, or career center; (2) An independent Florida college or university that is accredited by an accrediting association whose standards are comparable to the minimum standards required to operate an institution at that level in Florida and which has operated in the state for at least 3 years; (3) an independent Florida postsecondary education institution that is licensed by the Commission for Independent Education and meets other specified criteria; (4) a Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing; and (5) A Florida independent postsecondary education institution that is licensed by the Commission for Independent Education.

⁹ Section 409.1451(2)(a), F.S.

¹⁰ Section 409.1451(2)(b), F.S.

¹¹ Section 409.1451(3)(a), F.S. Additionally, subject to available funding, aftercare services are also available to a young adult who is between the ages of 18 and 22, is receiving financial assistance for postsecondary education, who is experiencing an emergency situation, and whose resources are insufficient to meet the emergency situation.

The specific aftercare services to be provided is determined by an assessment of an eligible young adult, and may include, in part:

- Mentoring and tutoring;
- Mental health services and substance abuse counseling;
- Life skills classes;
- Parenting classes;
- Job and career skills training;
- Counselor consultations;
- Temporary assistance for necessities and emergency situations; and
- Financial literacy skills training.¹²

Extended Foster Care

A child¹³ who is living in foster care on his or her 18th birthday and who has not achieved permanency in accordance with s. 39.621, F.S.,¹⁴ is eligible to remain in licensed care under the care of the DCF and the jurisdiction of the court if he or she is:

- Completing secondary education or equivalent program;
- Enrolled in a postsecondary or vocational education institution;
- Participating in a program to eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in any of the above-listed programs or activities.¹⁵

A young adult¹⁶ who participates in extended foster care must reside in a supervised living environment that is approved by the DCF or the community-based care lead agency. The young adult must be provided supervision, case management, and supportive services by the DCF or lead agency, but must live independently.¹⁷

Office of Continuing Care

In 2021, the Legislature established the Office of Continuing Care (OCC) within the DCF. The OCC was created to provide ongoing support and care coordination to youth adults who age out of the foster care system between 18 and 21 years of age, or 22 years of age with a documented disability.¹⁸ The OCC has specified duties, including, but not limited to:

- Providing young adults who age out of the foster care system with certain information about the office, including its purpose, services offered and contact information;

¹² Section 409.1451(3)(b), F.S.

¹³ Section 39.6251(1), F.S., defines “child” as an individual who has not attained 21 years of age.

¹⁴ Section 39.621(3), F.S., provides that the permanency goals available under ch. 39, F.S., listed in order of preference, are reunification; adoption, if a petition for termination of parental rights has been or will be filed; permanent guardianship of a dependent child under s. 39.6221, F.S.; permanent placement with a fit and willing relative under s. 39.6231, F.S.; or placement in another planned permanent living arrangement under s. 39.6241, F.S.

¹⁵ Section 39.6251(2), F.S.

¹⁶ Section 39.6251(1), F.S., defines “young adult” as an individual who has attained 18 years of age but who has not attained 21 years of age.

¹⁷ Section 39.6251(4)(a), F.S.

¹⁸ Chapter 2021-169, s. 20, L.O.F., codified as s. 414.56, F.S.

- Providing assistance in accessing services and supports; and
- Collaborating with community-based care lead agencies to identify local resources and assist young adults in accessing such support services.¹⁹

The OCC is part of Hope Florida – A Pathway to Prosperity that assists the office with providing services to eligible foster youth who age out of care.²⁰ Care Navigators guide, amongst others, foster youth on an individualized path to prosperity, economic self-sufficiency and hope.²¹

Fostering Success Program

In 2014, a pilot program was developed for young adults who aged out of foster care to obtain an internship position with certain state agencies, such as the Florida Department of Agriculture Technology Services.²² In 2016, the pilot program was expanded with \$100,000 appropriated in recurring general revenue funds to a program known as “Fostering Success Youth Readiness Training and Placement Services” (Fostering Success).²³ The program was designed for young adults ages 18 to 24 to gain employment skills that would enable them to achieve economic self-sufficiency and professional success. Fostering Success operated at the following agencies:

- The Department of Agriculture and Consumer Services;
- The Department of Children and Families;
- The Department of Economic Opportunity;
- The Department of Health;
- The Department of Juvenile Justice; and
- The Florida Fish & Wildlife Conservation.²⁴

The Fostering Success program provided year-long, part-time, Other Personal Services positions with one of the participating state agencies listed above.²⁵ Funding for Fostering Success ceased in Fiscal Year 2020-2021.

III. Effect of Proposed Changes:

The bill creates s. 409.1455, F.S., cited as the “Step Into Success Act,” establishing an internship program administered by the Department of Children and Families (DCF). The purpose of the program is to assist eligible foster youth to:

¹⁹ *Id.*

²⁰ The DCF, *Office of Continuing Care*, available at [Office of Continuing Care - Florida Department of Children and Families \(myflfamilies.com\)](https://myflfamilies.com) (last visited November 22, 2021).

²¹ The DCF, *Hope Florida – A Pathway to Prosperity*, available at [A Pathway to Prosperity - Florida Department of Children and Families \(myflfamilies.com\)](https://myflfamilies.com) (last visited November 22, 2021).

²² WFSU Public Media, *Pilot Program Aimed at Helping Foster Kids Gain Employment Could Expand Soon*, October 17, 2014, available at [Pilot Program Aimed At Helping Foster Kids Gain Employment Could Soon Expand | WFSU News](https://www.wfsu.com/news/pilot-program-aimed-at-helping-foster-kids-gain-employment-could-soon-expand) (last visited November 22, 2021).

²³ Guardian ad Litem, *Representative Ben Albritton Champion for Children in Foster Care*, March 1, 2016, available at [Representative Ben Albritton Champion for Children in Foster Care | Florida child abuse attorney | Non-profit lawyers | Pro bono attorney Florida | Florida Guardian ad Litem](https://www.galileo.usf.edu/galileo/handle/document/1249) (last visited November 22, 2021).

²⁴ Florida Center for Child Welfare, *Independent Living Services Array: Extended Foster Care, Postsecondary Education Services and Support (PESS), Aftercare Services & Fostering Success*, available at [Florida's Center for Child Welfare | Independent Living Services Array \(usf.edu\)](https://www.usf.edu/child-welfare/independent-living-services-array) (last visited November 22, 2021).

²⁵ OPPAGA DCF Child Welfare.

- Develop essential workforce and professional skills;
- Transition from the custody of the DCF to independent living; and
- Become best prepared for an independent and successful future.

In addition to the DCF, the bill allows the following state agencies to participate in the internship program:

- The Department of Health;
- The Agency for Health Care Administration;
- The Department of Education;
- The Department of Environmental Protection;
- The Fish and Wildlife Conservation Commission; and
- The Office of the State Fire Marshal within the Department of Financial Services.

For the purposes of the bill, the term “foster youth” is defined as an individual older than 16 but younger than 26 years of age who is currently or was previously placed in foster care within the state.

Foster youth who are eligible for the program must receive priority consideration for any position that is offered under the program. Specifically, the approved agency must invite the foster youth to be interviewed for any position for which he or she meets the minimum qualifications.

The DCF must establish the Step Into Success internship program and begin operations on or before January 1, 2023. The Office of Continuing Care within the DCF is responsible for establishing and operating the program. Additionally, the DCF must:

- Designate and ensure that there is sufficient qualified staff to implement and maintain operation of the program, and provide required services to agency liaison personnel and eligible foster youth.
- By November 1, 2022 and at least annually thereafter, prepare written educational and training materials for foster youth, including a toolkit to explain the internship process, resources²⁶ to assist with participating in the program, and guidance on securing an internship position;
- Provide all relevant training and written materials as well as any other relevant tools to the participating state agencies;
- Provide written materials to foster youth to ensure that they are aware of the requirements for participating in the program and contact information for the program office. Community-based care lead agencies must ensure any of their subcontracted providers that directly serve youth are also provided with such material;
- Advertise and promote the availability of the internship program;
- Provide to eligible foster youth a minimum of 2 hours of training relating to interview skills and a minimum of 4 hours of training relating to professional and leadership development

²⁶ Resources that may be provided to foster youth who are participating in the program include, but are not limited to, workshops and materials to assist with preparing resumes and staff assistance with securing internship positions.

skills that are relevant to performing the functions of the positions that are offered by participating agencies under the internship program;²⁷

- Develop and provide a minimum of 1 hour of trauma-informed training to mentors;
- Provide assistance to eligible foster youth who wish to participate in the internship program with the administrative and procedural requirements;
- Publicize specific opportunities for internship positions offered by participating agencies and inform foster youth where to find such information;
- Assess each eligible foster youth's career interests and determine the most appropriate internship opportunities;
- Ensure that internships under the program comply with the Fair Labor Standards Act;
- By November 1, 2022, facilitate and work with designated state agencies to establish a system for secondary institutions to award college credit toward a degree for internship positions that are held by foster youth through the internship program;
- Conduct follow-up interviews with participating foster youth within 3 months after their employment start date to ensure that the participants transitioned into the work environment successfully and to gather feedback, and submit this information to the FICW by August 1, 2023, and by August 1 annually thereafter;
- Gather and compile feedback from mentors assigned to participating foster youth or from other agency personnel, and submit such data to the FICW by August 1, 2023, and by August 1 annually thereafter; and
- Collaborate with the FICW to provide any requested information necessary to prepare the required annual report.

Each state agency authorized to participate in the internship program is required to:

- Provide the DCF, or the community-based care lead agencies or subcontracted providers, with a list, updated at least monthly, of open employment opportunities;
- Offer priority consideration to any eligible foster youth who applies for an open internship position under the internship program if he or she meets all of the minimum qualifications for such position;
- Recruit employees within the state agency to serve as mentors for foster youth who are employed through the internship program;
- Engage an intern's assigned mentor and the state agency's internship program liaison and, if applicable, document an intern's failure to comply with a corrective action plan;
- Provide relevant feedback to the DCF at least annually; and
- Collaborate with the FICW to provide any requested information necessary to prepare the annual report.

The bill provides that employees of participating state agencies who serve as mentors to the interns participating in the program must:

- Have worked for the participating agency for a minimum of one year;
- Have experience relevant to the employment responsibilities of the intern;

²⁷ This training must be provided in addition to any other life skills or employment training required by law and may be developed or administered by the DCF, community-based care lead agencies, or the lead agencies' subcontracted providers or through collaboration with the approved agencies, colleges or universities, or non-profit organizations in the community that have workforce training resources. Foster youth are not restricted to participating in the minimum number of hours of training.

- Complete a minimum of 1 hour of trauma-informed training; and
- Pass a level 2 background screening as provided in s. 435.04, F.S., if the employee will be assigned to mentor a foster youth who is younger than 18 years old and if the employee has not passed such a screening within the previous three years or is not exempt from such requirement pursuant to s. 435.07, F.S.²⁸

Employees who serve as mentors for a minimum of six consecutive months are eligible for a maximum payment of \$1,000 per intern per fiscal year, to be issued as follows:

- At the conclusion of the first six consecutive months of service, \$500; and
- At the conclusion of an additional six consecutive months of service, \$500.

An employee may serve as a mentor for a maximum of three interns at one time, but may not receive more than \$3,000 in compensation per fiscal year for serving as a mentor. Any time spent serving as a mentor to an intern through the program counts toward the required minimum service to be eligible for the compensation set out above.

Foster youth who obtain employment through the internship program may hold the position for no more than one year. The participating agency may extend the employment beyond the one year or hire the foster youth as a full-time employee, but it may not be as an intern under the program. A foster youth may be employed as an intern under the internship program by more than one participating agency but such employment must not be at the same time.

Foster youth who obtain employment under the internship program are able to work a maximum of 20 hours per week and will be compensated for the work in an hourly manner through the specific appropriation provided for in the bill. Additionally, foster youth participating as an intern through the program must:

- Meet the definition of foster youth at the time that such youth applies for an internship position with a participating agency;
- Complete the minimum training requirements relating to interviewing before an interview with a participating agency and must complete all other training before commencement of work;²⁹
- If offered employment as an intern, be classified as an Other Personal Services employee, and may be discharged after the participating agency has engaged the intern's assigned mentor and the agency's internship program staff, and has documented the intern's failure to comply with a corrective action plan after being given a reasonable opportunity to do so;

²⁸ An employee who must pass a level 2 background screening is required to submit a full set of his or her fingerprints to his or her employing approved agency, and such agency must forward them to the Department of Law Enforcement (FDLE) for state processing. The FDLE must forward the fingerprints to the Federal Bureau of Investigation for national processing. The DCF must pay the fees for state and federal fingerprint processing which shall be set at the same amount prescribed in s. 943.053(3)(e), F.S.

²⁹ The DCF, or, if designated, the community-based care lead agencies or the lead agencies' subcontracted providers, may determine on a case-by-case basis if an eligible foster youth needs to complete training before he or she applies for an internship position.

- Spend all stipend funds received, up to the maximum \$500 stipend amount, for the purpose of purchasing business attire or clothing that is in compliance with the dress code of the agency for which he or she is employed;³⁰ and
- Be afforded employee protections of all relevant and applicable federal and state laws, including compensation at minimum wage for any hours worked.³¹

Additionally, a foster youth may, at the discretion of the postsecondary institution within Florida in which such youth is enrolled, earn college credits toward a degree for work performed as an intern under the program. College credits earned may be in addition to any compensation earned for the same work performed under the program and may be awarded for completion of the whole or any part of the program. An institution has the discretion to determine whether the foster youth must comply with administrative requirements to be eligible for college credit. Institutions must treat such requirements the same for all students regardless of whether they obtained the employment through a means other than the internship program. Participating agencies must cooperate with postsecondary educational institutions to provide any information that is necessary for the institution to determine whether to grant the foster youth credit toward his or her degree.

By October 1, 2023, and annually thereafter, the Florida Institute for Child Welfare (FICW) must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, which must contain an evaluation of the internship program, including, but not limited to:

- Whether the program is in compliance with the requirements of the internship program;
- The outcomes of foster youth who obtain employment through the programs;
- A summary of the feedback received from the foster youth, mentors and agencies who participate in the program; and
- Any recommendations for actions that may improve the effectiveness and outcomes of the program.

For the 2022-2023 fiscal year, \$1,292,378 in recurring funds and \$350,376 in nonrecurring funds are appropriated in the General Revenue Fund to the DCF to implement the act.

The bill authorizes the DCF and the participating state agencies rulemaking authority to implement the program.

The bill takes effect July 1, 2022.

³⁰ The bill requires foster youth to comply with such dress code regardless of any limitation on funds provided to purchase clothing.

³¹ The bill further provides that compensation earned under the program may not be considered earned income for purposes of computing the foster youth's eligibility for federal or state benefits, such as the Supplemental Nutrition Assistance Program, a housing choice assistance voucher program, the Temporary Cash Assistance Program, the Medicaid program, or the school readiness program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

For the 2022-2023 fiscal year, SB 764 appropriates \$1,642,754 in the General Revenue Fund (\$1,292,378 in recurring funds and \$350,376 in nonrecurring funds) to the DCF to implement the act.

These funds include:

- \$921,555 in recurring funds for Other Personal Services (OPS) salaries and benefits and related expenses for an estimated 75 interns hired in the participating state agencies (estimated \$13 hourly rate at 20 hours per week);
- \$37,500 in recurring funds for intern stipends (\$500 each);
- \$80,738 in recurring funds for the \$1,000 compensation plus federal taxes for mentors in participating agencies;
- \$252,585 in recurring funds for Salaries and Benefits and related expenses for DCF to hire 3 FTE positions (department may reclassify positions from elsewhere within the department) to administer the program and provide recruitment and training services to participating agencies; and

- 336,900 in nonrecurring funds for OPS position expense costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 414.56 of the Florida Statutes.

This bill creates section 409.1455 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.