

**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.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 168

INTRODUCER: Senator Garcia

SUBJECT: Motor Vehicle Insurance and Driver Licenses for Foster Youth

DATE: February 13, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Tuszynski</u>	<u>Cox</u>	<u>CF</u>	<b>Favorable</b>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>FP</u>	_____

**I. Summary:**

SB 168 expands the Keys program by removing language in statute that restricts one of the eligibility paths to receive Keys support. Currently, youth and young adults who achieve eligibility for the Keys program via enrollment in postsecondary educational services and supports (PESS) must also have been in licensed care when he or she reached 18 years of age. The bill expands eligibility for the Keys program by removing the requirement for young adults who are eligible by enrollment in PESS to also have been in licensed care when turning 18 years of age.

The Keys to Independence program (Keys program) is a state-funded normalcy support program designed to remove barriers to obtaining a driver license for foster and former foster youth. The program removes barriers to obtaining a driver license by young adults by paying, subject to available funding, the cost of driver education, licensure, other costs incidental to licensure, and motor vehicle insurance for certain populations.

The change will allow approximately an additional 450 young adults to be eligible to participate in the Keys program.

The bill will likely not have a fiscal impact. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

**II. Present Situation:**

Children in the foster care system often face barriers to participating in everyday life experiences common to other young people their age. These normal life experiences are an integral part of how all children learn and prepare for the responsibilities they will assume as adults. With the support of their families, millions of teens learn to drive and earn driver licenses every year. A study by the National Highway Traffic Safety Administration found that there are approximately

12 million young drivers on America’s roadways.<sup>1</sup> However, for a teen in foster care, for whom securing a driver license can be critically important to his or her success, achieving this milestone can be more complicated. Teens with access to a car are reported to perform better in school, obtain better jobs, have more college options, and eventually, more successful careers.<sup>2</sup> Without a driver license, a teen has difficulty traveling, securing an apartment, and achieving gainful employment.<sup>3</sup> Florida law supports the efforts of teens in foster care to engage in age-appropriate activities<sup>4</sup> and requires the Department of Children and Families (DCF), or its contracted vendors, to provide “independent life skills and normalcy supports” for children 13 through 17 years of age.<sup>5</sup>

### **Independent Living Services**

Florida’s Independent Living service array is designed to assist youth and young adults in obtaining skills and support in six federally identified outcome areas<sup>6</sup> as they transition to adulthood. Independent Living programs include:

- Extended Foster Care (EFC) – a program that allows young adults to remain in foster care until the age of 21 while they participate in school, work or work training, and live in a supervised living arrangement;
- Postsecondary Education Services and Support- a program that helps pay for housing, and other expenses related to attending an educational institution; and
- Aftercare Services - a temporary needs-based program intended to be a bridge between EFC and PESS programs that may include mentoring, tutoring, mental health and substance abuse services, counseling, and financial assistance.<sup>7</sup>

### ***Postsecondary Education Services and Support***

Postsecondary Education Services and Support (PESS) is a state-funded Independent Living program that provides a monthly financial award of \$1,720 for housing, utilities, and related expenses to eligible youth who were in the foster care system while working to receive the skills and education necessary to become self-sufficient.<sup>8</sup>

### **PESS Eligibility**

<sup>1</sup> US Department of Transportation, NHTSA, *Traffic Safety Facts 2020 Data*, p. 2, June 2022, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813313> (last visited February 10, 2023).

<sup>2</sup> Embrace Families, Report to Congress, *Impact Report: Keys to Independence*, May 2022, available at <https://embracefamilies.org/wp-content/uploads/2022/07/KEYS-TO-INDEPENDENCE-Report-to-Congress-FINAL-May-2022.pdf> (last visited February 10, 2023). The Annie E. Casey Foundation’s Jim Casey Initiative Youth Opportunities Initiative funded Child Trends, a non-profit research organization with a focus on children and families, to conduct analysis of Embrace Families’ data.

<sup>3</sup> *Id.*

<sup>4</sup> Section 409.145(2)(b), F.S.

<sup>5</sup> Section 409.145(3)(d), F.S.

<sup>6</sup> The six federally identified outcome areas are increasing financial self-sufficiency, improving educational attainment, increasing connections to caring adults, reducing homelessness, reducing high-risk behavior, and improving access to health insurance.

<sup>7</sup> See generally The DCF, Office of Child and Family Well-Being, Legislatively Mandated Reports, *Independent Living Services Annual Report FY 2020-21*, January 31, 2022, available at [https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2022LMRs/Independent\\_Living\\_Services\\_Report\\_2021.pdf](https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2022LMRs/Independent_Living_Services_Report_2021.pdf) (last visited February 10, 2023).

<sup>8</sup> Section 409.1451(2), F.S.

Group 1	Group 2
<p>Not yet 23 years of age but turned 18 years of age while in the custody of the Department of Children and Families (DCF) and spent at least six months in licensed care before turning 18.</p>	<p>Not yet 23 years of age but at least 18 years of age and adopted or placed with a court-approved guardian after his or her 16<sup>th</sup> birthday and spent at least six months in licensed care during the 12 months immediately preceding such placement or adoption.</p>
<b>OR</b>	
<b>AND</b>	
<p>Earned a standard high school diploma or equivalent</p>	
<b>AND</b>	
<p>Enrolled in at least nine credit hours and attending a Florida Bright Futures eligible college or vocational school.</p>	

***Keys to Independence Program***

The Keys to Independence program (Keys program) is a state-funded normalcy support program designed to remove barriers to obtaining a driver license for foster and former foster youth.<sup>9</sup> The program removes barriers to driving by paying, subject to available funding, the cost of driver education, licensure, other costs incidental to licensure, and motor vehicle insurance for certain populations.<sup>10</sup> The DCF contracts with the Lead Agency in the 9<sup>th</sup> and 10<sup>th</sup> Circuit, Embrace Families, to operate the Keys program statewide.<sup>11</sup>

In 2021, the Legislature expanded the Keys program to include children who are receiving Postsecondary Education Services and Support under s. 409.1451(2), F.S., and who were also in licensed care when reaching 18 years of age.<sup>12</sup>

Since December 2017, the Keys program has had over 8,213 enrolled and helped young adults obtain 2,231 learner permits and 1,199 driver licenses.<sup>13</sup> The Keys program has stated that the additional requirement that the young adult have been in licensed care when turning 18 years of age is preventing approximately 450 otherwise eligible young adults from the program.<sup>14</sup>

**III. Effect of Proposed Changes:**

SB 168 expands the Keys program by removing language in statute that restricted one of eligibility paths. Currently, youth and young adults who achieve eligibility for the Keys program via enrollment in PESS must also have been in licensed care when he or she reached 18 years of

<sup>9</sup> Section 409.1454, F.S.

<sup>10</sup> Section 409.1454(2), F.S.

<sup>11</sup> Keys to Independence, *About*, available at <https://keystoindependencefl.com/about/> (last visited February 7, 2023).

<sup>12</sup> Chapter 2021-169, L.O.F. In 2022, the Legislature again expanded the Keys program to include certain certified unaccompanied homeless youth under s. 743.067, F.S. Chapter 2022-65, L.O.F.

<sup>13</sup> Keys to Independence Program Monthly Report, *All Youth Life of Program Tab*, December 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>14</sup> Embrace Families, Electronic mail from Gerry Glynn, Chief Legal Officer, *Re: Keys to Independence Glitch Bill*, November 29, 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

age. The bill removes the requirement for young adults who are eligible by enrollment in PESS to have also been in licensed care when he or she reached 18 years of age. This change will include the group of young adults in the “PESS Eligibility” chart (above) identified as “Group 2,” and expand eligibility for the Keys program by approximately 450 additional young adults.<sup>15</sup>

The number of young adults that will enroll in the Keys program out of the newly eligible 450 is unknown. However, lead agency enrollment of eligible young adults in the program range from 99% (Heartland for Children) to 43% (Citrus) for an average of 68% of eligible young adults.<sup>16</sup> Based on this utilization, it would be fair to apply that percentage to the 450 newly eligible, resulting in an increase of 301 young adults in the Keys program.

The bill provides an effective date of July 1, 2023.

#### **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.

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<sup>15</sup> *Id.*

<sup>16</sup> Department of Children and Families, *Keys to Independence Annual Report*, p. 2-3, July 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

**C. Government Sector Impact:**

As specific populations of young adult have been added to the Keys program, funding has also increased in the DCF contract with Embrace Families.<sup>17</sup>

State Fiscal Year	Keys Program Funding via Contract
2019-2020	\$800,000
2020-2021	\$800,000
2021-2022	\$1,017,688
2022-2023	\$1,688,317
2023-2024	\$1,923,571

The DCF has contracted with Embrace Families for \$1,923,571 for Fiscal Year 2023-24 and plans to amend the contract to increase funding as needed based on ongoing utilization.<sup>18</sup>

Embrace Families has reported that the cost of expansion can likely be covered within current budget and contract amounts.<sup>19</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 409.1454 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.

<sup>17</sup> The DCF, *Embrace Families Contract #LJ973, Amendment #0007*, available at <https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=600000&ContractId=LJ973> (last visited February 8, 2023).

<sup>18</sup> The DCF, Electronic mail from Chad Barrett, *RE: Keys to Independence Program (K2i)*, February 8, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs).

<sup>19</sup> Embrace Families, Electronic mail from Gerry Glynn, Chief Legal Officer, *Re: Keys to Independence Glitch Bill*, November 29, 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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