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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:

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 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.

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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.—

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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.