



CS/HB 977, Engrossed 1

2014

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

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27 appropriation; providing an effective date.

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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

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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,
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



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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.
88 39.013.

89 9. A letter providing the dates that the child is under
90 the 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
112 department shall establish a 3-year pilot program to pay the
113 cost of driver education, licensure and other costs incidental
114 to licensure, and motor vehicle insurance for children in
115 licensed out-of-home care who have successfully completed a
116 driver education program.

117 (3) If a caregiver, or an individual or not-for-profit
118 entity approved by the caregiver, adds a child to his or her
119 existing insurance policy, the amount paid to the caregiver or
120 approved purchaser may not exceed the increase in cost
121 attributable to the addition of the child to the policy.

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

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

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

130 (b) Developing application and payment forms.



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

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

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

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

146 743.047 Removal of disabilities of minors; executing
147 agreements for motor vehicle insurance.—For the purpose of
148 ensuring that a child in foster care will be able to secure
149 motor vehicle insurance, the disability of nonage of minors
150 shall be removed provided that the child has reached 16 years of
151 age, has been adjudicated dependent, is residing in an out-of-
152 home placement as defined in s. 39.01, and has completed a
153 driver education program. Upon issuance of an order by a court
154 of competent jurisdiction, such child is authorized to make and
155 execute all documents, contracts, or agreements necessary for
156 obtaining motor vehicle insurance as if the child is otherwise



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157 competent to make and execute contracts. Execution of any such
158 contract or agreement for motor vehicle insurance has the same
159 effect as if it were the act of a person who is not a minor. A
160 child seeking to enter into such contract or agreement or
161 execute other necessary instrument incidental to obtaining motor
162 vehicle insurance must present an order from a court of
163 competent jurisdiction removing the disabilities of nonage of
164 the minor pursuant to this section.

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

167 1003.48 Instruction in operation of motor vehicles.—

168 (1) A course of study and instruction in the safe and
169 lawful operation of a motor vehicle shall be made available by
170 each district school board to students in the secondary schools
171 in the state. The secondary school shall provide preferential
172 enrollment to a student who is in the custody of the Department
173 of Children and Families if the student maintains appropriate
174 progress as required by the school. As used in this section, the
175 term "motor vehicle" has ~~shall have~~ the same meaning as in s.
176 320.01(1)(a) and includes ~~shall include~~ motorcycles and mopeds.
177 Instruction in motorcycle or moped operation may be limited to
178 classroom instruction. The course may ~~shall~~ not be made a part
179 of, or a substitute for, any of the minimum requirements for
180 graduation.

181 (2) In order to make such a course available to any
182 secondary school student, the district school board may use any



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183 one of the following procedures or any combination thereof:

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

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

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

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

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

201 (5) ~~(4)~~ The district school board shall prescribe standards
202 for the course required by this section and for instructional
203 personnel directly employed by the district school board. A ~~Any~~
204 certified instructor or licensed commercial driving school is
205 ~~shall be deemed~~ sufficiently qualified and is ~~shall~~ not be
206 required to meet any standards in lieu of or in addition to
207 those prescribed under chapter 488.

208 Section 5. The sum of \$800,000 in recurring funds is



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209 appropriated from the General Revenue Fund to the Department of
210 Children and Families for the purpose of implementing this act
211 during the 2014-2015 fiscal year.

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