

By Senator Bean

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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., to incorporate the amendment  
29          made to s. 39.6035, F.S., in a reference thereto;  
30          reenacting ss. 322.05(3) and 322.56(8)(a), F.S., to  
31          incorporate the amendment made to s. 322.09, F.S., in  
32          references thereto; providing an effective date.

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

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

39.4091 Participation in childhood activities.—

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

(a)~~(1)~~ The Legislature finds that the costs of driver education, licensure and costs incidental to licensure, and motor vehicle insurance for a child in ~~licensed~~ out-of-home care after such child obtains a driver license create ~~creates~~ an additional barrier to engaging in normal age-appropriate activities and gaining independence and may limit opportunities for obtaining employment and completing educational goals. The Legislature also finds that the completion of an approved driver education course is necessary to develop safe driving skills.

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

(c)~~(3)~~ If a caregiver, or an individual or not-for-profit entity approved by the caregiver, adds a child to his or her existing insurance policy, the amount paid to the caregiver or

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62 approved purchaser may not exceed the increase in cost  
63 attributable to the addition of the child to the policy.

64 (d)(4) Payment shall be made to eligible recipients in the  
65 order of eligibility until available funds are exhausted. If a  
66 child determined to be eligible reaches permanency status or  
67 turns 18 years of age, the program may pay for that child to  
68 complete a driver education program and obtain a driver license  
69 for up to 6 months after the date the child reaches permanency  
70 status or 6 months after the date the child turns 18 years of  
71 age. A child continuing in care under s. 39.6251 may be eligible  
72 to have the costs of licensure and costs incidental to licensure  
73 paid if the child demonstrates such costs are creating barriers  
74 for obtaining employment or completing educational goals.

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

79 1.(a) Determining eligibility, including responsibilities  
80 for the child and caregivers.

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

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

84 4.(d) Providing technical assistance to lead agencies,  
85 providers, group homes, and residential programs to support  
86 removing obstacles that prevent children in foster care from  
87 driving.

88 5. Publicizing the program, engaging in outreach, and  
89 providing incentives to youth participating in the program to  
90 encourage the greatest number of eligible children to obtain

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91 driver licenses.

92 ~~(6) By July 1, 2015, and annually thereafter for the~~  
93 ~~duration of the pilot program, the department shall submit a~~  
94 ~~report to the Governor, the President of the Senate, and the~~  
95 ~~Speaker of the House of Representatives evaluating the success~~  
96 ~~of and outcomes achieved by the pilot program. The report shall~~  
97 ~~include a recommendation as to whether the pilot program should~~  
98 ~~be continued, terminated, or expanded.~~

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

101 39.6035 Transition plan.—

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

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

119 (b) Coordinate the transition plan with the independent

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120 living provisions in the case plan and, for a child with  
121 disabilities, the Individuals with Disabilities Education Act  
122 transition plan.

123 Section 3. Paragraph (c) of subsection (2) and paragraph  
124 (a) of subsection (3) of section 39.701, Florida Statutes, are  
125 amended to read:

126 39.701 Judicial review.—

127 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
128 AGE.—

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

145 1. If the parent was advised of the right to receive  
146 assistance from any person or social service agency in the  
147 preparation of the case plan.

148 2. If the parent has been advised of the right to have

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149 counsel present at the judicial review or citizen review  
150 hearings. If not so advised, the court or citizen review panel  
151 shall advise the parent of such right.

152 3. If a guardian ad litem needs to be appointed for the  
153 child in a case in which a guardian ad litem has not previously  
154 been appointed or if there is a need to continue a guardian ad  
155 litem in a case in which a guardian ad litem has been appointed.

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

161 5. The compliance or lack of compliance of all parties with  
162 applicable items of the case plan, including the parents'  
163 compliance with child support orders.

164 6. The compliance or lack of compliance with a visitation  
165 contract between the parent and the social service agency for  
166 contact with the child, including the frequency, duration, and  
167 results of the parent-child visitation and the reason for any  
168 noncompliance.

169 7. The frequency, kind, and duration of contacts among  
170 siblings who have been separated during placement, as well as  
171 any efforts undertaken to reunite separated siblings if doing so  
172 is in the best interest of the child.

173 8. The compliance or lack of compliance of the parent in  
174 meeting specified financial obligations pertaining to the care  
175 of the child, including the reason for failure to comply, if  
176 applicable.

177 9. Whether the child is receiving safe and proper care

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

186 a. The placement of the child takes into account the  
187 appropriateness of the current educational setting and the  
188 proximity to the school in which the child is enrolled at the  
189 time of placement.

190 b. The community-based care agency has coordinated with  
191 appropriate local educational agencies to ensure that the child  
192 remains in the school in which the child is enrolled at the time  
193 of placement.

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

196 11. When appropriate, the basis for the unwillingness or  
197 inability of the parent to become a party to a case plan. The  
198 court and the citizen review panel shall determine if the  
199 efforts of the social service agency to secure party  
200 participation in a case plan were sufficient.

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

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

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

210 (a) In addition to the review and report required under  
211 paragraphs (1)(a) and (2)(a), respectively, the court shall hold  
212 a judicial review hearing within 90 days after a child's 17th  
213 birthday. The court shall also issue an order, separate from the  
214 order on judicial review, that the disability of nonage of the  
215 child has been removed pursuant to ss. 743.044, 743.045,  
216 743.046, and 743.047, and for any of these disabilities that the  
217 court finds is in the child's best interest to remove. The court  
218 shall continue to hold timely judicial review hearings. If  
219 necessary, the court may review the status of the child more  
220 frequently during the year before the child's 18th birthday. At  
221 each review hearing held under this subsection, in addition to  
222 any information or report provided to the court by the foster  
223 parent, legal custodian, or guardian ad litem, the child shall  
224 be given the opportunity to address the court with any  
225 information relevant to the child's best interest, particularly  
226 in relation to independent living transition services. The  
227 department shall include in the social study report for judicial  
228 review written verification that the child has:

229 1. A current Medicaid card and all necessary information  
230 concerning the Medicaid program sufficient to prepare the child  
231 to apply for coverage upon reaching the age of 18, if such  
232 application is appropriate.

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

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

242 4. All relevant information related to the Road-to-  
243 Independence Program, including, but not limited to, eligibility  
244 requirements, information on participation, and assistance in  
245 gaining admission to the program. If the child is eligible for  
246 the Road-to-Independence Program, he or she must be advised that  
247 he or she may continue to reside with the licensed family home  
248 or group care provider with whom the child was residing at the  
249 time the child attained his or her 18th birthday, in another  
250 licensed family home, or with a group care provider arranged by  
251 the department.

252 5. An open bank account or the identification necessary to  
253 open a bank account and to acquire essential banking and  
254 budgeting skills.

255 6. Information on public assistance and how to apply for  
256 public assistance.

257 7. A clear understanding of where he or she will be living  
258 on his or her 18th birthday, how living expenses will be paid,  
259 and the educational program or school in which he or she will be  
260 enrolled.

261 8. Information related to the ability of the child to  
262 remain in care until he or she reaches 21 years of age under s.  
263 39.013.

264 9. A letter providing the dates that the child is under the

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265 jurisdiction of the court.

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

268 11. The child's educational records.

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

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

271 14. A statement encouraging the child to attend all  
272 judicial review hearings occurring after the child's 17th  
273 birthday.

274 15. Information on how to obtain a driver license or  
275 learner's driver license.

276 Section 4. Subsection (4) of section 322.09, Florida  
277 Statutes, is amended to read:

278 322.09 Application of minors; responsibility for negligence  
279 or misconduct of minor.—

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

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294 other responsible party of his or her intent to sign and verify  
295 the application.

296 Section 5. For the purpose of incorporating the amendment  
297 made by this act to section 39.6035, Florida Statutes, in a  
298 reference thereto, paragraph (a) of subsection (5) of section  
299 409.1451, Florida Statutes, is reenacted to read:

300 409.1451 The Road-to-Independence Program.—

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

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

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

312 322.05 Persons not to be licensed.—The department may not  
313 issue a license:

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

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323 in any civil proceeding.

324 Section 7. For the purpose of incorporating the amendment  
325 made by this act to section 322.09, Florida Statutes, in a  
326 reference thereto, paragraph (a) of subsection (8) of section  
327 322.56, Florida Statutes, is reenacted to read:

328 322.56 Contracts for administration of driver license  
329 examination.—

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

336 (a) The online testing program shall:

337 1. Use personal questions before the examination, which the  
338 applicant is required to answer during the examination, to  
339 strengthen test security to deter fraud;

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

346 3. Require, before issuance by the department of a  
347 learner's driver license to an applicant who has passed an  
348 online examination, the applicant's parent, guardian, or other  
349 responsible adult who meets the requirements of s. 322.09 to  
350 certify to the department that he or she monitored the applicant  
351 during the online examination. This certification shall be

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352 similar to the certification required by s. 322.05(3). This  
353 subsection does not preclude the department from continuing to  
354 provide written examinations at driver license facilities.

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