

By the Committee on Children, Families, and Elder Affairs; and
Senator Bean

586-00896-17

201760c1

1 A bill to be entitled

2 An act relating to children obtaining driver licenses;
3 amending s. 409.1454, F.S.; revising legislative
4 findings; revising a pilot program to make it
5 permanent; revising the applicability of the program
6 to include children in out-of-home care; authorizing
7 the program to pay for a child to complete a driver
8 education program and obtain a driver license or the
9 related costs of licensure under certain
10 circumstances; revising the duties of the Department
11 of Children and Families under the program; deleting
12 the requirement for an annual report by the department
13 to the Governor and the Legislature; amending s.
14 39.6035, F.S.; revising a child's transition plan to
15 include options to use in obtaining a driver license
16 under certain circumstances; amending s. 39.701, F.S.;
17 revising a required determination made by the court
18 and a citizen review panel; requiring the department
19 to include specified information in the social study
20 report for judicial review under certain
21 circumstances; amending s. 322.09, F.S.; providing
22 that a guardian ad litem authorized by a minor's
23 caregiver to sign for the minor's learner's driver
24 license does not assume any obligation or liability
25 for damages; making technical changes; reenacting s.
26 409.1451(5)(a), F.S., to incorporate the amendment
27 made to s. 39.6035, F.S., in a reference thereto;
28 reenacting ss. 322.05(3) and 322.56(8)(a), F.S., to
29 incorporate the amendment made to s. 322.09, F.S., in
30 references thereto; providing an effective date.
31

586-00896-17

201760c1

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

33
34 Section 1. Section 409.1454, Florida Statutes, is amended,
35 to read:

36 409.1454 MOTOR VEHICLE INSURANCE AND DRIVER LICENSES FOR
37 CHILDREN IN CARE.—

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

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

52 (3) If a caregiver, or an individual or not-for-profit
53 entity approved by the caregiver, adds a child to his or her
54 existing insurance policy, the amount paid to the caregiver or
55 approved purchaser may not exceed the increase in cost
56 attributable to the addition of the child to the policy.

57 (4) Payment shall be made to eligible recipients in the
58 order of eligibility until available funds are exhausted. If a
59 child determined to be eligible reaches permanency status or
60 turns 18 years of age, the program may pay for that child to

586-00896-17

201760c1

61 complete a driver education program and obtain a driver license
62 for up to 6 months after the date the child reaches permanency
63 status or 6 months after the date the child turns 18 years of
64 age. A child continuing in care under s. 39.6251 may be eligible
65 to have the costs of licensure and costs incidental to licensure
66 paid if the child demonstrates that such costs are creating
67 barriers for obtaining employment or completing educational
68 goals.

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

73 (a) Determining eligibility, including responsibilities for
74 the child and caregivers.

75 (b) Developing application and payment forms.

76 (c) Notifying eligible children, caregivers, group homes,
77 and residential programs of the ~~pilot~~ program.

78 (d) Providing technical assistance to lead agencies,
79 providers, group homes, and residential programs to support
80 removing obstacles that prevent children in foster care from
81 driving.

82 (e) Publicizing the program, engaging in outreach, and
83 providing incentives to youth participating in the program to
84 encourage the greatest number of eligible children to obtain
85 driver licenses.

86 ~~(6) By July 1, 2015, and annually thereafter for the~~
87 ~~duration of the pilot program, the department shall submit a~~
88 ~~report to the Governor, the President of the Senate, and the~~
89 ~~Speaker of the House of Representatives evaluating the success~~

586-00896-17

201760c1

90 ~~of and outcomes achieved by the pilot program. The report shall~~
91 ~~include a recommendation as to whether the pilot program should~~
92 ~~be continued, terminated, or expanded.~~

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

95 39.6035 Transition plan.—

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

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

113 (b) Coordinate the transition plan with the independent
114 living provisions in the case plan and, for a child with
115 disabilities, the Individuals with Disabilities Education Act
116 transition plan.

117 Section 3. Paragraph (c) of subsection (2) and paragraph
118 (a) of subsection (3) of section 39.701, Florida Statutes, are

586-00896-17

201760c1

119 amended to read:

120 39.701 Judicial review.—

121 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
122 AGE.—

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

139 1. If the parent was advised of the right to receive
140 assistance from any person or social service agency in the
141 preparation of the case plan.

142 2. If the parent has been advised of the right to have
143 counsel present at the judicial review or citizen review
144 hearings. If not so advised, the court or citizen review panel
145 shall advise the parent of such right.

146 3. If a guardian ad litem needs to be appointed for the
147 child in a case in which a guardian ad litem has not previously

586-00896-17

201760c1

148 been appointed or if there is a need to continue a guardian ad
149 litem in a case in which a guardian ad litem has been appointed.

150 4. Who holds the rights to make educational decisions for
151 the child. If appropriate, the court may refer the child to the
152 district school superintendent for appointment of a surrogate
153 parent or may itself appoint a surrogate parent under the
154 Individuals with Disabilities Education Act and s. 39.0016.

155 5. The compliance or lack of compliance of all parties with
156 applicable items of the case plan, including the parents'
157 compliance with child support orders.

158 6. The compliance or lack of compliance with a visitation
159 contract between the parent and the social service agency for
160 contact with the child, including the frequency, duration, and
161 results of the parent-child visitation and the reason for any
162 noncompliance.

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

167 8. The compliance or lack of compliance of the parent in
168 meeting specified financial obligations pertaining to the care
169 of the child, including the reason for failure to comply, if
170 applicable.

171 9. Whether the child is receiving safe and proper care
172 according to s. 39.6012, including, but not limited to, the
173 appropriateness of the child's current placement, including
174 whether the child is in a setting that is as family-like and as
175 close to the parent's home as possible, consistent with the
176 child's best interests and special needs, and including

586-00896-17

201760c1

177 maintaining stability in the child's educational placement, as
178 documented by assurances from the community-based care provider
179 that:

180 a. The placement of the child takes into account the
181 appropriateness of the current educational setting and the
182 proximity to the school in which the child is enrolled at the
183 time of placement.

184 b. The community-based care agency has coordinated with
185 appropriate local educational agencies to ensure that the child
186 remains in the school in which the child is enrolled at the time
187 of placement.

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

190 11. When appropriate, the basis for the unwillingness or
191 inability of the parent to become a party to a case plan. The
192 court and the citizen review panel shall determine if the
193 efforts of the social service agency to secure party
194 participation in a case plan were sufficient.

195 12. For a child who has reached 13 years of age but is not
196 yet 18 years of age, the adequacy of the child's preparation for
197 adulthood and independent living. For a child who is 15 years of
198 age or older, the court shall determine if appropriate steps are
199 being taken for the child to obtain a driver license or
200 learner's driver license.

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

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

204 (a) In addition to the review and report required under
205 paragraphs (1)(a) and (2)(a), respectively, the court shall hold

586-00896-17

201760c1

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

223 1. A current Medicaid card and all necessary information
224 concerning the Medicaid program sufficient to prepare the child
225 to apply for coverage upon reaching the age of 18, if such
226 application is appropriate.

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

230 3. A social security card and information relating to
231 social security insurance benefits if the child is eligible for
232 those benefits. If the child has received such benefits and they
233 are being held in trust for the child, a full accounting of
234 these funds must be provided and the child must be informed as

586-00896-17

201760c1

235 to how to access those funds.

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

246 5. An open bank account or the identification necessary to
247 open a bank account and to acquire essential banking and
248 budgeting skills.

249 6. Information on public assistance and how to apply for
250 public assistance.

251 7. A clear understanding of where he or she will be living
252 on his or her 18th birthday, how living expenses will be paid,
253 and the educational program or school in which he or she will be
254 enrolled.

255 8. Information related to the ability of the child to
256 remain in care until he or she reaches 21 years of age under s.
257 39.013.

258 9. A letter providing the dates that the child is under the
259 jurisdiction of the court.

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

262 11. The child's educational records.

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

586-00896-17

201760c1

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

265 14. A statement encouraging the child to attend all
266 judicial review hearings occurring after the child's 17th
267 birthday.

268 15. Information on how to obtain a driver license or
269 learner's driver license.

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

272 322.09 Application of minors; responsibility for negligence
273 or misconduct of minor.—

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

290 Section 5. For the purpose of incorporating the amendment
291 made by this act to section 39.6035, Florida Statutes, in a
292 reference thereto, paragraph (a) of subsection (5) of section

586-00896-17

201760c1

293 409.1451, Florida Statutes, is reenacted to read:

294 409.1451 The Road-to-Independence Program.—

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

297 (a) The service needs that are identified in the original
298 or updated transition plan, pursuant to s. 39.6035, shall be
299 provided by the lead agency where the young adult is currently
300 residing but shall be funded by the lead agency who initiated
301 the transition plan.

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

306 322.05 Persons not to be licensed.—The department may not
307 issue a license:

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

318 Section 7. For the purpose of incorporating the amendment
319 made by this act to section 322.09, Florida Statutes, in a
320 reference thereto, paragraph (a) of subsection (8) of section
321 322.56, Florida Statutes, is reenacted to read:

586-00896-17

201760c1

322 322.56 Contracts for administration of driver license
323 examination.-

324 (8) The department shall contract with providers of
325 approved online traffic law and substance abuse education
326 courses to serve as third-party providers to conduct online, on
327 behalf of the department, examinations required pursuant to ss.
328 322.12 and 322.1615 to applicants for Class E learner's driver
329 licenses.

330 (a) The online testing program shall:

331 1. Use personal questions before the examination, which the
332 applicant is required to answer during the examination, to
333 strengthen test security to deter fraud;

334 2. Require, before the start of the examination, the
335 applicant's parent, guardian, or other responsible adult who
336 meets the requirements of s. 322.09 to provide the third-party
337 administrator with his or her driver license number and to
338 certify that the parent, guardian, or responsible adult will
339 monitor the applicant during the examination; and

340 3. Require, before issuance by the department of a
341 learner's driver license to an applicant who has passed an
342 online examination, the applicant's parent, guardian, or other
343 responsible adult who meets the requirements of s. 322.09 to
344 certify to the department that he or she monitored the applicant
345 during the online examination. This certification shall be
346 similar to the certification required by s. 322.05(3). This
347 subsection does not preclude the department from continuing to
348 provide written examinations at driver license facilities.

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