

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 1556

SPONSOR: Children and Families Committee and Senator Lynn

SUBJECT: Independent Living Transition Services

DATE: April 22, 2003

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Dowds | Whiddon | CF | Fav/CS |
| 2. | White | Wilson | GO | Fav/CS |
| 3. | | | CP | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

Committee substitute for committee substitute for SB 1556 amends s. 409.1451, F.S., to exempt the property the youth acquire through the Independent Living Transition Services from the requirements for state owned property, thus allowing the youth to retain the items purchased for them through the program. The independent living services workgroup is created to assess the implementation and operation of the independent living services system and to make recommendations as to actions that would improve the system's ability to meet the established goals. Reports are required to be submitted to the substantive committees of the Senate and the House of Representatives each year for the next 2 years on the status of the implementation, problems encountered, and successes experienced, as well as other specific issues identified in the bill.

This bill substantially amends section 409.1451 of the Florida Statutes.

II. Present Situation:

In 1999, Congress enacted the Foster Care Independence Act (P.L. 106-169) to address weaknesses in state programs for teens in foster care such as those found by the General Accounting Office. These weaknesses include insufficient opportunities: (a) for employment; (b) to participate in real-life situations, and (c) for supervised practice living arrangements to improve youths' ability to live self-sufficiently. This new federal law doubled the appropriations nationally and increased Florida's allocation substantially, from \$990,074 to \$5.9 million for the first year of the new federal funding and up to \$10 million for federal fiscal year 2002.

With the expansion of the Chafee Foster Care Independent Living Program and funding available, the 2002 Legislature created s. 409.1451, F.S., which established the framework for

Florida's independent living transition services to be provided to these older youth. Specifically, s. 409.1451, F.S., provides for a continuum of independent living transition services to enable older children in foster care and young adults who were formerly in foster care to develop the skills necessary for successful transition to adulthood and self-sufficiency. The services available to older children in the foster care system are the pre-independent living services, life skills services, and subsidized independent living services. The older children ages 13 to 18 years are also to be provided with life skills activities which emulate the experiences of other older children who are not in foster care. The services for young adults formerly in foster care are to be provided based on the availability of funds and include aftercare support services, the Florida Road to Independence Scholarship Program, and transitional support services.

Section 409.1451(7), F.S., directed the department to form an independent living services workgroup for the purpose of assessing the barriers to coordination of services and supporting the youths' transition to independent living across the systems. The workgroup was comprised of representatives from state agencies involved in service delivery to older foster children, as well as representatives from the State Youth Advisory Board and foster parents. Specific issues were identified for the workgroup to examine with a report required to be submitted to the appropriate legislative committees of the Senate and the House of Representatives by December 31, 2002. The report contained a number of recommendations to address the specified issues, as well as emerging issues, virtually all of which necessitate further action on the part of the Department of Children and Families. In addition, issues have been identified by the foster care youth and advocates relative to implementation of this independent living transition program that require the department's attention and monitoring, such as achieving normalcy for the youth in foster care and whether barriers to other scholarships exists as a result of the Road to Independence Scholarship.

The youth in the independent living transition program have been adjudicated dependent pursuant to ch. 39, F.S., and, therefore, rely on the department for meeting all their basic needs and assisting them to transition to adulthood. As part of this program, the Department of Children and Families often purchases items, such as computers, to assist the youth in achieving their independence and obtaining employment. However, ch. 273, F.S., requires all items costing more than \$1,000 and having an estimated useful life of more than 1 year to be captured on the tangible personal property records of the purchasing agency, managed as agency property, and inventoried at least annually. Such items are considered state-owned tangible personal property. Specifically, s. 273.055, F.S., provides for the disposition of state-owned tangible personal property and applies to surplus property which is property that is obsolete or is uneconomical or inefficient to continue using (s. 273.05, F.S.). Surplus property is not permitted to be sold, transferred, or destroyed but must be disposed of in the manner specified in s. 273.055(3), F.S., including selling or transferring the property to another governmental organization, selling or donating the property to a private nonprofit agency, selling the property in a public sale, or contracting for final disposition of the property, such as storage or disposing as scrap property. Chapter 273, F.S., does not permit the youth to retain the items purchased on their behalf as personal property.

III. Effect of Proposed Changes:

CS/CS/SB 1556 amends s. 409.1451, F.S., to exempt the property the youth acquire through Independent Living Transition Services from the requirements for state owned property; thus allowing the youth to retain the items purchased for them through the program. The independent living services workgroup is created to assess the implementation and operation of the independent living services system and to make recommendations as to actions that would improve the system's ability to meet the established goals. Reports are required to be submitted to the substantive committees of the Senate and House of Representatives annually for the next 2 years on the status of the implementation, problems encountered, successes experienced, as well as other specific issues identified in the bill.

Specifically, any property obtained by the youth through the Independent Living Transition Services offered pursuant to s. 409.1451, F.S., are to be considered the personal property of the youth and are not subject to the management, inventory, and other requirements of ch. 273, F.S., for state-owned tangible property. Applicable federal laws pertaining to property management and disposal continue to apply. This revision would enable the youth receiving services through the independent living transition services program pursuant to s. 409.1451, F.S., to retain the items purchased for them with program funds within any parameters established by federal law.

The independent living services integration workgroup created in s. 409.1451(7), F.S., is replaced with the independent living services workgroup. Representation on the workgroup remains the same. However, the charge of the workgroup is expanded to include assessing the implementation of the independent living transition services system, keeping the Department of Children and Families informed of the problems surfacing and successes experienced with the independent living transition services, and advising the department on strategies that would improve the ability of the system to meet its goals. The workgroup is directed to report to the President of the Senate and the Speaker of the House of Representatives each year for the next 2 years. The workgroup report is to cover the status of the implementation of the independent living transition services system, the publicizing of the availability of the service components for the young adults formerly in foster care, any barriers that the Road to Independence Scholarship is creating, and the department's actions in implementing the recommendations of the Independent Living Services Integration report, as well as successes of the services and other problems identified. The department is to submit an accompanying report which describes the department's actions to implement the recommendations of the workgroup or the rationale for not implementing the recommendations. The reports of the workgroup and the department are to be submitted by December 31st of both 2003 and 2004.

The department's rulemaking authority for the independent living transition services in s. 409.145, F.S., is amended to direct the department to adopt rules that balance the goals of normalcy and safety for the youth and provide caregivers with as much flexibility as possible to allow the youth to participate in normal life experiences.

The bill takes effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Families reports there is no fiscal impact with this bill as it pertains to the property provision.

There may be costs associated with the workgroup. However, the workgroup established by the bill is replacing a workgroup that was operational this past year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Auditor General's Office reports that federal regulations often only require that the management and disposition of property purchased with federal funds comply with applicable state laws. The exception is property valued at \$5,000 or more which, depending on the federal funding source and applicable laws, may be governed by standard federal regulation for disposition of property

VIII. Amendments:

None.