

1 held by the department and certain agencies;
2 amending ss. 39.013 and 1009.25, F.S.;
3 conforming references to changes made by the
4 act; amending s. 39.701, F.S.; requiring the
5 court to issue an order, separate from any
6 other judicial review order, that the
7 disabilities of nonage of the youth have been
8 removed from the youth in foster care; creating
9 s. 743.045, F.S.; removing the disability of
10 nonage for certain youth in the legal custody
11 of the Department of Children and Family
12 Services who are in foster care to enable the
13 youth to execute a contract for the lease of
14 residential property in order that the youth
15 may move into the leased residential property
16 on the day of the youth's 18th birthday;
17 providing specified eligibility criteria;
18 providing for the validity of the contracts;
19 requiring the youth to present an order from a
20 court of competent jurisdiction removing the
21 disability of nonage; amending s. 409.903,
22 F.S.; providing eligibility criteria for
23 certain persons for medical assistance
24 payments; providing an appropriation; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 409.1451, Florida Statutes, is
30 amended to read:

31 409.1451 Independent living transition services.--

1 (1) SYSTEM OF SERVICES.--

2 (a) The Department of Children and Family Services,
3 its agents, or community-based providers operating pursuant to
4 s. 409.1671 shall administer a system of independent living
5 transition services to enable older children in foster care
6 and young adults who exit foster care at age 18 to make the
7 transition to self-sufficiency as adults.

8 (b) The goals of independent living transition
9 services are to assist older children in foster care and young
10 adults who were formerly in foster care to obtain life skills
11 and education for independent living and employment, to have a
12 quality of life appropriate for their age, and to assume
13 personal responsibility for becoming self-sufficient adults.

14 (c) State funds for foster care or federal funds shall
15 be used to establish a continuum of services for eligible
16 children in foster care and eligible young adults who were
17 formerly in foster care which accomplish the goals for the
18 system of independent living transition services by providing
19 services for foster children, pursuant to subsection (4), and
20 services for young adults who were formerly in foster care,
21 pursuant to subsection (5).

22 (d) For children in foster care, independent living
23 transition services are not an alternative to adoption.
24 Independent living transition services may occur concurrently
25 with continued efforts to locate and achieve placement in
26 adoptive families for older children in foster care.

27 (2) ELIGIBILITY.--

28 (a) The department shall serve children who have
29 reached 13 years of age but are not yet 18 years of age and
30 who are in foster care by providing services pursuant to
31 subsection (4). Children to be served must meet the

1 eligibility requirements set forth for specific services as
2 provided in this section.

3 (b) The department shall provide services pursuant to
4 subsection (5) to ~~serve~~ young adults who have reached 18 years
5 of age but are not yet 23 years of age and who were in foster
6 care when they turned 18 years of age or who were adopted from
7 foster care after reaching 16 years of age or, after spending
8 at least 6 months in the custody of the department after
9 reaching 16 years of age, were placed in a guardianship by the
10 court ~~by providing services pursuant to subsection (5)~~. Young
11 adults are not entitled to be served but must meet the
12 eligibility requirements set forth for specific services in
13 this section.

14 (3) PREPARATION FOR INDEPENDENT LIVING.--

15 (a) It is the intent of the Legislature for the
16 Department of Children and Family Services to assist older
17 children in foster care and young adults who exit foster care
18 at age 18 in making the transition to independent living and
19 self-sufficiency as adults. The department shall provide such
20 children and young adults with opportunities to participate in
21 life skills activities in their foster families and
22 communities which are reasonable and appropriate for their
23 respective ages or for any special needs they may have, and
24 shall provide them with services to build life ~~the~~ skills and
25 increase their ability to live independently and become
26 self-sufficient. To support the provision of opportunities for
27 participation in age-appropriate life skills activities, the
28 department shall:

29 1. Develop a list of age-appropriate activities and
30 responsibilities to be offered to all children involved in
31

1 independent living transition services and their foster
2 parents.

3 2. Provide training for staff and foster parents to
4 address the issues of older children in foster care in
5 transitioning to adulthood, which shall include information on
6 high school completion, grant applications, vocational school
7 opportunities, supporting education and employment
8 opportunities, and ~~providing~~ opportunities to participate in
9 appropriate daily activities.

10 3. Develop procedures to maximize the authority of
11 foster parents or caregivers to approve participation in
12 age-appropriate activities of children in their care. The
13 age-appropriate activities shall be included in the child's
14 case plan. This plan must include specific goals and
15 objectives and be reviewed at each judicial review as part of
16 the case plan.

17 4. Provide opportunities for older children in foster
18 care to interact with mentors.

19 5. Develop and implement procedures for older children
20 to directly access and manage the personal allowance they
21 receive from the department in order to learn responsibility
22 and participate in age-appropriate life skills activities to
23 the extent feasible.

24 6. Make a good faith effort to fully explain, prior to
25 execution of any signature, if required, any document, report,
26 form, or other record, whether written or electronic,
27 presented to a child or young adult and allow for the
28 recipient to ask any appropriate questions necessary to fully
29 understand the document. It shall be the responsibility of the
30 person presenting the document to the child or young adult to
31 comply with this subparagraph.

1 (b) It is further the intent of the Legislature that
2 each child in foster care, his or her foster parents, if
3 applicable, and the department or community-based provider set
4 early achievement and career goals for the child's
5 postsecondary educational and work experience. The department
6 and community-based providers shall implement the model set
7 forth in this paragraph to help ensure that children in foster
8 care are ready for postsecondary education and the workplace.

9 1. For children in foster care who have reached 13
10 years of age, entering the 9th grade, their foster parents,
11 ~~and~~ the department or community-based provider shall ensure
12 that the child's case plan includes an educational and career
13 path be active participants in choosing a post high school
14 ~~goal~~ based upon both the abilities and interests of each
15 child. The child, the foster parents, and a teacher or other
16 school staff member shall be included to the fullest extent
17 possible in developing the path. The path shall be reviewed at
18 each judicial hearing as part of the case plan and goal shall
19 accommodate the needs of children served in exceptional
20 education programs to the extent appropriate for each
21 individual. Such children may continue to follow the courses
22 outlined in the district school board student progression
23 plan. Children in foster care, with the assistance of their
24 foster parents, and the department or community-based provider
25 shall choose one of the following postsecondary goals:

- 26 a. Attending a 4-year college or university, a
27 community college plus university, or a military academy;
28 b. Receiving a 2-year postsecondary degree;
29 c. Attaining a postsecondary career and technical
30 certificate or credential; or
31

1 d. Beginning immediate employment, including
2 apprenticeship, after completion of a high school diploma or
3 its equivalent, or enlisting in the military.

4 2. In order to assist the child in foster care in
5 achieving his or her chosen goal, the department or
6 community-based provider shall, with the participation of the
7 child and foster parents, identify:

8 a. The core courses necessary to qualify for a chosen
9 goal.

10 b. Any elective courses which would provide additional
11 help in reaching a chosen goal.

12 c. The grade point requirement and any additional
13 information necessary to achieve a specific goal.

14 d. A teacher, other school staff member, employee of
15 the department or community-based care provider, or community
16 volunteer who would be willing to work with the child as an
17 academic advocate or mentor if foster parent involvement is
18 insufficient or unavailable.

19 3. In order to complement educational goals, the
20 department and community-based providers are encouraged to
21 form partnerships with the business community to support
22 internships, apprenticeships, or other work-related
23 opportunities.

24 4. The department and community-based providers shall
25 ensure that children in foster care and their foster parents
26 are made aware of the postsecondary goals available and shall
27 assist in identifying the coursework necessary to enable the
28 child to reach the chosen goal.

29 (c) All children in foster care and young adults
30 formerly in foster care are encouraged to take part in
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1 learning opportunities that result from participation in
2 community service activities.

3 (d) Children in foster care and young adults formerly
4 in foster care shall be provided with the opportunity to
5 change from one postsecondary goal to another, and each
6 postsecondary goal shall allow for changes in each
7 individual's needs and preferences. Any change, particularly a
8 change that will result in additional time required to achieve
9 a goal, shall be made with the guidance and assistance of the
10 department or community-based provider.

11 (4) SERVICES FOR CHILDREN IN FOSTER CARE.--The
12 department shall provide the following transition to
13 independence services to children in foster care who meet
14 prescribed conditions and are determined eligible by the
15 department. The service categories available to children in
16 foster care which facilitate successful transition into
17 adulthood are:

18 (a) Preindependent living services.--

19 1. Preindependent living services include, but are not
20 limited to, life skills training, educational field trips, and
21 conferences. The specific services to be provided to a child
22 shall be determined using a preindependent living assessment.

23 2. A child who has reached 13 years of age but is not
24 yet 15 years of age who is in foster care is eligible for such
25 services.

26 3. The department shall conduct an annual staffing for
27 each child who has reached 13 years of age but is not yet 15
28 years of age to ensure that the preindependent living training
29 and services to be provided as determined by the
30 preindependent living assessment are being received and to
31

1 evaluate the progress of the child in developing the needed
2 independent living skills.

3 4. At the first annual staffing that occurs following
4 a child's 14th birthday, and at each subsequent staffing, the
5 department or community-based provider shall ensure that the
6 child's case plan includes an educational and career path
7 based upon both the abilities and interests of each child and
8 shall provide to each child detailed personalized information
9 on services provided by the Road-to-Independence ~~Scholarship~~
10 Program, including requirements for eligibility; on other
11 grants, scholarships, and waivers that are available and
12 should be sought by the child with assistance from the
13 department, including, but not limited to, the Bright Futures
14 Scholarship Program, as provided in ss. 1009.53-1009.538; on
15 application deadlines; and on grade requirements for such
16 programs.

17 5. Information related to both the preindependent
18 living assessment and all staffings, which shall be reduced to
19 writing and signed by the child participant, shall be included
20 as a part of the written report required to be provided to the
21 court at each judicial review held pursuant to s. 39.701.

22 (b) Life skills services.--

23 1. Life skills services may include, but are not
24 limited to, independent living skills training, including
25 training to develop financial literacy ~~banking and budgeting~~
26 skills, interviewing skills, parenting skills, and time
27 management or organizational skills, educational support,
28 employment training, and counseling. Children receiving these
29 services should also be provided with information related to
30 social security insurance benefits and public assistance. The
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1 specific services to be provided to a child shall be
2 determined using an independent life skills assessment.

3 2. A child who has reached 15 years of age but is not
4 yet 18 years of age who is in foster care is eligible for such
5 services.

6 3. The department shall conduct a staffing at least
7 once every 6 months for each child who has reached 15 years of
8 age but is not yet 18 years of age to ensure that the
9 appropriate independent living training and services as
10 determined by the independent life skills assessment are being
11 received and to evaluate the progress of the child in
12 developing the needed independent living skills.

13 4. The department shall provide to each child in
14 foster care no later than ~~during~~ the calendar month following
15 the child's 17th birthday an independent living assessment to
16 determine the child's skills and abilities to live
17 independently and become self-sufficient. ~~Based on the results~~
18 ~~of the independent living assessment, services and training~~
19 ~~shall be provided in order for the child to develop the~~
20 ~~necessary skills and abilities prior to the child's 18th~~
21 ~~birthday.~~

22 5. The department or community-based care provider
23 shall work with the child in developing a joint transition
24 plan that is consistent with the needs assessment described in
25 subparagraph 4. The transition plan must identify the specific
26 services needed to support the child's own efforts to achieve
27 independence and must include specific tasks that the child
28 must complete or maintain in order to achieve independence.
29 The plan shall be incorporated into the child's case plan and
30 reviewed at the first judicial review after the child's 17th
31 birthday.

1 ~~6.5-~~ Information related to both the independent life
2 skills assessment and all staffings, which shall be reduced to
3 writing and signed by the child participant, shall be included
4 as a part of the written report required to be provided to the
5 court at each judicial review held pursuant to s. 39.701.

6 (c) Subsidized independent living services.--

7 1. Subsidized independent living services are living
8 arrangements that allow the child to live independently of the
9 daily care and supervision of an adult in a setting that is
10 not required to be licensed under s. 409.175.

11 2. A child who has reached 16 years of age but is not
12 yet 18 years of age is eligible for such services if he or
13 she:

14 a. Is adjudicated dependent under chapter 39; has been
15 placed in licensed out-of-home care for at least 6 months
16 prior to entering subsidized independent living; and has a
17 permanency goal of adoption, independent living, or long-term
18 licensed care; and

19 b. Is able to demonstrate independent living skills,
20 as determined by the department, using established procedures
21 and assessments.

22 3. Independent living arrangements established for a
23 child must be part of an overall plan leading to the total
24 independence of the child from the department's supervision.
25 The plan must include, but need not be limited to, a
26 description of the skills of the child and a plan for learning
27 additional identified skills; the behavior that the child has
28 exhibited which indicates an ability to be responsible and a
29 plan for developing additional responsibilities, as
30 appropriate; a plan for future educational, vocational, and
31 training skills; present financial and budgeting capabilities

1 and a plan for improving resources and ability; a description
2 of the proposed residence; documentation that the child
3 understands the specific consequences of his or her conduct in
4 the independent living program; documentation of proposed
5 services to be provided by the department and other agencies,
6 including the type of service and the nature and frequency of
7 contact; and a plan for maintaining or developing
8 relationships with the family, other adults, friends, and the
9 community, as appropriate.

10 4. Subsidy payments in an amount established by the
11 department may be made directly to a child under the direct
12 supervision of a caseworker or other responsible adult
13 approved by the department.

14 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER
15 CARE.--Based on the availability of funds, the department
16 shall provide or arrange for the following services to young
17 adults formerly in foster care who meet the prescribed
18 conditions and are determined eligible by the department. The
19 department, or a community-based care lead agency when the
20 agency is under contract with the department to provide the
21 services described under this subsection, shall develop a plan
22 to implement those services. A plan shall be developed for
23 each community-based care service area in the state. Each plan
24 that is developed by a community-based care lead agency shall
25 be submitted to the department. Each plan shall include the
26 number of young adults to be served each month of the fiscal
27 year and specify the number of young adults who will reach 18
28 years of age who will be eligible for the plan and the number
29 of young adults who will reach 23 years of age and will be
30 ineligible for the plan or who are otherwise ineligible during
31 each month of the fiscal year; staffing requirements and all

1 related costs to administer the services and program;
2 expenditures to or on behalf of the eligible recipients; costs
3 of services provided to young adults through an approved plan
4 for housing, transportation, and employment; reconciliation of
5 these expenses and any additional related costs with the funds
6 allocated for these services; and an explanation of and a plan
7 to resolve any shortages or surpluses in order to end the
8 fiscal year with a balanced budget. The categories of
9 services available to assist a young adult formerly in foster
10 care to achieve independence are:
11 (a) Aftercare support services.--
12 1. Aftercare support services are available to assist
13 young adults who were formerly in foster care in their efforts
14 to continue to develop the skills and abilities necessary for
15 independent living. The aftercare support services available
16 include, but are not limited to, the following:
17 a. Mentoring and tutoring.
18 b. Mental health services and substance abuse
19 counseling.
20 c. Life skills classes, including credit management
21 and preventive health activities.
22 d. Parenting classes.
23 e. Job and career skills training.
24 f. Counselor consultations.
25 g. Temporary financial assistance.
26 h. Financial literacy skills training.
27
28 The specific services to be provided under this subparagraph
29 shall be determined by an aftercare services assessment and
30 may be provided by the department or through referrals in the
31 community.

1 2. Temporary assistance provided to prevent
2 homelessness shall be provided as expeditiously as possible
3 and within the limitations defined by the department.

4 ~~3.2.~~ A young adult who has reached 18 years of age but
5 is not yet 23 years of age who leaves foster care at 18 years
6 of age but who requests services prior to reaching 23 years of
7 age is eligible for such services.

8 (b) Road-to-Independence ~~Scholarship~~ Program.--

9 1. The Road-to-Independence ~~Scholarship~~ Program is
10 intended to help eligible students who are former foster
11 children in this state to receive the educational and
12 vocational training needed to achieve independence. The amount
13 of the award shall be based on the living and educational
14 needs of the young adult and may be up to, but may not exceed,
15 the amount of earnings that the student would have been
16 eligible to earn working a 40-hour-a-week federal minimum wage
17 job.

18 2. A young adult who has reached 18 years of age but
19 is not yet 21 years of age is eligible for the initial award,
20 and a young adult under 23 years of age is eligible for
21 renewal awards, if he or she:

22 a. Was a dependent child, under chapter 39, and was
23 living in licensed foster care or in subsidized independent
24 living at the time of his or her 18th birthday or is currently
25 in licensed foster care or subsidized independent living, was
26 adopted from foster care after reaching 16 years of age, or,
27 after spending at least 6 months in the custody of the
28 department after reaching 16 years of age, was placed in a
29 guardianship by the court;

30 b. Spent at least 6 months living in foster care
31 before reaching his or her 18th birthday;

1 c. Is a resident of this state as defined in s.
2 1009.40; and

3 d. Meets one of the following qualifications:

4 (I) Has earned a standard high school diploma or its
5 equivalent as described in s. 1003.43 or s. 1003.435, or has
6 earned a special diploma or special certificate of completion
7 as described in s. 1003.438, and has been admitted for
8 full-time enrollment in an eligible postsecondary education
9 institution as defined in s. 1009.533;

10 (II) Is enrolled full time in an accredited high
11 school; or

12 (III) Is enrolled full time in an accredited adult
13 education program designed to provide the student with a high
14 school diploma or its equivalent.

15 3. A young adult applying for ~~the a~~
16 Road-to-Independence ~~Program Scholarship~~ must apply for any
17 other grants and scholarships for which he or she may qualify.
18 The department shall assist the young adult in the application
19 process and may use the federal financial aid grant process to
20 determine the funding needs of the young adult.

21 4. An award shall be available to a young adult who is
22 considered a full-time student or its equivalent by the
23 educational institution in which he or she is enrolled, unless
24 that young adult has a recognized disability preventing
25 full-time attendance. The amount of the award, whether it is
26 being used by a young adult working toward completion of a
27 high school diploma or its equivalent or working toward
28 completion of a postsecondary education program, shall be
29 determined based on an assessment of the funding needs of the
30 young adult. This assessment must consider the young adult's
31 living and educational costs and other grants, scholarships,

1 | waivers, earnings, and other income to be received by the
2 | young adult. An award shall be available only to the extent
3 | that other grants and scholarships are not sufficient to meet
4 | the living and educational needs of the young adult, but an
5 | award may not be less than \$25 in order to maintain Medicaid
6 | eligibility for the young adult as provided in s. 409.903.

7 | 5. The amount of the award may be disregarded for
8 | purposes of determining the eligibility for, or the amount of,
9 | any other federal or federally supported assistance.

10 | 6.5-a. The department must advertise the criteria,
11 | application procedures, and availability of the program to:

12 | (I) Children and young adults in, leaving, or formerly
13 | in foster care.

14 | (II) Case managers.

15 | (III) Guidance and family services counselors.

16 | (IV) Principals or other relevant school
17 | administrators.

18 | (V) Guardians ad litem.

19 | (VI) Foster parents. and must ensure that the children
20 | and young adults leaving foster care, foster parents, or
21 | family services counselors are informed of the availability of
22 | the program and the application procedures.

23 | ~~b. A young adult must apply for the initial award~~
24 | ~~during the 6 months immediately preceding his or her 18th~~
25 | ~~birthday, and the department shall provide assistance with the~~
26 | ~~application process. A young adult who fails to make an~~
27 | ~~initial application, but who otherwise meets the criteria for~~
28 | ~~an initial award, may make one application for the initial~~
29 | ~~award if the application is made before the young adult's 21st~~
30 | ~~birthday. If the young adult does not apply for an initial~~
31 | ~~award before his or her 18th birthday, the department shall~~

1 ~~inform that young adult of the opportunity to apply before~~
2 ~~turning 21 years of age.~~

3 ~~b.e.~~ If funding for the program is available, The
4 department shall issue awards from the ~~scholarship~~ program for
5 each young adult who meets all the requirements of the program
6 to the extent funding is available.

7 ~~c.d.~~ An award shall be issued at the time the eligible
8 student reaches 18 years of age.

9 ~~d.e.~~ A young adult who is eligible for the
10 Road-to-Independence Program, transitional support services,
11 or aftercare services and who so desires shall be allowed to
12 reside with the licensed foster family or group care provider
13 with whom he or she was residing at the time of attaining his
14 or her 18th birthday or to reside in another licensed foster
15 home or with a group care provider arranged by the department.

16 ~~e.f.~~ If the award recipient transfers from one
17 eligible institution to another and continues to meet
18 eligibility requirements, the award must be transferred with
19 the recipient.

20 ~~f.g.~~ ~~Scholarship~~ Funds awarded to any eligible young
21 adult under this program are in addition to any other services
22 or funds provided to the young adult by the department through
23 transitional support services or aftercare services ~~its~~
24 ~~independent living transition services.~~

25 ~~g.h.~~ The department shall provide information
26 concerning young adults receiving funding through the
27 Road-to-Independence ~~Program Scholarship~~ to the Department of
28 Education for inclusion in the student financial assistance
29 database, as provided in s. 1009.94.

30 ~~h.i.~~ ~~Scholarship~~ Funds are intended to help eligible
31 young adults ~~students~~ who are former foster children in this

1 state to receive the educational and vocational training
2 needed to become independent and self-supporting. The funds
3 shall be terminated when the young adult has attained one of
4 four postsecondary goals under subsection (3) or reaches 23
5 years of age, whichever occurs earlier. In order to initiate
6 postsecondary education, to allow for a change in career goal,
7 or to obtain additional skills in the same educational or
8 vocational area, a young adult may earn no more than two
9 diplomas, certificates, or credentials. A young adult
10 attaining an associate of arts or associate of science degree
11 shall be permitted to work toward completion of a bachelor of
12 arts or a bachelor of science degree or an equivalent
13 undergraduate degree. Road-to-Independence ~~Program Scholarship~~
14 funds may not be used for education or training after a young
15 adult has attained a bachelor of arts or a bachelor of science
16 degree or an equivalent undergraduate degree.

17 ~~i.j.~~ The department shall evaluate and renew each
18 award annually during the 90-day period before the young
19 adult's birthday. In order to be eligible for a renewal award
20 for the subsequent year, the young adult must:

21 (I) Complete the number of hours, or the equivalent
22 considered full time by the educational institution, unless
23 that young adult has a recognized disability preventing
24 full-time attendance, in the last academic year in which the
25 young adult earned an award ~~a scholarship~~, except for a young
26 adult who meets the requirements of s. 1009.41.

27 (II) Maintain appropriate progress as required by the
28 educational institution, except that, if the young adult's
29 progress is insufficient to renew the award ~~scholarship~~ at any
30 time during the eligibility period, the young adult may
31

1 restore eligibility by improving his or her progress to the
2 required level.

3 ~~j.k. Scholarship~~ Funds may be terminated during the
4 interim between an award and the evaluation for a renewal
5 award if the department determines that the award recipient is
6 no longer enrolled in an educational institution as defined in
7 sub-subparagraph 2.d., or is no longer a state resident. The
8 department shall notify a recipient ~~student~~ who is terminated
9 and inform the recipient ~~student~~ of his or her right to
10 appeal.

11 ~~k.l.~~ An award recipient who does not qualify for a
12 renewal award or who chooses not to renew the award may
13 subsequently apply for reinstatement. An application for
14 reinstatement must be made before the young adult reaches 23
15 years of age, and a student may not apply for reinstatement
16 more than once. In order to be eligible for reinstatement, the
17 young adult must meet the eligibility criteria and the
18 criteria for award renewal for the ~~scholarship~~ program.

19 (c) Transitional support services.--

20 1. In addition to any services provided through
21 aftercare support or the Road-to-Independence Program
22 ~~Scholarship~~, a young adult formerly in foster care may receive
23 other appropriate short-term funding and services, which may
24 include financial, housing, counseling, employment, education,
25 mental health, disability, and other services, if the young
26 adult demonstrates that the services are critical to the young
27 adult's own efforts to achieve self-sufficiency and to develop
28 a personal support system.

29 2. A young adult formerly in foster care is eligible
30 to apply for transitional support services if he or she has
31 reached 18 years of age but is not yet 23 years of age, was a

1 dependent child pursuant to chapter 39, was living in licensed
2 foster care or in subsidized independent living at the time of
3 his or her 18th birthday, and had spent at least 6 months
4 living in foster care before that date.

5 3. If at any time the services are no longer critical
6 to the young adult's own efforts to achieve self-sufficiency
7 and to develop a personal support system, they shall be
8 terminated.

9 (d) Payment of aftercare, Road-to-Independence Program
10 ~~scholarship~~, or transitional support funds.--

11 1. Payment of aftercare, Road-to-Independence Program
12 ~~scholarship~~, or transitional support funds shall be made
13 directly to the recipient unless the recipient requests in
14 writing to the community-based care lead agency, or the
15 department, that the payments or a portion of the payments be
16 made directly on the recipient's behalf in order to secure
17 services such as housing, counseling, education, or employment
18 training as part of the young adult's own efforts to achieve
19 self-sufficiency.

20 2. After the completion of aftercare support services
21 that satisfy the requirements of sub-subparagraph (a)1.h.,
22 payment of awards under the Road-to-Independence Program shall
23 be made by direct deposit to the recipient, unless the
24 recipient requests in writing to the community-based care lead
25 agency or the department that:

26 a. The payments be made directly to the recipient by
27 check or warrant;

28 b. The payments or a portion of the payments be made
29 directly on the recipient's behalf to institutions the
30 recipient is attending to maintain eligibility under this
31 section; or

1 c. The payments be made on a two-party check to a
2 business or landlord for a legitimate expense, whether
3 reimbursed or not. A legitimate expense for the purposes of
4 this sub-subparagraph shall include automobile repair or
5 maintenance expenses; educational, job, or training expenses;
6 and costs incurred, except legal costs, fines, or penalties,
7 when applying for or executing a rental agreement for the
8 purposes of securing a home or residence.

9 3. The community-based care lead agency may purchase
10 housing, transportation, or employment services to ensure the
11 availability and affordability of specific transitional
12 services thereby allowing an eligible young adult to utilize
13 these services in lieu of receiving a direct payment. Prior to
14 purchasing such services, the community-based care lead agency
15 must have a plan approved by the department describing the
16 services to be purchased, the rationale for purchasing the
17 services, and a specific range of expenses for each service
18 that is less than the cost of purchasing the service by an
19 individual young adult. The plan must include a description of
20 the transition of a young adult using these services into
21 independence and a timeframe for achievement of independence.
22 An eligible young adult who prefers a direct payment shall
23 receive such payment. The plan must be reviewed annually and
24 evaluated for cost-efficiency and for effectiveness in
25 assisting young adults in achieving independence, preventing
26 homelessness among young adults, and enabling young adults to
27 earn a living wage in a permanent employment situation.

28 4. The young adult who resides with a foster family
29 may not be included as a child in calculating any licensing
30 restriction on the number of children in the foster home.

31 (e) Appeals process.--

1 1. The Department of Children and Family Services
2 shall adopt by rule a procedure by which a young adult may
3 appeal an eligibility determination or the department's
4 failure to provide aftercare, Road-to-Independence Program
5 ~~scholarship~~, or transitional support services, or the
6 termination of such services, if such funds are available.

7 2. The procedure developed by the department must be
8 readily available to young adults, must provide timely
9 decisions, and must provide for an appeal to the Secretary of
10 Children and Family Services. The decision of the secretary
11 constitutes final agency action and is reviewable by the court
12 as provided in s. 120.68.

13 (6) ACCOUNTABILITY.--The department shall develop
14 outcome measures for the program and other performance
15 measures in order to maintain oversight of the program. The
16 department shall report on the outcome measures and the
17 department's oversight activities in a report to the
18 Legislature. The report must be prepared and submitted to the
19 committees of jurisdiction for issues relating to children and
20 families in the Senate and House of Representatives no later
21 than January 31 of each year. The report must include:

22 (a) An analysis of performance on outcome measures
23 developed under this section and reported for each
24 community-based care lead agency and compared with the
25 performance of the department on the same measures;

26 (b) A description of the department's oversight of the
27 program including, by lead agency, any programmatic or fiscal
28 deficiencies found, corrective actions required, and current
29 status of compliance; and

30 (c) Any rules adopted or proposed under the authority
31 of this section since the last report. For the purposes of the

1 first report, any rules adopted or proposed under the
2 authority of this section must be included.

3 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The
4 Secretary of Children and Family Services shall establish the
5 Independent Living Services Advisory Council for the purpose
6 of reviewing and making recommendations concerning the
7 implementation and operation of the independent living
8 transition services. This advisory council shall continue to
9 function as specified in this subsection until the Legislature
10 determines that the advisory council can no longer provide a
11 valuable contribution to the department's efforts to achieve
12 the goals of the independent living transition services.

13 (a) Specifically, the advisory council shall assess
14 the implementation and operation of the system of independent
15 living transition services and advise the department on
16 actions that would improve the ability of the independent
17 living transition services to meet the established goals. The
18 advisory council shall keep the department informed of
19 problems being experienced with the services, barriers to the
20 effective and efficient integration of services and support
21 across systems, and successes that the system of independent
22 living transition services has achieved. The department shall
23 consider, but is not required to implement, the
24 recommendations of the advisory council.

25 (b) The advisory council shall report to the
26 appropriate substantive committees of the Senate and the House
27 of Representatives on the status of the implementation of the
28 system of independent living transition services; efforts to
29 publicize the availability of aftercare support services, the
30 Road-to-Independence ~~Scholarship~~ Program, and transitional
31 support services; ~~specific barriers to financial aid created~~

1 ~~by the scholarship and possible solutions;~~ the success of the
2 services; problems identified; recommendations for department
3 or legislative action; and the department's implementation of
4 the recommendations contained in the Independent Living
5 Services Integration Workgroup Report submitted to the Senate
6 and the House substantive committees December 31, 2002. This
7 advisory council report shall be submitted by December 31 of
8 each year that the council is in existence and shall be
9 accompanied by a report from the department which identifies
10 the recommendations of the advisory council and either
11 describes the department's actions to implement these
12 recommendations or provides the department's rationale for not
13 implementing the recommendations.

14 (c) Members of the advisory council shall be appointed
15 by the secretary of the department. The membership of the
16 advisory council must include, at a minimum, representatives
17 from the headquarters and district offices of the Department
18 of Children and Family Services, community-based care lead
19 agencies, the Agency for Workforce Innovation, the Department
20 of Education, the Agency for Health Care Administration, the
21 State Youth Advisory Board, Workforce Florida, Inc., the
22 Statewide Guardian Ad Litem Office, foster parents, recipients
23 of Road-to-Independence Program funding, and advocates for
24 foster children. The secretary shall determine the length of
25 the term to be served by each member appointed to the advisory
26 council, which may not exceed 4 years.

27 (d) The Department of Children and Family Services
28 shall provide administrative support to the Independent Living
29 Services Advisory Council to accomplish its assigned tasks.
30 The advisory council shall be afforded access to all
31 appropriate data from the department, each community-based

1 care lead agency, and other relevant agencies in order to
2 accomplish the tasks set forth in this section. The data
3 collected may not include any information that would identify
4 a specific child or young adult.

5 (8) PERSONAL PROPERTY.--Property acquired on behalf of
6 clients of this program shall become the personal property of
7 the clients and is not subject to the requirements of chapter
8 273 relating to state-owned tangible personal property. Such
9 property continues to be subject to applicable federal laws.

10 (9) MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN
11 FOSTER CARE.--The department shall enroll in the Florida
12 KidCare program, outside the open enrollment period, each
13 young adult who is eligible as described in paragraph (2)(b)
14 and who has not yet reached his or her 19th birthday.

15 (a) A young adult who was formerly in foster care at
16 the time of his or her 18th birthday and who is 18 years of
17 age but not yet 19, shall pay the premium for the Florida
18 KidCare program as required in s. 409.814.

19 (b) A young adult who has health insurance coverage
20 from a third party through his or her employer or who is
21 eligible for Medicaid is not eligible for enrollment under
22 this subsection.

23 (10) RULEMAKING.--The department shall adopt by rule
24 procedures to administer this section, including balancing the
25 goals of normalcy and safety for the youth and providing the
26 caregivers with as much flexibility as possible to enable the
27 youth to participate in normal life experiences. The
28 department shall not adopt rules relating to reductions in
29 ~~scholarship~~ awards. The department shall engage in appropriate
30 planning to prevent, to the extent possible, a reduction in
31 ~~scholarship~~ awards after issuance.

1 Section 2. Subsection (2) of section 39.013, Florida
2 Statutes, is amended to read:

3 39.013 Procedures and jurisdiction; right to
4 counsel.--

5 (2) The circuit court shall have exclusive original
6 jurisdiction of all proceedings under this chapter, of a child
7 voluntarily placed with a licensed child-caring agency, a
8 licensed child-placing agency, or the department, and of the
9 adoption of children whose parental rights have been
10 terminated under this chapter. Jurisdiction attaches when the
11 initial shelter petition, dependency petition, or termination
12 of parental rights petition is filed or when a child is taken
13 into the custody of the department. The circuit court may
14 assume jurisdiction over any such proceeding regardless of
15 whether the child was in the physical custody of both parents,
16 was in the sole legal or physical custody of only one parent,
17 caregiver, or some other person, or was in the physical or
18 legal custody of no person when the event or condition
19 occurred that brought the child to the attention of the court.
20 When the court obtains jurisdiction of any child who has been
21 found to be dependent, the court shall retain jurisdiction,
22 unless relinquished by its order, until the child reaches 18
23 years of age. However, if a youth petitions the court at any
24 time before his or her 19th birthday requesting the court's
25 continued jurisdiction, the juvenile court may retain
26 jurisdiction under this chapter for a period not to exceed 1
27 year following the youth's 18th birthday for the purpose of
28 determining whether appropriate aftercare support,
29 Road-to-Independence Program Scholarship, transitional
30 support, mental health, and developmental disability services,
31 to the extent otherwise authorized by law, have been provided

1 to the formerly dependent child who was in the legal custody
2 of the department immediately before his or her 18th birthday.
3 If a petition for special immigrant juvenile status and an
4 application for adjustment of status have been filed on behalf
5 of a foster child and the petition and application have not
6 been granted by the time the child reaches 18 years of age,
7 the court may retain jurisdiction over the dependency case
8 solely for the purpose of allowing the continued consideration
9 of the petition and application by federal authorities. Review
10 hearings for the child shall be set solely for the purpose of
11 determining the status of the petition and application. The
12 court's jurisdiction terminates upon the final decision of the
13 federal authorities. Retention of jurisdiction in this
14 instance does not affect the services available to a young
15 adult under s. 409.1451. The court may not retain jurisdiction
16 of the case after the immigrant child's 22nd birthday.

17 Section 3. Paragraph (a) of subsection (6) of section
18 39.701, Florida Statutes, is amended to read:

19 39.701 Judicial review.--

20 (6)(a) In addition to paragraphs (1)(a) and (2)(a),
21 the court shall hold a judicial review hearing within 90 days
22 after a youth's 17th birthday. The court shall also issue an
23 order, separate from the order on judicial review, that the
24 disabilities of nonage of the youth have been removed pursuant
25 to s. 743.045. The court ~~and~~ shall continue to hold timely
26 judicial review hearings thereafter. In addition, the court
27 may review the status of the child more frequently during the
28 year prior to the youth's 18th birthday if necessary. At each
29 review held under this subsection, in addition to any
30 information or report provided to the court, the foster
31 parent, legal custodian, guardian ad litem, and the child

1 shall be given the opportunity to address the court with any
2 information relevant to the child's best interests,
3 particularly as it relates to independent living transition
4 services. In addition to any information or report provided to
5 the court, the department shall include in its judicial review
6 social study report written verification that the child:

7 1. Has been provided with a current Medicaid card and
8 has been provided all necessary information concerning the
9 Medicaid program sufficient to prepare the youth to apply for
10 coverage upon reaching age 18, if such application would be
11 appropriate.

12 2. Has been provided with a certified copy of his or
13 her birth certificate and, if the child does not have a valid
14 driver's license, a Florida identification card issued under
15 s. 322.051.

16 3. Has been provided information relating to Social
17 Security Insurance benefits if the child is eligible for these
18 benefits. If the child has received these benefits and they
19 are being held in trust for the child, a full accounting of
20 those funds must be provided and the child must be informed
21 about how to access those funds.

22 4. Has been provided with information and training
23 related to budgeting skills, interviewing skills, and
24 parenting skills.

25 5. Has been provided with all relevant information
26 related to the Road-to-Independence Program Scholarship,
27 including, but not limited to, eligibility requirements, forms
28 necessary to apply, and assistance in completing the forms.
29 The child shall also be informed that, if he or she is
30 eligible for the Road-to-Independence ~~Scholarship~~ Program, he
31 or she may reside with the licensed foster family or group

1 care provider with whom the child was residing at the time of
2 attaining his or her 18th birthday or may reside in another
3 licensed foster home or with a group care provider arranged by
4 the department.

5 6. Has an open bank account, or has identification
6 necessary to open an account, and has been provided with
7 essential banking skills.

8 7. Has been provided with information on public
9 assistance and how to apply.

10 8. Has been provided a clear understanding of where he
11 or she will be living on his or her 18th birthday, how living
12 expenses will be paid, and what educational program or school
13 he or she will be enrolled in.

14 9. Has been provided with notice of the youth's right
15 to petition for the court's continuing jurisdiction for 1 year
16 after the youth's 18th birthday as specified in s. 39.013(2)
17 and with information on how to obtain access to the court.

18 10. Has been encouraged to attend all judicial review
19 hearings occurring after his or her 17th birthday.

20 Section 4. Paragraph (c) of subsection (2) of section
21 1009.25, Florida Statutes, is amended to read:

22 1009.25 Fee exemptions.--

23 (2) The following students are exempt from the payment
24 of tuition and fees, including lab fees, at a school district
25 that provides postsecondary career programs, community
26 college, or state university:

27 (c) A student who the state has determined is eligible
28 for the Road-to-Independence Program Scholarship, regardless
29 of whether an award is issued or not, or a student who is or
30 was at the time he or she reached 18 years of age in the
31 custody of a relative under s. 39.5085, or who is adopted from

1 | the Department of Children and Family Services after May 5,
2 | 1997. Such exemption includes fees associated with enrollment
3 | in career-preparatory instruction and completion of the
4 | college-level communication and computation skills testing
5 | program. Such an exemption is available to any student who was
6 | in the custody of a relative under s. 39.5085 at the time he
7 | or she reached 18 years of age or was adopted from the
8 | Department of Children and Family Services after May 5, 1997;
9 | however, the exemption remains valid for no more than 4 years
10 | after the date of graduation from high school.

11 | Section 5. Section 743.045, Florida Statutes, is
12 | created to read:

13 | 743.045 Removal of disabilities of minors; executing
14 | contracts for a residential lease.--For the sole purpose of
15 | ensuring that youth in foster care will be able to execute a
16 | contract for the lease of residential property in order that
17 | the youth may move into the leased residential property on the
18 | day of the youth's 18th birthday, the disability of nonage of
19 | minors is removed for all youth who have reached the age of 17
20 | years, who have been adjudicated dependent, and who are in the
21 | legal custody of the Department of Children and Family
22 | Services through foster care or subsidized independent living.
23 | These youth are authorized to make and execute contracts,
24 | releases, and all other instruments necessary for the purpose
25 | of entering into a contract for the lease of residential
26 | property upon the youth's 18th birthday. The contracts or
27 | other instruments made by the youth shall have the same effect
28 | as though they were the obligations of persons who were not
29 | minors. Youth seeking to enter into such lease contracts or
30 | execute other necessary instruments that are incidental to
31 | entering into a lease must present an order from a court of

1 competent jurisdiction removing the disabilities of nonage of
2 the minor under this section.

3 Section 6. Subsection (4) of section 409.903, Florida
4 Statutes, is amended to read:

5 409.903 Mandatory payments for eligible persons.--The
6 agency shall make payments for medical assistance and related
7 services on behalf of the following persons who the
8 department, or the Social Security Administration by contract
9 with the Department of Children and Family Services,
10 determines to be eligible, subject to the income, assets, and
11 categorical eligibility tests set forth in federal and state
12 law. Payment on behalf of these Medicaid eligible persons is
13 subject to the availability of moneys and any limitations
14 established by the General Appropriations Act or chapter 216.

15 (4) A child who is eligible under Title IV-E of the
16 Social Security Act for subsidized board payments, foster
17 care, or adoption subsidies, and a child for whom the state
18 has assumed temporary or permanent responsibility and who does
19 not qualify for Title IV-E assistance but is in foster care,
20 shelter or emergency shelter care, or subsidized adoption.

21 This category includes any young adult who is eligible to
22 receive services under s. 409.1451(5), until the young adult
23 reaches the age of 20, without regard to any income, resource,
24 or categorical eligibility test that is otherwise required.

25 This category also includes a person who, as a child who was
26 eligible under Title IV-E of the Social Security Act for
27 foster care or the state-provided foster care, ~~who exited~~
28 ~~foster care due to attaining the age of 18 years,~~ and who is a
29 participant in the ~~has been awarded a~~ Road-to-Independence
30 Program Scholarship.

31

1 Section 7. The sum of \$2,802,522 of recurring funds is
2 appropriated from the General Revenue Fund and the sum of
3 \$3,994,766 of recurring funds is appropriated from the Medical
4 Care Trust Fund to the Agency for Health Care Administration
5 for the purpose of expanding medical assistance payments to
6 young adults, until the young adult reaches the age of 20,
7 during the 2006-2007 fiscal year.

8 Section 8. This act shall take effect July 1, 2006.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS for CS for SB 1798

13 Removes the provision lowering the Road to Independence
14 Program reinstatement age limit from 23 to 21.

15 Removes the provision expanding the KidCare eligibility
16 criteria for young adults formerly in foster care from 19
17 years of age to 20 years of age.

18 Expands the Medicaid eligibility criteria to include 18 and 19
19 year old young adults aging out of foster care, and clarifies
20 that young adults who were adopted from foster care after age
21 16 and those who spent at least six months in foster care and
22 were placed in guardianships by the court after reaching 16
23 years of age are eligible for Medicaid.

24 Appropriates \$2,802,522 from the General Revenue Fund and
25 \$3,994,766 from the Medical Care Trust Fund to Agency for
26 Health Care Administration to expand the Medicaid eligibility
27 criteria to include 18 and 19 years old young adults aging out
28 of foster care.
29
30
31