

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 children in out-of-home care; authorizing the
7 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., relating to the Road-to-
 27 | Independence Program, to incorporate the amendment
 28 | made to s. 39.6035, F.S., in a reference thereto;
 29 | reenacting ss. 322.05(3), relating to issuance of
 30 | driver licenses to certain minors, and 322.56(8)(a),
 31 | F.S., relating to the administration of testing
 32 | programs for learner's driver licenses, to incorporate
 33 | the amendment made to s. 322.09, F.S., in references
 34 | thereto; providing an effective date.

35 |

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

37 |

38 | Section 1. Section 409.1454, Florida Statutes, is amended,
 39 | to read:

40 | 409.1454 MOTOR VEHICLE INSURANCE AND DRIVER LICENSES FOR
 41 | CHILDREN IN CARE.—

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

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

57 (3) If a caregiver, or an individual or not-for-profit
58 entity approved by the caregiver, adds a child to his or her
59 existing insurance policy, the amount paid to the caregiver or
60 approved purchaser may not exceed the increase in cost
61 attributable to the addition of the child to the policy.

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

74 (5) The department shall contract with a not-for-profit
75 entity whose mission is to support youth aging out of foster

76 care to develop procedures for operating and administering the
77 ~~pilot~~ program, including, but not limited to:

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

80 (b) Developing application and payment forms.

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

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

87 (e) Publicizing the program, engaging in outreach, and
88 providing incentives to youth participating in the program to
89 encourage the greatest number of eligible children to obtain
90 driver licenses.

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

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

100 39.6035 Transition plan.—

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

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

118 (b) Coordinate the transition plan with the independent
119 living provisions in the case plan and, for a child with
120 disabilities, the Individuals with Disabilities Education Act
121 transition plan.

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

125 39.701 Judicial review.—

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

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

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

147 2. If the parent has been advised of the right to have
148 counsel present at the judicial review or citizen review
149 hearings. If not so advised, the court or citizen review panel
150 shall advise the parent of such right.

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

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

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

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

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

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

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

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

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

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

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

200 12. For a child who has reached 13 years of age but is not

201 yet 18 years of age, the adequacy of the child's preparation for
202 adulthood and independent living. For a child who is 15 years of
203 age or older, the court shall determine if appropriate steps are
204 being taken for the child to obtain a driver license or
205 learner's driver license.

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

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

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

226 department shall include in the social study report for judicial
227 review written verification that the child has:

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

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

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

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

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

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

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

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

263 9. A letter providing the dates that the child is under
264 the jurisdiction of the court.

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

267 11. The child's educational records.

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

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

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

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

275 Section 4. Subsection (4) of section 322.09, Florida

276 Statutes, is amended to read:

277 322.09 Application of minors; responsibility for
278 negligence or misconduct of minor.—

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

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

299 409.1451 The Road-to-Independence Program.—

300 (5) PORTABILITY.—The services provided under this section

301 are portable across county lines and between lead agencies.

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

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

311 322.05 Persons not to be licensed.—The department may not
 312 issue a license:

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

323 Section 7. For the purpose of incorporating the amendment
 324 made by this act to section 322.09, Florida Statutes, in a
 325 reference thereto, paragraph (a) of subsection (8) of section

326 | 322.56, Florida Statutes, is reenacted to read:

327 | 322.56 Contracts for administration of driver license
328 | examination.—

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

335 | (a) The online testing program shall:

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

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

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

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

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