

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 60

INTRODUCER: Children, Families, and Elder Affairs Committee and Senators Bean and Rodriguez

SUBJECT: Children Obtaining Driver Licenses

DATE: March 15, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Fav/CS
2.	<u>Sneed</u>	<u>Williams</u>	<u>AHS</u>	Recommend: Favorable
3.	<u>Sneed</u>	<u>Hansen</u>	<u>AP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 60 expands the program that provides motor vehicle insurance and driver licenses to children in out-of-home care who are in relative and non-relative placements. It also provides assistance to children who have reached permanency or turned 18 under certain circumstances. The program is authorized to pay for a child in out-of-home care to complete a driver education program and obtain a driver license or the related costs of licensure under certain circumstances. The bill continues the program beyond the 3-year pilot period.

The bill requires the child's transition plan and the court to address the issue of a child in care being able to obtain a driver license.

The bill also provides that a guardian ad litem authorized by a minor's caregiver may sign for the minor's learner's driver license and not assume any obligation or liability for damages caused by the minor.

The current program is funded with an annual appropriation of \$800,000 and should require no additional resources for the proposed expansion.

The bill takes effect upon becoming a law.

II. Present Situation:

Background

Children in the foster care system often face barriers to participating in everyday life experiences common to other young people their age. These life experiences are a part of how all children are prepared for the responsibilities they will assume as adults. The Florida State Youth Advisory Board has long identified barriers to driving an automobile that are experienced by the children in Florida's foster care system as a concern. The Department of Children and Families (department) concurs that foster care children who are not able to learn or gain experience driving miss an important part of learning how to be independent, including being able to work. Florida law supports the efforts of teens in foster care to engage in age-appropriate activities.¹

At the end of January 2014, before the beginning of the pilot program, the department reported that there were 385 15-year-olds, 458 16-year-olds, and 517 17-year-olds in foster care. The department has contracted with Cby25, a private not-for-profit corporation, to survey youth in foster care every six months and to publish findings.²

According to the spring 2013 report:

- 5 percent of 15-year-old respondents (11 children of 243 surveyed) had learner's permits;
- 8 percent of 16-year-olds (25 children of 300 surveyed) had learner's permits; and
- 13 percent of 17-year-olds (52 children of 387 surveyed) had learner's permits.

Children surveyed reported the following regarding driver licenses:

- 1 percent of 16-year-olds (4 children of 300 surveyed) had driver licenses; and
- 4 percent of 17-year-olds (16 children of 387 surveyed) had driver licenses.³

The pilot program was limited to children in licensed out-of-home care, which would include foster homes and other residential group homes or facilities.

Special Driver License and Insurance Provisions for Foster Children and Foster Parents

Among the primary obstacles to these children being able to drive are the potential liability of the foster parents when the children drive vehicles owned by the foster parent and the attendant cost of insurance to protect foster parents from this liability.

Section 322.09(2), F.S., provides that any negligence or willful misconduct of the child operating a motor vehicle will be imputed to the adult who signed the application. That adult is jointly and severally liable with the child for any damages caused by the negligent or willful misconduct.

In 2001, s. 322.09, F.S., was amended to provide that foster parents or authorized representatives of a residential group home who sign for a foster child's license do not become liable for any

¹ See s. 409.145(3), F.S.

² My Services, Answers from Youth in Foster Care, available at <http://www.dcf.state.fl.us/programs/indliving/docs/MyServicesSpring2013SurveyReport.pdf>. (last visited Jan. 17, 2017).

³ *Id.*

damages or misconduct of the child.⁴ While this provision relieves the foster parent of liability resulting directly from the signature on the driver license application, it does not address any vicarious liability that the foster parent may have because of the foster parent's ownership of the vehicle that the child drives.⁵ This liability arises whenever an insured individual allows another to operate his or her motor vehicle and is independent of the provisions of s. 322.09, F.S. Thus, the foster parent who owns the motor vehicle continues to be subject to vicarious liability for the actions of the child while operating the foster parent's vehicle, in the same way the foster parent would be vicariously liable for the actions of any other person operating that vehicle. This vicarious liability is one of the risks for which insurance coverage is purchased.

Also in 2001, s. 627.746, F.S., was created to prohibit a motor vehicle insurance company from charging an additional premium on a motor vehicle owned by a foster parent for coverage of a child operating the vehicle while the child is holding a learner's permit.⁶ This prohibition is only applicable until the child obtains a regular driver license.

Results from the Pilot

Community Based Care of Central Florida (CBCCF) was selected through a competitive bid process to manage the development and implementation of this statewide pilot, overseen by the department. CBCCF began accepting applications for enrollment on October 15, 2014.

CBCCF publicizes the availability of the program through many outlets, including through a dedicated website, social media, targeted emails, and at trainings and outreach events held throughout the state. Program staff have conducted in-person trainings in 100% of Florida's community-based care lead agency (CBC) regions, offering multiple presentations to groups of case managers, Guardians ad Litem, foster parents, residential providers, CBC staff and other stakeholders. As of December 31, 2016, a total of 1,276 youth in licensed foster care were enrolled in the program, well above the target the department originally set for the program. Chart 1 below summarizes the results of the pilot by year.⁷

Chart 1. Number of clients receiving specified services

	Actual FY 2014-15 (Pilot Year 1)	Actual FY 2015-16 (Pilot Year 2)	Projected FY 2016-17 (Pilot Year 3)
4-Hour Course Achieved	45	126	149
Learner's License	74	127	154
Driver's Education	32	82	120
Driver License	30	65	104
Insurance⁸	17	36	42

⁴ Chapter 2001-83, Laws of Florida.

⁵ See Hertz Corp. vs. Jackson, 617 So.2d 105 (Fla. 1993).

⁶ Chapter 2001-83, Laws of Florida.

⁷ Community Based Care Keys to Independence Program, Mid-Year Snapshot, December 2016.

⁸ Insurance is reflective of those insurance policies for which the Keys to Independence program has provided reimbursement. Youth over the age of 18 are not required to have auto insurance in the State of Florida unless they own a vehicle.

The department was appropriated \$800,000 each year to implement the pilot program. Chart 2 shows the amounts expended each year during the pilot program.

Chart 2. Actual and projected expenditures of the pilot program

	Actual Expenditures FY 2014-15	Actual Expenditures FY 2015-16	Projected Expenditures FY 2016-17
Fixed Expenses	\$161,060	\$225,923	\$384,889
Cost-Reimbursed Expenses	30,923	104,262	138,568
Total Expenses	\$191,983	\$330,185	\$523,457

CBCCF maintains the enrollment report for youth ages 15 to 17. According to CBCCF, an additional 344 youth ages 18 to 21 have been enrolled in the program through November 30, 2016. Chart 3 compares the number of youth enrolled in the program to the total number that are currently eligible.⁹

Chart 3. Eligible Youth Enrolled in Program as of November 30, 2016.

Circuit	Counties	Lead Agency	# of Enrolled Youth	Total Eligible	Percent Enrolled
1	Escambia, Okaloosa, Santa Rosa, Walton	Families First Network	24	96	25.0%
2, 14	Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla, Bay, Calhoun, Gulf, Holmes, Jackson, Washington	Big Bend CBC	23	53	43.4%
3, 8	Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor, Alachua, Baker, Bradford, Gilchrist, Levy, Union	Partnership for Strong Families	16	34	47.1%
4	Clay	Kids First of Florida	10	14	71.4%
4	Duval, Nassau	Family Support Services of North Florida	47	52	90.4%
7	St, Johns	St. Johns County Board of Commissioners	8	9	88.9%
7	Flagler, Putnam, Volusia	Community Partnership of Children	58	61	95.1%

⁹ Community Based Care Keys to Independence Program, Mid-Year Snapshot, December 2016.

Circuit	Counties	Lead Agency	# of Enrolled Youth	Total Eligible	Percent Enrolled
5	Citrus, Hernando, Lake, Marion, Sumter	Kids Central	76	82	92.7%
9	Orange, Osceola	CBC of Central Florida	71	92	77.2%
10	Hardee, Highlands, Polk	Heartland for Children	44	54	81.5%
18	Seminole	CBC of Central Florida	26	27	96.3%
18	Brevard	Brevard Family Partnership	16	41	39.0%
6	Pasco, Pinellas	Eckerd Community Alternatives	104	125	83.2%
12	DeSoto, Manatee, Sarasota	Sarasota Family YMCA	22	62	35.5%
13	Hillsborough	Eckerd Community Alternatives	95	132	72.0%
20	Charlotte, Collier, Glades, Hendry, Lee	Children's Network of Southwest Florida	38	97	39.2%
15	Palm Beach	ChildNet	32	104	30.8%
17	Broward	ChildNet	62	168	36.9%
19	Indian River, Martin, Okeechobee, St. Lucie	Devereux Families	29	34	85.3%
11, 16	Miami-Dade, Monroe	Our Kids of Miami-Dade/Monroe	40	174	23.0%
All	Youth ages 18 to 21 not included above. ¹⁰		344		
		Statewide Total	1,185	1511	55.6%

III. Effect of Proposed Changes:

Section 1 amends s. 409.1454, F.S., to remove the pilot status of the program and expand eligibility to include children placed in non-licensed out-of-home care settings. Additionally, it allows children to continue to receive benefits for up to six months after having achieved permanency or turning 18 years of age.

The only condition to this expansion impacts those young adults in Extended Foster Care. Although the enhancement would allow for young adults to live in non-licensed settings,

¹⁰ An additional 344 youth ages 18 to 21 in licensed out-of-home care settings have been enrolled in the program through November 30, 2016. The data for this age group is not currently available by county or lead agency.

eligibility is contingent upon their demonstration that the costs of obtaining licensure are a barrier to obtaining employment or completing their educational goals.

Due to the expanded eligibility, enrollment is projected to reach 1,848 by June 2018. Chart 4 shows projected program expenditures for the next two fiscal years based on expanded eligibility and extension of benefits for up to 6 months for participating youth that are aging out of care.¹¹

Chart 4. Projected program expenditures

	Projected FY 2017-18 Expenditures	Projected FY 2018-19 Expenditures
Fixed Expenses	\$467,569	\$482,070
Cost-Reimbursed Expenses	235,578	275,795
Total Expenses	\$703,147	\$757,865

Section 2 amends s. 39.6035, F.S., to require services relating to obtaining a driver license to be specifically addressed in the child’s transition plan.

Section 3 amends s. 39.701, F.S., to require a determination of steps for a child who is 15 years of age or older to have obtained a driver license or learner’s permit during judicial reviews. Review hearings for 17-year-olds will require written verification that information is provided to the child explaining how to obtain a license.

Section 4 amends s. 322.09, F.S., to allow a guardian ad litem authorized by a minor’s caregiver to sign for the minor’s learner’s driver license and not assume any obligation or liability for damages caused by the minor.

Section 5 reenacts s. 409.1451(5)(a), F.S., to incorporate the amendment made by the bill to s. 39.6035, F.S.

Section 6 reenacts s. 322.05(3), F.S., to incorporate the amendment made by the bill to s. 322.09, F.S.

Section 7 reenacts s. 322.56(8)(a), F.S., to incorporate the amendment made by the bill to s. 322.09, F.S.

Section 8 provides for an effective date of upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹¹ See the email from CBCCF to committee staff dated February 4, 2017. (On file in the Senate Appropriations Subcommittee on Health and Human Services.)

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department reported that, according to the Florida Safe Families Network (FSFN),¹² as of November 2016, there were approximately 3,000 youth residing in out-of-home care who were in the eligible age range. Almost 900 of those youth were in non-licensed placements such as relative and non-relative placements¹³. CS/SB 60 expands participation in the program to foster youth in non-licensed placements and extends for six months the length of time a youth is eligible to receive benefits. The department anticipates that the increased costs can be funded within existing resources.¹⁴

CBCCF, the manager of the contract with the department for the program, provided the following expenditure information.¹⁵ The current program is funded with an annual appropriation of \$800,000 from the General Revenue Fund and should require no additional resources for the proposed expansion.

	Actual Expenditures FY 2014-15	Actual Expenditures FY 2015-16	Projected Expenditures FY 2016-17	Projected Expenditures FY 2017-18	Projected Expenditures FY 2018-19
Fixed Expenses	\$161,060	\$225,923	\$384,889	\$467,569	\$482,070
Cost-Reimbursed Expenses	30,923	104,262	138,568	235,578	275,795
Total Expenses	\$191,983	\$330,185	\$523,457	\$703,147	\$757,865

¹² The FSFN system is the automated child welfare information system administered by the Department of Children and Families.

¹³ Department of Children and Families, 2017 Agency Legislative Bill Analysis, SB 60, November 28, 2016.

¹⁴ *Id.*

¹⁵ Community Based Care Keys to Independence Program, Mid-Year Snapshot, December 2016.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 409.1454, 39.6035, 39.701, and 322.09.

This bill reenacts the following sections of the Florida Statutes: 322.05, 322.56, and 409.1451.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 23, 2017:

The amendment was technical to leave the program in chapter 409, Florida Statutes.

B. Amendments:

None.