

House Bill No. 161

An act relating to the care of children; amending s. 39.5085, F.S., relating to the Relative Caregiver Program; revising eligibility guidelines; amending s. 239.117, F.S., relating to workforce development postsecondary student fees; exempting from the payment of specified fees otherwise eligible students for whom the state is paying a relative caregiver payment; revising eligibility requirements for such students and for certain other students who are eligible to receive this exemption; amending s. 240.35, F.S.; exempting certain children in the custody of a relative at the time of reaching age 18 from payment of all undergraduate student fees; amending s. 411.01, F.S.; providing eligibility under the school readiness program for certain children for whom the state is paying a relative caregiver payment; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 39.5085, Florida Statutes, is amended to read:

39.5085 Relative Caregiver Program.—

(2)(a) The Department of Children and Family Services shall establish and operate the Relative Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to:

1. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to this chapter.

2. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to this chapter.

Such placement may be either court-ordered temporary legal custody to the relative under protective supervision of the department pursuant to s. 39.521(1)(b)3., or court-ordered placement in the home of a relative as a permanency option pursuant to s. 39.622. The Relative Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

Section 2. Paragraph (c) of subsection (4) of section 239.117, Florida Statutes, is amended to read:

239.117 Workforce development postsecondary student fees.—

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(c) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to ~~parts II and III of chapter 39~~ for whom the permanency planning goal pursuant to ~~part III of chapter 39~~ is long-term foster care or independent living, or is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085, or who is adopted from the Department of Children and Family Services after May 5, 1997. Such an exemption includes fees associated with enrollment in vocational-preparatory instruction and completion of the college-level communication and computation skills testing program. Such an exemption is ~~shall be~~ available to any student adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption re-remains ~~shall be~~ valid for no more than 4 years after the date of graduation from high school.

Section 3. Paragraph (a) of subsection (2) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) ~~or parts II and III of chapter 39~~, for whom the permanency planning goal pursuant to ~~part III of chapter 39~~ is long-term foster care or independent living, who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085, or who is adopted from the Department of Children and Family Services after May 5, 1997, shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. Such exemption shall be available to any student who was in the custody of a relative under s. 39.5085 at the time he or she reached 18 years of age or was adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

Section 4. Paragraph (a) of subsection (6) of section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(6) PROGRAM ELIGIBILITY.—The school readiness program shall be established for children under the age of kindergarten eligibility. Priority for participation in the school readiness program shall be given to children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation and who are currently clients of the Family Safety Program Office of the Department of Children and Family Services.

2. Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.

3. Children of working families whose family income does not exceed 150 percent of the federal poverty level.

4. Children for whom the state is paying a relative caregiver payment under s. 39.5085.

An “economically disadvantaged” child means a child whose family income is below 150 percent of the federal poverty level. Notwithstanding any change in a family’s economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program shall be considered eligible until the child reaches kindergarten age.

Section 5. This act shall take effect July 1, 2002.

Approved by the Governor April 16, 2002.

Filed in Office Secretary of State April 16, 2002.