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CS/HB 977, Engrossed 1

2014 Legislature

1  
2 An act relating to motor vehicle insurance and driver  
3 education for children in care; amending s. 39.701,  
4 F.S.; authorizing the court to consider the best  
5 interest of a child in removing specified disabilities  
6 of nonage for certain minors; creating s. 409.1454,  
7 F.S.; providing legislative findings; directing the  
8 Department of Children and Families to establish a  
9 statewide pilot program to pay specified costs of  
10 driver education, licensure and costs incidental to  
11 licensure, and motor vehicle insurance for a child in  
12 licensed out-of-home care who meets certain  
13 qualifications; providing limits of the amount to be  
14 paid; requiring payments to be made in the order of  
15 eligibility until funds are exhausted; requiring the  
16 department to contract with a qualified not-for-profit  
17 entity to operate and develop procedures for the pilot  
18 program; requiring the department to submit an annual  
19 report with recommendations to the Governor and the  
20 Legislature; creating s. 743.047, F.S.; removing the  
21 disability of nonage of minors for purposes of  
22 obtaining motor vehicle insurance; requiring an order  
23 by the court for the disability of nonage to be  
24 removed; amending s. 1003.48, F.S.; providing for  
25 preferential enrollment in driver education for  
26 specified children in care; providing an



ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

27 appropriation; providing an effective date.

28

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

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31 Section 1. Paragraph (a) of subsection (3) of section  
32 39.701, Florida Statutes, is amended to read:

33 39.701 Judicial review.—

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

35 (a) In addition to the review and report required under  
36 paragraphs (1)(a) and (2)(a), respectively, the court shall hold  
37 a judicial review hearing within 90 days after a child's 17th  
38 birthday. The court shall also issue an order, separate from the  
39 order on judicial review, that the disability of nonage of the  
40 child has been removed pursuant to ss. 743.045 and 743.047 for  
41 any of these disabilities that the court finds is in the child's  
42 best interest to remove. The court ~~s. 743.045~~ and shall continue  
43 to hold timely judicial review hearings. If necessary, the court  
44 may review the status of the child more frequently during the  
45 year before the child's 18th birthday. At each review hearing  
46 held under this subsection, in addition to any information or  
47 report provided to the court by the foster parent, legal  
48 custodian, or guardian ad litem, the child shall be given the  
49 opportunity to address the court with any information relevant  
50 to the child's best interest, particularly in relation to  
51 independent living transition services. The department shall  
52 include in the social study report for judicial review written



ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

53 verification that the child has:

54 1. A current Medicaid card and all necessary information  
55 concerning the Medicaid program sufficient to prepare the child  
56 to apply for coverage upon reaching the age of 18, if such  
57 application is appropriate.

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

61 3. A social security card and information relating to  
62 social security insurance benefits if the child is eligible for  
63 those benefits. If the child has received such benefits and they  
64 are being held in trust for the child, a full accounting of  
65 these funds must be provided and the child must be informed as  
66 to how to access those funds.

67 4. All relevant information related to the Road-to-  
68 Independence Program, including, but not limited to, eligibility  
69 requirements, information on participation, and assistance in  
70 gaining admission to the program. If the child is eligible for  
71 the Road-to-Independence Program, he or she must be advised that  
72 he or she may continue to reside with the licensed family home  
73 or group care provider with whom the child was residing at the  
74 time the child attained his or her 18th birthday, in another  
75 licensed family home, or with a group care provider arranged by  
76 the department.

77 5. An open bank account or the identification necessary to  
78 open a bank account and to acquire essential banking and



ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

79 budgeting skills.

80 6. Information on public assistance and how to apply for  
81 public assistance.

82 7. A clear understanding of where he or she will be living  
83 on his or her 18th birthday, how living expenses will be paid,  
84 and the educational program or school in which he or she will be  
85 enrolled.

86 8. Information related to the ability of the child to  
87 remain in care until he or she reaches 21 years of age under s.  
88 39.013.

89 9. A letter providing the dates that the child is under  
90 the jurisdiction of the court.

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

93 11. The child's educational records.

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

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

96 14. A statement encouraging the child to attend all  
97 judicial review hearings occurring after the child's 17th  
98 birthday.

99 Section 2. Section 409.1454, Florida Statutes, is created  
100 to read:

101 409.1454 Motor vehicle insurance for children in care.—

102 (1) The Legislature finds that the costs of driver  
103 education, licensure and costs incidental to licensure, and  
104 motor vehicle insurance for a child in licensed out-of-home care



ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

105 after such child obtains a driver license creates an additional  
106 barrier to engaging in normal age-appropriate activities and  
107 gaining independence and may limit opportunities for obtaining  
108 employment and completing educational goals. The Legislature  
109 also finds that the completion of an approved driver education  
110 course is necessary to develop safe driving skills.

111 (2) To the extent that funding is available, the  
112 department shall establish a 3-year pilot program to pay the  
113 cost of driver education, licensure and other costs incidental  
114 to licensure, and motor vehicle insurance for children in  
115 licensed out-of-home care who have successfully completed a  
116 driver education program.

117 (3) If a caregiver, or an individual or not-for-profit  
118 entity approved by the caregiver, adds a child to his or her  
119 existing insurance policy, the amount paid to the caregiver or  
120 approved purchaser may not exceed the increase in cost  
121 attributable to the addition of the child to the policy.

122 (4) Payment shall be made to eligible recipients in the  
123 order of eligibility until available funds are exhausted.

124 (5) The department shall contract with a not-for-profit  
125 entity whose mission is to support youth aging out of foster  
126 care to develop procedures for operating and administering the  
127 pilot program, including, but not limited to:

128 (a) Determining eligibility, including responsibilities  
129 for the child and caregivers.

130 (b) Developing application and payment forms.



ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

131 (c) Notifying eligible children, caregivers, group homes,  
132 and residential programs of the pilot program.

133 (d) Providing technical assistance to lead agencies,  
134 providers, group homes, and residential programs to support  
135 removing obstacles that prevent children in foster care from  
136 driving.

137 (6) By July 1, 2015, and annually thereafter for the duration  
138 of the pilot program, the department shall submit a report to  
139 the Governor, the President of the Senate, and the Speaker of  
140 the House of Representatives evaluating the success of and  
141 outcomes achieved by the pilot program. The report shall include  
142 a recommendation as to whether the pilot program should be  
143 continued, terminated, or expanded.

144 Section 3. Section 743.047, Florida Statutes, is created  
145 to read:

146 743.047 Removal of disabilities of minors; executing  
147 agreements for motor vehicle insurance.—For the purpose of  
148 ensuring that a child in foster care will be able to secure  
149 motor vehicle insurance, the disability of nonage of minors  
150 shall be removed provided that the child has reached 16 years of  
151 age, has been adjudicated dependent, is residing in an out-of-  
152 home placement as defined in s. 39.01, and has completed a  
153 driver education program. Upon issuance of an order by a court  
154 of competent jurisdiction, such child is authorized to make and  
155 execute all documents, contracts, or agreements necessary for  
156 obtaining motor vehicle insurance as if the child is otherwise



ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

157 competent to make and execute contracts. Execution of any such  
158 contract or agreement for motor vehicle insurance has the same  
159 effect as if it were the act of a person who is not a minor. A  
160 child seeking to enter into such contract or agreement or  
161 execute other necessary instrument incidental to obtaining motor  
162 vehicle insurance must present an order from a court of  
163 competent jurisdiction removing the disabilities of nonage of  
164 the minor pursuant to this section.

165 Section 4. Section 1003.48, Florida Statutes, is amended  
166 to read:

167 1003.48 Instruction in operation of motor vehicles.—

168 (1) A course of study and instruction in the safe and  
169 lawful operation of a motor vehicle shall be made available by  
170 each district school board to students in the secondary schools  
171 in the state. The secondary school shall provide preferential  
172 enrollment to a student who is in the custody of the Department  
173 of Children and Families if the student maintains appropriate  
174 progress as required by the school. As used in this section, the  
175 term "motor vehicle" has ~~shall have~~ the same meaning as in s.  
176 320.01(1)(a) and includes ~~shall include~~ motorcycles and mopeds.  
177 Instruction in motorcycle or moped operation may be limited to  
178 classroom instruction. The course may ~~shall~~ not be made a part  
179 of, or a substitute for, any of the minimum requirements for  
180 graduation.

181 (2) In order to make such a course available to any  
182 secondary school student, the district school board may use any



ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

183 one of the following procedures or any combination thereof:

184 (a) Use ~~Utilize~~ instructional personnel employed by the  
185 district school board.

186 (b) Contract with a commercial driving school licensed  
187 under ~~the provisions of~~ chapter 488.

188 (c) Contract with an instructor certified under ~~the~~  
189 ~~provisions of~~ chapter 488.

190 (3) ~~(a)~~ District school boards shall earn funds on full-  
191 time equivalent students at the appropriate basic program cost  
192 factor, regardless of the method by which such courses are  
193 offered.

194 (4) ~~(b)~~ For the purpose of financing the Driver Education  
195 Program in the secondary schools, there shall be levied an  
196 additional 50 cents per year to the driver ~~driver's~~ license fee  
197 required by s. 322.21. The additional fee shall be promptly  
198 remitted to the Department of Highway Safety and Motor Vehicles,  
199 which shall transmit the fee to the Chief Financial Officer to  
200 be deposited in the General Revenue Fund.

201 (5) ~~(4)~~ The district school board shall prescribe standards  
202 for the course required by this section and for instructional  
203 personnel directly employed by the district school board. A ~~Any~~  
204 certified instructor or licensed commercial driving school is  
205 ~~shall be deemed~~ sufficiently qualified and is ~~shall~~ not be  
206 required to meet any standards in lieu of or in addition to  
207 those prescribed under chapter 488.

208 Section 5. The sum of \$800,000 in recurring funds is





ENROLLED

CS/HB 977, Engrossed 1

2014 Legislature

209 appropriated from the General Revenue Fund to the Department of  
210 Children and Families for the purpose of implementing this act  
211 during the 2014-2015 fiscal year.

212 Section 6. This act shall take effect July 1, 2014.