

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 Children, Families, and Elder Affairs

BILL: SB 764

INTRODUCER: Senator Albritton

SUBJECT: Step Into Success Internship Program

DATE: November 29, 2021 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Cox	CF	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 764 creates s. 409.1455, F.S., establishing the Step Into Success internship program (program) that is to be administered by the Department of Children and Families (DCF) for eligible foster youth to achieve specified objectives. The bill specifically requires the Office of Continuing Care (OCC) to establish and operate the internship program, and comply with the program requirements.

The internship program must include qualified designated personnel within the DCF that have the responsibility of carrying out the program. An eligible foster youth must receive priority consideration for any internship position for which he or she meets the minimum qualifications. The bill defines the terms “approved agency”, “community-based care lead agency”, “foster youth”, and “priority consideration”, as follows:

- “Approved agency” means one of the following agencies that may participate in the internship program by employing eligible foster youth:
 - The Department of Children and Families;
 - The Department of Health;
 - The Agency for Health Care Administration;
 - The Department of Education;
 - The Department of Environmental Protection;
 - The Fish and Wildlife Conservation Commission; and
 - The Office of the State Fire Marshal within the Department of Financial Services.
- “Community-based care lead agency” has the same meaning as in s. 409.986(3)(d).
- “Foster youth” means an individual older than 16 years of age but younger than 26 years of age who is currently or was previously in foster care within this state.
- “Priority consideration” means the approved agency must invite foster youth who is eligible to participate in the internship program to be interviewed for any position for which he or she meets the minimum qualifications.

The bill requires the DCF to begin operating the program on or before January 1, 2023. It sets out the program requirements of the DCF and the approved agencies. The bill limits the length of time that a foster youth may be employed under the program to one year, but does allow for approved agencies to continue his or her employment as an employee outside of participation in the program. Foster youth may be employed as an intern under the program by more than one approved agency over the duration of his or her participation in the program, but may not be employment by more than one agency at the same time. Foster youth who become employed under the internship program are subject to specified conditions of employment. The foster youth must be compensated at hourly minimum wage for work performed up to 20 hours per week through the program, and must spend any stipend funds received for the purpose of purchasing business attire on clothing that is compliant with the dress code requirements of the approved agency for which the youth is employed.

Approved agencies are required to recruit employees of such agencies who meet specified criteria to serve as mentors. Mentors are required to complete a minimum of 1 hour of trauma-informed training and pass a level 2 background screening in certain circumstances. Employees who serve as mentors for a minimum of 6 consecutive months are eligible for a maximum of \$1,000 per intern per fiscal year, but may not receive more than \$3,000 in compensation per fiscal year for serving as a mentor.

By October 1, 2021, and annually thereafter, the Florida Institute for Child Welfare (FICW) must submit a report to the Governor, the President of the Senate, and the Speaker of the House which evaluates and summarizes certain information, and makes recommendations, if any, to improve the effectiveness of the program. The bill requires the DCF and the approved agencies to adopt rules to implement the section.

For the 2022-2023 fiscal year, the bill appropriates the sums of \$1,292,378 in recurring funds and \$350,376 in nonrecurring funds from General Revenue Fund to the DCF to implement the act. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.

II. Present Situation:

The DCF is required to establish and maintain a central abuse hotline for the state that receives reports of child abuse, abandonment, and neglect or reports that a child is in need of supervision.¹ In Fiscal Year 2019-2020, the DCF served 22,553 children in out-of-home care,² and 578 children have aged out of licensed foster care.³

¹ Section 39.101(1)(a), F.S.

² Office of Program Policy Analysis and Government Accountability, *Department of Children and Families: Child Welfare*, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=5053> (last visited November 22, 2021) (hereinafter cited as "OPPAGA DCF Child Welfare").

³ The DCF, Electronic mail from John Paul Fiore, Deputy Director of Legislative Affairs, RE: Children Aging Out of Foster Care, November 24, 2021 (on file with the Senate Committee on Children, Families, and Elder Affairs) (noting that 578 children have aged out of licensed care in Fiscal Year 2019-2020).

Transition to Independent Living

The DCF is required to assist children who are transitioning out of foster care to independent living and self-sufficiency, including to:

- Identify important life skills that children in out-of-home care should acquire;
- Develop a list of age-appropriate activities and responsibilities for children and caregivers;
- Design and disseminate training for caregivers related to building needed life skills;
- Regularly assess the degree of life skills acquired by each child beginning after the child's 13th birthday, and support the caregiver in implementing an updated transition plan as necessary;
- Provide opportunities for children to interact with qualified, trained mentors; and
- Develop and implement procedures for children of sufficient age and understanding to directly access and manage the personal allowance they receive from the DCF.⁴

During the year after a child reaches 16 years of age, the DCF and community-based care provider as well as other specified individuals are required to assist the child in developing a transition plan. The plan must include specific resources that the child may use to obtain services, such as housing, health insurance and education, and tasks to establish and maintain naturally occurring mentoring relationships.⁵

Road-to-Independence Program

A young adult is eligible for postsecondary education services and support if certain criteria are met, including:

- Specified criteria with respect to when the child was living in foster care;
- Earned a standard high school diploma;⁶
- Has been admitted for enrollment as a full-time⁷ student or its equivalent in an eligible postsecondary institution as provided in s. 1009.533, F.S.;⁸
- Has reached 18 years of age, but is not yet 23 years of age;
- Has applied for any other grants and scholarships for which he or she may qualify;
- Submitted a complete and error-free Free Application for Federal Student Aid; and
- Signed an agreement to allow the DCF and the community-based care lead agency to access his or her school records.⁹

⁴ Section 409.14515, F.S.

⁵ Section 39.6035(1), F.S.

⁶ Pursuant to s. 1002.3105(5), F.S., s. 1003.4281, F.S., or s. 1003.4282, F.S., or its equivalent pursuant to s. 1003.435, F.S.

⁷ Section 409.1451(2)(a)4., F.S., defines "full-time" as 9 credit hours or the vocational school equivalent.

⁸ Section 1009.533, F.S., provides for eligible postsecondary education institutions, including: (1) a Florida public university, Florida College System institution, or career center; (2) An independent Florida college or university that is accredited by an accrediting association whose standards are comparable to the minimum standards required to operate an institution at that level in Florida and which has operated in the state for at least 3 years; (3) an independent Florida postsecondary education institution that is licensed by the Commission for Independent Education and meets other specified criteria; (4) a Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing; and (5) A Florida independent postsecondary education institution that is licensed by the Commission for Independent Education.

⁹ Section 409.1451(2)(a), F.S.

Current law sets out the amount of financial assistance for which the young adult is eligible based upon certain circumstances including, in part, whether the child remains in foster care placement.¹⁰

Aftercare Services

Aftercare services are available for a young adult who has reached 18 years of age but is not yet 23 years of age and is:

- Not in foster care.
- Temporarily not receiving financial assistance to pursue postsecondary education.¹¹

The specific aftercare services to be provided is determined by an assessment of an eligible young adult, and may include, in part:

- Mentoring and tutoring;
- Mental health services and substance abuse counseling;
- Life skills classes;
- Parenting classes;
- Job and career skills training;
- Counselor consultations;
- Temporary assistance for necessities and emergency situations; and
- Financial literacy skills training.¹²

Extended Foster Care

A child¹³ who is living in foster care on his or her 18th birthday and who has not achieved permanency in accordance with s. 39.621, F.S.,¹⁴ is eligible to remain in licensed care under the care of the DCF and the jurisdiction of the court if he or she is:

- Completing secondary education or equivalent program;
- Enrolled in a postsecondary or vocational education institution;
- Participating in a program to eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in any of the above-listed programs or activities.¹⁵

¹⁰ Section 409.1451(2)(b), F.S.

¹¹ Section 409.1451(3)(a), F.S. Additionally, subject to available funding, aftercare services are also available to a young adult who is between the ages of 18 and 22, is receiving financial assistance for postsecondary education, who is experiencing an emergency situation, and whose resources are insufficient to meet the emergency situation.

¹² Section 409.1451(3)(b), F.S.

¹³ Section 39.6251(1), F.S., defines “child” as an individual who has not attained 21 years of age.

¹⁴ Section 39.621(3), F.S., provides that the permanency goals available under ch. 39, F.S., listed in order of preference, are reunification; adoption, if a petition for termination of parental rights has been or will be filed; permanent guardianship of a dependent child under s. 39.6221, F.S.; permanent placement with a fit and willing relative under s. 39.6231, F.S.; or placement in another planned permanent living arrangement under s. 39.6241, F.S.

¹⁵ Section 39.6251(2), F.S.

A young adult¹⁶ who participates in extended foster care must reside in a supervised living environment that is approved by the DCF or the community-based care lead agency. The young adult must be provided supervision, case management, and supportive services by the DCF or lead agency, but must live independently.¹⁷

Office of Continuing Care

In 2021, the Legislature required the DCF to establish an Office of Continuing Care (OCC). The OCC was created to provide ongoing support and care coordination to youth adults who age out of the foster care system between 18 and 21 years of age, or 22 years of age with a documented disability.¹⁸ The OCC has specified duties, including, but not limited to:

- Providing young adults who age out of the foster care system with certain information about the office, including its purpose, services offered and contact information;
- Providing assistance in accessing services and supports; and
- Collaborating with community-based care lead agencies to identify local resources and assist young adults in accessing such support services.¹⁹

The OCC is part of Hope Florida – A Pathway to Prosperity that assists the office with providing services to eligible foster youth who age out of care.²⁰ Care Navigators guide, amongst others, foster youth on an individualized path to prosperity, economic self-sufficiency and hope.²¹

Fostering Success Program

In 2014, a pilot program was developed for young adults who aged out of foster care to obtain an internship position with certain state agencies, such as the Florida Department of Agriculture Technology Services.²² In 2016, the pilot program was expanded with \$100,000 appropriated in recurring General Revenue funds to a program known as “Fostering Success Youth Readiness Training and Placement Services” (Fostering Success).²³ The program was designed for young adults aged 18 to 24 years of age to gain employment skills that would enable them to achieve economic self-sufficiency and professional success. Fostering Success operated at the following agencies:

- Department of Agriculture and Consumer Services;
- Department of Children and Families;

¹⁶ Section 39.6251(1), F.S., defines “young adult” as an individual who has attained 18 years of age but who has not attained 21 years of age.

¹⁷ Section 39.6251(4)(a), F.S.

¹⁸ Chapter 2021-169, s. 20, L.O.F., codified as s. 414.56, F.S.

¹⁹ *Id.*

²⁰ The DCF, *Office of Continuing Care*, available at [Office of Continuing Care - Florida Department of Children and Families \(myflfamilies.com\)](https://myflfamilies.com) (last visited November 22, 2021).

²¹ The DCF, *Hope Florida – A Pathway to Prosperity*, available at [A Pathway to Prosperity - Florida Department of Children and Families \(myflfamilies.com\)](https://myflfamilies.com) (last visited November 22, 2021).

²² WFSU Public Media, *Pilot Program Aimed at Helping Foster Kids Gain Employment Could Expand Soon*, October 17, 2014, available at [Pilot Program Aimed At Helping Foster Kids Gain Employment Could Soon Expand | WFSU News](https://www.wfsu.com/news/pilot-program-aimed-at-helping-foster-kids-gain-employment-could-expand-soon) (last visited November 22, 2021).

²³ Guardian ad Litem, *Representative Ben Albritton Champion for Children in Foster Care*, March 1, 2016, available at [Representative Ben Albritton Champion for Children in Foster Care | Florida child abuse attorney | Non-profit lawyers | Pro bono attorney Florida | Florida Guardian ad Litem](https://www.guanadlitem.com/representative-ben-albritton-champion-for-children-in-foster-care) (last visited November 22, 2021).

- Department of Economic Opportunity;
- Department of Health;
- Department of Juvenile Justice; and
- Florida Fish & Wildlife Conservation.²⁴

The Fostering Success program was a year-long, part-time, other-personal-services positions with one of the six participating state agencies listed above.²⁵ Funding for Fostering Success ceased in the Fiscal Year 2020-2021.

III. Effect of Proposed Changes:

The bill creates s. 409.1455, F.S., cited as the “Step Into Success Act”, establishing a specified internship program that must be administered by the DCF. The purpose of the program is to assist eligible foster youth to:

- Develop essential workforce and professional skills;
- Transition from the custody of the DCF to independent living; and
- Become best prepared for an independent and successful future.

The bill provides for definitions of the following terms:

- “Approved agency”, which is defined to mean one of the following agencies that may participate in the internship program by employing eligible foster youth:
 - The Department of Children and Families;
 - The Department of Health;
 - The Agency for Health Care Administration;
 - The Department of Education;
 - The Department of Environmental Protection;
 - The Fish and Wildlife Conservation Commission; and
 - The Office of the State Fire Marshal within the Department of Financial Services.
- “Community-based care lead agency”, which is defined to have the same meaning as in s. 409.986(3)(d), F.S.²⁶
- “Foster youth”, which is defined as an individual older than 16 years of age but younger than 26 years of age who is currently or was previously placed in foster care within the state.
- “Priority consideration”, which means the approved agency must invite a foster youth who is eligible to participate in the internship program to be interviewed for any position for which he or she meets the minimum qualifications.

The OCC is responsible for establishing and operating the internship program, and complying with the requirements under s. 409.1455, F.S.

²⁴ Florida Center for Child Welfare, *Independent Living Services Array: Extended Foster Care, Postsecondary Education Services and Support (PESS), Aftercare Services & Fostering Success*, available at [Florida's Center for Child Welfare | Independent Living Services Array \(usf.edu\)](https://www.fccw.org/independent-living-services-array-usf.edu) (last visited November 22, 2021).

²⁵ OPPAGA DCF Child Welfare.

²⁶ Section 409.986(3)(d), F.S., defines “community-based care lead agency” or “lead agency” as a single entity with which the DCF has a contract for the provision of care for children in the child protection and the child welfare system in a community that is no smaller than a county and no larger than two contiguous judicial circuits.

The program must have qualified designated personnel whose responsibilities include providing required services to approved agency liaison personnel and eligible foster youth. Foster youth who are eligible for the program must receive priority consideration for any position that is offered under the program.

The DCF must establish the Step Into Success internship program and begin operations on or before January 1, 2023. The DCF must also comply with all of the following program requirements:

- Designate and ensure that there is sufficient qualified staff to implement and maintain operation of the program;
- By November 1, 2022 and at least annually thereafter, prepare written educational and training materials for foster youth, including a toolkit to explain the internship process, resources²⁷ to assist with participating in the program, and guidance on securing an internship position;
- Provide all relevant training and written materials as well as any other relevant tools to the approved agencies;
- Provide written materials to foster youth to ensure that they are aware of the requirements for participating in the program and contact information for the program office. Community-based care lead agencies must ensure any of their subcontracted providers that directly serve youth are also provided with such material;
- Advertise and promote the availability of the internship program;
- Provide to eligible foster youth a minimum of 2 hours of training relating to interview skills and a minimum of 4 hours of training relating to professional and leadership development skills that are relevant to performing the functions of the positions that are offered by approved agencies under the internship program;²⁸
- Develop and provide a minimum of 1 hour of trauma-informed training to mentors;
- Provide assistance to eligible foster youth who wish to participate in the internship program with the administrative and procedural requirements;
- Publicize specific opportunities for internship positions offered by approved agencies and inform foster youth where to find such information;
- Assess each eligible foster youth's career interests and determine the most appropriate internship opportunities;
- Ensure that internships under the program comply with the Fair Labor Standards Act;
- By November 1, 2022, facilitate and work with designated state agencies to establish a system for secondary institutions to award college credit toward a degree for internship positions that are held by foster youth through the internship program;
- Conduct follow-up interviews with participating foster youth within 3 months after their employment start date to ensure that the participants transitioned into the work environment

²⁷ Resources that may be provided to foster youth who are participating in the program include, but are not limited to, workshops and materials to assist with preparing resumes and staff assistance with securing internship positions.

²⁸ This training must be provided in addition to any other life skills or employment training required by law and may be developed or administered by the DCF, community-based care lead agencies, or the lead agencies' subcontracted providers or through collaboration with the approved agencies, colleges or universities, or non-profit organizations in the community that have workforce training resources. Foster youth are not restricted to participating in the minimum number of hours of training.

successfully and to gather feedback, and submit this information to the FICW by August 1, 2023, and by August 1 annually thereafter;

- Gather and compile feedback from mentors assigned to participating foster youth or from other agency personnel, and submit such data to the FICW by August 1, 2023, and by August 1 annually thereafter; and
- Collaborate with FICW to provide any requested information necessary to prepare each required annual report.

Each approved agency who is authorized to participate in the internship program is also required to comply with specific program requirements, including all of the following:

- Provide the DCF, or the community-based care lead agencies or the lead agencies' subcontracted providers, with a list, updated at least monthly, of open employment opportunities;
- Offer priority consideration to any eligible foster youth who applies for an open internship position under the internship program if he or she meets all of the minimum qualifications for such position;
- Recruit employees within the approved agency to serve as mentors for foster youth who are employed through the internship program;
- Engage an intern's assigned mentor and the approved agency's internship program liaison and, if applicable, document an intern's failure to comply with a corrective action plan;
- Provide relevant feedback to the DCF at least annually; and
- Collaborate with the FICW to provide any requested information necessary to prepare each annual report.

The bill provides that employees of approved agencies who serve as mentors to the interns participating in the program must meet all of the following requirements:

- Have worked for the approved agency for a minimum of 1 year;
- Have experience relevant to the employment responsibilities of the intern;
- Complete a minimum of 1 hour of trauma-informed training; and
- Pass a level 2 background screening as provided in s. 435.04, F.S., if the employee will be assigned to mentor a foster youth who is younger than 18 years old and if the employee has not passed such a screening within the previous 3 years or is not exempt from such requirement pursuant to s. 435.07, F.S.²⁹

Employees who serve as mentors for a minimum of 6 consecutive months are eligible for a maximum payment of \$1,000 per intern per fiscal year, to be issued as follows:

- At the conclusion of the first 6 consecutive months of service, \$500; and
- At the conclusion of an additional 6 consecutive months of service, \$500.

An employee may serve as a mentor for a maximum of three interns at one time, but may not receive more than \$3,000 in compensation per fiscal year for serving as a mentor. Any time spent

²⁹ An employee who must pass a level 2 background screening is required to submit a full set of his or her fingerprints to his or her employing approved agency, and such agency must forward them to the Department of Law Enforcement (FDLE) for state processing. The FDLE must forward the fingerprints to the Federal Bureau of Investigation for national processing. The DCF must pay the fees for state and federal fingerprint processing which shall be set at the same amount prescribed in s. 943.053(3)(e), F.S.

serving as a mentor to an intern through the program counts toward the required minimum service to be eligible for the compensation set out above.

Foster youth who obtain employment through the internship program may hold the position for no more than 1 year. The approved agency may extend the employment beyond the one year or hire the foster youth as a full-time employee, but it may not be as an intern under the program. A foster youth may be employed as an intern under the internship program by more than one approved agency but such employment must not be at the same time.

Foster youth who obtain employment under the internship program are able to work a maximum of 20 hours per week and will be compensation for the work in an hourly manner through the specific appropriation provided in the bill. Additionally, foster youth participating as an intern through the program are subject to all of the following conditions:

- A participant must meet the definition of foster youth at the time that such youth applies for an internship position with an approved agency;
- A foster youth must complete the minimum training requirements relating to interviewing before an interview with an approved agency and must complete all other training before commencement of work;³⁰
- If offered employment as an intern, he or she must be classified as an other-personal-services employee, and may be discharged after the approved agency has engaged the intern's assigned mentor and the approved agency's internship program staff, and has documented the intern's failure to comply with a corrective action plan after being given a reasonable opportunity to do so;
- A foster youth must spend all funds received, up to the maximum \$500 stipend amount included in the specific appropriation of the bill, for the purpose of purchasing business attire on clothing that is in compliance with the dress code of the approved agency for which he or she is employed;³¹ and
- He or she must be afforded employee protections of all relevant and applicable federal and state laws, including compensation at minimum wage for any hours worked.³²

Additionally, a foster youth may, at the discretion of the postsecondary institution within Florida in which such youth is enrolled, earn college credits toward a degree for work performed as an intern under the program. College credits earned may be in addition to any compensation earned for the same work performed under the program and may be awarded for completion of the whole or any part of the program. An institution has the discretion to determine whether the foster youth must comply with administrative requirements to be eligible for college credit. Institutions must treat such requirements the same for all students regardless of whether they obtained the employment through a means other than the internship program. Approved agencies

³⁰ The DCF, or, if designated, the community-based care lead agencies or the lead agencies' subcontracted providers, may determine on a case-by-case basis if an eligible foster youth needs to complete training before he or she applies for an internship position.

³¹ The bill requires foster youth to comply with such dress code regardless of any limitation on funds provided to purchase clothing.

³² The bill further provides that compensation earned under the program may not be considered earned income for purposes of computing the foster youth's eligibility for federal or state benefits, such as the Supplemental Nutrition Assistance Program, a housing choice assistance voucher program, the Temporary Cash Assistance Program, the Medicaid program, or the school readiness program.

must cooperate with postsecondary educational institutions to provide any information that is necessary for the institution to determine whether to grant the foster youth credit toward his or her degree.

By October 1, 2023, and annually thereafter, the FICW must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, which must contain an evaluation of the internship program, including, but not limited to:

- Whether the program is in compliance with the requirements of the internship program;
- The outcomes of foster youth who obtain employment through the programs;
- A summary of the feedback received from the foster youth, mentors and approved agencies who participate in the program; and
- Any recommendations for actions that may improve the effectiveness and outcomes of the program.

For the 2022-2023 fiscal year, the sums of \$1,292,378 in recurring funds and \$350,376 in nonrecurring funds are appropriated from the General Revenue Fund to the DCF to implement the act.

The bill also requires the DCF and approved agencies to adopt rules to implement s. 409.1455, F.S.

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

For the 2022-2023 fiscal year, the bill appropriates the sums of \$1,292,378 in recurring funds and \$350,376 in nonrecurring funds from General Revenue Fund to the DCF to implement the act.

These appropriated funds consist of \$959,055 in recurring funds for the salary and benefits, recurring standard expense package, and clothing allowance for 75 interns, and \$336,900 in nonrecurring funds for expense standard package. There is also \$80,738 in recurring funds for the \$1,000 compensation (plus federal taxes) for 75 mentors. Finally, the appropriations include \$252,585 in recurring funds for recruitment staff, training staff, and a program administrator salary and benefits, and recurring standard expense package, and \$13,476 in nonrecurring funds for expenses standard package.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 414.56 of the Florida Statutes.

This bill creates section 409.1455 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
