

Committee on Children, Families, and Elder Affairs

CS/CS/HB 893 — Child Welfare Placements

by Health and Human Services Committee; Children, Families, and Seniors Subcommittee; and Reps. Melo, and Williams, and others (CS/CS/SB 1120 by Appropriations Committee; Children, Families, and Elder Affairs Committee; and Senator Rodriguez)

The bill, in part, makes changes to Florida law to align with the new requirements of the Family First Prevention Services Act (Act) related to Qualified Residential Treatment Programs (QRTP), one of a limited type of congregate care settings approved for placements under the Act. The bill will ensure placements in QRTPs are made in accordance with rule and in compliance with federal requirements. Specifically, the bill:

- Defines the term “therapeutic group home” (TGH) to mean a residential treatment center that offers a 24-hour residential program providing community-based mental health treatment and mental health support services in a nonsecure, homelike setting to children who meet certain criteria.
- Amends the definition of “residential treatment” or “residential treatment program” to include a therapeutic group home as defined above.
- Clarifies the definition of “suitable for residential treatment” or “suitability” to apply when the child requires residential treatment program if the child is expected to benefit from mental or behavioral health treatment.
- Codifies current practice that requires the DCF, rather than the Agency for Health Care Administration (AHCA), to appoint the qualified evaluator to conduct suitability assessments.
- Requires the qualified evaluator for TGH and QRTP to be a psychiatrist licensed under ch. 458, F.S., or ch. 459, F.S., psychologist licensed under ch. 490, F.S., or a mental health counselor licensed under ch. 491, F.S., with at least two years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents, as opposed to the stricter requirements for a (PRTF/SIPP) Psychiatric Residential Treatment Facility/Statewide Inpatient Psychiatric Program (PRTF/SIPP) placement which requires the evaluator to be a psychiatrist or a psychologist licensed in Florida with three years of experience.
- Modifies the time frame for providing a copy of the assessment to the child’s guardian ad litem and the court to within five days of receipt of the assessment, rather than immediately upon placement as required in current law.
- Removes the specific rulemaking authority from the DCF and ACHA to administer the provisions of s. 39.407, F.S.

Additionally, the bill replaces the term “special needs child” with the term “difficult to place child” regarding children who are not likely to be adopted because of certain characteristics. The bill also amends the term, in part, to include a child who is a member of a racial group that is disproportionally represented among children whose permanent custody has been awarded to the DCF or to a licensed child-placing agency. The term is defined in current law, in part, to mean a child who is black or of racially mixed parentage. The terminology changes do not appear to have any effect on eligibility for adoption subsidies.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 116-0