

By Representative Murman

1 A bill to be entitled
2 An act relating to foster care and related
3 services; amending s. 39.521, F.S.; providing
4 for court-ordered placement of certain children
5 with a history of multiple placements into
6 residential group care; amending s. 409.1671,
7 F.S.; providing an additional requirement for
8 eligible lead community-based providers
9 competing for a foster care privatization
10 project; providing a procedure for
11 implementation of privatization if attempts to
12 competitively procure services through eligible
13 lead community-based providers fail; creating
14 s. 409.16735, F.S.; providing for establishment
15 of a comprehensive residential services
16 program; providing legislative intent;
17 providing definitions; directing the Department
18 of Children and Family Services to contract
19 with specified entities for the provision of
20 services; directing the department to establish
21 model comprehensive residential services
22 programs in specified districts through such
23 contracts for services; specifying model
24 program elements; requiring comprehensive
25 residential services programs, including the
26 model programs, to be operational by a
27 specified time; requiring status reports on
28 implementation; providing for annual program
29 evaluations; providing legal authority to the
30 entities providing services for performance of
31 certain activities; requiring the department to

1 provide technical assistance and contract for
2 management services; authorizing the entities
3 providing services to obtain certain resources
4 for services; providing for annual funding;
5 amending s. 409.175, F.S.; providing for
6 issuance of a 3-year family foster home license
7 if certain standards are met; amending s.
8 784.081, F.S.; providing enhanced penalties for
9 assault or battery upon an employee or
10 subcontractor of a lead agency contracting with
11 the department; providing an effective date.

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

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15 Section 1. Paragraph (e) is added to subsection (3) of
16 section 39.521, Florida Statutes, to read:

17 39.521 Disposition hearings; powers of disposition.--

18 (3) When any child is adjudicated by a court to be
19 dependent, the court shall determine the appropriate placement
20 for the child as follows:

21 (e) If the child is 8 years of age or older, and has
22 been in foster care for at least 6 months and has subsequently
23 been moved more than once, the child shall be placed in, and
24 remain in, residential group care unless the court determines
25 that such placement is not in the child's best interest.

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27 Protective supervision continues until the court terminates it
28 or until the child reaches the age of 18, whichever date is
29 first. Protective supervision shall be terminated by the court
30 whenever the court determines that permanency has been
31 achieved for the child, whether with a parent, another

1 relative, or a legal custodian, and that protective
2 supervision is no longer needed. The termination of
3 supervision may be with or without retaining jurisdiction, at
4 the court's discretion, and shall in either case be considered
5 a permanency option for the child. The order terminating
6 supervision by the department shall set forth the powers of
7 the custodian of the child and shall include the powers
8 ordinarily granted to a guardian of the person of a minor
9 unless otherwise specified. Upon the court's termination of
10 supervision by the department, no further judicial reviews are
11 required, so long as permanency has been established for the
12 child.

13 Section 2. Paragraph (b) of subsection (1) of section
14 409.1671, Florida Statutes, is amended, paragraphs (c) through
15 (h) are redesignated as paragraphs (d) through (i),
16 respectively, and a new paragraph (c) is added to said
17 subsection, to read:

18 409.1671 Foster care and related services;
19 privatization.--

20 (1)

21 (b) As used in this section, the term "eligible lead
22 community-based provider" means a single agency with which the
23 department shall contract for the provision of child
24 protective services in a community that is no smaller than a
25 county. The secretary of the department may authorize more
26 than one eligible lead community-based provider within a
27 single county when to do so will result in more effective
28 delivery of foster care and related services. To compete for a
29 privatization project, such agency must have:

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1 1. The ability to coordinate, integrate, and manage
2 all child protective services in the designated community in
3 cooperation with child protective investigations.

4 2. The ability to ensure continuity of care from entry
5 to exit for all children referred from the protective
6 investigation and court systems.

7 3. The ability to provide directly, or contract for
8 through a local network of providers, all necessary child
9 protective services.

10 4. The willingness to accept accountability for
11 meeting the outcomes and performance standards related to
12 child protective services established by the Legislature and
13 the Federal Government.

14 5. The capability and the willingness to serve all
15 children referred to it from the protective investigation and
16 court systems, regardless of the level of funding allocated to
17 the community by the state, provided all related funding is
18 transferred.

19 6. The willingness to ensure that each individual who
20 provides child protective services completes the training
21 required of child protective service workers by the Department
22 of Children and Family Services.

23 7. The ability to maintain eligibility to receive all
24 federal child welfare funds currently being utilized by the
25 Department of Children and Family Services, including public
26 assistance funds under Title IV-E and Title IV-A of the Social
27 Security Act.

28 (c) If attempts to competitively procure services
29 through an eligible lead community-based provider as defined
30 in paragraph (b) do not produce a capable and willing agency,
31 the Department of Children and Family Services shall develop a

1 plan in collaboration with the local community alliances. The
2 plan shall detail how the community will continue to implement
3 privatization through competitively procuring either the
4 specific components of foster care and related services or
5 comprehensive services for defined eligible populations of
6 children and families from qualified licensed agencies as part
7 of its efforts to develop the local capacity for a
8 community-based system of coordinated care. The plan shall
9 ensure local control of service provision and may include
10 recognized best business practices, including some form of
11 public-private partnerships.

12 Section 3. Section 409.16735, Florida Statutes, is
13 created to read:

14 409.16735 Comprehensive residential services program;
15 model programs.--

16 (1) INTENT.--It is the intent of the Legislature to
17 provide comprehensive residential services, including
18 residential care, case management, and other services, to
19 children in the child protection system who have special
20 needs, such as serious behavior problems, or who have been
21 determined to be without the options of reunification with
22 family or adoption. These services shall be provided by a
23 not-for-profit corporation or a local government entity, under
24 contract with the Department of Children and Family Services,
25 or by a lead agency as described in s. 409.1671. It is
26 intended that these contracts be designed to serve an
27 identified number of children and include a full array of
28 services, for a fixed price. These services are designed for
29 children who must enter the foster care system, but the use of
30 relative placement as part of a child's care is encouraged.

31 (2) DEFINITIONS.--For purposes of this section:

1 (a) "Residential care" means a living environment for
2 children 8 years of age and older who are adjudicated
3 dependent and are expected to be in foster care, or to live in
4 a group home with 24-hour awake staff, for a minimum of 6
5 months. All living arrangements must be appropriately licensed
6 in this state.

7 (b) "Serious behavior problems" means behaviors of
8 children who have been assessed by a licensed masters-level
9 human services professional, at a minimum, and have been found
10 to need intensive services, but who do not meet the criteria
11 for crisis hospitalization or long-term residential treatment.

12 (3) COMPREHENSIVE RESIDENTIAL SERVICES PROGRAM.--The
13 department, in accordance with a specific appropriation for
14 this program, shall contract with a not-for-profit
15 corporation, a local government entity, or a lead agency
16 established under s. 409.1671, for the provision of
17 comprehensive residential services as described in this
18 section in, at a minimum, districts 4, 11, and 12 and the
19 Suncoast Region of the department. The department may contract
20 with a not-for-profit corporation serving children in multiple
21 districts. A lead agency that is currently providing
22 residential care may provide this service directly, with the
23 approval of the local community alliance. The department or a
24 lead agency may contract for more than one site in a county if
25 such action is determined to be the most effective way to
26 achieve the goals of this section.

27 (a) The lead agency, contracted not-for-profit
28 corporation, or local government entity shall be responsible
29 for providing, for the children served under the program, a
30 comprehensive assessment, residential care, transportation,
31 behavioral health services, recreational activities, and the

1 clothing, supplies, and miscellaneous expenses associated with
2 caring for the children; for providing or arranging for the
3 provision of educational services; and for assuring necessary
4 and appropriate health and dental care, legal services, and
5 aftercare services.

6 (b) The department may transfer all casework
7 responsibilities for the children served under the program to
8 the entity providing services, including case management,
9 development and implementation of a case plan in accordance
10 with current child protection services standards, and all
11 related court work. For a program site established in a
12 community with a lead agency, the casework responsibilities
13 shall be transferred to the lead agency.

14 (4) MODEL PROGRAMS.--The department shall establish
15 model comprehensive residential services programs in
16 Miami-Dade and Manatee Counties through contracts with lead
17 agencies established in accordance with s. 409.1761 or, where
18 no lead agency exists, with a not-for-profit corporation
19 capable of providing residential group care and home-based
20 care and experienced in the delivery of a range of services to
21 foster children. The model programs shall serve that portion
22 of eligible children within each county specified in the
23 contract, based on funds appropriated, and shall include a
24 full array of services, for a fixed price. The lead agency or
25 not-for-profit corporation shall be responsible for all
26 programmatic functions necessary to carry out the intent of
27 this subsection. Each model program shall include the
28 following elements:

29 (a) A focus on serving the full range of children in
30 foster care, including children with specialized needs such as
31 children who are unlikely to be reunited with their families

1 or placed in adoptive homes, sibling groups, children with
2 serious behavior problems, and children who are victims of
3 sexual abuse.

4 (b) For each child in care, the provision of or
5 arrangement for a comprehensive assessment; residential care;
6 transportation; behavioral health services; recreational
7 activities; clothing, supplies, and miscellaneous expenses
8 associated with caring for the child; educational services;
9 necessary and appropriate health and dental care; legal
10 services; and aftercare services.

11 (c) A commitment and ability to find and utilize
12 innovative approaches to addressing the problems in the
13 traditional foster care system, such as high caregiver
14 turnover, disrupted and multiple placements, runaway behavior,
15 and abusive or nontherapeutic care.

16 (d) The provision of a full range of residential
17 services tailored to the individual needs of each child in
18 care, including group homes for initial assessment and
19 stabilization; professional and traditional foster homes;
20 residential group care provided in homelike residences housing
21 not more than 12 children and staffed with full-time,
22 appropriately trained house parents; and independent living
23 apartments.

24 (e) The provision of the full range of administrative
25 services necessary to operate the model program.

26 (f) Specific eligibility criteria, established in the
27 contract, including a "no reject, no eject" commitment with
28 the eligible children, subject to a court's determination that
29 a placement is not in a child's best interest.

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1 (g) An ability, through its trained multidisciplinary
2 staff, to facilitate the achievement of the permanency goals
3 of the children in care.

4 (h) The design and utilization of a volunteer mentor
5 program which will draw on the skills of retired individuals
6 to help meet the needs of both the children in care and their
7 caregivers.

8 (i) The willingness and ability to assume financial
9 risk for the care of children referred to the model program
10 pursuant to the contract.

11 (j) The willingness and ability to serve as a research
12 and teaching laboratory for departmental and community-based
13 care programs throughout the state in an effort to improve the
14 quality of foster care.

15 (5) PROGRAM REQUIREMENTS.--The programs established in
16 this section shall:

17 (a) Be operational within 6 months after the effective
18 date of this act. The department shall provide monthly written
19 status reports to the President of the Senate, the Speaker of
20 the House of Representatives, and the chairs and staff
21 directors of the appropriate committees of the Senate and
22 House of Representatives on the progress toward implementation
23 until full operation is realized.

24 (b) Be included as part of the annual evaluation
25 required under s. 409.1671. The annual evaluation of the
26 programs established in this section must be conducted by an
27 independent third party and must include, for each specific
28 program site, the level of attainment of the targeted outcomes
29 listed in paragraph (c). The evaluation of the model programs
30 shall include, at a minimum, an assessment of their
31 cost-effectiveness and their ability to successfully implement

1 the assigned program elements and meet performance standards,
2 including legislatively established standards for similar
3 programs and other standards determined jointly by the
4 department and providers and established in contract.

5 (c) Meet the following expectations, which must be
6 included in the contract with the department or lead agency:

7 1. No more than 10 percent of the children served
8 shall be moved from one living environment to another, unless
9 the child is being returned to family members or moved in
10 accordance with the treatment plan to a less restrictive
11 setting. All children shall have a comprehensive transitional
12 plan that identifies the child's living arrangement upon
13 leaving the program and the specific steps and services being
14 provided to prepare for that arrangement. Specific time
15 expectations for the achievement of the children's permanency
16 goals shall be included in the contract.

17 2. All children shall receive a full academic year of
18 appropriate educational instruction. Each child shall
19 demonstrate academic progress and be performing at grade level
20 or at a level commensurate with a valid academic assessment.
21 No more than 10 percent of the children shall have more than
22 one academic setting in an academic year, unless the child is
23 being moved in accordance with an educational plan to a less
24 restrictive setting.

25 3. Siblings shall be kept together at all times, in
26 the same living environment, unless specifically
27 contraindicated by the comprehensive assessment.

28 4. The caregiver turnover rate and the incidence of
29 child runaway episodes must be at least 50 percent below the
30 rates experienced in the rest of the state.

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1 5. In addition to providing a comprehensive
2 assessment, any or all of the following services indicated by
3 the assessment must be provided at all times: residential
4 care; transportation; behavioral health services; recreational
5 activities; clothing, supplies, and miscellaneous expenses
6 associated with caring for the children served under the
7 programs; educational services or arrangement for the
8 provision of such services; and necessary and appropriate
9 health and dental care, legal services, and aftercare
10 services.

11 6. Outcome measures to determine whether the children
12 served are satisfied with the services and living environments
13 provided under these programs.

14 7. Outcome measures to determine whether the
15 caregivers are satisfied with the programs.

16 (6) LEGAL AUTHORITY.--The entity providing services
17 shall have the legal authority to enroll children served under
18 these programs in school, sign for their driver's licenses,
19 cosign for loans and insurance coverage for them, sign for
20 their medical treatment, and perform other such activities.

21 (7) TECHNICAL ASSISTANCE.--The department shall
22 provide technical assistance, as requested, and contract for
23 management services, for the programs established in this
24 section.

25 (8) RESOURCES FOR SERVICES.--Nothing in this section
26 shall prohibit any provider of services under this section
27 from appropriately billing Medicaid for services rendered,
28 from contracting with a local school district for educational
29 services, or from earning federal or local funding for
30 services provided, as long as two or more funding sources do
31 not pay for the same specific service delivered to a child.

1 (9) FUNDING.--Notwithstanding the provisions of s.
2 409.141, the department shall fully reimburse the programs
3 established in this section based on a prospective per diem
4 rate which shall be specified annually in proviso language in
5 the General Appropriations Act. Funding for these programs
6 shall be made available from resources appropriated and
7 identified in the General Appropriations Act.

8 Section 4. Paragraph (i) of subsection (5) of section
9 409.175, Florida Statutes, is amended, paragraph (j) is
10 redesignated as paragraph (k), and a new paragraph (j) is
11 added to said subsection, to read:

12 409.175 Licensure of family foster homes, residential
13 child-caring agencies, and child-placing agencies.--

14 (5)

15 (i) A license issued for the operation of a family
16 foster home or agency, unless sooner suspended, revoked, or
17 voluntarily returned, shall will expire automatically on the
18 expiration date stated on the license ~~1 year from the date of~~
19 ~~issuance~~. Ninety days prior to the expiration date, an
20 application for renewal shall be submitted to the department
21 by a licensee who wishes to have the license renewed. A
22 license shall be renewed upon the filing of an application on
23 forms furnished by the department if the applicant has first
24 met the requirements established under this section and the
25 rules promulgated hereunder.

26 (j) A license issued for the operation of a family
27 foster home or agency shall be valid for 1 year from the date
28 of issuance. However, the department may issue a license that
29 is valid for an extended period, not to exceed 3 years from
30 the date of issuance, to a family foster home or agency that
31 meets the following criteria:

1 1. Has maintained a license with the department as a
2 family foster home or agency for at least the 3 preceding
3 years.

4 2. Remains in good standing with the department as
5 evidenced by ongoing licensing monitoring visits, children's
6 counselor reviews of the home or agency, and, when applicable,
7 foster child exit interviews that reflect substantial
8 satisfaction with the home or agency.

9 3. Has no abuse or neglect reports with any
10 maltreatment findings.

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12 The department reserves the right to reduce the validity
13 period of an extended license to 1 year.

14 Section 5. Section 784.081, Florida Statutes, is
15 amended to read:

16 784.081 Assault or battery on specified officials or
17 employees; reclassification of offenses.--Whenever a person is
18 charged with committing an assault or aggravated assault or a
19 battery or aggravated battery upon any elected official or
20 employee of: a school district; a private school; the Florida
21 School for the Deaf and the Blind; a university developmental
22 research school; a state university or any other entity of the
23 state system of public education, as defined in s. 228.041; ~~or~~
24 an employee or protective investigator of the Department of
25 Children and Family Services; or an employee or subcontractor
26 of a lead agency contracting with the Department of Children
27 and Family Services under s. 409.1671, when the person
28 committing the offense knows or has reason to know the
29 identity or position or employment of the victim, the offense
30 for which the person is charged shall be reclassified as
31 follows:

1 (1) In the case of aggravated battery, from a felony
2 of the second degree to a felony of the first degree.

3 (2) In the case of aggravated assault, from a felony
4 of the third degree to a felony of the second degree.

5 (3) In the case of battery, from a misdemeanor of the
6 first degree to a felony of the third degree.

7 (4) In the case of assault, from a misdemeanor of the
8 second degree to a misdemeanor of the first degree.

9 Section 6. This act shall take effect July 1, 2001.

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12 HOUSE SUMMARY

13
14 Revises various provisions relating to foster care and
15 related services. Provides for court-ordered placement of
16 certain children with a history of multiple placements
17 into residential group care. Provides that to compete for
18 a foster care privatization project, an eligible lead
19 community-based provider must maintain eligibility to
20 receive all federal child welfare funds currently
21 utilized by the Department of Children and Family
22 Services. Provides that if attempts to competitively
23 procure services in a community through eligible lead
24 community-based providers fail, the department, in
25 collaboration with local community alliances, must
26 develop a plan for continued implementation of
27 privatization by competitive procurement of service
28 components or comprehensive services for defined
29 populations through qualified licensed agencies. Provides
30 for establishment of a comprehensive residential services
31 program. Directs the department to contract with
specified entities for provision of services and to
establish model programs in specified districts.
Specifies program requirements, and requires the programs
to be operational by January 1, 2002. Provides for annual
evaluations and funding. Provides for issuance of 3-year
family foster home licenses if certain standards are met.
Provides for enhanced penalties for assault or battery
upon an employee or subcontractor of a lead agency
contracting with the department.