

By the Committee on Children and Families; and Senator Peaden

300-1470A-01

1 A bill to be entitled
2 An act relating to foster care; amending s.
3 20.19, F.S.; modifying the authority for lead
4 agencies to provide services; amending s.
5 39.521, F.S., relating to disposition hearings;
6 providing that certain children must be placed
7 in licensed residential care and must remain
8 there unless a court determines that it is not
9 in the child's best interest; requiring that
10 the Department of Children and Family Services
11 report to the Legislature each year on the
12 number of children placed in residential group
13 care and the number of children for whom
14 placement was unavailable; amending s.
15 409.1671, F.S.; redefining the term "related
16 services"; providing for a plan to be used as
17 an alternative to procuring foster care
18 services through an eligible lead
19 community-based provider; creating s. 409.1676,
20 F.S.; providing for comprehensive residential
21 services to children who have extraordinary
22 needs; defining terms; providing for the
23 Department of Children and Family Services to
24 contract with specified entities for such
25 services; specifying duties of the contracting
26 entity; providing legal authority of the
27 contracting entity to authorize specified
28 activities for children served; prescribing
29 departmental duties; creating s. 409.1677,
30 F.S.; providing for model comprehensive
31 residential services programs in specified

1 counties; defining terms; providing for the
2 programs to be established through contracts
3 between the department and specified entities;
4 prescribing the content of each model program;
5 establishing responsibilities of the
6 contracting private entity; providing legal
7 authority of the contracting private entity to
8 authorize certain activities for children
9 served; prescribing departmental duties;
10 creating s. 409.1679, F.S.; prescribing
11 additional requirements for the programs
12 established under ss. 409.1676, 409.1677, F.S.,
13 including requirements relating to
14 reimbursement methodology and program
15 evaluation; requiring the department to provide
16 progress reports to the Legislature; amending
17 s. 409.175, F.S.; allowing a family foster home
18 license to be valid for an extended period in
19 specified circumstances; amending s. 784.081,
20 F.S., relating to upgrading the seriousness of
21 the offense if a person commits an assault or a
22 battery against specified officials or
23 employees; including on the list of such
24 officials and employees an employee of a lead
25 community-based provider and its direct-service
26 contract providers; providing an effective
27 date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Paragraph (c) of subsection (7) of section
2 20.19, Florida Statutes, is amended to read:

3 20.19 Department of Children and Family
4 Services.--There is created a Department of Children and
5 Family Services.

6 (7) PROTOTYPE REGION.--

7 (c) The department is authorized to contract for
8 children's services with a lead agency in each county of the
9 prototype area, except that the lead agency contract may cover
10 more than one county when it is determined that such coverage
11 will provide more effective or efficient services. The duties
12 of the lead agency shall include, but not necessarily be
13 limited to:

14 1. Directing and coordinating the program and
15 children's services within the scope of its contract.

16 2. Providing or contracting for the provision of core
17 services, including intake and eligibility, assessment,
18 service planning, and case management. ~~However, a lead agency~~
19 ~~may obtain approval from the department to provide core~~
20 ~~services, including intake and eligibility, assessment,~~
21 ~~service planning, and case management, upon a finding by the~~
22 ~~department that such lead agency is the only appropriate~~
23 ~~organization within the service district capable of providing~~
24 ~~such service or services within the department's quality~~
25 ~~assurance and performance standards.~~

26 3. Creating a service provider network capable of
27 delivering the services contained in client service plans,
28 which shall include identifying the necessary services, the
29 necessary volume of services, and possible utilization
30 patterns and negotiating rates and expectations with
31 providers.

1 4. Managing and monitoring of provider contracts and
2 subcontracts.

3 5. Developing and implementing an effective bill
4 payment mechanism to ensure all providers are paid in a timely
5 fashion.

6 6. Providing or arranging for administrative services
7 necessary to support service delivery.

8 7. Utilizing departmentally approved training and
9 meeting departmentally defined credentials and standards.

10 8. Providing for performance measurement in accordance
11 with the department's quality assurance program and providing
12 for quality improvement and performance measurement.

13 9. Developing and maintaining effective interagency
14 collaboration to optimize service delivery.

15 10. Ensuring that all federal and state reporting
16 requirements are met.

17 11. Operating a consumer complaint and grievance
18 process.

19 12. Ensuring that services are coordinated and not
20 duplicated with other major payors, such as the local schools
21 and Medicaid.

22 13. Any other duties or responsibilities defined in s.
23 409.1671 related to community-based care.

24 Section 2. Present subsections (5), (6), and (7) of
25 section 39.521, Florida Statutes, are redesignated as
26 subsections (6), (7), and (8), respectively, and a new
27 subsection (5) is added to that section, to read:

28 39.521 Disposition hearings; powers of disposition.--

29 (5)(a) Except as provided in s. 39.407, any child 8
30 years of age or older who has been in licensed family foster
31 care for 6 months or longer and who is then moved more than

1 once must be assessed for placement in licensed residential
2 group care. This assessment procedure shall be led by the
3 child's assigned case worker and shall incorporate current and
4 historical information from any psychological testing or
5 evaluation that has occurred; from the guardian ad litem, if
6 one has been assigned; and from any current therapist,
7 teacher, or other professional who has knowledge of the child
8 and has worked with the child; and shall include information
9 concerning the availability of suitable residential group
10 care. If such placement is determined to be appropriate as a
11 result of this procedure, the child must be placed in
12 residential group care and the child must remain in
13 residential group care unless the court determines that
14 continued placement is not in the child's best interest. If it
15 is determined as a result of this procedure that such
16 placement is inappropriate, the assigned case worker must
17 submit specific justification in writing to the court for
18 review at the next scheduled hearing.

19 (b) By December 1 of each year, the department shall
20 report to the Legislature on the placement of children in
21 licensed residential group care during the year, including the
22 criteria used to determine the placement of children, the
23 number of children who were assessed for placement, the number
24 of children who were placed based upon the assessment, and the
25 number of children who were not placed. The department shall
26 maintain data specifying the number of children who were
27 referred to licensed residential child care for whom placement
28 was unavailable and the counties in which such placement was
29 unavailable. The department shall include this data in its
30 report to the Legislature due on December 1 so that the

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1 Legislature may consider this information in developing the
2 General Appropriations Act.

3 Section 3. Subsection (1) of section 409.1671, Florida
4 Statutes, is amended to read:

5 409.1671 Foster care and related services;
6 privatization.--

7 (1)(a) It is the intent of the Legislature that the
8 Department of Children and Family Services shall privatize the
9 provision of foster care and related services statewide. It is
10 further the Legislature's intent to encourage communities and
11 other stakeholders in the well-being of children to
12 participate in assuring that children are safe and
13 well-nurtured. However, while recognizing that some local
14 governments are presently funding portions of certain foster
15 care and related services programs and may choose to expand
16 such funding in the future, the Legislature does not intend by
17 its privatization of foster care and related services that any
18 county, municipality, or special district be required to
19 assist in funding programs that previously have been funded by
20 the state. Nothing in this paragraph prohibits any county,
21 municipality, or special district from future voluntary
22 funding participation in foster care and related services. As
23 used in this section, the term "privatize" means to contract
24 with competent, community-based agencies. The department shall
25 submit a plan to accomplish privatization statewide, through a
26 competitive process, phased in over a 3-year period beginning
27 January 1, 2000. This plan must be developed with local
28 community participation, including, but not limited to, input
29 from community-based providers that are currently under
30 contract with the department to furnish community-based foster
31 care and related services, and must include a methodology for

1 determining and transferring all available funds, including
2 federal funds that the provider is eligible for and agrees to
3 earn and that portion of general revenue funds which is
4 currently associated with the services that are being
5 furnished under contract. The methodology must provide for the
6 transfer of funds appropriated and budgeted for all services
7 and programs that have been incorporated into the project,
8 including all management, capital (including current furniture
9 and equipment), and administrative funds to accomplish the
10 transfer of these programs. This methodology must address
11 expected workload and at least the 3 previous years'
12 experience in expenses and workload. With respect to any
13 district or portion of a district in which privatization
14 cannot be accomplished within the 3-year timeframe, the
15 department must clearly state in its plan the reasons the
16 timeframe cannot be met and the efforts that should be made to
17 remediate the obstacles, which may include alternatives to
18 total privatization, such as public-private partnerships. As
19 used in this section, the term "related services" includes,
20 but is not limited to,~~means~~ family preservation, independent
21 living, emergency shelter, residential group care, foster
22 care, therapeutic foster care, intensive residential
23 treatment, foster care supervision, case management,
24 postplacement supervision, permanent foster care, and family
25 reunification. Unless otherwise provided for, beginning in
26 fiscal year 1999-2000, either the state attorney or the Office
27 of the Attorney General shall provide child welfare legal
28 services, pursuant to chapter 39 and other relevant
29 provisions, in Sarasota, Pinellas, Pasco, Broward, and Manatee
30 Counties. Such legal services shall commence and be
31 effective, as soon as determined reasonably feasible by the

1 respective state attorney or the Office of the Attorney
2 General, after the privatization of associated programs and
3 child protective investigations has occurred. When a private
4 nonprofit agency has received case management
5 responsibilities, transferred from the state under this
6 section, for a child who is sheltered or found to be dependent
7 and who is assigned to the care of the privatization project,
8 the agency may act as the child's guardian for the purpose of
9 registering the child in school if a parent or guardian of the
10 child is unavailable and his or her whereabouts cannot
11 reasonably be ascertained. The private nonprofit agency may
12 also seek emergency medical attention for such a child, but
13 only if a parent or guardian of the child is unavailable, his
14 or her whereabouts cannot reasonably be ascertained, and a
15 court order for such emergency medical services cannot be
16 obtained because of the severity of the emergency or because
17 it is after normal working hours. However, the provider may
18 not consent to sterilization, abortion, or termination of life
19 support. If a child's parents' rights have been terminated,
20 the nonprofit agency shall act as guardian of the child in all
21 circumstances.

22 (b) As used in this section, the term "eligible lead
23 community-based provider" means a single agency with which the
24 department shall contract for the provision of child
25 protective services in a community that is no smaller than a
26 county. The secretary of the department may authorize more
27 than one eligible lead community-based provider within a
28 single county when to do so will result in more effective
29 delivery of foster care and related services. To compete for a
30 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, including Title IV-E and IV-A
25 funds, currently being used by the Department of Children and
26 Family Services.

27 (c)1. If attempts to competitively procure services
28 through an eligible lead community-based provider as defined
29 in paragraph (b) do not produce a capable and willing agency,
30 the department shall develop a plan in collaboration with the
31 local community alliance. The plan must detail how the

1 community will continue to implement privatization through
2 competitively procuring either the specific components of
3 foster care and related services or comprehensive services for
4 defined eligible populations of children and families from
5 qualified licensed agencies as part of its efforts to develop
6 the local capacity for a community-based system of coordinated
7 care. The plan must ensure local control over the management
8 and administration of the service provision in accordance with
9 the intent of this section and may include recognized best
10 business practices, including some form of public or private
11 partnerships. In the absence of a community alliance, the plan
12 must be submitted to the President of the Senate and the
13 Speaker of the House of Representatives for their comments.

14 ~~2.1.~~ The Legislature finds that the state has
15 traditionally provided foster care services to children who
16 have been the responsibility of the state. As such, foster
17 children have not had the right to recover for injuries beyond
18 the limitations specified in s. 768.28. The Legislature has
19 determined that foster care and related services need to be
20 privatized pursuant to this section and that the provision of
21 such services is of paramount importance to the state. The
22 purpose for such privatization is to increase the level of
23 safety, security, and stability of children who are or become
24 the responsibility of the state. One of the components
25 necessary to secure a safe and stable environment for such
26 children is that private providers maintain liability
27 insurance. As such, insurance needs to be available and remain
28 available to nongovernmental foster care and related services
29 providers without the resources of such providers being
30 significantly reduced by the cost of maintaining such
31 insurance.

1 ~~3.2.~~ The Legislature further finds that, by requiring
2 the following minimum levels of insurance, children in
3 privatized foster care and related services will gain
4 increased protection and rights of recovery in the event of
5 injury than provided for in s. 768.28.

6 (d) Other than an entity to which s. 768.28 applies,
7 any eligible lead community-based provider, as defined in
8 paragraph (b), or its employees or officers, except as
9 otherwise provided in paragraph (e), must, as a part of its
10 contract, obtain a minimum of \$1 million per claim/\$3 million
11 per incident in general liability insurance coverage. In any
12 tort action brought against such an eligible lead
13 community-based provider, net economic damages shall be
14 limited to \$1 million per claim, including, but not limited
15 to, past and future medical expenses, wage loss, and loss of
16 earning capacity, offset by any collateral source payment paid
17 or payable. In any tort action brought against such an
18 eligible lead community-based provider, noneconomic damages
19 shall be limited to \$200,000 per claim. A claims bill may be
20 brought on behalf of a claimant pursuant to s. 768.28 for any
21 amount exceeding the limits specified in this paragraph. Any
22 offset of collateral source payments made as of the date of
23 the settlement or judgment shall be in accordance with s.
24 768.76. The lead community-based provider shall not be liable
25 in tort for the acts or omissions of its subcontractors or the
26 officers, agents, or employees of its subcontractors.

27 (e) The liability of an eligible lead community-based
28 provider described in this section shall be exclusive and in
29 place of all other liability of such provider. The same
30 immunities from liability enjoyed by such providers shall
31 extend as well to each employee of the provider when such

1 employee is acting in furtherance of the provider's business.
2 Such immunities shall not be applicable to a provider or an
3 employee who acts in a culpably negligent manner or with
4 willful and wanton disregard or unprovoked physical aggression
5 when such acts result in injury or death or such acts
6 proximately cause such injury or death; nor shall such
7 immunities be applicable to employees of the same provider
8 when each is operating in the furtherance of the provider's
9 business, but they are assigned primarily to unrelated works
10 within private or public employment. The same immunity
11 provisions enjoyed by a provider shall also apply to any sole
12 proprietor, partner, corporate officer or director,
13 supervisor, or other person who in the course and scope of his
14 or her duties acts in a managerial or policymaking capacity
15 and the conduct that caused the alleged injury arose within
16 the course and scope of those managerial or policymaking
17 duties. Culpable negligence is defined as reckless
18 indifference or grossly careless disregard of human life.

19 (f) Any subcontractor of an eligible lead
20 community-based provider, as defined in paragraph (b), which
21 is a direct provider of foster care and related services to
22 children and families, and its employees or officers, except
23 as otherwise provided in paragraph (e), must, as a part of its
24 contract, obtain a minimum of \$1 million per claim \$3 million
25 per incident in general liability insurance coverage. In any
26 tort action brought against such subcontractor, net economic
27 damages shall be limited to \$1 million per claim, including,
28 but not limited to, past and future medical expenses, wage
29 loss, and loss of earning capacity, offset by any collateral
30 source payment paid or payable. In any tort action brought
31 against such subcontractor, noneconomic damages shall be

1 limited to \$200,000 per claim. A claims bill may be brought on
2 behalf of a claimant pursuant to s. 768.28 for any amount
3 exceeding the limits specified in this paragraph. Any offset
4 of collateral source payments made as of the date of the
5 settlement or judgment shall be in accordance with s. 768.76.

6 (g) The liability of a subcontractor of an eligible
7 lead community-based provider that is a direct provider of
8 foster care and related services as described in this section
9 shall be exclusive and in place of all other liability of such
10 provider. The same immunities from liability enjoyed by such
11 subcontractor provider shall extend as well to each employee
12 of the subcontractor when such employee is acting in
13 furtherance of the subcontractor's business. Such immunities
14 shall not be applicable to a subcontractor or an employee who
15 acts in a culpably negligent manner or with willful and wanton
16 disregard or unprovoked physical aggression when such acts
17 result in injury or death or such acts proximately cause such
18 injury or death; nor shall such immunities be applicable to
19 employees of the same subcontractor when each is operating in
20 the furtherance of the subcontractor's business, but they are
21 assigned primarily to unrelated works within private or public
22 employment. The same immunity provisions enjoyed by a
23 subcontractor shall also apply to any sole proprietor,
24 partner, corporate officer or director, supervisor, or other
25 person who in the course and scope of his or her duties acts
26 in a managerial or policymaking capacity and the conduct that
27 caused the alleged injury arose within the course and scope of
28 those managerial or policymaking duties. Culpable negligence
29 is defined as reckless indifference or grossly careless
30 disregard of human life.

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1 (h) The Legislature is cognizant of the increasing
2 costs of goods and services each year and recognizes that
3 fixing a set amount of compensation actually has the effect of
4 a reduction in compensation each year. Accordingly, the
5 conditional limitations on damages in this section shall be
6 increased at the rate of 5 percent each year, prorated from
7 the effective date of this paragraph to the date at which
8 damages subject to such limitations are awarded by final
9 judgment or settlement.

10 Section 4. Section 409.1676, Florida Statutes, is
11 created to read:

12 409.1676 Comprehensive residential services to
13 children who have extraordinary needs.--

14 (1) It is the intent of the Legislature to provide
15 comprehensive residential services, including residential
16 care, case management, and other services, to children in the
17 child protection system who have extraordinary needs, such as
18 serious behavioral problems or having been determined to be
19 without the options of either reunification with family or
20 adoption. These services are to be provided in a residential
21 group care setting by a not-for-profit corporation or a local
22 government entity under a contract with the Department of
23 Children and Family Services or by a lead agency as described
24 in s. 409.1671. These contracts should be designed to provide
25 an identified number of children with access to a full array
26 of services for a fixed price.

27 (2) As used in this section, the term:

28 (a) "Residential group care" means a living
29 environment for children age 8 years of age and older who have
30 been adjudicated dependent and are expected to be in foster
31 care for at least 6 months with 24-hour-awake staff or live-in

1 group home parents or staff. All facilities must be
2 appropriately licensed in this state.

3 (b) "Serious behavioral problems" means behaviors of
4 children who have been assessed by a licensed master's-level
5 human-services professional to need at a minimum intensive
6 services but who do not meet the criteria of s. 394.492(6) or
7 s. 394.492(7). A child with an emotional disturbance as
8 defined in s. 394.492(5) may be served in residential group
9 care unless a determination is made by a mental health
10 professional that such a setting is inappropriate.

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

26 (4) The lead agency, the contracted not-for-profit
27 corporation, or the local government entity is responsible for
28 a comprehensive assessment, residential care, transportation,
29 behavioral health services, recreational activities, clothing,
30 supplies and miscellaneous expenses associated with caring for
31 these children, for necessary arrangement for or provision of

1 educational services, and for assuring necessary and
2 appropriate health and dental care.

3 (5) The department may transfer all casework
4 responsibilities for children served under this program to the
5 entity that provides this service, including case management,
6 development and implementation of a case plan in accordance
7 with current standards for child protection services, and,
8 except as provided in s. 409.1671(1)(a), all related court
9 work. When the department establishes this program in a
10 community that has a lead agency as described in s. 409.1671,
11 the casework responsibilities must be transferred to the lead
12 agency.

13 (6) This section does not prohibit any provider of
14 these services from appropriately billing Medicaid for
15 services rendered, from contracting with a local school
16 district for educational services, or from earning federal or
17 local funding for services provided, as long as two or more
18 funding sources do not pay for the same specific service that
19 has been provided to a child.

20 (7) The lead agency, not-for-profit corporation, or
21 local government entity has the legal authority for children
22 served under this program, as provided in chapter 39 or this
23 chapter, as appropriate, to enroll the child in school, to
24 sign for a driver's license for the child, to co-sign loans
25 and insurance for the child, to sign for medical treatment,
26 and to authorize other such activities.

27 (8) The department shall provide technical assistance
28 as requested and contract-management services.

29 Section 5. Section 409.1677, Florida Statutes, is
30 created to read:

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1 409.1677 Model comprehensive residential services
2 programs.--

3 (1) As used in this section, the term:

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

10 (b) "Serious behavioral problems" means behaviors of
11 children who have been assessed by a licensed master's-level
12 human services professional to need at a minimum intensive
13 services but who do not meet the criteria of s. 394.492(6) or
14 s. 394.492(7). A child with an emotional disturbance as
15 defined in s. 394.492(5) may be served in residential group
16 care unless a determination is made by a mental health
17 professional that such a setting is inappropriate.

18 (2) The department shall establish a model
19 comprehensive residential services program in Dade County and
20 in Manatee County through a contract with the designated lead
21 agency established in accordance with s. 409.1671 or with a
22 private entity capable of providing residential group care and
23 home-based care and experienced in the delivery of a range of
24 services to foster children, if no lead agency exists. These
25 model programs are to serve that portion of eligible children
26 within each county which is specified in the contract, based
27 on funds appropriated, to include a full array of services for
28 a fixed price. The private entity or lead agency is
29 responsible for all programmatic functions necessary to carry
30 out the intent of this section.

31 (3) Each model must include:

1 (a) A focus on serving the full range of children in
2 foster care, including those who have specialized needs, such
3 as children who are unlikely to be reunited with their
4 families or placed in adoptive homes; sibling groups; children
5 who have serious behavioral problems; and children who are
6 victims of sexual abuse.

7 (b) For each child who is in care, the provision of or
8 arrangements for a comprehensive assessment; residential care;
9 transportation; behavioral health services; recreational
10 activities; clothing, supplies, and miscellaneous expenses
11 associated with caring for these children; educational
12 services; necessary and appropriate health and dental care;
13 legal services; and aftercare services.

14 (c) A commitment and ability to find and use
15 innovative approaches to address the problems in the
16 traditional foster care system, such as high caregiver
17 turnover, disrupted and multiple placements, runaway behavior,
18 and abusive or nontherapeutic care.

19 (d) The provision of a full range of residential
20 services tailored to the individual needs of each child in
21 care, including group homes for initial assessment and for
22 stabilization; professional and traditional foster homes;
23 residential group care provided in a setting that is homelike
24 and provides care in residences housing no more than 12
25 children and staffed with full-time, appropriately trained
26 house parents; and independent living apartments. The programs
27 are designed for children who must enter the foster care
28 system, but the use of placement with relatives as part of a
29 child's care is encouraged.

30 (e) The provision of the full range of administrative
31 services necessary to operate the program.

1 (f) Specific eligibility criteria established in the
2 contract, including a "no-reject-no-eject" commitment with the
3 described eligible children, unless the court determines that
4 the placement is not in a child's best interest.

5 (g) An ability, through its trained, multidisciplinary
6 staff, to facilitate the achievement of the permanency goals
7 of the children who are in care.

8 (h) The design and utilization of a retired-volunteer
9 mentor program that would make use of the skills of retired
10 individuals in helping to meet the needs of both the children
11 in care and their caregivers.

12 (i) The willingness and ability to assume financial
13 risk for the care of children referred to the program under
14 the contract.

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

19 (4) This section does not prohibit any provider of
20 these services from appropriately billing Medicaid for
21 services rendered, from contracting with a local school
22 district for educational services, or from earning federal or
23 local funding for services provided, as long as two or more
24 funding sources do not pay for the same specific service that
25 has been provided to a child.

26 (5) The lead agency, not-for-profit corporation, or
27 local government entity has the legal authority for children
28 served under this program, as provided in chapter 39 or this
29 chapter, as appropriate, to enroll the child in school, to
30 sign for a driver's license for the child, to co-sign loans
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1 and insurance for the child, to sign for medical treatment,
2 and to authorize other such activities.

3 (6) The department shall provide technical assistance
4 as requested and contract-management services.

5 Section 6. Section 409.1679, Florida Statutes, is
6 created to read:

7 409.1679 Additional requirements, effective date,
8 reimbursement methodology, and evaluation.--

9 (1) The programs established under ss. 409.1676 and
10 409.1677 are to be operational within 6 months after those
11 sections take effect, and, beginning 1 month after this
12 section takes effect and continuing until full operation of
13 those programs is realized, the department shall provide to
14 the Legislature monthly written status reports on the progress
15 toward implementing those programs.

16 (2) The programs established under ss. 409.1676 and
17 409.1677 must be included as part of the annual evaluation
18 currently required under s. 409.1671. With respect to these
19 specific programs and models, the annual evaluation must be
20 conducted by an independent third party and must include, by
21 specific site, the level of attainment of the targeted
22 outcomes listed in subsection (3). The evaluation of the model
23 programs must include, at a minimum, an assessment of their
24 cost-effectiveness, of their ability to successfully implement
25 the assigned program elements, and of their attainment of
26 performance standards that include legislatively established
27 standards for similar programs and other standards determined
28 jointly by the department and the providers and stated in a
29 contract.

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1 (3) Each program established under ss. 409.1676 and
2 409.1677 must meet the following expectations, which must be
3 included in its contracts with the department or lead agency:

4 (a) No more than 10 percent of the children served may
5 move from one living environment to another, unless the child
6 is returned to family members or is moved, in accordance with
7 the treatment plan, to a less-restrictive setting. Each child
8 must have a comprehensive transitional plan that identifies
9 the child's living arrangement upon leaving the program and
10 specific steps and services that are being provided to prepare
11 for that arrangement. Specific expectations as to the time
12 period necessary for the achievement of these permanency goals
13 must be included in the contract.

14 (b) Each child must receive a full academic year of
15 appropriate educational instruction. No more than 10 percent
16 of the children may be in more than one academic setting in an
17 academic year, unless the child is being moved, in accordance
18 with an educational plan, to a less-restrictive setting. Each
19 child must demonstrate academic progress and must be
20 performing at grade level or at a level commensurate with a
21 valid academic assessment.

22 (c) Siblings must be kept together in the same living
23 environment 100 percent of the time, unless that is determined
24 by the provider not to be in the children's best interest.
25 When siblings are separated in placement, the decision must be
26 reviewed and approved by the court within 30 days.

27 (d) The program must experience a caregiver turnover
28 rate and an incidence of child runaway episodes which are at
29 least 50 percent below the rates experienced in the rest of
30 the state.

31

1 (e) In addition to providing a comprehensive
2 assessment, the program must provide, 100 percent of the time,
3 any or all of the following services that are indicated
4 through the assessment: residential care; transportation;
5 behavioral health services; recreational activities; clothing,
6 supplies, and miscellaneous expenses associated with caring
7 for these children; necessary arrangements for or provision of
8 educational services; and necessary and appropriate health and
9 dental care.

10 (f) The children who are served in this program must
11 be satisfied with the services and living environment.

12 (g) The caregivers must be satisfied with the program.

13 (4) Notwithstanding the provisions of s. 409.141, the
14 Department of Children and Family Services shall fairly and
15 reasonably reimburse the programs established under ss.
16 409.1676 and 409.1677 based on a prospective per-diem rate,
17 which must be specified annually in the General Appropriations
18 Act. Funding for these programs shall be made available from
19 resources appropriated and identified in the General
20 Appropriations Act.

21 Section 7. Present paragraph (j) of subsection (5) of
22 section 409.175, Florida Statutes, is redesignated as
23 paragraph (k), paragraphs (h) and (i) of that subsection are
24 amended, and a new paragraph (j) is added to that subsection,
25 to read:

26 409.175 Licensure of family foster homes, residential
27 child-caring agencies, and child-placing agencies.--

28 (5)

29 (h) Upon determination that the applicant meets the
30 state minimum licensing requirements, the department shall
31 issue a license without charge to a specific person or agency

1 at a specific location. A license may be issued if all the
2 screening materials have been timely submitted; however, a
3 license may not be issued or renewed if any person at the home
4 or agency has failed the required screening. The license is
5 nontransferable. A copy of the license shall be displayed in a
6 conspicuous place. Except as provided in paragraph (j), the
7 license is valid for 1 year from the date of issuance, unless
8 the license is suspended or revoked by the department or is
9 voluntarily surrendered by the licensee. The license is the
10 property of the department.

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

22 (j) The department may issue a license that is valid
23 for longer than 1 year but no longer than 3 years to a family
24 foster home that:

- 25 1. Has maintained a license with the department as a
26 family foster home for at least the 3 previous consecutive
27 years;
28 2. Remains in good standing with the department; and
29 3. Has not been the subject of a report of child abuse
30 or neglect with any findings of maltreatment.

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1 A family foster home that has been issued a license valid for
2 longer than 1 year must be monitored and visited as frequently
3 as one that has been issued a 1-year license. The department
4 reserves the right to reduce a licensure period to 1 year at
5 any time.

6 ~~(k)(j)~~ The department may not license summer day camps
7 or summer 24-hour camps. However, the department shall have
8 access to the personnel records of such facilities to ensure
9 compliance with the screening requirements.

10 Section 8. Section 784.081, Florida Statutes, is
11 amended to read:

12 784.081 Assault or battery on specified officials or
13 employees; reclassification of offenses.--Whenever a person is
14 charged with committing an assault or aggravated assault or a
15 battery or aggravated battery upon any elected official or
16 employee of: a school district; a private school; the Florida
17 School for the Deaf and the Blind; a university developmental
18 research school; a state university or any other entity of the
19 state system of public education, as defined in s. 228.041; ~~or~~
20 an employee or protective investigator of the Department of
21 Children and Family Services; or an employee of a lead
22 community-based provider and its direct service contract
23 providers, when the person committing the offense knows or has
24 reason to know the identity or position or employment of the
25 victim, the offense for which the person is charged shall be
26 reclassified as follows:

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

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

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

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

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

6
7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 1214

10 Requires that an assessment be conducted prior to the
11 placement in licensed residential group care of a child 8
12 years of age or older who has been in family foster care for
13 at least 6 months and is moved in care more than once, and
14 that written justification be sent to the court if the
15 placement is not appropriate. Requires a report to the
16 Legislature by December 1 of each year.

17 Specifies that a child with an emotional disturbance may be
18 served in residential group care unless a determination is
19 made by a mental health professional that such setting is not
20 appropriate.

21 States that the model comprehensive residential services
22 programs be fairly and reasonably reimbursed rather than fully
23 reimbursed.
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