

By the Committees on Appropriations; Children and Families;
and Senator Peadar

309-1606B-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
7 assessed for placement and placed in licensed
8 residential group care; requiring results of an
9 assessment to be reviewed by the court;
10 requiring certain residential group care
11 facilities to establish permanency teams;
12 requiring that the Department of Children and
13 Family Services report to the Legislature each
14 year on the number of children placed in
15 residential group care and the number of
16 children for whom placement was unavailable;
17 amending s. 409.1671, F.S.; redefining the term
18 "related services"; providing for a plan to be
19 used as an alternative to procuring foster care
20 services through an eligible lead
21 community-based provider; creating s. 409.1676,
22 F.S.; providing for comprehensive residential
23 services to children who have extraordinary
24 needs; defining terms; providing for the
25 Department of Children and Family Services to
26 contract with specified entities for such
27 services; specifying duties of the contracting
28 entity; providing legal authority of the
29 contracting entity to authorize specified
30 activities for children served; prescribing
31 departmental duties; creating s. 409.1677,

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

30
31 Be It Enacted by the Legislature of the State of Florida:

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) In districts 4, 11, and 12 and in the Suncoast
30 Region of the department and, except as provided in s. 39.407,
31 any child 10 years of age or older who has been in licensed

1 family foster care for 6 months or longer and who is then
2 moved more than once must be assessed for placement in
3 licensed residential group care. The assessment procedures
4 shall be conducted by the department or its agent and shall
5 incorporate and address current and historical information
6 from any psychological testing or evaluation that has
7 occurred; current and historical information from the guardian
8 ad litem, if one has been assigned; current and historical
9 information from any current therapist, teacher, or other
10 professional who has knowledge of the child and has worked
11 with the child; information regarding the placement of any
12 siblings of the child and the impact of the child's placement
13 in residential group care on the child's siblings; the
14 circumstances necessitating the moves of the child while in
15 family foster care and the recommendations of the former
16 foster families, if available; the status of the child's case
17 plan and a determination as to the impact of placing the child
18 in residential group care on the goals of the case plan; the
19 age, maturity, and desires of the child concerning placement;
20 the availability of any less restrictive, more family-like
21 setting for the child in which the foster parents have the
22 necessary training and skills for providing a suitable
23 placement for the child; and any other information concerning
24 the availability of suitable residential group care. If such
25 placement is determined to be appropriate as a result of this
26 procedure, the child must be placed in residential group care,
27 if available.

28 (b) The results of the assessment described in
29 paragraph (a) and the actions taken as a result of the
30 assessment must be included in the next judicial review of the
31 child. At each subsequent judicial review, the court must be

1 advised in writing of the status of the child's placement,
2 with special reference regarding the stability of the
3 placement and the permanency planning for the child.

4 (c) Any residential group care facility that receives
5 children under the provisions of this subsection shall
6 establish special permanency teams dedicated to overcoming the
7 special permanency challenges presented by this population of
8 children. Each facility shall report to the department its
9 success in achieving permanency for children placed by the
10 department in its care at intervals that allow the current
11 information to be provided to the court at each judicial
12 review for the child.

13 (d) This subsection does not prohibit the department
14 from assessing and placing children who do not meet the
15 criteria in paragraph (a) in residential group care if such
16 placement is the most appropriate placement for such children.

17 (e) By December 1 of each year beginning in 2001, the
18 department shall report to the Legislature on the placement of
19 children in licensed residential group care during the year,
20 including the criteria used to determine the placement of
21 children, the number of children who were evaluated for
22 placement, the number of children who were placed based upon
23 the evaluation, and the number of children who were not
24 placed. The department shall maintain data specifying the
25 number of children who were referred to licensed residential
26 child care for whom placement was unavailable and the counties
27 in which such placement was unavailable. The department shall
28 include this data in its report to the Legislature due on
29 December 1, so that the Legislature may consider this
30 information in developing the General Appropriations Act.

31

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

3 409.1671 Foster care and related services;
4 privatization.--

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

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

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

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

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

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

4 3. The ability to provide directly, or contract for
5 through a local network of providers, all necessary child
6 protective services.

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

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

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

20 7. The ability to maintain eligibility to receive all
21 federal child welfare funds, including Title IV-E and IV-A
22 funds, currently being used by the Department of Children and
23 Family Services.

24 (c)1. If attempts to competitively procure services
25 through an eligible lead community-based provider as defined
26 in paragraph (b) do not produce a capable and willing agency,
27 the department shall develop a plan in collaboration with the
28 local community alliance. The plan must detail how the
29 community will continue to implement privatization through
30 competitively procuring either the specific components of
31 foster care and related services or comprehensive services for

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

11 2.1. The Legislature finds that the state has
12 traditionally provided foster care services to children who
13 have been the responsibility of the state. As such, foster
14 children have not had the right to recover for injuries beyond
15 the limitations specified in s. 768.28. The Legislature has
16 determined that foster care and related services need to be
17 privatized pursuant to this section and that the provision of
18 such services is of paramount importance to the state. The
19 purpose for such privatization is to increase the level of
20 safety, security, and stability of children who are or become
21 the responsibility of the state. One of the components
22 necessary to secure a safe and stable environment for such
23 children is that private providers maintain liability
24 insurance. As such, insurance needs to be available and remain
25 available to nongovernmental foster care and related services
26 providers without the resources of such providers being
27 significantly reduced by the cost of maintaining such
28 insurance.

29 3.2. The Legislature further finds that, by requiring
30 the following minimum levels of insurance, children in
31 privatized foster care and related services will gain

1 increased protection and rights of recovery in the event of
2 injury than provided for in s. 768.28.

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

24 (e) The liability of an eligible lead community-based
25 provider described in this section shall be exclusive and in
26 place of all other liability of such provider. The same
27 immunities from liability enjoyed by such providers shall
28 extend as well to each employee of the provider when such
29 employee is acting in furtherance of the provider's business.
30 Such immunities shall not be applicable to a provider or an
31 employee who acts in a culpably negligent manner or with

1 willful and wanton disregard or unprovoked physical aggression
2 when such acts result in injury or death or such acts
3 proximately cause such injury or death; nor shall such
4 immunities be applicable to employees of the same provider
5 when each is operating in the furtherance of the provider's
6 business, but they are assigned primarily to unrelated works
7 within private or public employment. The same immunity
8 provisions enjoyed by a provider shall also apply to any sole
9 proprietor, partner, corporate officer or director,
10 supervisor, or other person who in the course and scope of his
11 or her duties acts in a managerial or policymaking capacity
12 and the conduct that caused the alleged injury arose within
13 the course and scope of those managerial or policymaking
14 duties. Culpable negligence is defined as reckless
15 indifference or grossly careless disregard of human life.

16 (f) Any subcontractor of an eligible lead
17 community-based provider, as defined in paragraph (b), which
18 is a direct provider of foster care and related services to
19 children and families, and its employees or officers, except
20 as otherwise provided in paragraph (e), must, as a part of its
21 contract, obtain a minimum of \$1 million per claim \$3 million
22 per incident in general liability insurance coverage. In any
23 tort action brought against such subcontractor, net economic
24 damages shall be limited to \$1 million per claim, including,
25 but not limited to, past and future medical expenses, wage
26 loss, and loss of earning capacity, offset by any collateral
27 source payment paid or payable. In any tort action brought
28 against such subcontractor, noneconomic damages shall be
29 limited to \$200,000 per claim. A claims bill may be brought on
30 behalf of a claimant pursuant to s. 768.28 for any amount
31 exceeding the limits specified in this paragraph. Any offset

1 of collateral source payments made as of the date of the
2 settlement or judgment shall be in accordance with s. 768.76.

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

28 (h) The Legislature is cognizant of the increasing
29 costs of goods and services each year and recognizes that
30 fixing a set amount of compensation actually has the effect of
31 a reduction in compensation each year. Accordingly, the

1 conditional limitations on damages in this section shall be
2 increased at the rate of 5 percent each year, prorated from
3 the effective date of this paragraph to the date at which
4 damages subject to such limitations are awarded by final
5 judgment or settlement.

6 Section 4. Section 409.1676, Florida Statutes, is
7 created to read:

8 409.1676 Comprehensive residential services to
9 children who have extraordinary needs.--

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

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

24 (a) "Residential group care" means a living
25 environment for children who have been adjudicated dependent
26 and are expected to be in foster care for at least 6 months
27 with 24-hour-awake staff or live-in group home parents or
28 staff. Beginning July 1, 2001, all facilities must be
29 appropriately licensed in this state, and they must be
30 accredited by July 1, 2005.

31

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

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

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

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

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

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

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

26 Section 5. Section 409.1677, Florida Statutes, is
27 created to read:

28 409.1677 Model comprehensive residential services
29 programs.--

30 (1) As used in this section, the term:
31

1 (a) "Residential group care" means a living
2 environment for children who have been adjudicated dependent
3 and are expected to be in foster care for a minimum of 6
4 months with 24-hour-awake staff or live-in group home parents
5 or staff. Beginning July 1, 2001, all facilities must be
6 appropriately licensed in this state, and they must be
7 accredited by July 1, 2005.

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

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

29 (3) Each model must include:

30 (a) A focus on serving the full range of children in
31 foster care, including those who have specialized needs, such

1 as children who are unlikely to be reunited with their
2 families or placed in adoptive homes; sibling groups; children
3 who have serious behavioral problems; and children who are
4 victims of sexual abuse.

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

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

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

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

30 (f) Specific eligibility criteria established in the
31 contract, including a "no-reject-no-eject" commitment with the

1 described eligible children, unless the court determines that
2 the placement is not in a child's best interest.

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

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

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

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

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

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

31

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

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

5 409.1679 Additional requirements, effective date,
6 reimbursement methodology, and evaluation.--

7 (1) The programs established under ss. 409.1676 and
8 409.1677 are to be operational within 6 months after those
9 sections take effect, and, beginning 1 month after this
10 section takes effect and continuing until full operation of
11 those programs is realized, the department shall provide to
12 the Legislature monthly written status reports on the progress
13 toward implementing those programs.

14 (2) The programs established under ss. 409.1676 and
15 409.1677 must be included as part of the annual evaluation
16 currently required under s. 409.1671. With respect to these
17 specific programs and models, the annual evaluation must be
18 conducted by an independent third party and must include, by
19 specific site, the level of attainment of the targeted
20 outcomes listed in subsection (3). The evaluation of the model
21 programs must include, at a minimum, an assessment of their
22 cost-effectiveness, of their ability to successfully implement
23 the assigned program elements, and of their attainment of
24 performance standards that include legislatively established
25 standards for similar programs and other standards determined
26 jointly by the department and the providers and stated in a
27 contract.

28 (3) Each program established under ss. 409.1676 and
29 409.1677 must meet the following expectations, which must be
30 included in its contracts with the department or lead agency:
31

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

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

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

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

28 (e) In addition to providing a comprehensive
29 assessment, the program must provide, 100 percent of the time,
30 any or all of the following services that are indicated
31 through the assessment: residential care; transportation;

1 behavioral health services; recreational activities; clothing,
2 supplies, and miscellaneous expenses associated with caring
3 for these children; necessary arrangements for or provision of
4 educational services; and necessary and appropriate health and
5 dental care.

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

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

9 (4) Notwithstanding the provisions of s. 409.141, the
10 Department of Children and Family Services shall fairly and
11 reasonably reimburse the programs established under ss.
12 409.1676 and 409.1677 based on a prospective per-diem rate,
13 which must be specified annually in the General Appropriations
14 Act. Funding for these programs shall be made available from
15 resources appropriated and identified in the General
16 Appropriations Act.

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

22 409.175 Licensure of family foster homes, residential
23 child-caring agencies, and child-placing agencies.--

24 (5)

25 (h) Upon determination that the applicant meets the
26 state minimum licensing requirements, the department shall
27 issue a license without charge to a specific person or agency
28 at a specific location. A license may be issued if all the
29 screening materials have been timely submitted; however, a
30 license may not be issued or renewed if any person at the home
31 or agency has failed the required screening. The license is

1 nontransferable. A copy of the license shall be displayed in a
2 conspicuous place. Except as provided in paragraph (j), the
3 license is valid for 1 year from the date of issuance, unless
4 the license is suspended or revoked by the department or is
5 voluntarily surrendered by the licensee. The license is the
6 property of the department.

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

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

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

27
28 A family foster home that has been issued a license valid for
29 longer than 1 year must be monitored and visited as frequently
30 as one that has been issued a 1-year license. The department
31

1 reserves the right to reduce a licensure period to 1 year at
2 any time.

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

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

9 784.081 Assault or battery on specified officials or
10 employees; reclassification of offenses.--Whenever a person is
11 charged with committing an assault or aggravated assault or a
12 battery or aggravated battery upon any elected official or
13 employee of: a school district; a private school; the Florida
14 School for the Deaf and the Blind; a university developmental
15 research school; a state university or any other entity of the
16 state system of public education, as defined in s. 228.041; ~~or~~
17 an employee or protective investigator of the Department of
18 Children and Family Services; or an employee of a lead
19 community-based provider and its direct service contract
20 providers, when the person committing the offense knows or has
21 reason to know the identity or position or employment of the
22 victim, the offense for which the person is charged shall be
23 reclassified as follows:

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

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

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

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

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

2

3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 CS/SB 1214

6

Limits the newly required assessment and placement of certain children in licensed residential child care to districts 4, 11, 12 and the Suncoast Region of the Department of Children and Family Services.

8

Revises the age of a child, from 8 years to 10 years of age or older, that the department is required to assess for placement into licensed residential group care.

10

Adds to the list of components which must be included in the assessment procedure.

11

Provides for judicial review of the assessment results and actions taken.

13

Directs residential group care facilities that receive children as a result of the new assessment requirements to establish special permanency teams dedicated to overcoming the permanency challenges presented by this group of children and requires regular reporting to the department on the success in achieving permanency.

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16

Modifies the definition of residential group care by striking reference to an age limit.

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Requires all residential group care facilities to be appropriately licensed by July 1, 2001 and to be accredited by July 1, 2005.

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Strikes the provision that gives responsibility for court work to the residential group care providers.

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