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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2015	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 39.523, Florida Statutes, is amended to
read:

39.523 Placement in residential group care.—

(1) Except as provided in s. 39.407, any dependent child 11
years of age or older who has been in licensed family foster
care for 6 months or longer and who is then moved more than once



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11 and who is a child with extraordinary needs as defined in s.
12 409.1676 must be assessed for placement in licensed residential
13 group care. The assessment procedures shall be conducted by the
14 department or its agent and shall incorporate and address
15 current and historical information from any psychological
16 testing or evaluation that has occurred; current and historical
17 information from the guardian ad litem, if one has been
18 assigned; current and historical information from any current
19 therapist, teacher, or other professional who has knowledge of
20 the child and has worked with the child; information regarding
21 the placement of any siblings of the child and the impact of the
22 child's placement in residential group care on the child's
23 siblings; the circumstances necessitating the moves of the child
24 while in family foster care and the recommendations of the
25 former foster families, if available; the status of the child's
26 case plan and a determination as to the impact of placing the
27 child in residential group care on the goals of the case plan;
28 the age, maturity, and desires of the child concerning
29 placement; the availability of any less restrictive, more
30 family-like setting for the child in which the foster parents
31 have the necessary training and skills for providing a suitable
32 placement for the child; and any other information concerning
33 the availability of suitable residential group care. If such
34 placement is determined to be appropriate as a result of this
35 procedure, the child must be placed in residential group care,
36 if available.

37 (2) The results of the assessment described in subsection
38 (1) and the actions taken as a result of the assessment must be
39 included in the next judicial review of the child. At each



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40 subsequent judicial review, the court must be advised in writing
41 of the status of the child's placement, with special reference
42 regarding the stability of the placement and the permanency
43 planning for the child.

44 (3) Any residential group care facility that receives
45 children under the provisions of this subsection shall establish
46 special permanency teams dedicated to overcoming the special
47 permanency challenges presented by this population of children.
48 Each facility shall report to the department its success in
49 achieving permanency for children placed by the department in
50 its care at intervals that allow the current information to be
51 provided to the court at each judicial review for the child.

52 (4) This section does not prohibit the department from
53 assessing and placing children who do not meet the criteria in
54 subsection (1) in residential group care if such placement is
55 the most appropriate placement for such children.

56 ~~(5) (a) By December 1 of each year, the department shall~~
57 ~~report to the Legislature on the placement of children in~~
58 ~~licensed residential group care during the year, including the~~
59 ~~criteria used to determine the placement of children, the number~~
60 ~~of children who were evaluated for placement, the number of~~
61 ~~children who were placed based upon the evaluation, and the~~
62 ~~number of children who were not placed. The department shall~~
63 ~~maintain data specifying the number of children who were~~
64 ~~referred to licensed residential child care for whom placement~~
65 ~~was unavailable and the counties in which such placement was~~
66 ~~unavailable. The department shall include this data in its~~
67 ~~report to the Legislature due on December 1, so that the~~
68 ~~Legislature may consider this information in developing the~~



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69 ~~General Appropriations Act.~~

70 ~~(b) As part of the report required in paragraph (a), the~~
71 ~~department shall also provide a detailed account of the~~
72 ~~expenditures incurred for "Special Categories: Grants and Aids-~~
73 ~~Specialized Residential Group Care Services" for the fiscal year~~
74 ~~immediately preceding the date of the report. This section of~~
75 ~~the report must include whatever supporting data is necessary to~~
76 ~~demonstrate full compliance with paragraph (6) (c). The document~~
77 ~~must present the information by district and must specify, at a~~
78 ~~minimum, the number of additional beds, the average rate per~~
79 ~~bed, the number of additional persons served, and a description~~
80 ~~of the enhanced and expanded services provided.~~

81 ~~(6) (a) The provisions of this section shall be implemented~~
82 ~~to the extent of available appropriations contained in the~~
83 ~~annual General Appropriations Act for such purpose.~~

84 ~~(b) Each year, funds included in the General Appropriations~~
85 ~~Act for Enhanced Residential Group Care as provided for in s.~~
86 ~~409.1676 shall be appropriated in a separately identified~~
87 ~~special category that is designated in the act as "Special~~
88 ~~Categories: Grants and Aids-Specialized Residential Group Care~~
89 ~~Services."~~

90 ~~(c) Each fiscal year, all funding increases for Enhanced~~
91 ~~Residential Group Care as provided in s. 409.1676 which are~~
92 ~~included in the General Appropriations Act shall be appropriated~~
93 ~~in a lump sum category as defined in s. 216.011(1) (aa). In~~
94 ~~accordance with s. 216.181(6) (a), the Executive Office of the~~
95 ~~Governor shall require the department to submit a spending plan~~
96 ~~that identifies the residential group care bed capacity shortage~~
97 ~~throughout the state and proposes a distribution formula by~~



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98 ~~district which addresses the reported deficiencies. The spending~~
99 ~~plan must have as its first priority the reduction or~~
100 ~~elimination of any bed shortage identified and must also provide~~
101 ~~for program enhancements to ensure that residential group care~~
102 ~~programs meet a minimum level of expected performance and~~
103 ~~provide for expansion of the comprehensive residential group~~
104 ~~care services described in s. 409.1676. Annual appropriation~~
105 ~~increases appropriated in the lump-sum appropriation must be~~
106 ~~used in accordance with the provisions of the spending plan.~~

107 ~~(d) Funds from "Special Categories: Grants and Aids-~~
108 ~~Specialized Residential Group Care Services" may be used as one-~~
109 ~~time startup funding for residential group care purposes that~~
110 ~~include, but are not limited to, remodeling or renovation of~~
111 ~~existing facilities, construction costs, leasing costs, purchase~~
112 ~~of equipment and furniture, site development, and other~~
113 ~~necessary and reasonable costs associated with the startup of~~
114 ~~facilities or programs upon the recommendation of the lead~~
115 ~~community-based provider if one exists and upon specific~~
116 ~~approval of the terms and conditions by the secretary of the~~
117 ~~department.~~

118 Section 2. Section 409.144, Florida Statutes, is created to
119 read:

120 409.144 Continuum of care; residential group home care.-

121 (1) LEGISLATIVE FINDINGS AND INTENT.-

122 (a) The Legislature finds that children in out-of-home care
123 should live in their communities in home-based family care
124 settings and that the need to recruit, train, and support an
125 adequate number of families to provide home-based family care is
126 an essential part of any initiative to reform out-of-home care



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127 for children.

128 (b) The Legislature also finds that children who initially
129 cannot be safely placed in home-based family care may be still
130 placed into residential group home care, but for only the
131 minimum time required for stabilization and with specific short
132 time-limited plans for their care. When needed, residential
133 group home care should be considered a short-term, specialized,
134 and intensive intervention that is just one part of a continuum
135 of care available for children.

136 (c) The Legislature further finds that, once stabilized,
137 most children should transition from residential group home care
138 into home-based family care with their services following them.

139 (d) Therefore, it is the intent of the Legislature to
140 support an effort to reform the current system of using
141 residential group home care that reflects current research
142 findings and the appropriate place of residential group home
143 care in the child welfare system continuum of care. It is
144 further the intent of the Legislature that the reform effort
145 provides for improved assessments of children and families to
146 make more informed and appropriate initial placement decisions,
147 an emphasis on home-based family care placements for children,
148 appropriate support for those placements with available
149 services, a change in goals for residential group home care
150 placements, and increased transparency and accountability for
151 child outcomes.

152 (2) DUTIES OF THE DEPARTMENT.—The department shall collect
153 and compile data and information necessary to inform the
154 development of a work plan to be used by the Continuum of Care
155 Advisory Council created in subsection (3) to address the



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156 placement and services needs of children who are cared for in
157 out-of-home care. At a minimum, the collected and compiled data
158 and information must include current data and information
159 related to all of the following:

160 (a) Methods of assessing children coming into care for
161 their initial placement.

162 (b) Definitions and characteristics of types of placements
163 in use.

164 (c) Service needs of children in out-of-home care.

165 (d) Program design and quality standards.

166 (e) Licensing categories and accreditation requirements for
167 types of out-of-home placements.

168 (f) Rates and procedures used for payment rate setting.

169 (g) Outcomes, outcome indicators and performance measures.

170 (h) Impact of existing performance measures.

171 (i) Mechanisms that ensure continuous quality improvement
172 and transition strategies from group care to other levels of
173 care.

174 (3) CONTINUUM OF CARE ADVISORY COUNCIL.—The Continuum of
175 Care Advisory Council is created within the department for the
176 purpose of recommending a plan to address the placement and
177 service needs of children who are cared for outside their own
178 homes by creating a continuum of care which consists of
179 recruiting, training, and supporting an adequate supply of home-
180 based family care; providing needed services and supports in
181 those family care settings; and limiting congregate care to only
182 those situations in which adequate services cannot be safely
183 provided while a child lives with a family, and for only the
184 minimum amount of time required for stabilization. The work of



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185 the advisory council shall be conducted in collaboration with
186 the primary stakeholders and shall be based on empirical
187 research and best practices data. The process must include
188 gathering research data, holding public meetings, and entering
189 into partnerships with academia and other stakeholders to
190 complete the task. The advisory council shall function as
191 specified in this subsection until the Legislature determines
192 that the advisory council can no longer provide a valuable
193 contribution to the department's efforts to create a continuum
194 of care.

195 (a) The 25 members of the advisory council must be
196 appointed in the following manner:

197 1. Three members from the headquarters and regional offices
198 of the department, to be appointed by the secretary.

199 2. One member with recognized expertise in developmental
200 psychology, to be appointed by the secretary.

201 3. One member with expertise in children's mental health,
202 to be appointed by the secretary.

203 4. One member with expertise in children's health issues,
204 to be appointed by the secretary.

205 5. One member who is an economist with expertise in
206 behavioral economics, to be appointed by the secretary.

207 6. Two members from the community-based care lead agencies,
208 one from the lead agency with the lowest rate and one from the
209 lead agency with the highest rate of residential group home
210 placement, to be appointed by the secretary.

211 7. One member with experience working with children with
212 special needs in residential group home settings, to be
213 appointed by the secretary.



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214 8. Two members who are foster parents, to be appointed by
215 the executive director of the Florida State Foster/Adoptive
216 Parent Association.

217 9. Two members who are kinship caregivers, to be appointed
218 by the secretary.

219 10. One member from the Quality Parenting Initiative, to be
220 appointed by the secretary.

221 11. Three members who are residential group home providers,
222 representing different models of residential group home care and
223 who are involved in daily operation of the facilities, to be
224 appointed by the secretary.

225 12. Two members from Florida Youth SHINE, to be appointed
226 by the secretary.

227 13. One member from Florida's Children First, to be
228 appointed by the secretary.

229 14. One member from the Agency for Persons with
230 Disabilities, to be appointed by the director of the agency.

231 15. One member from the Department of Juvenile Justice, to
232 be appointed by the Secretary of Juvenile Justice.

233 16. One member from the Department of Education, to be
234 appointed by the Commissioner of Education.

235 17. One member from the Florida Institute for Child
236 Welfare, to be appointed by the secretary.

237 (b) The advisory council is encouraged to work with any
238 additional individuals who are knowledgeable in the subject
239 areas; however, those additional individuals may not become
240 members of the council and may not vote on the final report and
241 recommendations of the council, but may submit reports and
242 recommendations for review by the council and may be invited to



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243 speak to the council by a member of the council.

244 (c) Nongovernmental members of the advisory council shall
245 serve without compensation but are entitled to receive per diem
246 and travel expenses in accordance with s. 112.061 while in
247 performance of their duties.

248 (d) The advisory council shall propose a timeline and work
249 plan for reform and an estimate of associated costs and shall
250 submit the proposal and estimate of costs to the Governor, the
251 President of the Senate, and the Speaker of the House of
252 Representatives by December 31, 2016. At a minimum, the proposal
253 must consider the following:

254 1. The impact of group care on children based on their age
255 and history based on an impartial compilation of research
256 related to residential group care.

257 2. Criteria for admission to residential group care and the
258 types of assessments that should be performed to determine
259 whether the admission criteria are being met and who should
260 perform the assessments.

261 3. Policies and procedures needed to ensure that placement
262 in a residential group care is appropriate for each specific
263 child and lasts only as long as necessary to resolve the issue
264 that required the placement.

265 4. Services that are currently available for children in
266 group placements and the types of services that could be
267 provided to eliminate the need for group care.

268 5. The need to develop a classification system for group
269 care.

270 6. Requirements needed in plans for children in group care
271 to transition to family placement.



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272 7. The role of state licensing in determining the quality
273 of care and the need for a new licensing category or categories
274 to better meet the needs of the children in out-of-home care.

275 8. The value of requiring group home accreditation by a
276 national accrediting body.

277 9. The need to plan for any change in federal funding for
278 long-term residential group care.

279 10. Current practices related to the use of residential
280 group home care in order to develop a framework that can be used
281 to transition residential group homes into short-term,
282 specialized, and intensive treatment providers used for the
283 minority of children who cannot safely be served in home-based
284 family care settings.

285 11. Age limitations that should be placed on group care
286 based on developmental research.

287 12. Comparison of cost of group care placement and family
288 based care, and what economic and other incentives exist for
289 placement of children in group care.

290 13. Alternate funding mechanisms for children placed in
291 residential group home care.

292 14. Adjustments to funding to encourage placement in home-
293 based family care settings.

294 15. Standards that should be in effect to ensure that group
295 home staff has adequate training, experience, and supervision to
296 provide therapeutic care to children and youth in the
297 facilities.

298 (e) The department shall provide administrative support to
299 the advisory council to accomplish its assigned tasks. The
300 advisory council shall have access to all appropriate data from



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301 the department, each community-based care lead agency, and other
302 relevant agencies in order to accomplish the tasks set forth in
303 this section. The data collected by the advisory council may not
304 include information that would identify a specific child or
305 young adult.

306 Section 3. This act shall take effect July 1, 2015.

307 ===== T I T L E A M E N D M E N T =====

308 And the title is amended as follows:

309 Delete everything before the enacting clause
310 and insert:

311 A bill to be entitled
312 An act relating to continuum of care for children;
313 amending s. 39.523, F.S.; removing a requirement that
314 the Department of Children and Families submit a
315 report annually to the Legislature on the placement of
316 children in licensed residential group care; removing
317 a provision requiring the department to provide a
318 detailed account of certain expenditures; removing
319 provisions regarding implementation and specified
320 annual funding; creating s. 409.144, F.S.; providing
321 legislative findings and intent; requiring the
322 department to collect and compile specified data and
323 information; creating the Continuum of Care Advisory
324 Council within the department for specified purposes;
325 providing duties of the council; requiring the members
326 of the advisory council to be appointed in specified
327 manners; authorizing the advisory council to work with
328 certain individuals and providing limitations on the
329 involvement of those individuals; providing per diem



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330 and travel expenses for certain members; requiring the
331 advisory council to submit specified information to
332 the Governor and the Legislature by a certain date;
333 requiring the department to provide administrative
334 support to the advisory council; requiring that the
335 advisory council have access to specified information;
336 prohibiting certain data from including information
337 that would identify specific individuals; providing an
338 effective date.