

By the Committee on Children, Families, and Elder Affairs; and
Senators Detert and Sachs

586-02204-15

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1 A bill to be entitled
2 An act relating to continuum of care for children;
3 amending s. 39.523, F.S.; removing a requirement that
4 the Department of Children and Families submit a
5 report annually to the Legislature on the placement of
6 children in licensed residential group care; removing
7 a provision requiring the department to provide a
8 detailed account of certain expenditures; removing
9 provisions regarding implementation and specified
10 annual funding; creating s. 409.144, F.S.; providing
11 legislative findings and intent; requiring the
12 department to collect and compile specified data and
13 information; creating the Continuum of Care Advisory
14 Council within the department for specified purposes;
15 providing duties of the council; requiring the members
16 of the advisory council to be appointed in specified
17 matters; authorizing the advisory council to work with
18 certain individuals and providing limitations on the
19 involvement of those individuals; providing per diem
20 and travel expenses for certain members; requiring the
21 advisory council to submit specified information to
22 the Governor and the Legislature by a certain date;
23 requiring the department to provide administrative
24 support to the advisory council; requiring that the
25 advisory council have access to specified information;
26 prohibiting certain data from including information
27 that would identify specific individuals; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Section 39.523, Florida Statutes, is amended to
33 read:

34 39.523 Placement in residential group care.—

35 (1) Except as provided in s. 39.407, any dependent child 11
36 years of age or older who has been in licensed family foster
37 care for 6 months or longer and who is then moved more than once
38 and who is a child with extraordinary needs as defined in s.
39 409.1676 must be assessed for placement in licensed residential
40 group care. The assessment procedures shall be conducted by the
41 department or its agent and shall incorporate and address
42 current and historical information from any psychological
43 testing or evaluation that has occurred; current and historical
44 information from the guardian ad litem, if one has been
45 assigned; current and historical information from any current
46 therapist, teacher, or other professional who has knowledge of
47 the child and has worked with the child; information regarding
48 the placement of any siblings of the child and the impact of the
49 child's placement in residential group care on the child's
50 siblings; the circumstances necessitating the moves of the child
51 while in family foster care and the recommendations of the
52 former foster families, if available; the status of the child's
53 case plan and a determination as to the impact of placing the
54 child in residential group care on the goals of the case plan;
55 the age, maturity, and desires of the child concerning
56 placement; the availability of any less restrictive, more
57 family-like setting for the child in which the foster parents
58 have the necessary training and skills for providing a suitable

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59 placement for the child; and any other information concerning
60 the availability of suitable residential group care. If such
61 placement is determined to be appropriate as a result of this
62 procedure, the child must be placed in residential group care,
63 if available.

64 (2) The results of the assessment described in subsection
65 (1) and the actions taken as a result of the assessment must be
66 included in the next judicial review of the child. At each
67 subsequent judicial review, the court must be advised in writing
68 of the status of the child's placement, with special reference
69 regarding the stability of the placement and the permanency
70 planning for the child.

71 (3) Any residential group care facility that receives
72 children under the provisions of this subsection shall establish
73 special permanency teams dedicated to overcoming the special
74 permanency challenges presented by this population of children.
75 Each facility shall report to the department its success in
76 achieving permanency for children placed by the department in
77 its care at intervals that allow the current information to be
78 provided to the court at each judicial review for the child.

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

83 ~~(5) (a) By December 1 of each year, the department shall~~
84 ~~report to the Legislature on the placement of children in~~
85 ~~licensed residential group care during the year, including the~~
86 ~~criteria used to determine the placement of children, the number~~
87 ~~of children who were evaluated for placement, the number of~~

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88 ~~children who were placed based upon the evaluation, and the~~
89 ~~number of children who were not placed. The department shall~~
90 ~~maintain data specifying the number of children who were~~
91 ~~referred to licensed residential child care for whom placement~~
92 ~~was unavailable and the counties in which such placement was~~
93 ~~unavailable. The department shall include this data in its~~
94 ~~report to the Legislature due on December 1, so that the~~
95 ~~Legislature may consider this information in developing the~~
96 ~~General Appropriations Act.~~

97 ~~(b) As part of the report required in paragraph (a), the~~
98 ~~department shall also provide a detailed account of the~~
99 ~~expenditures incurred for "Special Categories: Grants and Aids-~~
100 ~~Specialized Residential Group Care Services" for the fiscal year~~
101 ~~immediately preceding the date of the report. This section of~~
102 ~~the report must include whatever supporting data is necessary to~~
103 ~~demonstrate full compliance with paragraph (6) (c). The document~~
104 ~~must present the information by district and must specify, at a~~
105 ~~minimum, the number of additional beds, the average rate per~~
106 ~~bed, the number of additional persons served, and a description~~
107 ~~of the enhanced and expanded services provided.~~

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

111 ~~(b) Each year, funds included in the General Appropriations~~
112 ~~Act for Enhanced Residential Group Care as provided for in s.~~
113 ~~409.1676 shall be appropriated in a separately identified~~
114 ~~special category that is designated in the act as "Special~~
115 ~~Categories: Grants and Aids-Specialized Residential Group Care~~
116 ~~Services."~~

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117 ~~(c) Each fiscal year, all funding increases for Enhanced~~
118 ~~Residential Group Care as provided in s. 409.1676 which are~~
119 ~~included in the General Appropriations Act shall be appropriated~~
120 ~~in a lump-sum category as defined in s. 216.011(1) (aa). In~~
121 ~~accordance with s. 216.181(6) (a), the Executive Office of the~~
122 ~~Governor shall require the department to submit a spending plan~~
123 ~~that identifies the residential group care bed capacity shortage~~
124 ~~throughout the state and proposes a distribution formula by~~
125 ~~district which addresses the reported deficiencies. The spending~~
126 ~~plan must have as its first priority the reduction or~~
127 ~~elimination of any bed shortage identified and must also provide~~
128 ~~for program enhancements to ensure that residential group care~~
129 ~~programs meet a minimum level of expected performance and~~
130 ~~provide for expansion of the comprehensive residential group~~
131 ~~care services described in s. 409.1676. Annual appropriation~~
132 ~~increases appropriated in the lump-sum appropriation must be~~
133 ~~used in accordance with the provisions of the spending plan.~~

134 ~~(d) Funds from "Special Categories: Grants and Aids-~~
135 ~~Specialized Residential Group Care Services" may be used as one-~~
136 ~~time startup funding for residential group care purposes that~~
137 ~~include, but are not limited to, remodeling or renovation of~~
138 ~~existing facilities, construction costs, leasing costs, purchase~~
139 ~~of equipment and furniture, site development, and other~~
140 ~~necessary and reasonable costs associated with the startup of~~
141 ~~facilities or programs upon the recommendation of the lead~~
142 ~~community-based provider if one exists and upon specific~~
143 ~~approval of the terms and conditions by the secretary of the~~
144 ~~department.~~

145 Section 2. Section 409.144, Florida Statutes, is created to

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146 read:

147 409.144 Continuum of care; residential group home care.-148 (1) LEGISLATIVE FINDINGS AND INTENT.-

149 (a) The Legislature finds that children in out-of-home care
150 should live in their communities in home-based family care
151 settings and that the need to recruit, train, and support an
152 adequate number of families to provide home-based family care is
153 an essential part of any initiative to reform out-of-home care
154 for children.

155 (b) The Legislature also finds that children who initially
156 cannot be safely placed in home-based family care may be still
157 placed into residential group home care, but for only the
158 minimum time required for stabilization and with specific short
159 time-limited plans for their care. When needed, residential
160 group home care should be considered a short-term, specialized,
161 and intensive intervention that is just one part of a continuum
162 of care available for children.

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

166 (d) Therefore, it is the intent of the Legislature to
167 support an effort to reform the current system of using
168 residential group home care that reflects current research
169 findings and the appropriate place of residential group home
170 care in the child welfare system continuum of care. It is
171 further the intent of the Legislature that the reform effort
172 provides for improved assessments of children and families to
173 make more informed and appropriate initial placement decisions,
174 an emphasis on home-based family care placements for children,

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175 appropriate support for those placements with available
176 services, a change in goals for residential group home care
177 placements, and increased transparency and accountability for
178 child outcomes.

179 (2) DUTIES OF THE DEPARTMENT.—The department shall collect
180 and compile data and information necessary to inform the
181 development of a work plan to be used by the Continuum of Care
182 Advisory Council created in subsection (3) to address the
183 placement and services needs of children who are cared for in
184 out-of-home care. At a minimum, the collected and compiled data
185 and information must include current data and information
186 related to all of the following:

187 (a) Methods of assessing children coming into care for
188 their initial placement.

189 (b) Definitions and characteristics of types of placements
190 in use.

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

192 (d) Program design and quality standards.

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

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

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

197 (h) Impact of existing performance measures.

198 (i) Mechanisms that ensure continuous quality improvement
199 and transition strategies from group care to other levels of
200 care.

201 (3) CONTINUUM OF CARE ADVISORY COUNCIL.—The Continuum of
202 Care Advisory Council is created within the department for the
203 purpose of recommending a plan to address the placement and

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204 service needs of children who are cared for outside their own
205 homes by creating a continuum of care which consists of
206 recruiting, training, and supporting an adequate supply of home-
207 based family care; providing needed services and supports in
208 those family care settings; and limiting congregate care to only
209 those situations in which adequate services cannot be safely
210 provided while a child lives with a family, and for only the
211 minimum amount of time required for stabilization. The work of
212 the advisory council shall be conducted in collaboration with
213 the primary stakeholders and shall be based on empirical
214 research and best practices data. The process must include
215 gathering research data, holding public meetings, and entering
216 into partnerships with academia and other stakeholders to
217 complete the task. The advisory council shall function as
218 specified in this subsection until the Legislature determines
219 that the advisory council can no longer provide a valuable
220 contribution to the department's efforts to create a continuum
221 of care.

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

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

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

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

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

232 5. One member who is an economist with expertise in

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233 behavioral economics, to be appointed by the secretary.

234 6. Two members from the community-based care lead agencies,
235 one from the lead agency with the lowest rate and one from the
236 lead agency with the highest rate of residential group home
237 placement, to be appointed by the secretary.

238 7. One member with experience working with children with
239 special needs in residential group home settings, to be
240 appointed by the secretary.

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

244 9. Two members who are kinship caregivers, to be appointed
245 by the secretary.

246 10. One member from the Quality Parenting Initiative, to be
247 appointed by the secretary.

248 11. Three members who are residential group home providers,
249 representing different models of residential group home care and
250 who are involved in daily operation of the facilities, to be
251 appointed by the secretary.

252 12. Two members from Florida Youth SHINE, to be appointed
253 by the secretary.

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

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

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

260 16. One member from the Department of Education, to be
261 appointed by the Commissioner of Education.

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

264 (b) The advisory council is encouraged to work with any
265 additional individuals who are knowledgeable in the subject
266 areas; however, those additional individuals may not become
267 members of the council and may not vote on the final report and
268 recommendations of the council, but may submit reports and
269 recommendations for review by the council and may be invited to
270 speak to the council by a member of the council.

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

275 (d) The advisory council shall propose a timeline and work
276 plan for reform and an estimate of associated costs and shall
277 submit the proposal and estimate of costs to the Governor, the
278 President of the Senate, and the Speaker of the House of
279 Representatives by December 31, 2016. At a minimum, the proposal
280 must consider the following:

281 1. The impact of group care on children based on their age
282 and history based on an impartial compilation of research
283 related to residential group care.

284 2. Criteria for admission to residential group care and the
285 types of assessments that should be performed to determine
286 whether the admission criteria are being met and who should
287 perform the assessments.

288 3. Policies and procedures needed to ensure that placement
289 in a residential group care is appropriate for each specific
290 child and lasts only as long as necessary to resolve the issue

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291 that required the placement.

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

295 5. The need to develop a classification system for group
296 care.

297 6. Requirements needed in plans for children in group care
298 to transition to family placement.

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

302 8. The value of requiring group home accreditation by a
303 national accrediting body.

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

306 10. Current practices related to the use of residential
307 group home care in order to develop a framework that can be used
308 to transition residential group homes into short-term,
309 specialized, and intensive treatment providers used for the
310 minority of children who cannot safely be served in home-based
311 family care settings.

312 11. Age limitations that should be placed on group care
313 based on developmental research.

314 12. Comparison of cost of group care placement and family
315 based care, and what economic and other incentives exist for
316 placement of children in group care.

317 13. Alternate funding mechanisms for children placed in
318 residential group home care.

319 14. Adjustments to funding to encourage placement in home-

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320 based family care settings.

321 15. Standards that should be in effect to ensure that group
322 home staff has adequate training, experience, and supervision to
323 provide therapeutic care to children and youth in the
324 facilities.

325 (e) The department shall provide administrative support to
326 the advisory council to accomplish its assigned tasks. The
327 advisory council shall have access to all appropriate data from
328 the department, each community-based care lead agency, and other
329 relevant agencies in order to accomplish the tasks set forth in
330 this section. The data collected by the advisory council may not
331 include information that would identify a specific child or
332 young adult.

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