

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; redefining the term "permanency goal"; amending
4 s. 39.013, F.S.; extending court jurisdiction to age
5 22 for young adults with disabilities in foster care;
6 amending s. 39.6035, F.S.; requiring a transition plan
7 to be approved before a child reaches 18 years of age;
8 amending s. 39.621, F.S.; specifying the circumstances
9 under which the permanency goal of maintaining and
10 strengthening the placement with a parent may be used;
11 amending s. 125.901, F.S.; providing an exception to
12 the requirement that a county's governing body submit
13 a general election ballot question on whether to
14 retain a children's services district with voter-
15 approved taxing authority; amending s. 409.996, F.S.;
16 requiring the Department of Children and Families, in
17 collaboration with certain entities, to develop a
18 statewide quality accountability system for
19 residential group care providers; providing
20 requirements for the system; requiring the department
21 to submit a report to the Governor and the Legislature
22 by a specified date and annually thereafter; providing
23 requirements for the report; requiring the system to
24 be implemented by a specified date; authorizing the
25 department to adopt rules; requiring the department to

26 | convene a workgroup; providing requirements for the
 27 | workgroup; requiring the department to submit a report
 28 | to the Governor and the Legislature by a specified
 29 | date; providing requirements for the report; providing
 30 | an effective date.

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 32 | Be It Enacted by the Legislature of the State of Florida:

33 |
 34 | Section 1. Subsection (52) of section 39.01, Florida
 35 | Statutes, is amended to read:

36 | 39.01 Definitions.—When used in this chapter, unless the
 37 | context otherwise requires:

38 | (52) "Permanency goal" means the living arrangement
 39 | identified for the child to return to or identified as the
 40 | permanent living arrangement of the child. ~~Permanency goals~~
 41 | ~~applicable under this chapter, listed in order of preference,~~
 42 | are:

43 | ~~(a) Reunification;~~

44 | ~~(b) Adoption when a petition for termination of parental~~
 45 | ~~rights has been or will be filed;~~

46 | ~~(c) Permanent guardianship of a dependent child under s.~~
 47 | ~~39.6221;~~

48 | ~~(d) Permanent placement with a fit and willing relative~~
 49 | ~~under s. 39.6231; or~~

50 | ~~(e) Placement in another planned permanent living~~

51 ~~arrangement under s. 39.6241.~~

52

53 The permanency goal is also the case plan goal. If concurrent
54 case planning is being used, reunification may be pursued at the
55 same time that another permanency goal is pursued.

56 Section 2. Subsection (2) of section 39.013, Florida
57 Statutes, is amended to read:

58 39.013 Procedures and jurisdiction; right to counsel.—

59 (2) The circuit court has exclusive original jurisdiction
60 of all proceedings under this chapter, of a child voluntarily
61 placed with a licensed child-caring agency, a licensed child-
62 placing agency, or the department, and of the adoption of
63 children whose parental rights have been terminated under this
64 chapter. Jurisdiction attaches when the initial shelter
65 petition, dependency petition, or termination of parental rights
66 petition, or a petition for an injunction to prevent child abuse
67 issued pursuant to s. 39.504, is filed or when a child is taken
68 into the custody of the department. The circuit court may assume
69 jurisdiction over any such proceeding regardless of whether the
70 child was in the physical custody of both parents, was in the
71 sole legal or physical custody of only one parent, caregiver, or
72 some other person, or was not in the physical or legal custody
73 of any person when the event or condition occurred that brought
74 the child to the attention of the court. When the court obtains
75 jurisdiction of any child who has been found to be dependent,

76 | the court shall retain jurisdiction, unless relinquished by its
77 | order, until the child reaches 21 years of age, or 22 years of
78 | age if the child has a disability, with the following
79 | exceptions:

80 | (a) If a young adult chooses to leave foster care upon
81 | reaching 18 years of age.

82 | (b) If a young adult does not meet the eligibility
83 | requirements to remain in foster care under s. 39.6251 or
84 | chooses to leave care under that section.

85 | (c) If a young adult petitions the court at any time
86 | before his or her 19th birthday requesting the court's continued
87 | jurisdiction, the juvenile court may retain jurisdiction under
88 | this chapter for a period not to exceed 1 year following the
89 | young adult's 18th birthday for the purpose of determining
90 | whether appropriate services that were required to be provided
91 | to the young adult before reaching 18 years of age have been
92 | provided.

93 | (d) If a petition for special immigrant juvenile status
94 | and an application for adjustment of status have been filed on
95 | behalf of a foster child and the petition and application have
96 | not been granted by the time the child reaches 18 years of age,
97 | the court may retain jurisdiction over the dependency case
98 | solely for the purpose of allowing the continued consideration
99 | of the petition and application by federal authorities. Review
100 | hearings for the child shall be set solely for the purpose of

101 determining the status of the petition and application. The
102 court's jurisdiction terminates upon the final decision of the
103 federal authorities. Retention of jurisdiction in this instance
104 does not affect the services available to a young adult under s.
105 409.1451. The court may not retain jurisdiction of the case
106 after the immigrant child's 22nd birthday.

107 Section 3. Subsection (4) of section 39.6035, Florida
108 Statutes, is amended to read:

109 39.6035 Transition plan.—

110 ~~(4) If a child is planning to leave care upon reaching 18~~
111 ~~years of age,~~ The transition plan must be approved by the court
112 before the child's 18th birthday and must be attached to the
113 case plan and updated before each judicial review ~~child leaves~~
114 ~~care and the court terminates jurisdiction.~~

115 Section 4. Present subsections (2) through (11) of section
116 39.621, Florida Statutes, are redesignated as subsections (3)
117 through (12), respectively, and a new subsection (2) is added to
118 that section to read:

119 39.621 Permanency determination by the court.—

120 (2) The permanency goal of maintaining and strengthening
121 the placement with a parent may be used in all of the following
122 circumstances:

123 (a) If a child has not been removed from a parent, even if
124 adjudication of dependency is withheld, the court may leave the
125 child in the current placement with maintaining and

126 strengthening the placement as a permanency option.

127 (b) If a child has been removed from a parent and is
 128 placed with the parent from whom the child was not removed, the
 129 court may leave the child in the placement with the parent from
 130 whom the child was not removed with maintaining and
 131 strengthening the placement as a permanency option.

132 (c) If a child has been removed from a parent and is
 133 subsequently reunified with that parent, the court may leave the
 134 child with that parent with maintaining and strengthening the
 135 placement as a permanency option.

136 Section 5. Paragraph (b) of subsection (4) of section
 137 125.901, Florida Statutes, is amended to read:

138 125.901 Children's services; independent special district;
 139 council; powers, duties, and functions; public records
 140 exemption.—

141 (4)

142 (b)1.a. Notwithstanding paragraph (a), the governing body
 143 of the county shall submit the question of retention or
 144 dissolution of a district with voter-approved taxing authority
 145 to the electorate in the general election according to the
 146 following schedule:

147 (I) For a district in existence on July 1, 2010, and
 148 serving a county with a population of 400,000 or fewer persons
 149 as of that date.....2014.

150 (II) For a district in existence on July 1, 2010, and

151 | serving a county with a population of 2 million or more persons
 152 | as of that date, unless the governing body of the county has
 153 | previously submitted such question voluntarily to the electorate
 154 | for a second time after 2005,.....2020.

155 | b. A referendum by the electorate on or after July 1,
 156 | 2010, creating a new district with taxing authority may specify
 157 | that the district is not subject to reauthorization or may
 158 | specify the number of years for which the initial authorization
 159 | shall remain effective. If the referendum does not prescribe
 160 | terms of reauthorization, the governing body of the county shall
 161 | submit the question of retention or dissolution of the district
 162 | to the electorate in the general election 12 years after the
 163 | initial authorization.

164 | 2. The governing body of the district may specify, and
 165 | submit to the governing body of the county no later than 9
 166 | months before the scheduled election, that the district is not
 167 | subsequently subject to reauthorization or may specify the
 168 | number of years for which a reauthorization under this paragraph
 169 | shall remain effective. If the governing body of the district
 170 | makes such specification and submission, the governing body of
 171 | the county shall include that information in the question
 172 | submitted to the electorate. If the governing body of the
 173 | district does not specify and submit such information, the
 174 | governing body of the county shall resubmit the question of
 175 | reauthorization to the electorate every 12 years after the year

176 | prescribed in subparagraph 1. The governing body of the district
 177 | may recommend to the governing body of the county language for
 178 | the question submitted to the electorate.

179 | 3. Nothing in this paragraph limits the authority to
 180 | dissolve a district as provided under paragraph (a).

181 | 4. Nothing in this paragraph precludes the governing body
 182 | of a district from requesting that the governing body of the
 183 | county submit the question of retention or dissolution of a
 184 | district with voter-approved taxing authority to the electorate
 185 | at a date earlier than the year prescribed in subparagraph 1. If
 186 | the governing body of the county accepts the request and submits
 187 | the question to the electorate, the governing body satisfies the
 188 | requirement of that subparagraph.

189 |
 190 | If any district is dissolved pursuant to this subsection, each
 191 | county must first obligate itself to assume the debts,
 192 | liabilities, contracts, and outstanding obligations of the
 193 | district within the total millage available to the county
 194 | governing body for all county and municipal purposes as provided
 195 | for under s. 9, Art. VII of the State Constitution. Any district
 196 | may also be dissolved pursuant to part VII of chapter 189.

197 | Section 6. Subsections (22) and (23) are added to section
 198 | 409.996, Florida Statutes, to read:

199 | 409.996 Duties of the Department of Children and
 200 | Families.—The department shall contract for the delivery,

201 administration, or management of care for children in the child
202 protection and child welfare system. In doing so, the department
203 retains responsibility for the quality of contracted services
204 and programs and shall ensure that services are delivered in
205 accordance with applicable federal and state statutes and
206 regulations.

207 (22) The department shall develop, in collaboration with
208 the Florida Institute for Child Welfare, lead agencies, service
209 providers, current and former foster children placed in
210 residential group care, and other community stakeholders, a
211 statewide accountability system for residential group care
212 providers based on measureable quality standards.

213 (a) The accountability system shall:

214 1. Promote high quality in services and accommodations
215 that differentiates between shift and family-style models and
216 programs and services for children with specialized or
217 extraordinary needs, such as pregnant teens and children with
218 Department of Juvenile Justice involvement.

219 2. Include a quality measurement system with clearly
220 defined levels of quality, domains measured for each level of
221 quality, and criteria that providers must meet to achieve each
222 level of quality. Domains addressed by the quality measurement
223 system for residential group care providers may include, but are
224 not limited to, admissions, service planning, treatment
225 planning, living environment, and program and service

226 requirements. The system may also consider outcomes 6 months and
227 12 months after a child leaves the provider's care.

228 3. Consider the level of availability of trauma-informed
229 care, delivery of mental health and physical health services
230 where needed, engagement with the child's school, and
231 opportunities for children to be involved in extracurricular
232 activities.

233 (b) Each lead agency shall implement the accountability
234 system in its area. The lead agency shall create a quality
235 evaluation process using the quality measurement system in
236 paragraph (a), establish incentives for providers to improve
237 their quality level, and take appropriate action in response to
238 the results of the quality evaluations.

239 (c) The department shall submit a report to the Governor,
240 the President of the Senate, and the Speaker of the House of
241 Representatives by October 1 of each year, with the first report
242 due October 1, 2017. The report must, at a minimum, include an
243 update on the development of a statewide accountability system
244 for residential group care providers and a plan for department
245 oversight of the implementation of the statewide accountability
246 system for residential group care providers by the community-
247 based care lead agencies. After implementation of the statewide
248 accountability system, the report must also contain a list of
249 residential group care providers meeting minimum quality
250 standards and their quality ratings; the percentage of children

251 placed in residential group care with highly rated providers;
252 and any negative action taken against contracted providers that
253 have failed to meet minimum quality standards.

254 (d) The accountability system must be implemented by each
255 lead agency by July 1, 2022.

256 (e) Nothing in this subsection affects the department's
257 licensure authority under s. 409.175.

258 (f) The department may adopt rules to administer this
259 subsection.

260 (23)(a) The department, in collaboration with the Florida
261 Institute for Child Welfare, shall convene a workgroup on foster
262 home quality. The workgroup, at a minimum, shall identify
263 measures of foster home quality, review current efforts by lead
264 agencies and subcontractors to enhance foster home quality,
265 identify barriers to the greater availability of high-quality
266 foster homes, and recommend additional strategies for assessing
267 the quality of foster homes and increasing the availability of
268 high-quality foster homes.

269 (b) The workgroup shall include representatives from the
270 department, the Florida Institute for Child Welfare, foster
271 parents, current and former foster children, and foster parent
272 organizations, lead agencies, child-placing agencies, other
273 service providers, and other participants as determined by the
274 department.

275 (c) The Florida Institute for Child Welfare shall provide

276 the workgroup with relevant research on, at a minimum, measures
277 of quality of foster homes; evidence-supported strategies to
278 increase the availability of high-quality foster homes, such as
279 those regarding recruitment, screening, training, retention, and
280 child placement; descriptions and results of quality improvement
281 efforts in other jurisdictions; and the root causes of placement
282 disruption.

283 (d) The department shall submit a report to the Governor,
284 the President of the Senate, and the Speaker of the House of
285 Representatives by November 1, 2017. The report shall, at a
286 minimum:

287 1. Describe the important dimensions of quality for foster
288 homes.

289 2. Describe the foster home quality enhancement efforts in
290 the state, including, but not limited to, recruitment,
291 retention, placement procedures, systems change, and quality
292 measurement programs, and any positive or negative results.

293 3. Identify barriers to the greater availability of high-
294 quality foster homes.

295 4. Discuss available research regarding high-quality
296 foster homes.

297 5. Present a plan for developing and implementing
298 strategies to increase the availability of high-quality foster
299 homes. The strategies shall address important elements of
300 quality, be based on available research, include both

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301 qualitative and quantitative measures of quality, integrate with
302 the community-based care model, and be respectful of the privacy
303 and needs of foster parents. The plan shall recommend possible
304 instruments and measures and identify any changes to general law
305 or rule necessary for implementation.

306 Section 7. This act shall take effect July 1, 2017.