



State of Florida  
Department of Children and Families

Rick Scott  
Governor

Esther Jacobo  
Interim Secretary

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**DATE:** April 11, 2014

**TO:** Regional Managing Directors, Community-Based Care Lead Agency CEOs, Regional Family and Community Services Directors, Children's Legal Services, DCF and Sheriffs Child Protective Investigators

**FROM:** Pete Digre, Deputy Secretary  
Janice S. Thomas, Assistant Secretary for Programs

**SUBJECT:** Placement of Children in Licensed Settings

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**PURPOSE:** The purpose of this memorandum is to provide a reminder to all Department, Community-Based Care Lead Agency (CBC), Sheriff and contracted agency staff regarding out-of-home placement of children; to request training of staff; and to ensure statewide compliance with §409.175, Florida Statutes.

**BACKGROUND:** Section 409.175(4)(a), F.S., prohibits a family foster home or a residential child caring agency from providing full-time care of dependent children without first procuring a license from the Department. When a child-placing agency places a child in a setting other than with a relative or non-relative, that agency is responsible for ensuring the foster home or residential child caring facility is licensed according to the above-referenced statute.

Although §39.522, F.S., allows the court to change the temporary legal custody or the conditions of protective supervision at a post-disposition hearing without the necessity of another adjudicatory hearing, this provision refers to changing from one licensed placement to another. In addition, an April 9, 2013, Inspector General Report recommended that Children's Legal Services verify a facility's license before placement is made through the dependency court system.

Dependent children and non-dependent children, including post-adoptive children, receiving services based on the referral of a community-based care agency or other DCF agent must be placed in a legally operating facility, which includes only DCF-licensed facilities or accredited boarding schools. License-exempt facilities cannot receive dependent children for placement and are not eligible to receive state or federal funding for any child, regardless of the child's status.

If any organization involved with child placement becomes aware that a child has been placed into an unlicensed facility or illegally operating facility, the Inspector General's

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report advised that the Department's General Counsel must be notified as soon as practical.

In addition, a CBC placement unit must verify proof of licensure or accreditation prior to giving approval for placement of a child by a Dependency Case Manager or other staff transporting children. If the facility is not licensed or accredited, the child must not be left in the facility's care.

Penalties for violating the statute requiring lawful placements include:

1. A first violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
2. A second or subsequent violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.
3. A third violation is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The above information was cited in a May 31, 2013, memo from Elisa Cramer, Director of Family and Community Services, through then-Assistant Secretary for Operations Pete Digre, to Regional Managing Directors, Community-Based Care Lead Agency CEOs, Child Protective Investigators, Children's Legal Services and DCF Regional Family and Community Services Directors.

A subsequent report by the Inspector General, issued Feb. 19, 2014, recommends "that the Deputy Secretary ensure that all Community-Based Care organizations and their subcontracted provider partners provide training to their staff regarding adherence to the statutory requirement to place children in licensed facilities."

**ACTION REQUESTED:** Please disseminate this memorandum to all CBCs, subcontracted provider partners, circuit and regional child welfare staff, Children's Legal Services and licensing specialists.

**CONTACT INFORMATION:** If you have any questions, or for additional information, please contact Kristi Putnam at (850) 717-4659 or by email at [Kristi\\_Putnam@dcf.state.fl.us](mailto:Kristi_Putnam@dcf.state.fl.us).

cc: CBC Contract Managers

Attachment: Inspector General Report #2013-0067