

hbd-06

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Brennan offered the following:

Amendment to Amendment (882149) (with title amendment)

On page 1, line 18, through page 11, line 18,
remove from the amendment: all of said lines

and insert in lieu thereof:

Section 1. Section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services;
privatization.--

(1) It is the intent of the Legislature that to
~~encourage~~ the Department of Children and Family Services shall
privatize the provision of to contract with competent
~~community-based agencies to provide~~ foster care and related
services statewide. As used in this section, the term
"privatize" means to contract with competent, community-based
agencies. The department shall submit a plan to accomplish
privatization statewide, through a competitive process, phased
in over a 3-year period beginning January 1, 2000. This plan
is to be submitted by July 1, 1999, to the President of the

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 Senate, the Speaker of the House of Representatives, the
2 Governor, and the minority leaders of both houses. This plan
3 must be developed with local community participation,
4 including, but not limited to, input from community-based
5 providers that are currently under contract with the
6 department to furnish community-based foster care and related
7 services, and must include a methodology for determining and
8 transferring all available funds, including federal funds that
9 the provider is eligible for and agrees to earn and that
10 portion of general revenue funds which is currently associated
11 with the services that are being furnished under contract. The
12 methodology must provide for the transfer of funds
13 appropriated and budgeted for all services and programs that
14 have been incorporated into the project, including all
15 management, capital (including current furniture and
16 equipment), and administrative funds to accomplish the
17 transfer of these programs. This methodology must address
18 expected workload and at least the 3 previous years'
19 experience in expenses and workload. With respect to any
20 district or portion of a district in which privatization
21 cannot be accomplished within the 3 years' timeframe, the
22 department must clearly state in its plan the reasons the
23 timeframe cannot be met and the efforts that should be made to
24 remediate the obstacles, which may include alternatives to
25 total privatization, such as public private partnerships. As
26 used in this section, the term "related services" means ~~By~~
27 ~~privatizing these services, the support and commitment of~~
28 ~~communities to the reunification of families and care of~~
29 ~~children and their families will be strengthened, and~~
30 ~~efficiencies as well as increased accountability will be~~
31 ~~gained. These services may include family preservation,~~

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 independent living, emergency shelter, residential group care,
2 foster care, therapeutic foster care, intensive residential
3 treatment, ~~postadjudication legal services~~, foster care
4 supervision, ~~postadjudication case management~~, postplacement
5 supervision, permanent foster care, family reunification, the
6 filing of a petition for the termination of parental rights,
7 and adoption. Unless otherwise provided for, beginning in
8 fiscal year 1999 - 2000, either the State Attorney or the
9 Office of the Attorney General shall provide child welfare
10 legal services, pursuant to Chapter 39, and other relevant
11 provisions, in Sarasota, Hillsborough, and Manatee Counties.
12 Such legal services shall commence upon and be effective, as
13 soon as determined reasonably feasible by the respective State
14 Attorney or the Office of the Attorney General, after the
15 privatization of associated programs and child protective
16 investigations has occurred. When a private nonprofit agency
17 has received case management responsibilities, transferred
18 from the state under this section, for a child who is
19 sheltered or found to be dependent and who is assigned to the
20 care of the privatization project, the agency may act as the
21 child's guardian for the purpose of registering the child in
22 school if a parent or guardian of the child is unavailable and
23 his or her whereabouts cannot reasonably be ascertained. The
24 private nonprofit agency may also seek emergency medical
25 attention for such a child, but only if a parent or guardian
26 of the child is unavailable, his or her whereabouts cannot
27 reasonably be ascertained, and a court order for such
28 emergency medical services cannot be obtained because of the
29 severity of the emergency or because it is after normal
30 working hours. However, the provider may not consent to
31 sterilization, abortion, or termination of life support. If a

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 child's parents' rights have been terminated, the nonprofit
 2 agency shall act as guardian of the child in all
 3 circumstances.

4 (2) The department may contract for the delivery,
 5 administration, or management of protective services, the
 6 services specified in subsection (1) relating to foster care,
 7 and other related services or programs, as appropriate. The
 8 department shall retain responsibility for the quality of
 9 contracted services and programs and shall ensure that
 10 services are delivered in accordance with applicable federal
 11 and state statutes and regulations.

12 (3)(a) The department shall establish a quality
 13 assurance program for privatized ~~the privatization of~~
 14 services. The quality assurance program may be performed by a
 15 national accrediting organization such as the Council on
 16 Accreditation of Services for Families and Children, Inc.
 17 (COA) or the Council on Accreditation of Rehabilitation
 18 Facilities (CARF). The department shall develop a request for
 19 proposal for such oversight. This program must be developed
 20 and administered at a statewide level. The Legislature intends
 21 that the department be permitted to have limited flexibility
 22 to use funds for improving quality assurance. To this end,
 23 effective January 1, 2000, the department may transfer up to
 24 0.125 percent of the total funds from categories used to pay
 25 for these contractually provided services, but the total
 26 amount of such transferred funds may not exceed \$300,000 in
 27 any fiscal year. When necessary, the department may establish,
 28 in accordance with s. 216.177, additional positions that will
 29 be exclusively devoted to these functions. Any positions
 30 required under this paragraph may be established,
 31 notwithstanding ss. 216.262(1)(a) and 216.351. ~~The quality~~

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 ~~assurance program must include standards for each specific~~
2 ~~component of these services.~~The department, in consultation
3 with the community-based agencies that are undertaking the
4 privatized projects, shall establish minimum thresholds for
5 each component of service, consistent with standards
6 established by the Legislature. Each program operated under
7 ~~pursuant to~~ contract with a community-based agency must be
8 evaluated annually by the department ~~or by an objective~~
9 ~~competent entity designated by the department under the~~
10 ~~provisions of the quality assurance program.~~ The evaluation
11 ~~must be financed from cost savings associated with the~~
12 ~~privatization of services.~~The department shall submit an
13 annual report regarding quality performance, outcome measure
14 attainment, and cost efficiency to the President of the
15 Senate, the Speaker of the House of Representatives, the
16 minority leader of each house of the Legislature, and the
17 Governor no later than January 31 of each year for each
18 project in operation during the preceding fiscal year,
19 ~~beginning in 1998.~~ ~~The quality assurance program must be~~
20 ~~funded through administrative savings generated by this act.~~

21 (b) ~~The department shall establish and operate a~~
22 ~~comprehensive system to measure and report annually the~~
23 ~~outcomes and effectiveness of the services that have been~~
24 ~~privatized.~~The department shall use these findings in making
25 recommendations to the Governor and the Legislature for future
26 program and funding priorities in the child welfare system.

27 (4)(a) The community-based agency must comply with
28 statutory requirements and agency rules ~~regulations~~ in the
29 provision of contractual services. Each foster home,
30 therapeutic foster home, emergency shelter, or other placement
31 facility operated by the community-based agency or agencies

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 must be licensed by the Department of Children and Family
 2 Services under chapter 402 or this chapter. Each
 3 community-based agency must be licensed as a child-caring or
 4 child-placing agency by the department under this chapter. The
 5 department, in order to eliminate or reduce the number of
 6 duplicate inspections by various program offices, shall
 7 coordinate inspections required pursuant to licensure of
 8 agencies under this section.

9 ~~(b) A community-based agency providing contractual~~
 10 ~~services under this section may be issued a Medicaid provider~~
 11 ~~number pursuant to s. 409.907 to enable the agency to maximize~~
 12 ~~federal support for these services under the state's Medicaid~~
 13 ~~plan. A community-based agency must also participate in and~~
 14 ~~cooperate with any federal program that will assist in the~~
 15 ~~maximization of federal support for those services, as~~
 16 ~~directed by the department.~~

17 (5) Beginning January 1, 1999, and continuing at least
 18 through December 31, 1999, the Department of Children and
 19 Family Services shall privatize all foster care and related
 20 services in district 6 while continuing to contract with the
 21 current model programs in districts 1, 4, and 13, and in
 22 subdistrict 8A, and shall expand the subdistrict 8A pilot
 23 program to incorporate Manatee County. Planning for the
 24 district 6 privatization shall be done by providers that are
 25 currently under contract with the department for foster care
 26 and related services and shall be done in consultation with
 27 the department. A lead provider of the district 6 program
 28 shall be competitively selected and must demonstrate the
 29 ability to provide necessary comprehensive services through a
 30 local network of providers ~~Beginning in fiscal year 1996-1997,~~
 31 ~~the Department of Children and Family Services shall establish~~

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 ~~a minimum of five model programs. These models must be~~
2 ~~established in the department's districts 1, 4, and 13; in~~
3 ~~subdistrict 8A; and in a fifth district to be determined by~~
4 ~~the department, with the concurrence of the appropriate~~
5 ~~district health and human services board. For comparison of~~
6 ~~privatization savings, the fifth model program must be~~
7 ~~contracted with a competent for-profit corporation. Providers~~
8 ~~of these model programs may be selected from a single source~~
9 ~~pursuant to s. 287.057(3)(c) and must be established,~~
10 ~~community-based organizations within the district or~~
11 ~~subdistrict. Contracts with organizations responsible for the~~
12 ~~model programs must ~~shall~~ include the management and~~
13 ~~administration of all privatized services specified in~~
14 ~~subsection (1), except for funds necessary to manage the~~
15 ~~contract. However, the department may use funds for contract~~
16 ~~management only after obtaining written approval from the~~
17 ~~Executive Office of the Governor. The request for such~~
18 ~~approval must include, but is not limited to, a statement of~~
19 ~~the proposed amount of such funds and a description of the~~
20 ~~manner in which such funds will be used.~~If the
21 community-based organization selected for a model program
22 under this subsection is not a Medicaid provider, the
23 organization shall be issued a Medicaid provider number
24 pursuant to s. 409.907 for the provision of services currently
25 authorized under the state Medicaid plan to those children
26 encompassed in this model and in a manner not to exceed the
27 current level of state expenditure.

28 (6) Each district and subdistrict that participates in
29 the model program effort or any future privatization effort as
30 described in this section must thoroughly analyze and report
31 the complete direct and indirect costs of delivering these

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 services through the department and the full cost of
2 privatization, including the cost of monitoring and evaluating
3 the contracted services.

4 Section 2. Section 415.5071, Florida Statutes, is
5 created to read:

6 415.5071 Sheriff of Hillsborough County to provide
7 child protective investigative services; procedures;
8 funding.--

9 (1) As described in this section, the Department of
10 Children and Family Services shall, by the end of fiscal year
11 1999-2000, transfer all responsibility for child protective
12 investigations for Hillsborough County to the sheriff of that
13 county in which the child abuse, neglect, or abandonment is
14 alleged to have occurred. The sheriff is responsible for the
15 provision of all child protective investigations in his or her
16 county. Each individual who provides these services must
17 complete the training provided to and required of protective
18 investigators employed by the Department of Children and
19 Family Services.

20 (2) During fiscal year 1998-1999, the Department of
21 Children and Family Services and the sheriff's office shall
22 enter into a contract for the provision of these services.
23 Funding for the services will be appropriated to the
24 Department of Children and Family Services, and the department
25 shall transfer to the sheriff for the duration of fiscal year
26 1998-1999, funding for the investigative responsibilities
27 assumed by the sheriff, including federal funds that the
28 provider is eligible for and agrees to earn and that portion
29 of general revenue funds which is currently associated with
30 the services that are being furnished under contract, and
31 including, but not limited to, funding for all investigative,

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 supervisory, and clerical positions; training; all associated
2 equipment; furnishings; and other fixed capital items. The
3 contract must specify whether the department will continue to
4 perform part or none of the child protective investigations
5 during the initial year. The sheriff may either conduct the
6 investigations themselves or may, in turn, subcontract with
7 municipal officials or private agencies to have those
8 officials or agencies conduct the investigations. The contract
9 must specify whether the services are to be performed by
10 departmental employees or by an agency or persons determined
11 by the sheriff. During this initial year, the department is
12 responsible for quality assurance, and the department retains
13 the responsibility for the performance of all child protective
14 investigations. The department must identify any barriers to
15 transferring the entire responsibility for child protective
16 services to the sheriffs' office and must pursue avenues for
17 removing any such barriers by means including, but not limited
18 to, applying for federal waivers. By January 15, 1999, the
19 department shall submit to the President of the Senate, the
20 Speaker of the House of Representatives, and the chairs of the
21 Senate and House committees that oversee departmental
22 activities a report that describes any remaining barriers,
23 including any that pertain to funding and related
24 administrative issues. Unless the Legislature, on the basis of
25 that report or other pertinent information, acts to block a
26 transfer of the entire responsibility for child protective
27 investigations to the sheriffs' office, the sheriff of
28 Hillsborough County, beginning in fiscal year 1999-2000, shall
29 assume the entire responsibility for such services, as
30 provided in subsection (3).

31 (3)(a) Beginning in fiscal year 1999-2000, the sheriff

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 of Hillsborough County has the responsibility to provide all
2 child protective investigations in their respective counties.

3 (b) The sheriff of Hillsborough County shall operate,
4 at a minimum, in accordance with the performance standards
5 established by the Legislature for protective investigations
6 conducted by the Department of Children and Family Services.

7 (c) Funds for providing child protective
8 investigations in Hillsborough County must be appropriated
9 directly to the sheriffs' office. Funds for the child
10 protective investigations may not be integrated into the
11 sheriffs' regular budgets. Budgetary data and other data
12 relating to the performance of child protective investigations
13 must be maintained separately from all other records of the
14 sheriffs' offices.

15 (d) Program performance evaluation shall be based on
16 criteria mutually agreed upon by the sheriff and a committee
17 of five persons appointed by the Governor and selected from
18 those persons serving on the Department of Children and Family
19 Services district 6 Health and Human Services Board. Four of
20 the Governor's appointees must be residents of Hillsborough
21 County. Such appointees shall serve at the pleasure of the
22 Governor. The individuals appointed must have demonstrated
23 experience in outcome evaluation, social service areas of
24 protective investigation, or child welfare supervision. The
25 committee shall submit an annual report regarding quality
26 performance, outcome measure attainment and cost efficiency,
27 to the President of the Senate, the Speaker of the House of
28 Representatives, and to the Governor, no later than January 31
29 of each year the sheriff is receiving general appropriations
30 to provide child protective investigations.

31 Section 3. Subsection (2) of Section 768.28, Florida

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 Statutes, is amended to read:

2 (2) As used in this act, "state agencies or
3 subdivisions" include the executive departments, the
4 Legislature, the judicial branch (including public defenders),
5 and the independent establishments of the state; counties and
6 municipalities; community-based agencies that have contracted
7 with the Department of Children and Family Services pursuant
8 to s. 409.1671 or s. 415.5071;and corporations primarily
9 acting as instrumentalities or agencies of the state,
10 counties, or municipalities, including the Spaceport Florida
11 Authority.

12 Section 4. This act shall take effect July 1 of the
13 year in which enacted.

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

17 And the title is amended as follows:

18 remove: everything before the enacting clause

19

20 and insert in lieu thereof:

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A bill to be entitled

22

An act relating to the privatization of foster
23 care and related services; amending s.

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409.1671, F.S.; providing legislative intent;

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defining the terms "privatize" and "related

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services"; requiring the Department of Children

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and Family Services to develop a plan to

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accomplish statewide privatization within a

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specified time period and to submit the plan to

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the Governor and to designated legislative

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officials by a specified date; providing plan

hbd-06

Bill No. HB 3217

Amendment No. ____ (for drafter's use only)

1 requirements; requiring the department to state
2 whether and why privatization cannot be
3 accomplished in a particular district or
4 portion of a district and how the department
5 will address the obstacles to privatization;
6 providing for legal services; requiring that
7 child welfare legal services be provided by
8 specified providers; providing for case
9 management responsibilities; providing for
10 quality assurance; providing requirements for
11 and restrictions upon funding for
12 privatization; creating s. 415.5071, F.S.;
13 providing for a model program for child
14 protective investigative services, to be
15 initiated in a specified district; requiring
16 the department to contract with the sheriff in
17 that district; providing responsibilities of
18 the department; requiring a report; providing
19 for funding; providing for the creation of a
20 specified committee which shall submit a
21 required report; amending s. 768.28, Florida
22 Statutes; amending the definition of the term
23 "state agencies or subdivisions" with respect
24 to specified agencies; providing an effective
25 date.

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