

583-129XA-08

Bill No. HB 3217

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Murman 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)(a) 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

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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-year 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,~~

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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, and family reunification,
6 ~~the filing of a petition for the termination of parental~~
7 ~~rights, and adoption.~~ Unless otherwise provided for, beginning
8 in 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, Pinellas, Pasco, and Manatee
12 Counties. Such legal services shall commence and be
13 effective, as soon as determined reasonably feasible by the
14 respective state attorney or the Office of the Attorney
15 General, after the privatization of associated programs and
16 child protective investigations has occurred. When a private
17 nonprofit agency has received case management
18 responsibilities, transferred from the state under this
19 section, for a child who is sheltered or found to be dependent
20 and who is assigned to the care of the privatization project,
21 the agency may act as the child's guardian for the purpose of
22 registering the child in school if a parent or guardian of the
23 child is unavailable and his or her whereabouts cannot
24 reasonably be ascertained. The private nonprofit agency may
25 also seek emergency medical attention for such a child, but
26 only if a parent or guardian of the child is unavailable, his
27 or her whereabouts cannot reasonably be ascertained, and a
28 court order for such emergency medical services cannot be
29 obtained because of the severity of the emergency or because
30 it is after normal working hours. However, the provider may
31 not consent to sterilization, abortion, or termination of life

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

4 (b) As used in this section, the term "eligible lead
5 community-based provider" means a single agency with which the
6 department shall contract for the provision of child
7 protective services in a community that is no smaller than a
8 county. To compete for a privatization project, such agency
9 must have:

10 1. The ability to coordinate, integrate, and manage
11 all child protective services in the designated community in
12 cooperation with child protective investigations.

13 2. The ability to ensure continuity of care from entry
14 to exit for all children referred from the protective
15 investigation and court systems.

16 3. The ability to provide directly, or contract for
17 through a local network of providers, all necessary child
18 protective services.

19 4. The willingness to accept accountability for
20 meeting the outcomes and performance standards related to
21 child protective services established by the Legislature and
22 the Federal Government.

23 5. The capability and the willingness to serve all
24 children referred to it from the protective investigation and
25 court systems, regardless of the level of funding allocated to
26 the community by the state, provided all related funding is
27 transferred.

28 6. The willingness to ensure that each individual who
29 provides child protective services completes the training
30 required of child protective service workers by the Department
31 of Children and Family Services.

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

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

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

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

24 (4)~~(a)~~ The community-based agency must comply with
25 statutory requirements and agency rules regulations in the
26 provision of contractual services. Each foster home,
27 therapeutic foster home, emergency shelter, or other placement
28 facility operated by the community-based agency or agencies
29 must be licensed by the Department of Children and Family
30 Services under chapter 402 or this chapter. Each
31 community-based agency must be licensed as a child-caring or

1 child-placing agency by the department under this chapter. The
2 department, in order to eliminate or reduce the number of
3 duplicate inspections by various program offices, shall
4 coordinate inspections required pursuant to licensure of
5 agencies under this section.

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

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

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

26 (6) Each district and subdistrict that participates in
27 the model program effort or any future privatization effort as
28 described in this section must thoroughly analyze and report
29 the complete direct and indirect costs of delivering these
30 services through the department and the full cost of
31 privatization, including the cost of monitoring and evaluating

1 the contracted services.

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

4 415.5071 Sheriffs of Pasco, Manatee, and Pinellas
5 Counties to provide child protective investigative services;
6 procedures; funding.--

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

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

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1 items. The contract must specify whether the department will
2 continue to perform part or none of the child protective
3 investigations during the initial year. The sheriffs may
4 either conduct the investigations themselves or may, in turn,
5 subcontract with law enforcement officials or with properly
6 trained employees of private agencies to conduct
7 investigations related to neglect cases only. If such a
8 subcontract is awarded, the sheriff must take full
9 responsibility for any safety decision made by the
10 subcontractor and must immediately respond with law
11 enforcement staff to any situation that requires removal of a
12 child due to a condition that poses an immediate threat to the
13 child's life. The contract must specify whether the services
14 are to be performed by departmental employees or by persons
15 determined by the sheriff. During this initial year, the
16 department is responsible for quality assurance, and the
17 department retains the responsibility for the performance of
18 all child protective investigations. The department must
19 identify any barriers to transferring the entire
20 responsibility for child protective services to the sheriffs'
21 offices and must pursue avenues for removing any such barriers
22 by means including, but not limited to, applying for federal
23 waivers. By January 15, 1999, the department shall submit to
24 the President of the Senate, the Speaker of the House of
25 Representatives, and the chairs of the Senate and House
26 committees that oversee departmental activities a report that
27 describes any remaining barriers, including any that pertain
28 to funding and related administrative issues. Unless the
29 Legislature, on the basis of that report or other pertinent
30 information, acts to block a transfer of the entire
31 responsibility for child protective investigations to the

1 sheriffs' offices, the sheriffs of Pasco County, Manatee
2 County, and Pinellas County, beginning in fiscal year
3 1999-2000, shall assume the entire responsibility for such
4 services, as provided in subsection (3).

5 (3)(a) Beginning in fiscal year 1999-2000, the
6 sheriffs of Pasco County, Manatee County, and Pinellas County
7 have the responsibility to provide all child protective
8 investigations in their respective counties.

9 (b) The sheriffs of Pasco County, Manatee County, and
10 Pinellas County shall operate, at a minimum, in accordance
11 with the performance standards established by the Legislature
12 for protective investigations conducted by the Department of
13 Children and Family Services.

14 (c) Funds for providing child protective
15 investigations in Pasco County, Manatee County, and Pinellas
16 County must be identified in the annual appropriation made to
17 the Department of Children and Family Services, which shall
18 award grants for the full amount identified to the respective
19 sheriffs' offices. Funds for the child protective
20 investigations may not be integrated into the sheriffs'
21 regular budgets. Budgetary data and other data relating to the
22 performance of child protective investigations must be
23 maintained separately from all other records of the sheriffs'
24 offices.

25 (d) Program performance evaluation shall be based on
26 criteria mutually agreed upon by the respective sheriffs and a
27 committee of seven persons appointed by the Governor and
28 selected from those persons serving on the Department of
29 Children and Family Services District 5 Health and Human
30 Services Board and District 6 Health and Human Services Board.
31 Two of the Governor's appointees must be residents of Pasco

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1 County, two of the Governor's appointees must be residents of
 2 Manatee County, and two of the Governor's appointees must be
 3 residents of Pinellas County. Such appointees shall serve at
 4 the pleasure of the Governor. The individuals appointed must
 5 have demonstrated experience in outcome evaluation, social
 6 service areas of protective investigation, or child welfare
 7 supervision. The committee shall submit an annual report
 8 regarding quality performance, outcome-measure attainment and
 9 cost efficiency, to the President of the Senate, the Speaker
 10 of the House of Representatives, and to the Governor no later
 11 than January 31 of each year the sheriffs are receiving
 12 general appropriations to provide child protective
 13 investigations.

14 Section 3. This act shall take effect July 1 of the
 15 year in which enacted.

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

19 And the title is amended as follows:

20 remove: everything before the enacting clause

22 and insert in lieu thereof:

23 A bill to be entitled
 24 An act relating to the privatization of foster
 25 care and related services; amending s.
 26 409.1671, F.S.; providing legislative intent;
 27 defining the terms "privatize," "related
 28 services," and "eligible lead community-based
 29 provider"; requiring the Department of Children
 30 and Family Services to develop a plan to
 31 accomplish statewide privatization within a

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

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