

Amendment No. A1 (for drafter's use only)

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

The Committee on Family Law & Children offered the following:

**Substitute Amendment for Amendment (634073) (with title amendment)**

Remove from the bill: Everything after the enacting clause

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

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1 is to be submitted by July 1, 1999, to the President of the  
2 Senate, the Speaker of the House of Representatives, the  
3 Governor, and the minority leaders of both houses. This plan  
4 must be developed with local community participation,  
5 including, but not limited to, input from community-based  
6 providers that are currently under contract with the  
7 department to furnish community-based foster care and related  
8 services, and must include a methodology for determining and  
9 transferring all available funds, including federal funds that  
10 the provider is eligible for and agrees to earn and that  
11 portion of general revenue funds which is currently associated  
12 with the services that are being furnished under contract. The  
13 methodology must provide for the transfer of funds  
14 appropriated and budgeted for all services and programs that  
15 have been incorporated into the project, including all  
16 management, capital (including current furniture and  
17 equipment), and administrative funds to accomplish the  
18 transfer of these programs. This methodology must address  
19 expected workload and at least the 3 previous years'  
20 experience in expenses and workload. With respect to any  
21 district or portion of a district in which privatization  
22 cannot be accomplished within the 3 years' timeframe, the  
23 department must clearly state in its plan the reasons the  
24 timeframe cannot be met and the efforts that should be made to  
25 remediate the obstacles, which may include alternatives to  
26 total privatization, such as public private partnerships. As  
27 used in this section, the term "related services" means ~~By~~  
28 ~~privatizing these services, the support and commitment of~~  
29 ~~communities to the reunification of families and care of~~  
30 ~~children and their families will be strengthened, and~~  
31 ~~efficiencies as well as increased accountability will be~~

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

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1 not consent to sterilization, abortion, or termination of life  
2 support. If a child's parents' rights have been terminated,  
3 the nonprofit agency shall act as guardian of the child in all  
4 circumstances.

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

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

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1 ~~notwithstanding ss. 216.262(1)(a) and 216.351. The quality~~  
2 ~~assurance program must include standards for each specific~~  
3 ~~component of these services. The department, in consultation~~  
4 ~~with the community-based agencies that are undertaking the~~  
5 ~~privatized projects, shall establish minimum thresholds for~~  
6 ~~each component of service, consistent with standards~~  
7 ~~established by the Legislature. Each program operated under~~  
8 ~~pursuant to contract with a community-based agency must be~~  
9 ~~evaluated annually by the department or by an objective~~  
10 ~~competent entity designated by the department under the~~  
11 ~~provisions of the quality assurance program. The evaluation~~  
12 ~~must be financed from cost savings associated with the~~  
13 ~~privatization of services. The department shall submit an~~  
14 ~~annual report regarding quality performance, outcome measure~~  
15 ~~attainment, and cost efficiency to the President of the~~  
16 ~~Senate, the Speaker of the House of Representatives, the~~  
17 ~~minority leader of each house of the Legislature, and the~~  
18 ~~Governor no later than January 31 of each year for each~~  
19 ~~project in operation during the preceding fiscal year,~~  
20 ~~beginning in 1998. The quality assurance program must be~~  
21 ~~funded through administrative savings generated by this act.~~

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

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

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

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

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

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

29 (6) Each district and subdistrict that participates in  
30 the model program effort or any future privatization effort as  
31 described in this section must thoroughly analyze and report

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1 the complete direct and indirect costs of delivering these  
2 services through the department and the full cost of  
3 privatization, including the cost of monitoring and evaluating  
4 the contracted services.

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

7 415.5071 Sheriffs of Pasco and Pinellas Counties to  
8 provide child protective investigative services; procedures;  
9 funding.--

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

21 (2) During fiscal year 1998-1999, the Department of  
22 Children and Family Services and each sheriff's office shall  
23 enter into a contract for the provision of these services.  
24 Funding for the services will be appropriated to the  
25 Department of Children and Family Services, and the department  
26 shall transfer to the respective sheriffs for the duration of  
27 fiscal year 1998-1999, funding for the investigative  
28 responsibilities assumed by the sheriffs, including federal  
29 funds that the provider is eligible for and agrees to earn and  
30 that portion of general revenue funds which is currently  
31 associated with the services that are being furnished under



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

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1 subsection (3).

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

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

11 (c) Funds for providing child protective  
12 investigations in Pasco County and Pinellas County must be  
13 appropriated directly to the respective sheriffs' offices.  
14 Funds for the child protective investigations may not be  
15 integrated into the sheriffs' regular budgets. Budgetary data  
16 and other data relating to the performance of child protective  
17 investigations must be maintained separately from all other  
18 records of the sheriffs' offices.

19 (d) Program performance evaluation shall be based on  
20 criteria mutually agreed upon by the respective Sheriffs and a  
21 committee of five persons appointed by the Governor and  
22 selected from those persons serving on the Department of  
23 Children and Family Services district 5 Health and Human  
24 Services Board. Two of the Governor's appointees must be  
25 residents of Pasco County and two of the Governor's appointees  
26 must be residents of Pinellas County. Such appointees shall  
27 serve at the pleasure of the Governor. The individuals  
28 appointed must have demonstrated experience in outcome  
29 evaluation, social service areas of protective investigation,  
30 or child welfare supervision. The committee shall submit an  
31 annual report regarding quality performance, outcome measure

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1 attainment and cost efficiency, to the President of the  
2 Senate, the Speaker of the House of Representatives, and to  
3 the Governor, no later than January 31 of each year the  
4 sheriffs are receiving general appropriations to provide child  
5 protective investigations.

6 Section 3. Subsection (2) of Section 768.28, Florida  
7 Statutes, is amended to read:

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

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

20

21

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

23 And the title is amended as follows:

24 remove from the title of the bill: everything before the  
25 enacting clause

26

27 and insert in lieu thereof:

28

A bill to be entitled

29

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

31

409.1671, F.S.; providing legislative intent;

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1 defining the terms "privatize" and "related  
2 services"; requiring the Department of Children  
3 and Family Services to develop a plan to  
4 accomplish statewide privatization within a  
5 specified time period and to submit the plan to  
6 the Governor and to designated legislative  
7 officials by a specified date; providing plan  
8 requirements; requiring the department to state  
9 whether and why privatization cannot be  
10 accomplished in a particular district or  
11 portion of a district and how the department  
12 will address the obstacles to privatization;  
13 providing for legal services; requiring that  
14 child welfare legal services be provided by  
15 specified providers; providing for case  
16 management responsibilities; providing for  
17 quality assurance; providing requirements for  
18 and restrictions upon funding for  
19 privatization; creating s. 415.5071, F.S.;  
20 providing for a model program for child  
21 protective investigative services, to be  
22 initiated in a specified district; requiring  
23 the department to contract with the sheriffs in  
24 that district; providing responsibilities of  
25 the department; requiring a report; providing  
26 for funding; providing for the creation of a  
27 specified committee which shall submit a  
28 required report; amending s. 768.28, Florida  
29 Statutes; amending the definition of the term  
30 "state agencies or subdivisions" with respect  
31 to specified agencies; providing an effective

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