

Bill No. SB 352

Amendment No. ____

CHAMBER ACTION

Senate

House

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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)

On page 0, delete everything after the enacting clause

and insert:

Section 1. Subsections (1) and (5) and paragraph (a) of subsection (3) of section 409.1671, Florida Statutes, are 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 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 over a 3-year period, beginning July 1, 1999. This plan is to be submitted by January 1, 1999, to the President of the Senate, the Speaker of the House of

Bill No. SB 352

Amendment No. ____

1 Representatives, the Governor, and the Minority leaders of
2 both houses. This plan must be developed with local community
3 input and must include a methodology of determining funds
4 available for the privatization projects. This methodology
5 must incorporate 100 percent of the funds appropriated and
6 budgeted for all services and programs that have been
7 incorporated into the project. In addition, the methodology
8 must incorporate all management, capital (including current
9 furniture and equipment), and administrative funds associated
10 with these services. This methodology must address expected
11 workload and at least the 3 previous years' experience in
12 expenses and workload. By privatizing these services, the
13 ~~support and commitment of communities to the reunification of~~
14 ~~families and care of children and their families will be~~
15 ~~strengthened, and efficiencies as well as increased~~
16 ~~accountability will be gained.~~As used in this section, the
17 term "related These services" means ~~may include~~ family
18 preservation, independent living, emergency shelter,
19 residential group care, foster care, therapeutic foster care,
20 intensive residential treatment, postadjudication legal
21 services, foster care supervision, postadjudication case
22 management, postplacement supervision, permanent foster care,
23 family reunification, the filing of a petition for the
24 termination of parental rights, and adoption. With respect to
25 any district in which privatization is not feasible for
26 economic or other reasons, the department must clearly state
27 in its strategic plan the reasons for the lack of feasibility
28 and the efforts that the department will undertake to
29 remediate the obstacles. When a private, nonprofit agency has
30 received case management responsibilities, transferred from
31 the state, under this section, for a child who is sheltered or

Bill No. SB 352

Amendment No. ____

1 found to be dependent and is assigned to the care of the
2 privatization project, the agency may act as the child's
3 guardian for the purpose of registering the child in school if
4 a parent or guardian of the child is unavailable and his or
5 her whereabouts cannot be reasonably ascertained. The private,
6 nonprofit agency may also seek emergency medical attention for
7 such a child, but only if a parent or guardian of the child is
8 unavailable, his or her whereabouts cannot be reasonably
9 ascertained, and a court order for such emergency medical
10 services cannot be obtained because of the severity of the
11 emergency or because it is after normal working hours.
12 However, the department may not consent to sterilization,
13 abortion, or termination of life support. If a child's
14 parent's rights have been terminated, the nonprofit agency
15 shall act as guardian of the child in all circumstances. The
16 Division of Risk Management of the Department of Insurance
17 shall provide coverage through the Department of Children and
18 Family Services for not-for-profit, community-based agencies
19 who provide foster care and related services. The coverage
20 must be provided from the general liability account of the
21 Florida Casualty Insurance Risk Management Trust Fund, and the
22 coverage is primary. The coverage is limited to general
23 liability claims arising from the provision of foster care and
24 related services pursuant to an agreement with the department
25 and pursuant to guidelines established through policy, rule,
26 or statute. Coverage must be limited as provided in ss. 284.38
27 and 284.385, and the exclusions set forth in those sections,
28 together with such other exclusions as are set forth in the
29 certificate of coverage which is issued by the trust fund,
30 apply. A person who is covered under the general liability
31 account pursuant to this provision shall immediately notify

Bill No. SB 352

Amendment No. ____

1 the Division of Risk Management of the Department of Insurance
2 of any potential or actual claim. This provision for insuring
3 private agencies may not be construed as designating or not
4 designating that such a private, not-for-profit agency is an
5 employee or agent of the state, nor does this provision amend,
6 expand, or supersede s. 768.28.

7 (3)(a) The department shall establish a quality
8 assurance program for the privatization of services. The
9 quality assurance program must not be funded from moneys that
10 the department currently uses to fund foster care and related
11 ~~include standards for each specific component of these~~
12 services. This program must be developed at a statewide level
13 and may not be replicated in each of the departmental
14 districts.The department, in consultation with the
15 community-based agencies that are undertaking the privatized
16 projects, shall establish minimum thresholds for each
17 component. Each program operated under ~~pursuant to~~ contract
18 with a community-based agency must be evaluated annually by
19 the department ~~or by an objective competent entity designated~~
20 ~~by the department under the provisions of the quality~~
21 ~~assurance program. The evaluation must be financed from cost~~
22 ~~savings associated with the privatization of services.~~The
23 department shall submit an annual report regarding quality
24 performance, outcome measure attainment, and cost efficiency
25 to the President of the Senate, the Speaker of the House of
26 Representatives, the Minority leader of each house of the
27 Legislature, and the Governor no later than January 31 of each
28 year for each project in operation during the preceding fiscal
29 year, ~~beginning in 1998.~~ The quality assurance program must be
30 funded through administrative savings generated by this act.
31 As used in this section, the term "administrative savings"

Bill No. SB 352

Amendment No. ____

1 means funds that are made available through reduced work loads
2 and positions that become obsolete at the district level or
3 state office-level administration, through the implementation
4 of this act.

5 (5) In fiscal year 1998-1999, the Department of
6 Children and Family Services shall privatize all foster care
7 and related services in district 5.~~Beginning in fiscal year~~
8 ~~1996-1997, the Department of Children and Family Services~~
9 ~~shall establish a minimum of five model programs. These models~~
10 ~~must be established in the department's districts 1, 4, and~~
11 ~~13; in subdistrict 8A; and in a fifth district to be~~
12 ~~determined by the department, with the concurrence of the~~
13 ~~appropriate district health and human services board. For~~
14 ~~comparison of privatization savings, the fifth model program~~
15 ~~must be contracted with a competent for-profit corporation.~~
16 The provider or providers of the district-5 these model
17 programs may be selected from a single source pursuant to s.
18 287.057(3)(c) and must be an established, community-based
19 organization or organizations within the state district or
20 ~~subdistrict. Contracts with organizations responsible for the~~
21 model programs must shall include the management and
22 administration of all privatized services specified in
23 subsection (1), except for funds necessary to manage the
24 contract. If the community-based organization selected for a
25 model program under this subsection is not a Medicaid
26 provider, the organization shall be issued a Medicaid provider
27 number pursuant to s. 409.907 for the provision of services
28 currently authorized under the state Medicaid plan to those
29 children encompassed in this model and in a manner not to
30 exceed the current level of state expenditure. Each district
31 and subdistrict that participates in the model program effort

Bill No. SB 352

Amendment No. ____

1 or any future privatization effort as described in this
2 section must thoroughly analyze and report the complete direct
3 and indirect costs of delivering these services through the
4 department and the full cost of privatization, including the
5 cost of monitoring and evaluating the contracted services.

6 Section 2. (1) The Department of Children and Family
7 Services shall transfer all child protective investigations
8 for Pinellas County and Pasco County to the sheriff of that
9 county in which the child abuse, neglect, or exploitation is
10 alleged to have occurred. Each sheriff is responsible for the
11 provision of all child protective investigations in his or her
12 county.

13 (2) During fiscal year 1998-1999, the Department of
14 Children and Family Services and each sheriff's office shall
15 enter into a contract that specifies how these services must
16 be provided. Funding for the services will be appropriated to
17 the Department of Children and Family Services, and the
18 department shall transfer funding for the investigative
19 responsibilities assumed by the sheriffs, including, but not
20 limited to, all investigative, supervisory, and clerical
21 positions, to the respective sheriff. The contract must
22 specify whether the department will continue to perform part
23 or none of the child protective investigations during the
24 initial year. The sheriffs may either conduct the
25 investigations themselves or may, in turn, contract with
26 municipal officials to have those officials conduct the
27 investigations. The contract must specify whether the services
28 are to be performed by departmental employees who are under
29 contract with the department or by employees who are
30 transferred to the sheriff's office and directly supervised by
31 the sheriff. During this initial year, the department is

Bill No. SB 352

Amendment No. ____

1 responsible for quality control, and the department retains
2 the responsibility and authority for the performance of all
3 child protective investigations. The department must identify
4 any barriers to transferring the entire responsibility for
5 child protective services to the sheriffs' offices and must
6 pursue avenues for removing any such barriers by means
7 including, but not limited to, applying for federal waivers.
8 By January 15, 1999, the department shall submit to the
9 President of the Senate, the Speaker of the House of
10 Representatives, and the chairs of the Senate and House
11 committees that oversee departmental activities a report that
12 describes any remaining barriers. Unless the Legislature, on
13 the basis of that report or other pertinent information, acts
14 to block a transfer of the entire responsibility for child
15 protective services to the sheriffs' offices, the sheriffs of
16 Pasco County and Pinellas County, beginning in fiscal year
17 1999-2000, shall assume the entire responsibility for such
18 services, as provided in subsection (3).

19 (3)(a) Beginning in fiscal year 1999-2000, the
20 sheriffs of Pasco County and Pinellas County shall provide all
21 child protective investigations in their respective counties,
22 either by performing the investigations themselves or by
23 contracting with municipal officials of municipalities within
24 their respective counties for the performance of such
25 investigations.

26 (b) The sheriffs of Pasco County and Pinellas County
27 shall operate, at a minimum, in accordance with the
28 performance standards in effect for the Department of Children
29 and Family Services on July 1, 1998.

30 (c)1. Funds for providing child protective services in
31 Pasco County and Pinellas County must be appropriated directly

Bill No. SB 352

Amendment No. ____

1 to the respective sheriffs' offices. County funding may not
 2 be used for operating the units that conduct child protective
 3 services, nor may any funds for the child protective services
 4 be integrated into the sheriffs' regular budgets. Budgetary
 5 data and other data relating to the performance of child
 6 protective services must be maintained separately from all
 7 other records of the sheriffs' offices.

8 2. Any funds that are provided to sheriffs' offices
 9 for their special child-abuse investigation units are not
 10 affected by other provisions of this section. The
 11 recordkeeping for these child-abuse investigation units must
 12 be kept separate from the remainder of the sheriffs' budgets
 13 and other records.

14 Section 3. This act shall take effect July 1, 1998.

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

18 And the title is amended as follows:

19 On page 0, delete everything after the enacting clause

20

21 and insert:

22 An act relating to the privatization of foster
 23 care and related services; amending s.
 24 409.1671, F.S.; providing legislative intent;
 25 defining the terms "privatize" and "related
 26 services"; requiring the Department of Children
 27 and Family Services to submit to the Governor
 28 and to designated legislative officials by a
 29 specified date a plan for accomplishing
 30 statewide privatization; requiring the
 31 department to state whether and why

Bill No. SB 352
Amendment No. ____

1 privatization is not feasible in a particular
2 district and how the department will address
3 the obstacles to its feasibility; allowing
4 private, nonprofit agencies to act as guardians
5 of certain children; providing for insuring
6 community-based agencies that provide these
7 services; providing requirements for and
8 restrictions upon funding for privatization;
9 providing for a model program to be initiated
10 in specified counties; requiring the department
11 to contract with the sheriffs in those counties
12 for the provision of protective investigative
13 services; requiring a report to legislative
14 officials; providing for continuing the
15 program, except in specified circumstances;
16 providing for funding; providing an effective
17 date

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