

By Senators Brown-Waite, Hargrett, Cowin, Latvala and Crist

10-387A-98

1                                   A bill to be entitled  
2           An act relating to the privatization of foster  
3           care and related services; amending s.  
4           409.1671, F.S.; providing legislative intent;  
5           defining the terms "privatize" and "related  
6           services"; requiring the Department of Children  
7           and Family Services to develop a plan to  
8           accomplish statewide privatization within a  
9           specified time period and to submit the plan to  
10          the Governor and to designated legislative  
11          officials by a specified date; requiring the  
12          department to state whether and why  
13          privatization is infeasible in a particular  
14          district and how the department will address  
15          the obstacles to its feasibility; providing  
16          requirements for and restrictions upon funding  
17          for privatization; providing for a model  
18          program to be initiated in a specified  
19          district; requiring the department to contract  
20          with the sheriffs in that district for the  
21          provision of protective investigative services;  
22          providing for funding; providing an effective  
23          date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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27           Section 1. Subsections (1) and (5) and paragraph (a)  
28           of subsection (3) of section 409.1671, Florida Statutes, are  
29           amended to read:

30           409.1671 Foster care and related services;  
31           privatization.--

1           (1) It is the intent of the Legislature that to  
2 ~~encourage~~ the Department of Children and Family Services  
3 privatize the provision of ~~to contract with competent~~  
4 ~~community-based agencies to provide~~ foster care and related  
5 services statewide. As used in this section, the term  
6 "privatize" means to contract with competent, community-based  
7 agencies. The department shall develop a strategic plan to  
8 accomplish privatization statewide over a 3-year period,  
9 beginning July 1, 1999. This plan is to be submitted by  
10 January 1, 1999, to the President of the Senate, the Speaker  
11 of the House of Representatives, the Governor, and the  
12 Minority leaders of both houses. ~~By privatizing these~~  
13 ~~services, the support and commitment of communities to the~~  
14 ~~reunification of families and care of children and their~~  
15 ~~families will be strengthened, and efficiencies as well as~~  
16 ~~increased accountability will be gained.~~ As used in this  
17 section, the term "related ~~These~~ services" means ~~may include~~  
18 family 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.

30           (3)(a) The department shall establish a quality  
31 assurance program for the privatization of services. The

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

23 (5)(a) In fiscal year 1998-1999, the Department of  
24 Children and Family Services shall privatize all foster care  
25 and related services in district 5.~~Beginning in fiscal year~~  
26 ~~1996-1997, the Department of Children and Family Services~~  
27 ~~shall establish a minimum of five model programs. These models~~  
28 ~~must be established in the department's districts 1, 4, and~~  
29 ~~13; in subdistrict 8A; and in a fifth district to be~~  
30 ~~determined by the department, with the concurrence of the~~  
31 ~~appropriate district health and human services board. For~~

1 ~~comparison of privatization savings, the fifth model program~~  
2 ~~must be contracted with a competent for-profit corporation.~~  
3 The provider or providers of the district-5 ~~these model~~  
4 programs may be selected from a single source pursuant to s.  
5 287.057(3)(c) and must be an established, community-based  
6 organization or organizations within the state ~~district or~~  
7 ~~subdistrict~~. Contracts with organizations responsible for the  
8 model programs must ~~shall~~ include the management and  
9 administration of all privatized services specified in  
10 subsection (1), except for funds necessary to manage the  
11 contract. If the community-based organization selected for a  
12 model program under this subsection is not a Medicaid  
13 provider, the organization shall be issued a Medicaid provider  
14 number pursuant to s. 409.907 for the provision of services  
15 currently authorized under the state Medicaid plan to those  
16 children encompassed in this model and in a manner not to  
17 exceed the current level of state expenditure. Each district  
18 and subdistrict that participates in the model program effort  
19 or any future privatization effort as described in this  
20 section must thoroughly analyze and report the complete direct  
21 and indirect costs of delivering these services through the  
22 department and the full cost of privatization, including the  
23 cost of monitoring and evaluating the contracted services.

24 (b) The Department of Children and Family Services  
25 shall contract with the sheriffs of Pinellas County and Pasco  
26 County, in district 5, for the provision of all protective  
27 investigative services. Each individual who provides these  
28 services under the contract must complete the training  
29 provided to and required of protective investigators employed  
30 by the department. The sheriff's offices in Pinellas County  
31 and Pasco County are to be responsible for the initial calls

1 and for any subsequent investigations related to all child  
2 abuse reports in their respective counties. The Department of  
3 Children and Family Services shall transfer all funding for  
4 the investigative responsibilities in each of those counties,  
5 including all investigative, supervisory, and clerical  
6 positions, to the respective sheriff. Each sheriff may require  
7 all employees of the sheriff's office who provide protective  
8 investigative services to meet the employment standards of the  
9 sheriff's office. The state will continue to provide funding  
10 for the special child-abuse investigation units. The  
11 bookkeeping for these units must be kept separate from the  
12 rest of the sheriffs' budgets. County funding may not be used  
13 for the operation of the child-abuse investigation units, nor  
14 may any funds for the child-abuse investigation units be  
15 integrated into the sheriffs' regular budgets.

16 Section 2. This act shall take effect July 1, 1998.

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19 SENATE SUMMARY

20 Provides for the privatization of foster care and related  
21 services. Provides legislative intent. Defines the terms  
22 "privatize" and "related services." Requires the  
23 Department of Children and Family Services to develop a  
24 plan to accomplish statewide privatization by July 1,  
25 2002, and to submit the plan to the Governor and to  
26 designated legislative officials by January 1, 1999.  
27 Requires the department to state whether and why  
28 privatization is infeasible in a particular district and  
29 how the department intends to address the obstacles to  
30 its feasibility. Provides requirements for and  
31 restrictions upon funding for privatization. Provides for  
a model program to be initiated in district 5, in fiscal  
year 1998-1999. Requires the department to contract with  
the sheriffs in district 5 for the provision of all  
protective investigative services, and provides for  
funding.