

By the Committee on Children and Families; and Senator Diaz-Balart

300-1975-99

1 A bill to be entitled

2 An act relating to the privatization of foster

3 care and related services; amending s. 216.136,

4 F.S.; requiring the Child Welfare System

5 Estimating Conference to include forecasts of

6 child welfare caseloads within the information

7 it generates; providing for inclusion of

8 additional classes of children in need of care

9 among estimates; amending s. 409.1671, F.S.;

10 designating Broward County for either the state

11 attorney or Attorney General to provide child

12 welfare legal services; providing for hiring

13 preference for state employees; prescribing

14 requirements for preschool foster homes;

15 changing the date for privatization of foster

16 care and related services in district 5;

17 amending s. 409.906, F.S.; authorizing the

18 Agency for Health Care Administration to

19 establish a targeted case-management pilot

20 project within certain counties; providing for

21 the pilot project to determine the impact of

22 targeted case-management services; providing

23 for eligibility for coverage under the pilot

24 project; providing certain limitations on

25 funding; providing an effective date.

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27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (8) of section 216.136, Florida

30 Statutes, 1998 Supplement, is amended to read:

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1 216.136 Consensus estimating conferences; duties and
2 principals.--
3 (8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--
4 (a) Duties.--The Child Welfare System Estimating
5 Conference shall develop such official ~~the following~~
6 information relating to the child welfare system of the state,
7 including forecasts of child welfare caseloads, as the
8 conference determines is needed for the state planning and
9 budgeting system. Such official information may include, but
10 is not limited to:
11 1. Estimates and projections of the number of initial
12 and additional reports of child abuse, abandonment, or neglect
13 made to the central abuse hotline maintained by the Department
14 of Children and Family Services as established in s.
15 39.201(4). Projections may take into account other factors
16 that may influence the number of future reports to the abuse
17 hotline.
18 2. Estimates and projections of the number of children
19 who are alleged to be victims of child abuse, abandonment, or
20 neglect and are in need of emergency shelter, foster care,
21 residential group care, adoptive services, or other
22 appropriate care placement in a shelter.
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24 In addition, the conference shall develop other official
25 information relating to the child welfare system of the state
26 which the conference determines is needed for the state
27 planning and budgeting system. The Department of Children and
28 Family Services shall provide information on the child welfare
29 system requested by the Child Welfare System Estimating
30 Conference, or individual conference principals, in a timely
31 manner.

1 (b) Principals.--The Executive Office of the Governor,
2 the coordinator of the Office of Economic and Demographic
3 Research, and professional staff who have forecasting
4 expertise from the Department of Health and Rehabilitative
5 Services, the Senate, and the House of Representatives, or
6 their designees, are the principals of the Child Welfare
7 System Estimating Conference. The principal representing the
8 Executive Office of the Governor shall preside over sessions
9 of the conference.

10 Section 2. Section 409.1671, Florida Statutes, 1998
11 Supplement, is amended to read:

12 409.1671 Foster care and related services;
13 privatization.--

14 (1)(a) It is the intent of the Legislature that the
15 Department of Children and Family Services shall privatize the
16 provision of foster care and related services statewide. As
17 used in this section, the term "privatize" means to contract
18 with competent, community-based agencies. The department
19 shall submit a plan to accomplish privatization statewide,
20 through a competitive process, phased in over a 3-year period
21 beginning January 1, 2000. This plan is to be submitted by
22 July 1, 1999, to the President of the Senate, the Speaker of
23 the House of Representatives, the Governor, and the minority
24 leaders of both houses. This plan must be developed with local
25 community participation, including, but not limited to, input
26 from community-based providers that are currently under
27 contract with the department to furnish community-based foster
28 care and related services, and must include a methodology for
29 determining and transferring all available funds, including
30 federal funds that the provider is eligible for and agrees to
31 earn and that portion of general revenue funds which is

1 currently associated with the services that are being
2 furnished under contract. The methodology must provide for the
3 transfer of funds appropriated and budgeted for all services
4 and programs that have been incorporated into the project,
5 including all management, capital (including current furniture
6 and equipment), and administrative funds to accomplish the
7 transfer of these programs. This methodology must address
8 expected workload and at least the 3 previous years'
9 experience in expenses and workload. With respect to any
10 district or portion of a district in which privatization
11 cannot be accomplished within the 3-year timeframe, the
12 department must clearly state in its plan the reasons the
13 timeframe cannot be met and the efforts that should be made to
14 remediate the obstacles, which may include alternatives to
15 total privatization, such as public-private partnerships. As
16 used in this section, the term "related services" means family
17 preservation, independent living, emergency shelter,
18 residential group care, foster care, therapeutic foster care,
19 intensive residential treatment, foster care supervision, case
20 management, postplacement supervision, permanent foster care,
21 and family reunification. Unless otherwise provided for,
22 beginning in fiscal year 1999-2000, either the state attorney
23 or the Office of the Attorney General shall provide child
24 welfare legal services, pursuant to chapter 39 and other
25 relevant provisions, in Sarasota, Pinellas, Pasco, Broward,
26 and Manatee Counties. Such legal services shall commence and
27 be effective, as soon as determined reasonably feasible by the
28 respective state attorney or the Office of the Attorney
29 General, after the privatization of associated programs and
30 child protective investigations has occurred. When a private
31 nonprofit agency has received case management

1 responsibilities, transferred from the state under this
2 section, for a child who is sheltered or found to be dependent
3 and who is assigned to the care of the privatization project,
4 the agency may act as the child's guardian for the purpose of
5 registering the child in school if a parent or guardian of the
6 child is unavailable and his or her whereabouts cannot
7 reasonably be ascertained. The private nonprofit agency may
8 also seek emergency medical attention for such a child, but
9 only if a parent or guardian of the child is unavailable, his
10 or her whereabouts cannot reasonably be ascertained, and a
11 court order for such emergency medical services cannot be
12 obtained because of the severity of the emergency or because
13 it is after normal working hours. However, the provider may
14 not consent to sterilization, abortion, or termination of life
15 support. If a child's parents' rights have been terminated,
16 the nonprofit agency shall act as guardian of the child in all
17 circumstances.

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

24 1. The ability to coordinate, integrate, and manage
25 all child protective services in the designated community in
26 cooperation with child protective investigations.

27 2. The ability to ensure continuity of care from entry
28 to exit for all children referred from the protective
29 investigation and court systems.

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

4 4. The willingness to accept accountability for
5 meeting the outcomes and performance standards related to
6 child protective services established by the Legislature and
7 the Federal Government.

8 5. The capability and the willingness to serve all
9 children referred to it from the protective investigation and
10 court systems, regardless of the level of funding allocated to
11 the community by the state, provided all related funding is
12 transferred.

13 6. The willingness to ensure that each individual who
14 provides child protective services completes the training
15 required of child protective service workers by the Department
16 of Children and Family Services.

17 (2)(a) The department may contract for the delivery,
18 administration, or management of protective services, the
19 services specified in subsection (1) relating to foster care,
20 and other related services or programs, as appropriate. The
21 department shall retain responsibility for the quality of
22 contracted services and programs and shall ensure that
23 services are delivered in accordance with applicable federal
24 and state statutes and regulations.

25 (b) Persons employed by the department in the
26 provision of foster care and related services whose positions
27 are being privatized pursuant to this statute shall be given
28 hiring preference by the provider, if provider qualifications
29 are met.

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

1 assurance program may be performed by a national accrediting
2 organization such as the Council on Accreditation of Services
3 for Families and Children, Inc. (COA) or the Council on
4 Accreditation of Rehabilitation Facilities (CARF). The
5 department shall develop a request for proposal for such
6 oversight. This program must be developed and administered at
7 a statewide level. The Legislature intends that the department
8 be permitted to have limited flexibility to use funds for
9 improving quality assurance. To this end, effective January 1,
10 2000, the department may transfer up to 0.125 percent of the
11 total funds from categories used to pay for these
12 contractually provided services, but the total amount of such
13 transferred funds may not exceed \$300,000 in any fiscal year.
14 When necessary, the department may establish, in accordance
15 with s. 216.177, additional positions that will be exclusively
16 devoted to these functions. Any positions required under this
17 paragraph may be established, notwithstanding ss.
18 216.262(1)(a) and 216.351. The department, in consultation
19 with the community-based agencies that are undertaking the
20 privatized projects, shall establish minimum thresholds for
21 each component of service, consistent with standards
22 established by the Legislature. Each program operated under
23 contract with a community-based agency must be evaluated
24 annually by the department. The department shall submit an
25 annual report regarding quality performance, outcome measure
26 attainment, and cost efficiency to the President of the
27 Senate, the Speaker of the House of Representatives, the
28 minority leader of each house of the Legislature, and the
29 Governor no later than January 31 of each year for each
30 project in operation during the preceding fiscal year.
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1 (b) The department shall use these findings in making
2 recommendations to the Governor and the Legislature for future
3 program and funding priorities in the child welfare system.

4 (4)(a) The community-based agency must comply with
5 statutory requirements and agency rules in the provision of
6 contractual services. Each foster home, therapeutic foster
7 home, emergency shelter, or other placement facility operated
8 by the community-based agency or agencies must be licensed by
9 the Department of Children and Family Services under chapter
10 402 or this chapter. Each community-based agency must be
11 licensed as a child-caring or child-placing agency by the
12 department under this chapter. The department, in order to
13 eliminate or reduce the number of duplicate inspections by
14 various program offices, shall coordinate inspections required
15 pursuant to licensure of agencies under this section.

16 (b) Substitute care providers who are licensed under
17 s. 409.175 and have contracted with a lead agency authorized
18 under this section shall also be authorized to provide
19 registered or licensed family day care under s. 402.313, if
20 consistent with federal law and if the home has met:

21 1. The requirements of s. 402.313; and

22 2. The requirements of s. 402.281 and has received
23 Gold Seal Quality Care designation.

24 (c) A dually licensed home under this section shall be
25 eligible to receive both the foster care board rate and the
26 subsidized child care rate for the same child only if care is
27 provided 24 hours a day. The subsidized child care rate shall
28 be no more than the approved full-time rate.

29 (5) Beginning January 1, 1999, and continuing at least
30 through June 30, 2000 ~~December 31, 1999~~, the Department of
31 Children and Family Services shall privatize all foster care

1 and related services in district 5 while continuing to
2 contract with the current model programs in districts 1, 4,
3 and 13, and in subdistrict 8A, and shall expand the
4 subdistrict 8A pilot program to incorporate Manatee County.
5 Planning for the district 5 privatization shall be done by
6 providers that are currently under contract with the
7 department for foster care and related services and shall be
8 done in consultation with the department. A lead provider of
9 the district 5 program shall be competitively selected, must
10 demonstrate the ability to provide necessary comprehensive
11 services through a local network of providers, and must meet
12 criteria established in this section. Contracts with
13 organizations responsible for the model programs must include
14 the management and administration of all privatized services
15 specified in subsection (1). However, the department may use
16 funds for contract management only after obtaining written
17 approval from the Executive Office of the Governor. The
18 request for such approval must include, but is not limited to,
19 a statement of the proposed amount of such funds and a
20 description of the manner in which such funds will be used. If
21 the 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

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 3. Subsection (24) is added to section
5 409.906, Florida Statutes, 1998 Supplement, to read:

6 409.906 Optional Medicaid services.--Subject to
7 specific appropriations, the agency may make payments for
8 services which are optional to the state under Title XIX of
9 the Social Security Act and are furnished by Medicaid
10 providers to recipients who are determined to be eligible on
11 the dates on which the services were provided. Any optional
12 service that is provided shall be provided only when medically
13 necessary and in accordance with state and federal law.

14 Nothing in this section shall be construed to prevent or limit
15 the agency from adjusting fees, reimbursement rates, lengths
16 of stay, number of visits, or number of services, or making
17 any other adjustments necessary to comply with the
18 availability of moneys and any limitations or directions
19 provided for in the General Appropriations Act or chapter 216.
20 Optional services may include:

21 (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.--The
22 Agency for Health Care Administration, in consultation with
23 the Department of Children and Family Services, may establish
24 a targeted case-management pilot project in those counties
25 identified by the Department of Children and Family Services
26 and for the community-based child welfare project in Sarasota
27 and Manatee counties, as authorized under s. 409.1671. These
28 projects shall be established for the purpose of determining
29 the impact of targeted case management on the child welfare
30 program and the earnings from the child welfare program.
31 Results of the pilot projects shall be reported to the Child

1 Welfare Estimating Conference and the Social Services
2 Estimating Conference established under s. 216.136. The number
3 of projects may not be increased until requested by the
4 Department of Children and Family Services, recommended by the
5 Child Welfare Estimating Conference and the Social Services
6 Estimating Conference, and approved by the Legislature. The
7 covered group of individuals who are eligible to receive
8 targeted case management include children who are eligible for
9 Medicaid; who are between the ages of birth through 21; and
10 who are under protective supervision or postplacement
11 supervision, under foster-care supervision, or in shelter care
12 or foster care. The number of individuals who are eligible to
13 receive targeted case management shall be limited to the
14 number for whom the Department of Children and Family Services
15 has available matching funds to cover the costs. The general
16 revenue funds required to match the funds for services
17 provided by the community-based child welfare projects are
18 limited to funds available for services described under s.
19 409.1671. The Department of Children and Family Services may
20 transfer the general revenue matching funds as billed by the
21 Agency for Health Care Administration.

22 Section 4. This act shall take effect upon becoming a
23 law.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2250
4 Removes the provision directing the Department of Children and
5 Family Services to transfer federal earnings that exceed the
6 contracted amount back to the lead agency in the district
7 where the funds were earned.
8 Adds Broward County to the designated counties for either the
9 state attorney or the Attorney General to provide child
10 welfare legal services.
11 Adds Gold Seal Quality Care designation and makes technical
12 changes to the dual licensure requirements for substitute care
13 providers under contract with a lead agency.
14 Allows the child welfare estimating conference to use factors
15 other than the number of reports of abuse, abandonment, or
16 neglect made to the abuse hotline in their projections and
17 estimates.
18 Removes that provision that authorizes the Agency for Health
19 Care Administration to contract with certain community-based
20 agencies providing behavioral health care services.
21 Allows the Agency for Health Care and the department to
22 establish a targeted case management pilot project in certain
23 counties using the general revenue funds in contracts with
24 community-based child welfare projects to match federal funds.
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