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A bill to be entitled  
 An act relating to community-based care; creating s.  
 409.033, F.S.; providing legislative intent that local  
 government matching funds shall be used to the extent  
 possible to match federal funding where state funding is  
 inadequate to use such federal funding; requiring agencies  
 to create plans to utilize local matching funds; making  
 participation by local governments voluntary; requiring  
 reports; amending s. 409.1671, F.S.; decreasing the amount  
 of automobile liability insurance required of certain  
 community-based care providers; deleting certain  
 termination of services notice requirements; requiring the  
 payment of certain administrative costs incurred by lead  
 community-based providers; requiring review of certain  
 programs by independent audits, rather than by the  
 Department of Children and Family Services; amending s.  
 409.16745, F.S.; changing eligibility requirements for  
 participation in the community partnership matching grant  
 program; amending s. 409.175, F.S.; providing for an  
 assessment by a certified family counselor, rather than a  
 comprehensive behavioral health assessment, of children in  
 certain family foster homes; providing an effective date.

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

Section 1. Section 409.033, Florida Statutes, is created  
 to read:

409.033 Maximization of local matching revenues.--  
(1) LEGISLATIVE INTENT.--  
(a)1. The Legislature recognizes that state funds do not



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31 fully utilize federal funding matching opportunities for health  
32 and human services needs. It is the intent of the Legislature to  
33 utilize certified local funding for federal matching programs to  
34 the fullest extent possible to maximize federal funding of local  
35 preventive services and local child development programs in the  
36 State of Florida. To that end, the Legislature expects that  
37 state agencies will take a proactive approach in implementing  
38 this legislative priority.

39 2. It is further the intent of the Legislature that this  
40 section shall be implemented in a revenue-neutral manner with  
41 respect to state funds.

42 (b) It is the intent of the Legislature that revenue  
43 maximization opportunities using certified local funding shall  
44 occur only after available state funds have been utilized to  
45 generate matching federal funding for the state.

46 (c) It is the intent of the Legislature that participation  
47 in revenue maximization is to be on a voluntary basis for local  
48 political subdivisions.

49 (d) It is the intent of the Legislature that certified  
50 local funding for federal matching programs not supplant or  
51 replace state funds.

52 (2) REVENUE MAXIMIZATION PROGRAM.--

53 (a) For purposes of this section, "agency" shall mean any  
54 state agency involved in providing health, social, or human  
55 services, including, but not limited to, the Agency for Health  
56 Care Administration, the Agency for Workforce Innovation, the  
57 Department of Children and Family Services, the Department of  
58 Elderly Affairs, the Department of Juvenile Justice, and the  
59 Florida Board of Education.

60 (b) Each agency is directed to establish programs and



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61 mechanisms designed to maximize the use of local funding for  
62 federal programs in accordance with this section.

63 (c) The use of local matching funds under this section  
64 shall be limited to public revenue funds of local political  
65 subdivisions, including, but not limited to, counties, cities,  
66 and special districts. To the extent permitted by federal law,  
67 funds donated to such local political subdivisions by private  
68 entities or individuals shall be considered to be public revenue  
69 funds available for matching federal funding.

70 (d) Subject to the provisions of paragraph (f), any  
71 federal reimbursement received as a result of the certification  
72 of local matching funds shall, unless otherwise specifically  
73 prohibited by federal law, be returned by check or wire transfer  
74 to the local political subdivision providing such funding, with  
75 the local political subdivision being provided an annual  
76 accounting of federal reimbursements received by the state or  
77 its agencies as a result of the certification of the local  
78 political subdivision's matching funds. The receipt by a local  
79 political subdivision of such matching funds shall not in any  
80 way influence or be used as a factor in developing any agency's  
81 annual operating budget allocation methodology or formula or any  
82 subsequent budget amendment allocations or formulas. Where  
83 necessary, agreements with an agency and the local political  
84 subdivision to accomplish such purpose shall be established.  
85 Such agreements may provide that the local political subdivision  
86 is responsible to:

87 1. Verify the eligibility of the local program or programs  
88 and the individuals served thereby to qualify for federal  
89 matching funds.

90 2. Develop and maintain the financial records needed to



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91 document the appropriate use of federal matching funds.

92 3. Comply with all applicable state and federal laws,  
93 regulations, and rules regulating such federal services.

94 4. Reimburse the cost for any disallowance of federal  
95 funding previously provided to a local political subdivision  
96 resulting from failure of that local political subdivision to  
97 comply with applicable state or federal laws, rules, or  
98 regulations.

99 (e) Each agency, as applicable, shall work with local  
100 political subdivisions to modify any state plans and seek and  
101 implement any federal waivers necessary to implement this  
102 section. If such modifications or waivers require the approval  
103 of the Legislature, the agency, as applicable, shall draft such  
104 legislation and present it to the President of the Senate and  
105 the Speaker of the House of Representatives and to the  
106 respective fiscal committee chairs of the Senate and the House  
107 of Representatives by January 1, 2004, and, as applicable,  
108 annually thereafter.

109 (f) Except as otherwise provided by law, each agency, as  
110 applicable, prior to distribution of funds generated under this  
111 section to any local political subdivision, may deduct the  
112 actual administrative cost for implementing and monitoring the  
113 local match program, but in no event may such administrative  
114 cost exceed 5 percent of the total federal reimbursement funding  
115 to be provided to the local political subdivision under  
116 paragraph (d).

117 (g) Each agency shall annually prepare a report to be  
118 submitted to the Governor, the President of the Senate, and the  
119 Speaker of the House of Representatives no later than January  
120 1st documenting the specific activities undertaken during the



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121 previous fiscal year pursuant to this section. The report shall  
 122 include, but not be limited to:

123 1. The total amount of federal matching funds generated by  
 124 local match funds under this section, reported by federal  
 125 funding source.

126 2. The total amount of block grant funds expended during  
 127 the prior fiscal year, reported by federal funding source.

128 3. The total amount for federal matching fund programs,  
 129 including, but not limited to, Temporary Assistance for Needy  
 130 Families and Child Care and Development Fund of unobligated  
 131 funds and unliquidated funds, both as of the close of the prior  
 132 federal fiscal year.

133 4. The amount of unliquidated funds in danger of being  
 134 returned to the Federal Government at the end of the current  
 135 federal fiscal year.

136 5. A detailed plan and timeline to spend any unobligated  
 137 and unliquidated funds by the end of the current federal fiscal  
 138 year.

139 Section 2. Paragraphs (f) and (h) of subsection (1) and  
 140 subsections (3) and (4) of section 409.1671, Florida Statutes,  
 141 are amended to read:

142 409.1671 Foster care and related services;  
 143 privatization.--

144 (1)

145 (f) Other than an entity to which s. 768.28 applies, any  
 146 eligible lead community-based provider, as defined in paragraph  
 147 (c), or its employees or officers, except as otherwise provided  
 148 in paragraph (g), must, as a part of its contract, obtain a  
 149 minimum of \$1 million per claim/\$3 million per incident in  
 150 general liability insurance coverage. The eligible lead



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151 community-based provider must also require that staff who  
152 transport client children and families in their personal  
153 automobiles in order to carry out their job responsibilities  
154 obtain minimum bodily injury liability insurance in the amount  
155 of \$25,000 ~~\$100,000~~ per claim, \$50,000 ~~\$300,000~~ per incident, on  
156 their personal automobiles. In any tort action brought against  
157 such an eligible lead community-based provider or employee, net  
158 economic damages shall be limited to \$1 million per liability  
159 claim and \$100,000 per automobile claim, including, but not  
160 limited to, past and future medical expenses, wage loss, and  
161 loss of earning capacity, offset by any collateral source  
162 payment paid or payable. In any tort action brought against such  
163 an eligible lead community-based provider, noneconomic damages  
164 shall be limited to \$200,000 per claim. A claims bill may be  
165 brought on behalf of a claimant pursuant to s. 768.28 for any  
166 amount exceeding the limits specified in this paragraph. Any  
167 offset of collateral source payments made as of the date of the  
168 settlement or judgment shall be in accordance with s. 768.76.  
169 The lead community-based provider shall not be liable in tort  
170 for the acts or omissions of its subcontractors or the officers,  
171 agents, or employees of its subcontractors.

172 (h) Any subcontractor of an eligible lead community-based  
173 provider, as defined in paragraph (c), which is a direct  
174 provider of foster care and related services to children and  
175 families, and its employees or officers, except as otherwise  
176 provided in paragraph (g), must, as a part of its contract,  
177 obtain a minimum of \$1 million per claim/\$3 million per incident  
178 in general liability insurance coverage. The subcontractor of an  
179 eligible lead community-based provider must also require that  
180 staff who transport client children and families in their



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181 personal automobiles in order to carry out their job  
 182 responsibilities obtain minimum bodily injury liability  
 183 insurance in the amount of \$25,000 ~~\$100,000~~ per claim, \$50,000  
 184 ~~\$300,000~~ per incident, on their personal automobiles. In any  
 185 tort action brought against such subcontractor or employee, net  
 186 economic damages shall be limited to \$1 million per liability  
 187 claim and \$100,000 per automobile claim, including, but not  
 188 limited to, past and future medical expenses, wage loss, and  
 189 loss of earning capacity, offset by any collateral source  
 190 payment paid or payable. In any tort action brought against such  
 191 subcontractor, noneconomic damages shall be limited to \$200,000  
 192 per claim. A claims bill may be brought on behalf of a claimant  
 193 pursuant to s. 768.28 for any amount exceeding the limits  
 194 specified in this paragraph. Any offset of collateral source  
 195 payments made as of the date of the settlement or judgment shall  
 196 be in accordance with s. 768.76.

197 (3) (a) In order to help ensure a seamless child protection  
 198 system, the department shall ensure that contracts entered into  
 199 with community-based agencies pursuant to this section include  
 200 provisions for a case-transfer process to determine the date  
 201 that the community-based agency will initiate the appropriate  
 202 services for a child and family. This case-transfer process must  
 203 clearly identify the closure of the protective investigation and  
 204 the initiation of service provision. At the point of case  
 205 transfer, and at the conclusion of an investigation, the  
 206 department must provide a complete summary of the findings of  
 207 the investigation to the community-based agency.

208 (b) The contracts must also ensure that each community-  
 209 based agency shall furnish information on its activities in all  
 210 cases in client case records. ~~A provider may not discontinue~~



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211 ~~services on any voluntary case without prior written~~  
212 ~~notification to the department 30 days before planned case~~  
213 ~~closure. If the department disagrees with the recommended case~~  
214 ~~closure date, written notification to the provider must be~~  
215 ~~provided before the case closure date.~~

216 (c) The contract between the department and community-  
217 based agencies must include provisions that specify the  
218 procedures to be used by the parties to resolve differences in  
219 interpreting the contract or to resolve disputes as to the  
220 adequacy of the parties' compliance with their respective  
221 obligations under the contract.

222 (d) Each contract with an eligible lead community-based  
223 provider shall provide for the payment by the department to the  
224 provider of a reasonable administrative cost in addition to  
225 funding for the provision of services.

226 (4) (a) The department shall establish a quality assurance  
227 program for privatized services. The quality assurance program  
228 shall be based on standards established by a national  
229 accrediting organization such as the Council on Accreditation of  
230 Services for Families and Children, Inc. (COA) or CARF--the  
231 Rehabilitation Accreditation Commission. The department may  
232 develop a request for proposal for such oversight. This program  
233 must be developed and administered at a statewide level. The  
234 Legislature intends that the department be permitted to have  
235 limited flexibility to use funds for improving quality  
236 assurance. To this end, ~~effective January 1, 2000,~~ the  
237 department may transfer up to 0.125 percent of the total funds  
238 from categories used to pay for these contractually provided  
239 services, but the total amount of such transferred funds may not  
240 exceed \$300,000 in any fiscal year. When necessary, the





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241 department may establish, in accordance with s. 216.177,  
 242 additional positions that will be exclusively devoted to these  
 243 functions. Any positions required under this paragraph may be  
 244 established, notwithstanding ss. 216.262(1)(a) and 216.351. The  
 245 department, in consultation with the community-based agencies  
 246 that are undertaking the privatized projects, shall establish  
 247 minimum thresholds for each component of service, consistent  
 248 with standards established by the Legislature and the Federal  
 249 Government. Each program operated under contract with a  
 250 community-based agency must be evaluated annually by an  
 251 independent audit ~~the department~~. The department shall submit an  
 252 annual report based upon the results of such independent audits  
 253 regarding quality performance, outcome measure attainment, and  
 254 cost efficiency to the President of the Senate, the Speaker of  
 255 the House of Representatives, the minority leader of each house  
 256 of the Legislature, and the Governor no later than January 31 of  
 257 each year for each project in operation during the preceding  
 258 fiscal year.

259 (b) The department shall use these findings in making  
 260 recommendations to the Governor and the Legislature for future  
 261 program and funding priorities in the child welfare system.

262 Section 3. Section 409.16745, Florida Statutes, is amended  
 263 to read:

264 409.16745 Community partnership matching grant  
 265 program.--It is the intent of the Legislature to improve  
 266 services and local participation in community-based care  
 267 initiatives by fostering community support and providing  
 268 enhanced prevention and in-home services, thereby reducing the  
 269 risk otherwise faced by lead agencies. There is established a  
 270 community partnership matching grant program to be operated by



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271 the Department of Children and Family Services for the purpose  
 272 of encouraging local participation in community-based care for  
 273 child welfare. Any children's services council or other local  
 274 government entity that makes a financial commitment to a  
 275 community-based care lead agency is eligible for a grant upon  
 276 proof that the children's services council or local government  
 277 entity has provided the selected lead agency at least \$250,000  
 278 ~~\$825,000 in start up funds,~~ from any local resources otherwise  
 279 available to it. The total amount of local contribution may be  
 280 matched on a two-for-one basis up to a maximum amount of \$2  
 281 million per council. Awarded matching grant funds may be used  
 282 for any prevention or in-home services provided by the  
 283 children's services council or other local government entity  
 284 that meets temporary-assistance-for-needy-families' eligibility  
 285 requirements and can be reasonably expected to reduce the number  
 286 of children entering the child welfare system. To ensure  
 287 necessary flexibility for the development, start up, and ongoing  
 288 operation of community-based care initiatives, the notice period  
 289 required for any budget action authorized by the provisions of  
 290 s. 20.19(5)(b), is waived for the family safety program;  
 291 however, the Department of Children and Family Services must  
 292 provide copies of all such actions to the Executive Office of  
 293 the Governor and Legislature within 72 hours of their  
 294 occurrence. Funding available for the matching grant program is  
 295 subject to legislative appropriation of nonrecurring temporary-  
 296 assistance-for-needy-families funds provided for the purpose.

297 Section 4. Subsection (3) of section 409.175, Florida  
 298 Statutes, is amended to read:

299 409.175 Licensure of family foster homes, residential  
 300 child-caring agencies, and child-placing agencies.--



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301 (3) (a) The total number of children placed in each family  
 302 foster home shall be based on the recommendation of the  
 303 department, or the community-based care lead agency where one is  
 304 providing foster care and related services, based on the needs  
 305 of each child in care, the ability of the foster family to meet  
 306 the individual needs of each child, including any adoptive or  
 307 biological children living in the home, the amount of safe  
 308 physical plant space, the ratio of active and appropriate adult  
 309 supervision, and the background, experience, and skill of the  
 310 family foster parents.

311 (b) If the total number of children in a family foster  
 312 home will exceed five, including the family's own children, an  
 313 assessment by a certified family counselor ~~a comprehensive~~  
 314 ~~behavioral health assessment~~ of each child to be placed in the  
 315 home must be completed prior to placement of any additional  
 316 children in the home. The ~~comprehensive behavioral health~~  
 317 ~~assessment must comply with Medicaid rules and regulations,~~  
 318 assess and document the mental, physical, and psychosocial needs  
 319 of the child, and recommend the maximum number of children in a  
 320 family foster home that will allow the child's needs to be met.

321 (c) For any licensed family foster home, the  
 322 appropriateness of the number of children in the home must be  
 323 reassessed annually as part of the relicensure process. For a  
 324 home with more than five children, if it is determined by the  
 325 licensure study at the time of relicensure that the total number  
 326 of children in the home is appropriate and that there have been  
 327 no substantive licensure violations and no indications of child  
 328 maltreatment or child-on-child sexual abuse within the past 12  
 329 months, the relicensure of the home shall not be denied based on  
 330 the total number of children in the home.



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Section 5. This act shall take effect July 1, 2003.