

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Galvano offered the following:

2
3 **Amendment (with title amendment)**

4 On page 2, line(s) 2,
5 remove: everything after the enacting clause

6
7 and insert:

8 Section 1. Department of Children and Family Services;
9 procurement of contractual services; contract management.--

10 (1) DEFINITIONS.--As used in this section, the term:

11 (a) "Contract manager" means the department employee who
12 is responsible for enforcing the compliance with administrative
13 and programmatic terms and conditions of a contract. The
14 contract manager is the primary point of contact through which
15 all contracting information flows between the department and the
16 contractor. The contract manager is responsible for day-to-day
17 contract oversight, including approval of contract deliverables

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18 and invoices. All actions related to the contract shall be
19 initiated by or coordinated with the contract manager. The
20 contract manager maintains the official contract files.

21 (b) "Contract monitor" means the department employee who
22 is responsible for observing, recording, and reporting to the
23 contract manager and other designated entities the information
24 necessary to assist the contract manager and program management
25 in determining whether the contractor is in compliance with the
26 administrative and programmatic terms and conditions of the
27 contract.

28 (c) "Department" means the Department of Children and
29 Family Services.

30 (d) "Outsourcing" means the process of contracting with an
31 external service provider to provide a service, in whole or in
32 part, while the department retains the responsibility and
33 accountability for the service.

34 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.--

35 (a) Notwithstanding section 287.057(5)(f)13., Florida
36 Statutes, whenever the department intends to contract with a
37 public postsecondary institution to provide a service, the
38 department must allow all public postsecondary institutions in
39 this state that are accredited by the Southern Association of
40 Colleges and Schools to bid on the contract. Thereafter,
41 notwithstanding any other provision to the contrary, if a public
42 postsecondary institution intends to subcontract for any service
43 awarded in the contract, the subcontracted service must be
44 procured by competitive procedures.

45 (b) When it is in the best interest of a defined segment
46 of its consumer population, the department may competitively

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47 procure and contract for systems of treatment or service that
48 involve multiple providers, rather than procuring and
49 contracting for treatment or services separately from each
50 participating provider. The department must ensure that all
51 providers that participate in the treatment or service system
52 meet all applicable statutory, regulatory, service-quality, and
53 cost-control requirements. If other governmental entities or
54 units of special purpose government contribute matching funds to
55 the support of a given system of treatment or service, the
56 department shall formally request information from those funding
57 entities in the procurement process and may take the information
58 received into account in the selection process. If a local
59 government contributes matching funds to support the system of
60 treatment or contracted service and if the match constitutes at
61 least 25 percent of the value of the contract, the department
62 shall afford the governmental match contributor an opportunity
63 to name an employee as one of the persons required by section
64 287.057(17), Florida Statutes, to evaluate or negotiate certain
65 contracts, unless the department sets forth in writing the
66 reason why the inclusion would be contrary to the best interest
67 of the state. Any employee so named by the governmental match
68 contributor shall qualify as one of the persons required by
69 section 287.057(17), Florida Statutes. A governmental entity or
70 unit of special purpose government may not name an employee as
71 one of the persons required by section 287.057(17), Florida
72 Statutes, if it, or any of its political subdivisions, executive
73 agencies, or special districts, intends to compete for the
74 contract to be awarded. The governmental funding entity or
75 contributor of matching funds must comply with all procurement
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76 procedures set forth in section 287.057, Florida Statutes, when
77 appropriate and required.

78 (c) The department may procure and contract for or provide
79 assessment and case-management services independently from
80 treatment services.

81 (3) CONTRACT-MANAGEMENT REQUIREMENTS AND PROCESS.-- The
82 Department of Children and Family Services shall review the time
83 period for which the department executes contracts and shall
84 execute multiyear contracts to make the most efficient use of
85 the resources devoted to contract processing and execution.
86 Whenever the department chooses not to use a multiyear contract,
87 a justification for that decision must be contained in the
88 contract. Notwithstanding section 287.057(15), Florida Statutes,
89 the department is responsible for establishing a contract-
90 management process that requires a member of the department's
91 Senior Management or Select Exempt Service to assign in writing
92 the responsibility of a contract to a contract manager. The
93 department shall maintain a set of procedures describing its
94 contract-management process which must minimally include the
95 following requirements:

96 (a) The contract manager shall maintain the official
97 contract file throughout the duration of the contract and for a
98 period not less than 6 years after the termination of the
99 contract.

100 (b) The contract manager shall review all invoices for
101 compliance with the criteria and payment schedule provided for
102 in the contract and shall approve payment of all invoices before
103 their transmission to the Department of Financial Services for
104 payment.

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105 (c) The contract manager shall maintain a schedule of
106 payments and total amounts disbursed and shall periodically
107 reconcile the records with the state's official accounting
108 records.

109 (d) For contracts involving the provision of direct client
110 services, the contract manager shall periodically visit the
111 physical location where the services are delivered and speak
112 directly to clients receiving the services and the staff
113 responsible for delivering the services.

114 (e) The contract manager shall meet at least once a month
115 directly with the contractor's representative and maintain
116 records of such meetings.

117 (f) The contract manager shall periodically document any
118 differences between the required performance measures and the
119 actual performance measures. If a contractor fails to meet and
120 comply with the performance measures established in the
121 contract, the department may allow a reasonable period for the
122 contractor to correct performance deficiencies. If performance
123 deficiencies are not resolved to the satisfaction of the
124 department within the prescribed time, and if no extenuating
125 circumstances can be documented by the contractor to the
126 department's satisfaction, the department must terminate the
127 contract. The department may not enter into a new contract with
128 that same contractor for the services for which the contract was
129 previously terminated for a period of at least 24 months after
130 the date of termination. The contract manager shall obtain and
131 enforce corrective-action plans, if appropriate, and maintain
132 records regarding the completion or failure to complete
133 corrective-action items.

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134 (g) The contract manager shall document any contract
135 modifications, which shall include recording any contract
136 amendments as provided for in this section.

137 (h) The contract manager shall be properly trained before
138 being assigned responsibility for any contract.

139 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.--The
140 department shall establish contract monitoring units staffed by
141 career service employees who report to a member of the Select
142 Exempt Service or Senior Management Service and who have been
143 properly trained to perform contract monitoring, with at least
144 one member of the contract monitoring unit possessing specific
145 knowledge and experience in the contract's program area. The
146 department shall establish a contract-monitoring process that
147 must include, but need not be limited to, the following
148 requirements:

149 (a) Performing a risk assessment at the start of each
150 fiscal year and preparing an annual contract monitoring schedule
151 that includes consideration for the level of risk assigned. The
152 department may monitor any contract at any time regardless of
153 whether such monitoring was originally included in the annual
154 contract-monitoring schedule.

155 (b) Preparing a contract monitoring plan, including
156 sampling procedures, before performing on site monitoring at
157 external locations of a service provider. The plan must include
158 a description of the programmatic, fiscal, and administrative
159 components that will be monitored on site. If appropriate,
160 clinical and therapeutic components may be included.

161 (c) Conducting analyses of the performance and compliance
162 of an external service provider by means of desk reviews if the
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163 external service provider will not be monitored on site during a
164 fiscal year.

165 (d) Unless the department sets forth in writing the need
166 for an extension, providing a written report presenting the
167 results of the monitoring within 30 days after the completion of
168 the on-site monitoring or desk review.

169 (e) Developing and maintaining a set of procedures
170 describing the contract-monitoring process.

171 Section 2. Section 402.73, Florida Statutes, is amended to
172 read:

173 402.73 Contracting and performance standards.--

174 ~~(1) The Department of Children and Family Services shall~~
175 ~~establish performance standards for all contracted client~~
176 ~~services. Notwithstanding s. 287.057(5)(f), the department must~~
177 ~~competitively procure any contract for client services when any~~
178 ~~of the following occurs:~~

179 ~~(a) The provider fails to meet appropriate performance~~
180 ~~standards established by the department after the provider has~~
181 ~~been given a reasonable opportunity to achieve the established~~
182 ~~standards.~~

183 ~~(b) A new program or service has been authorized and~~
184 ~~funded by the Legislature and the annual value of the contract~~
185 ~~for such program or service is \$300,000 or more.~~

186 ~~(c) The department has concluded, after reviewing market~~
187 ~~prices and available treatment options, that there is evidence~~
188 ~~that the department can improve the performance outcomes~~
189 ~~produced by its contract resources. At a minimum, the department~~
190 ~~shall review market prices and available treatment options~~
191 ~~biennially. The department shall compile the results of the~~

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192 ~~biennial review and include the results in its annual~~
193 ~~performance report to the Legislature pursuant to chapter 94-~~
194 ~~249, Laws of Florida. The department shall provide notice and an~~
195 ~~opportunity for public comment on its review of market prices~~
196 ~~and available treatment options.~~

197 ~~(2) The competitive requirements of subsection (1) must be~~
198 ~~initiated for each contract that meets the criteria of this~~
199 ~~subsection, unless the secretary makes a written determination~~
200 ~~that particular facts and circumstances require deferral of the~~
201 ~~competitive process. Facts and circumstances must be~~
202 ~~specifically described for each individual contract proposed for~~
203 ~~deferral and must include one or more of the following:~~

204 ~~(a) An immediate threat to the health, safety, or welfare~~
205 ~~of the department's clients.~~

206 ~~(b) A threat to appropriate use or disposition of~~
207 ~~facilities that have been financed in whole, or in substantial~~
208 ~~part, through contracts or agreements with a state agency.~~

209 ~~(c) A threat to the service infrastructure of a community~~
210 ~~which could endanger the well-being of the department's clients.~~

211
212 ~~Competitive procurement of client services contracts that meet~~
213 ~~the criteria in subsection (1) may not be deferred for longer~~
214 ~~than 1 year.~~

215 ~~(3) The Legislature intends that the department obtain~~
216 ~~services in the manner that is most cost effective for the~~
217 ~~state, that provides the greatest long term benefits to the~~
218 ~~clients receiving services, and that minimizes the disruption of~~
219 ~~client services. In order to meet these legislative goals, the~~
220 ~~department may adopt rules providing procedures for the~~

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221 ~~competitive procurement of contracted client services which~~
222 ~~represent an alternative to the request for proposal or~~
223 ~~invitation to bid process. The alternative competitive~~
224 ~~procedures shall permit the department to solicit professional~~
225 ~~qualifications from prospective providers and to evaluate such~~
226 ~~statements of qualification before requesting service proposals.~~
227 ~~The department may limit the firms invited to submit service~~
228 ~~proposals to only those firms that have demonstrated the highest~~
229 ~~level of professional capability to provide the services under~~
230 ~~consideration, but may not invite fewer than three firms to~~
231 ~~submit service proposals, unless fewer than three firms~~
232 ~~submitted satisfactory statements of qualification. The~~
233 ~~alternative procedures must, at a minimum, allow the department~~
234 ~~to evaluate competing proposals and select the proposal that~~
235 ~~provides the greatest benefit to the state while considering the~~
236 ~~quality of the services, dependability, and integrity of the~~
237 ~~provider, the dependability of the provider's services, the~~
238 ~~experience of the provider in serving target populations or~~
239 ~~client groups substantially identical to members of the target~~
240 ~~population for the contract in question, and the ability of the~~
241 ~~provider to secure local funds to support the delivery of~~
242 ~~services, including, but not limited to, funds derived from~~
243 ~~local governments. These alternative procedures need not conform~~
244 ~~to the requirements of s. 287.042 or s. 287.057(1) or (2).~~

245 ~~(4) The department shall review the period for which it~~
246 ~~executes contracts and, to the greatest extent practicable,~~
247 ~~shall execute multiyear contracts to make the most efficient use~~
248 ~~of the resources devoted to contract processing and execution.~~

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249 ~~(5) When it is in the best interest of a defined segment~~
250 ~~of its consumer population, the department may competitively~~
251 ~~procure and contract for systems of treatment or service that~~
252 ~~involve multiple providers, rather than procuring and~~
253 ~~contracting for treatment or services separately from each~~
254 ~~participating provider. The department must ensure that all~~
255 ~~providers that participate in the treatment or service system~~
256 ~~meet all applicable statutory, regulatory, service quality, and~~
257 ~~cost control requirements. If other governmental entities or~~
258 ~~units of special purpose government contribute matching funds to~~
259 ~~the support of a given system of treatment or service, the~~
260 ~~department shall formally request information from those funding~~
261 ~~entities in the procurement process and may take the information~~
262 ~~received into account in the selection process. If a local~~
263 ~~government contributes match to support the system of treatment~~
264 ~~or contracted service and if the match constitutes at least 25~~
265 ~~percent of the value of the contract, the department shall~~
266 ~~afford the governmental match contributor an opportunity to name~~
267 ~~an employee as one of the persons required by s. 287.057(17) to~~
268 ~~evaluate or negotiate certain contracts, unless the department~~
269 ~~sets forth in writing the reason why such inclusion would be~~
270 ~~contrary to the best interest of the state. Any employee so~~
271 ~~named by the governmental match contributor shall qualify as one~~
272 ~~of the persons required by s. 287.057(17). No governmental~~
273 ~~entity or unit of special purpose government may name an~~
274 ~~employee as one of the persons required by s. 287.057(17) if it,~~
275 ~~or any of its political subdivisions, executive agencies, or~~
276 ~~special districts, intends to compete for the contract to be~~
277 ~~awarded. The governmental funding entity or match contributor~~

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278 ~~shall comply with any deadlines and procurement procedures~~
279 ~~established by the department. The department may also involve~~
280 ~~nongovernmental funding entities in the procurement process when~~
281 ~~appropriate.~~

282 ~~(6) The department may contract for or provide assessment~~
283 ~~and case management services independently from treatment~~
284 ~~services.~~

285 (1)(7) The Department of Children and Family Services
286 shall adopt, by rule, provisions for including in its contracts
287 incremental penalties to be imposed by its contract managers on
288 a service provider due to the provider's failure to comply with
289 a requirement for corrective action. Any financial penalty that
290 is imposed upon a provider may not be paid from funds being used
291 to provide services to clients, and the provider may not reduce
292 the amount of services being delivered to clients as a method
293 for offsetting the impact of the penalty. If a financial penalty
294 is imposed upon a provider that is a corporation, the department
295 shall notify, at a minimum, the board of directors of the
296 corporation. The department may notify, at its discretion, any
297 additional parties that the department believes may be helpful
298 in obtaining the corrective action that is being sought.

299 Further, the rules adopted by the department must include
300 provisions that permit the department to deduct the financial
301 penalties from funds that would otherwise be due to the
302 provider, not to exceed 10 percent of the amount that otherwise
303 would be due to the provider for the period of noncompliance. If
304 the department imposes a financial penalty, it shall advise the
305 provider in writing of the cause for the penalty. A failure to
306 include such deductions in a request for payment constitutes a
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307 ground for the department to reject that request for payment.
308 The remedies identified in this subsection do not limit or
309 restrict the department's application of any other remedy
310 available to it in the contract or under law. The remedies
311 described in this subsection may be cumulative and may be
312 assessed upon each separate failure to comply with instructions
313 from the department to complete corrective action.

314 ~~(8) The department shall develop standards of conduct and~~
315 ~~a range of disciplinary actions for its employees which are~~
316 ~~specifically related to carrying out contracting~~
317 ~~responsibilities.~~

318 (2)(9) The Agency for Persons with Disabilities department
319 must implement systems and controls to ensure financial
320 integrity and service provision quality in the developmental
321 services Medicaid waiver service system.

322 ~~(10) If a provider fails to meet the performance standards~~
323 ~~established in the contract, the department may allow a~~
324 ~~reasonable period for the provider to correct performance~~
325 ~~deficiencies. If performance deficiencies are not resolved to~~
326 ~~the satisfaction of the department within the prescribed time,~~
327 ~~and if no extenuating circumstances can be documented by the~~
328 ~~provider to the department's satisfaction, the department must~~
329 ~~cancel the contract with the provider. The department may not~~
330 ~~enter into a new contract with that same provider for the~~
331 ~~services for which the contract was previously canceled for a~~
332 ~~period of at least 24 months after the date of cancellation. If~~
333 ~~an adult substance abuse services provider fails to meet the~~
334 ~~performance standards established in the contract, the~~
335 ~~department may allow a reasonable period, not to exceed 6~~

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336 ~~months, for the provider to correct performance deficiencies. If~~
337 ~~the performance deficiencies are not resolved to the~~
338 ~~satisfaction of the department within 6 months, the department~~
339 ~~must cancel the contract with the adult substance abuse~~
340 ~~provider, unless there is no other qualified provider in the~~
341 ~~service district.~~

342 (3)~~(11)~~ The department shall include in its standard
343 contract document a requirement that any state funds provided
344 for the purchase of or improvements to real property are
345 contingent upon the contractor or political subdivision granting
346 to the state a security interest in the property at least to the
347 amount of the state funds provided for at least 5 years from the
348 date of purchase or the completion of the improvements or as
349 further required by law. The contract must include a provision
350 that, as a condition of receipt of state funding for this
351 purpose, the provider agrees that, if it disposes of the
352 property before the department's interest is vacated, the
353 provider will refund the proportionate share of the state's
354 initial investment, as adjusted by depreciation.

355 ~~(12) The department shall develop and refine contracting~~
356 ~~and accountability methods that are administratively efficient~~
357 ~~and that provide for optimal provider performance.~~

358 ~~(13) The department may competitively procure any contract~~
359 ~~when it deems it is in the best interest of the state to do so.~~
360 ~~The requirements described in subsection (1) do not, and may not~~
361 ~~be construed to, limit in any way the department's ability to~~
362 ~~competitively procure any contract it executes, and the absence~~
363 ~~of any or all of the criteria described in subsection (1) may~~
364 ~~not be used as the basis for an administrative or judicial~~

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365 ~~protest of the department's determination to conduct~~
366 ~~competition, make an award, or execute any contract.~~

367 ~~(14) A contract may include cost neutral, performance-~~
368 ~~based incentives that may vary according to the extent a~~
369 ~~provider achieves or surpasses the performance standards set~~
370 ~~forth in the contract. Such incentives may be weighted~~
371 ~~proportionally to reflect the extent to which the provider has~~
372 ~~demonstrated that it has consistently met or exceeded the~~
373 ~~contractual requirements and the department's performance~~
374 ~~standards.~~

375 ~~(4)~~⁽¹⁵⁾ Nothing contained in chapter 287 shall require
376 competitive bids for health services involving examination,
377 diagnosis, or treatment.

378 Section 3. Section 409.1671, Florida Statutes, is amended
379 to read:

380 409.1671 Foster care and related services; outsourcing
381 privatization.--

382 (1) (a) It is the intent of the Legislature that the
383 Department of Children and Family Services shall outsource
384 ~~privatize~~ the provision of foster care and related services
385 statewide. It is further the Legislature's intent to encourage
386 communities and other stakeholders in the well-being of children
387 to participate in assuring that children are safe and well-
388 nurtured. However, while recognizing that some local governments
389 are presently funding portions of certain foster care and
390 related services programs and may choose to expand such funding
391 in the future, the Legislature does not intend by its
392 outsourcing ~~privatization~~ of foster care and related services
393 that any county, municipality, or special district be required

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394 to assist in funding programs that previously have been funded
395 by the state. Counties that provide children and family services
396 with at least 40 licensed residential group care beds by July 1,
397 2003, and provide at least \$2 million annually in county general
398 revenue funds to supplement foster and family care services
399 shall continue to contract directly with the state and shall be
400 exempt from the provisions of this section. Nothing in this
401 paragraph prohibits any county, municipality, or special
402 district from future voluntary funding participation in foster
403 care and related services. As used in this section, the term
404 "outsource" ~~"privatize"~~ means to contract with competent,
405 community-based agencies. The department shall submit a plan to
406 accomplish outsourcing ~~privatization~~ statewide, through a
407 competitive process, phased in over a 3-year period beginning
408 January 1, 2000. This plan must be developed with local
409 community participation, including, but not limited to, input
410 from community-based providers that are currently under contract
411 with the department to furnish community-based foster care and
412 related services, and must include a methodology for determining
413 and transferring all available funds, including federal funds
414 that the provider is eligible for and agrees to earn and that
415 portion of general revenue funds which is currently associated
416 with the services that are being furnished under contract. The
417 methodology must provide for the transfer of funds appropriated
418 and budgeted for all services and programs that have been
419 incorporated into the project, including all management, capital
420 (including current furniture and equipment), and administrative
421 funds to accomplish the transfer of these programs. This
422 methodology must address expected workload and at least the 3
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423 previous years' experience in expenses and workload. With
424 respect to any district or portion of a district in which
425 outsourcing ~~privatization~~ cannot be accomplished within the 3-
426 year timeframe, the department must clearly state in its plan
427 the reasons the timeframe cannot be met and the efforts that
428 should be made to remediate the obstacles, which may include
429 alternatives to total outsourcing ~~privatization~~, such as public-
430 private partnerships. As used in this section, the term "related
431 services" includes, but is not limited to, family preservation,
432 independent living, emergency shelter, residential group care,
433 foster care, therapeutic foster care, intensive residential
434 treatment, foster care supervision, case management,
435 postplacement supervision, permanent foster care, and family
436 reunification. Unless otherwise provided for, the state attorney
437 shall provide child welfare legal services, pursuant to chapter
438 39 and other relevant provisions, in Pinellas and Pasco
439 Counties. When a private nonprofit agency has received case
440 management responsibilities, transferred from the state under
441 this section, for a child who is sheltered or found to be
442 dependent and who is assigned to the care of the outsourcing
443 ~~privatization~~ project, the agency may act as the child's
444 guardian for the purpose of registering the child in school if a
445 parent or guardian of the child is unavailable and his or her
446 whereabouts cannot reasonably be ascertained. The private
447 nonprofit agency may also seek emergency medical attention for
448 such a child, but only if a parent or guardian of the child is
449 unavailable, his or her whereabouts cannot reasonably be
450 ascertained, and a court order for such emergency medical
451 services cannot be obtained because of the severity of the
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452 emergency or because it is after normal working hours. However,
453 the provider may not consent to sterilization, abortion, or
454 termination of life support. If a child's parents' rights have
455 been terminated, the nonprofit agency shall act as guardian of
456 the child in all circumstances.

457 (b) It is the intent of the Legislature that the
458 department will continue to work towards full outsourcing
459 ~~privatization~~ in a manner that assures the viability of the
460 community-based system of care and best provides for the safety
461 of children in the child protection system. To this end, the
462 department is directed to continue the process of outsourcing
463 ~~privatizing~~ services in those counties in which signed startup
464 contracts have been executed. The department may also continue
465 to enter into startup contracts with additional counties.
466 However, no services shall be transferred to a community-based
467 care lead agency until the department, in consultation with the
468 local community alliance, has determined and certified in
469 writing to the Governor and the Legislature that the district is
470 prepared to transition the provision of services to the lead
471 agency and that the lead agency is ready to deliver and be
472 accountable for such service provision. In making this
473 determination, the department shall conduct a readiness
474 assessment of the district and the lead agency.

475 1. The assessment shall evaluate the operational readiness
476 of the district and the lead agency based on:

477 a. A set of uniform criteria, developed in consultation
478 with currently operating community-based care lead agencies and
479 reflecting national accreditation standards, that evaluate

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480 programmatic, financial, technical assistance, training and
481 organizational competencies; and

482 b. Local criteria reflective of the local community-based
483 care design and the community alliance priorities.

484 2. The readiness assessment shall be conducted by a joint
485 team of district and lead agency staff with direct experience
486 with the start up and operation of a community-based care
487 service program and representatives from the appropriate
488 community alliance. Within resources available for this purpose,
489 the department may secure outside audit expertise when necessary
490 to assist a readiness assessment team.

491 3. Upon completion of a readiness assessment, the
492 assessment team shall conduct an exit conference with the
493 district and lead agency staff responsible for the transition.

494 4. Within 30 days following the exit conference with staff
495 of each district and lead agency, the secretary shall certify in
496 writing to the Governor and the Legislature that both the
497 district and the lead agency are prepared to begin the
498 transition of service provision based on the results of the
499 readiness assessment and the exit conference. The document of
500 certification must include specific evidence of readiness on
501 each element of the readiness instrument utilized by the
502 assessment team as well as a description of each element of
503 readiness needing improvement and strategies being implemented
504 to address each one.

505 (c) The Auditor General and the Office of Program Policy
506 Analysis and Government Accountability (OPPAGA), in consultation
507 with The Child Welfare League of America and the Louis de la
508 Parte Florida Mental Health Institute, shall jointly review and
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509 assess the department's process for determining district and
510 lead agency readiness.

511 1. The review must, at a minimum, address the
512 appropriateness of the readiness criteria and instruments
513 applied, the appropriateness of the qualifications of
514 participants on each readiness assessment team, the degree to
515 which the department accurately determined each district and
516 lead agency's compliance with the readiness criteria, the
517 quality of the technical assistance provided by the department
518 to a lead agency in correcting any weaknesses identified in the
519 readiness assessment, and the degree to which each lead agency
520 overcame any identified weaknesses.

521 2. Reports of these reviews must be submitted to the
522 appropriate substantive and appropriations committees in the
523 Senate and the House of Representatives on March 1 and September
524 1 of each year until full transition to community-based care has
525 been accomplished statewide, except that the first report must
526 be submitted by February 1, 2004, and must address all readiness
527 activities undertaken through June 30, 2003. The perspectives of
528 all participants in this review process must be included in each
529 report.

530 (d) In communities where economic or demographic
531 constraints make it impossible or not feasible to competitively
532 contract with a lead agency, the department shall develop an
533 alternative plan in collaboration with the local community
534 alliance, which may include establishing innovative geographical
535 configurations or consortia of agencies. The plan must detail
536 how the community will continue to implement community-based
537 care through competitively procuring either the specific

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538 components of foster care and related services or comprehensive
539 services for defined eligible populations of children and
540 families from qualified licensed agencies as part of its efforts
541 to develop the local capacity for a community-based system of
542 coordinated care. The plan must ensure local control over the
543 management and administration of the service provision in
544 accordance with the intent of this section and may include
545 recognized best business practices, including some form of
546 public or private partnerships.

547 (e) As used in this section, the term "eligible lead
548 community-based provider" means a single agency with which the
549 department shall contract for the provision of child protective
550 services in a community that is no smaller than a county. The
551 secretary of the department may authorize more than one eligible
552 lead community-based provider within a single county when to do
553 so will result in more effective delivery of foster care and
554 related services. To compete for an outsourcing ~~a privatization~~
555 project, such agency must have:

556 1. The ability to coordinate, integrate, and manage all
557 child protective services in the designated community in
558 cooperation with child protective investigations.

559 2. The ability to ensure continuity of care from entry to
560 exit for all children referred from the protective investigation
561 and court systems.

562 3. The ability to provide directly, or contract for
563 through a local network of providers, all necessary child
564 protective services. Such agencies should directly provide no
565 more than 35 percent of all child protective services provided.

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566 4. The willingness to accept accountability for meeting
567 the outcomes and performance standards related to child
568 protective services established by the Legislature and the
569 Federal Government.

570 5. The capability and the willingness to serve all
571 children referred to it from the protective investigation and
572 court systems, regardless of the level of funding allocated to
573 the community by the state, provided all related funding is
574 transferred.

575 6. The willingness to ensure that each individual who
576 provides child protective services completes the training
577 required of child protective service workers by the Department
578 of Children and Family Services.

579 7. The ability to maintain eligibility to receive all
580 federal child welfare funds, including Title IV-E and IV-A
581 funds, currently being used by the Department of Children and
582 Family Services.

583 8. Written agreements with Healthy Families Florida lead
584 entities in their community, pursuant to s. 409.153, to promote
585 cooperative planning for the provision of prevention and
586 intervention services.

587 9. A board of directors, of which at least 51 percent of
588 the membership is comprised of persons residing in this state.
589 Of the state residents, at least 51 percent must also reside
590 within the service area of the lead community-based provider.

591 (f)1. The Legislature finds that the state has
592 traditionally provided foster care services to children who have
593 been the responsibility of the state. As such, foster children
594 have not had the right to recover for injuries beyond the
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595 limitations specified in s. 768.28. The Legislature has
596 determined that foster care and related services need to be
597 outsourced ~~privatized~~ pursuant to this section and that the
598 provision of such services is of paramount importance to the
599 state. The purpose for such outsourcing ~~privatization~~ is to
600 increase the level of safety, security, and stability of
601 children who are or become the responsibility of the state. One
602 of the components necessary to secure a safe and stable
603 environment for such children is that private providers maintain
604 liability insurance. As such, insurance needs to be available
605 and remain available to nongovernmental foster care and related
606 services providers without the resources of such providers being
607 significantly reduced by the cost of maintaining such insurance.

608 2. The Legislature further finds that, by requiring the
609 following minimum levels of insurance, children in outsourced
610 ~~privatized~~ foster care and related services will gain increased
611 protection and rights of recovery in the event of injury than
612 provided for in s. 768.28.

613 (g) In any county in which a service contract has not been
614 executed by December 31, 2004, the department shall ensure
615 access to a model comprehensive residential services program as
616 described in s. 409.1677 which, without imposing undue
617 financial, geographic, or other barriers, ensures reasonable and
618 appropriate participation by the family in the child's program.

619 1. In order to ensure that the program is operational by
620 December 31, 2004, the department must, by December 31, 2003,
621 begin the process of establishing access to a program in any
622 county in which the department has not either entered into a
623 transition contract or approved a community plan, as described
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624 in paragraph (d), which ensures full outsourcing ~~privatization~~
625 by the statutory deadline.

626 2. The program must be procured through a competitive
627 process.

628 3. The Legislature does not intend for the provisions of
629 this paragraph to substitute for the requirement that full
630 conversion to community-based care be accomplished.

631 (h) Other than an entity to which s. 768.28 applies, any
632 eligible lead community-based provider, as defined in paragraph
633 (e), or its employees or officers, except as otherwise provided
634 in paragraph (i), must, as a part of its contract, obtain a
635 minimum of \$1 million per claim/\$3 million per incident in
636 general liability insurance coverage. The eligible lead
637 community-based provider must also require that staff who
638 transport client children and families in their personal
639 automobiles in order to carry out their job responsibilities
640 obtain minimum bodily injury liability insurance in the amount
641 of \$100,000 per claim, \$300,000 per incident, on their personal
642 automobiles. In any tort action brought against such an eligible
643 lead community-based provider or employee, net economic damages
644 shall be limited to \$1 million per liability claim and \$100,000
645 per automobile claim, including, but not limited to, past and
646 future medical expenses, wage loss, and loss of earning
647 capacity, offset by any collateral source payment paid or
648 payable. In any tort action brought against such an eligible
649 lead community-based provider, noneconomic damages shall be
650 limited to \$200,000 per claim. A claims bill may be brought on
651 behalf of a claimant pursuant to s. 768.28 for any amount
652 exceeding the limits specified in this paragraph. Any offset of
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653 collateral source payments made as of the date of the settlement
654 or judgment shall be in accordance with s. 768.76. The lead
655 community-based provider shall not be liable in tort for the
656 acts or omissions of its subcontractors or the officers, agents,
657 or employees of its subcontractors.

658 (i) The liability of an eligible lead community-based
659 provider described in this section shall be exclusive and in
660 place of all other liability of such provider. The same
661 immunities from liability enjoyed by such providers shall extend
662 as well to each employee of the provider when such employee is
663 acting in furtherance of the provider's business, including the
664 transportation of clients served, as described in this
665 subsection, in privately owned vehicles. Such immunities shall
666 not be applicable to a provider or an employee who acts in a
667 culpably negligent manner or with willful and wanton disregard
668 or unprovoked physical aggression when such acts result in
669 injury or death or such acts proximately cause such injury or
670 death; nor shall such immunities be applicable to employees of
671 the same provider when each is operating in the furtherance of
672 the provider's business, but they are assigned primarily to
673 unrelated works within private or public employment. The same
674 immunity provisions enjoyed by a provider shall also apply to
675 any sole proprietor, partner, corporate officer or director,
676 supervisor, or other person who in the course and scope of his
677 or her duties acts in a managerial or policymaking capacity and
678 the conduct that caused the alleged injury arose within the
679 course and scope of those managerial or policymaking duties.
680 Culpable negligence is defined as reckless indifference or
681 grossly careless disregard of human life.

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682 (j) Any subcontractor of an eligible lead community-based
683 provider, as defined in paragraph (e), which is a direct
684 provider of foster care and related services to children and
685 families, and its employees or officers, except as otherwise
686 provided in paragraph (i), must, as a part of its contract,
687 obtain a minimum of \$1 million per claim/\$3 million per incident
688 in general liability insurance coverage. The subcontractor of an
689 eligible lead community-based provider must also require that
690 staff who transport client children and families in their
691 personal automobiles in order to carry out their job
692 responsibilities obtain minimum bodily injury liability
693 insurance in the amount of \$100,000 per claim, \$300,000 per
694 incident, on their personal automobiles. In any tort action
695 brought against such subcontractor or employee, net economic
696 damages shall be limited to \$1 million per liability claim and
697 \$100,000 per automobile claim, including, but not limited to,
698 past and future medical expenses, wage loss, and loss of earning
699 capacity, offset by any collateral source payment paid or
700 payable. In any tort action brought against such subcontractor,
701 noneconomic damages shall be limited to \$200,000 per claim. A
702 claims bill may be brought on behalf of a claimant pursuant to
703 s. 768.28 for any amount exceeding the limits specified in this
704 paragraph. Any offset of collateral source payments made as of
705 the date of the settlement or judgment shall be in accordance
706 with s. 768.76.

707 (k) The liability of a subcontractor of an eligible lead
708 community-based provider that is a direct provider of foster
709 care and related services as described in this section shall be
710 exclusive and in place of all other liability of such provider.

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711 The same immunities from liability enjoyed by such subcontractor
712 provider shall extend as well to each employee of the
713 subcontractor when such employee is acting in furtherance of the
714 subcontractor's business, including the transportation of
715 clients served, as described in this subsection, in privately
716 owned vehicles. Such immunities shall not be applicable to a
717 subcontractor or an employee who acts in a culpably negligent
718 manner or with willful and wanton disregard or unprovoked
719 physical aggression when such acts result in injury or death or
720 such acts proximately cause such injury or death; nor shall such
721 immunities be applicable to employees of the same subcontractor
722 when each is operating in the furtherance of the subcontractor's
723 business, but they are assigned primarily to unrelated works
724 within private or public employment. The same immunity
725 provisions enjoyed by a subcontractor shall also apply to any
726 sole proprietor, partner, corporate officer or director,
727 supervisor, or other person who in the course and scope of his
728 or her duties acts in a managerial or policymaking capacity and
729 the conduct that caused the alleged injury arose within the
730 course and scope of those managerial or policymaking duties.
731 Culpable negligence is defined as reckless indifference or
732 grossly careless disregard of human life.

733 (1) The Legislature is cognizant of the increasing costs
734 of goods and services each year and recognizes that fixing a set
735 amount of compensation actually has the effect of a reduction in
736 compensation each year. Accordingly, the conditional limitations
737 on damages in this section shall be increased at the rate of 5
738 percent each year, prorated from the effective date of this

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739 paragraph to the date at which damages subject to such
740 limitations are awarded by final judgment or settlement.

741 (2) (a) The department may contract for the delivery,
742 administration, or management of protective services, the
743 services specified in subsection (1) relating to foster care,
744 and other related services or programs, as appropriate. The
745 department shall retain responsibility for the quality of
746 contracted services and programs and shall ensure that services
747 are delivered in accordance with applicable federal and state
748 statutes and regulations. The department must adopt written
749 policies and procedures for monitoring the contract for delivery
750 of services by lead community-based providers. These policies
751 and procedures must, at a minimum, address the evaluation of
752 fiscal accountability and program operations, including provider
753 achievement of performance standards, provider monitoring of
754 subcontractors, and timely followup of corrective actions for
755 significant monitoring findings related to providers and
756 subcontractors. These policies and procedures must also include
757 provisions for reducing the duplication of the department's
758 program monitoring activities both internally and with other
759 agencies, to the extent possible. The department's written
760 procedures must ensure that the written findings, conclusions,
761 and recommendations from monitoring the contract for services of
762 lead community-based providers are communicated to the director
763 of the provider agency as expeditiously as possible.

764 (b) Persons employed by the department in the provision of
765 foster care and related services whose positions are being
766 outsourced under ~~privatized pursuant to~~ this statute shall be

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767 given hiring preference by the provider, if provider
768 qualifications are met.

769 (3) (a) In order to help ensure a seamless child protection
770 system, the department shall ensure that contracts entered into
771 with community-based agencies pursuant to this section include
772 provisions for a case-transfer process to determine the date
773 that the community-based agency will initiate the appropriate
774 services for a child and family. This case-transfer process must
775 clearly identify the closure of the protective investigation and
776 the initiation of service provision. At the point of case
777 transfer, and at the conclusion of an investigation, the
778 department must provide a complete summary of the findings of
779 the investigation to the community-based agency.

780 (b) The contracts must also ensure that each community-
781 based agency shall furnish information on its activities in all
782 cases in client case records.

783 (c) The contract between the department and community-
784 based agencies must include provisions that specify the
785 procedures to be used by the parties to resolve differences in
786 interpreting the contract or to resolve disputes as to the
787 adequacy of the parties' compliance with their respective
788 obligations under the contract.

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

793 (e) Each contract with an eligible lead community-based
794 provider must include all performance outcome measures
795 established by the Legislature and that are under the control of
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796 | the lead agency. The standards must be adjusted annually by
797 | contract amendment to enable the department to meet the
798 | legislatively established statewide standards.

799 | (4) (a) The department, in consultation with the community-
800 | based agencies that are undertaking the outsourced ~~privatized~~
801 | projects, shall establish a quality assurance program for
802 | privatized services. The quality assurance program shall be
803 | based on standards established by the Adoption and Safe Families
804 | Act as well as by a national accrediting organization such as
805 | the Council on Accreditation of Services for Families and
806 | Children, Inc. (COA) or CARF--the Rehabilitation Accreditation
807 | Commission. Each program operated under contract with a
808 | community-based agency must be evaluated annually by the
809 | department. The department shall, to the extent possible, use
810 | independent financial audits provided by the community-based
811 | care agency to eliminate or reduce the ongoing contract and
812 | administrative reviews conducted by the department. The
813 | department may suggest additional items to be included in such
814 | independent financial audits to meet the department's needs.
815 | Should the department determine that such independent financial
816 | audits are inadequate, then other audits, as necessary, may be
817 | conducted by the department. Nothing herein shall abrogate the
818 | requirements of s. 215.97. The department shall submit an annual
819 | report regarding quality performance, outcome measure
820 | attainment, and cost efficiency to the President of the Senate,
821 | the Speaker of the House of Representatives, the minority leader
822 | of each house of the Legislature, and the Governor no later than
823 | January 31 of each year for each project in operation during the
824 | preceding fiscal year.

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

828 (5) (a) The community-based agency must comply with
829 statutory requirements and agency rules in the provision of
830 contractual services. Each foster home, therapeutic foster home,
831 emergency shelter, or other placement facility operated by the
832 community-based agency or agencies must be licensed by the
833 Department of Children and Family Services under chapter 402 or
834 this chapter. Each community-based agency must be licensed as a
835 child-caring or child-placing agency by the department under
836 this chapter. The department, in order to eliminate or reduce
837 the number of duplicate inspections by various program offices,
838 shall coordinate inspections required pursuant to licensure of
839 agencies under this section.

840 (b) Substitute care providers who are licensed under s.
841 409.175 and have contracted with a lead agency authorized under
842 this section shall also be authorized to provide registered or
843 licensed family day care under s. 402.313, if consistent with
844 federal law and if the home has met the requirements of s.
845 402.313.

846 (c) A dually licensed home under this section shall be
847 eligible to receive both an out-of-home care payment and a
848 subsidized child care payment for the same child pursuant to
849 federal law. The department may adopt administrative rules
850 necessary to administer this paragraph.

851 (6) Beginning January 1, 1999, and continuing at least
852 through June 30, 2000, the Department of Children and Family
853 Services shall outsource ~~privatize~~ all foster care and related

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854 services in district 5 while continuing to contract with the
855 current model programs in districts 1, 4, and 13, and in
856 subdistrict 8A, and shall expand the subdistrict 8A pilot
857 program to incorporate Manatee County. Planning for the district
858 5 outsourcing ~~privatization~~ shall be done by providers that are
859 currently under contract with the department for foster care and
860 related services and shall be done in consultation with the
861 department. A lead provider of the district 5 program shall be
862 competitively selected, must demonstrate the ability to provide
863 necessary comprehensive services through a local network of
864 providers, and must meet criteria established in this section.
865 Contracts with organizations responsible for the model programs
866 must include the management and administration of all outsourced
867 ~~privatized~~ services specified in subsection (1). However, the
868 department may use funds for contract management only after
869 obtaining written approval from the Executive Office of the
870 Governor. The request for such approval must include, but is not
871 limited to, a statement of the proposed amount of such funds and
872 a description of the manner in which such funds will be used. If
873 the community-based organization selected for a model program
874 under this subsection is not a Medicaid provider, the
875 organization shall be issued a Medicaid provider number pursuant
876 to s. 409.907 for the provision of services currently authorized
877 under the state Medicaid plan to those children encompassed in
878 this model and in a manner not to exceed the current level of
879 state expenditure.

880 (7) The Florida Coalition for Children, Inc., in
881 consultation with the department, shall develop a plan based on
882 an independent actuarial study regarding the long-term use and
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883 structure of a statewide community-based care risk pool for the
884 protection of eligible lead community-based providers, their
885 subcontractors, and providers of other social services who
886 contract directly with the department. The plan must also
887 outline strategies to maximize federal earnings as they relate
888 to the community-based care risk pool. At a minimum, the plan
889 must allow for the use of federal earnings received from child
890 welfare programs to be allocated to the community-based care
891 risk pool by the department, which earnings are determined by
892 the department to be in excess of the amount appropriated in the
893 General Appropriations Act. The plan must specify the necessary
894 steps to ensure the financial integrity and industry-standard
895 risk management practices of the community-based care risk pool
896 and the continued availability of funding from federal, state,
897 and local sources. The plan must also include recommendations
898 that permit the program to be available to entities of the
899 department providing child welfare services until full
900 conversion to community-based care takes place. The final plan
901 shall be submitted to the department and then to the Executive
902 Office of the Governor and the Legislative Budget Commission for
903 formal adoption before January 1, 2005. Upon approval of the
904 plan by all parties, the department shall issue an interest-free
905 loan that is secured by the cumulative contractual revenue of
906 the community-based care risk pool membership, and the amount of
907 the loan shall equal the amount appropriated by the Legislature
908 for this purpose. The plan shall provide for a governance
909 structure that assures the department the ability to oversee the
910 operation of the community-based care risk pool at least until
911 this loan is repaid in full.

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912 (a) The purposes for which the community-based care risk
913 pool shall be used include, but are not limited to:

914 1. Significant changes in the number or composition of
915 clients eligible to receive services.

916 2. Significant changes in the services that are eligible
917 for reimbursement.

918 3. Scheduled or unanticipated, but necessary, advances to
919 providers or other cash-flow issues.

920 4. Proposals to participate in optional Medicaid services
921 or other federal grant opportunities.

922 5. Appropriate incentive structures.

923 6. Continuity of care in the event of failure,
924 discontinuance of service, or financial misconduct by a lead
925 agency.

926 7. Payment for time-limited technical assistance and
927 consultation to lead agencies in the event of serious
928 performance or management problems.

929 8. Payment for meeting all traditional and nontraditional
930 insurance needs of eligible members.

931 9. Significant changes in the mix of available funds.

932 (b) After approval of the plan in the 2004-2005 fiscal
933 year and annually thereafter, the department may also request in
934 its annual legislative budget request, and the Governor may
935 recommend, that the funding necessary to carry out paragraph (a)
936 be appropriated to the department. Subsequent funding of the
937 community-based care risk pool shall be supported by premiums
938 assessed to members of the community-based care risk pool on a
939 recurring basis. The community-based care risk pool may invest
940 and retain interest earned on these funds. In addition, the

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941 department may transfer funds to the community-based care risk
942 pool as available in order to ensure an adequate funding level
943 if the fund is declared to be insolvent and approval is granted
944 by the Legislative Budget Commission. Such payments for
945 insolvency shall be made only after a determination is made by
946 the department or its actuary that all participants in the
947 community-based care risk pool are current in their payments of
948 premiums and that assessments have been made at an actuarially
949 sound level. Such payments by participants in the community-
950 based care risk pool may not exceed reasonable industry
951 standards, as determined by the actuary. Money from this fund
952 may be used to match available federal dollars. Dividends or
953 other payments, with the exception of legitimate claims, may not
954 be paid to members of the community-based care risk pool until
955 the loan issued by the department is repaid in full. Dividends
956 or other payments, with the exception of legitimate claims and
957 other purposes contained in the approved plan, may not be paid
958 to members of the community-based care risk pool unless, at the
959 time of distribution, the community-based care risk pool is
960 deemed actuarially sound and solvent. Solvency shall be
961 determined by an independent actuary contracted by the
962 department. The plan shall be developed in consultation with the
963 Office of Insurance Regulation.

964 1. Such funds shall constitute partial security for
965 contract performance by lead agencies and shall be used to
966 offset the need for a performance bond. Subject to the approval
967 of the plan, the community-based care risk pool shall be managed
968 by the Florida Coalition for Children, Inc., or the designated
969 contractors of the Florida Coalition for Children, Inc.

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970 Nonmembers of the community-based care risk pool may continue to
971 contract with the department but must provide a letter of credit
972 equal to one-twelfth of the annual contract amount in lieu of
973 membership in the community-based care risk pool.

974 2. The department may separately require a bond to
975 mitigate the financial consequences of potential acts of
976 malfeasance, misfeasance, or criminal violations by the
977 provider.

978 (8) Notwithstanding the provisions of s. 215.425, all
979 documented federal funds earned for the current fiscal year by
980 the department and community-based agencies which exceed the
981 amount appropriated by the Legislature shall be distributed to
982 all entities that contributed to the excess earnings based on a
983 schedule and methodology developed by the department and
984 approved by the Executive Office of the Governor. Distribution
985 shall be pro rata based on total earnings and shall be made only
986 to those entities that contributed to excess earnings. Excess
987 earnings of community-based agencies shall be used only in the
988 service district in which they were earned. Additional state
989 funds appropriated by the Legislature for community-based
990 agencies or made available pursuant to the budgetary amendment
991 process described in s. 216.177 shall be transferred to the
992 community-based agencies. The department shall amend a
993 community-based agency's contract to permit expenditure of the
994 funds.

995 (9) Each district and subdistrict that participates in the
996 model program effort or any future outsourcing ~~privatization~~
997 effort as described in this section must thoroughly analyze and
998 report the complete direct and indirect costs of delivering

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999 these services through the department and the full cost of
1000 outsourcing privatization, including the cost of monitoring and
1001 evaluating the contracted services.

1002 (10) The lead community-based providers and their
1003 subcontractors shall be exempt from state travel policies as set
1004 forth in s. 112.061(3)(a) for their travel expenses incurred in
1005 order to comply with the requirements of this section.

1006 Section 4. The Office of Program Policy Analysis and
1007 Government Accountability shall conduct two reviews of the
1008 contract-management and accountability structures of the
1009 Department of Children and Family Services, including, but not
1010 limited to, whether the department is adequately monitoring and
1011 managing its outsourced or privatized functions and services.
1012 The office shall report its findings and recommendations to the
1013 President of the Senate, the Speaker of the House of
1014 Representatives, and the Auditor General by February 1 of 2006
1015 and 2007, respectively.

1016 Section 5. Notwithstanding section 287.057(14)(a), Florida
1017 Statutes, the Department of Children and Family Services may
1018 enter into agreements, not to exceed 23 years, with a private
1019 contractor to finance, design, and construct a secure facility,
1020 as described in section 394.917, Florida Statutes, of at least
1021 600 beds and to operate all aspects of daily operations within
1022 the secure facility. The contractor may sponsor the issuance of
1023 tax-exempt certificates of participation or other securities to
1024 finance the project, and the state may enter into a lease-
1025 purchase agreement for the secure facility. The department shall
1026 begin the implementation of this privatization initiative by
1027 July 1, 2005. This section is repealed July 1, 2006.

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1028 Section 6. Section 402.72, Florida Statutes, is repealed.
1029 Section 7. This act shall take effect July 1, 2005.

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1031

1032 ===== T I T L E A M E N D M E N T =====

1033 On page 1, line(s) 1,
1034 remove: the entire title, and insert:

1035
1036

A bill to be entitled

An act relating to the Department of Children and Family;
providing definitions; requiring the department to allow
all public postsecondary institutions to bid on contracts
intended for any public postsecondary institution;
authorizing the department to competitively procure and
contract for systems of treatment or service that involve
multiple providers; providing requirements if other
governmental entities contribute matching funds; requiring
that an entity providing matching funds must comply with
certain procurement procedures; authorizing the department
to independently procure and contract for treatment
services; requiring multiyear contracts unless
justification is provided; requiring that the department
establish a contract management process; specifying the
requirements for and components of the contract management
process; providing requirements for resolving performance
deficiencies and terminating a contract; requiring a
corrective action plan under certain circumstances;
requiring that the department establish contract monitoring
units and a contract monitoring process; requiring written

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1057 reports; requiring on site visits for contracts involving
1058 the provision of direct client services; amending s.
1059 402.73, F.S.; authorizing the department to adopt
1060 incremental penalties by rule; requiring the Agency for
1061 Persons with Disabilities to implement systems to ensure
1062 quality and fiscal integrity of programs in the
1063 developmental services Medicaid waiver system; providing an
1064 exemption for health services from competitive bidding
1065 requirements; amending s. 409.1671, F.S.; conforming
1066 provisions to changes made by the act; requiring that the
1067 Office of Program Policy Analysis and Government
1068 Accountability conduct two reviews of the contract-
1069 management and accountability structures of the department
1070 and report to the Legislature and the Auditor General;
1071 authorizing the Department of Children and Family Services
1072 to enter into agreements with a private contractor to
1073 finance, design, and construct a secure facility;
1074 authorizing the contractor to sponsor issuance of certain
1075 financing certificates or securities; authorizing the state
1076 to enter into a lease-purchase agreement; requiring
1077 implementation by a time certain; providing for future
1078 repeal; repealing s. 402.72, F.S., relating to contract
1079 management requirements for the Department of Children and
1080 Family Services; providing an effective date.