

By the Committee on Children and Families; and Senator Campbell

586-2029-06

1 A bill to be entitled
2 An act relating to community-based care;
3 establishing a 3-year pilot program in
4 Miami-Dade, Monroe, and Broward Counties;
5 providing for the transfer of certain
6 responsibilities from the Department of
7 Children and Family Services to specified
8 community-based care lead agencies; providing
9 for funding the pilot program from block grants
10 and federal funds; requiring that the
11 department enter into fixed-price contracts;
12 requiring that annual financial statements
13 regarding the pilot program be provided to the
14 Governor, the department, and the Legislature;
15 requiring that an independent arbitrator
16 resolve certain disputes related to contracts;
17 requiring that contract management and
18 oversight be conducted by third-party entities;
19 providing an exemption from s. 287.057, F.S.;
20 requiring such entities to submit reports to
21 the Governor and the Legislature; requiring
22 that the department, the lead agencies
23 implementing the pilot program, and the Agency
24 for Health Care Administration develop a plan
25 for integrating certain Medicaid mental health
26 services; providing that funding is contingent
27 upon an appropriation; specifying that the
28 annual evaluation required in s. 409.1671,
29 F.S., include the pilot program; directing the
30 Office of Program Policy Analysis and
31 Government Accountability and the Office of the

1 Auditor General to complete an evaluation of
2 the pilot program; providing an effective date.

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

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6 Section 1. (1) A 3-year pilot program is established
7 for the community-based care lead agencies serving Miami-Dade,
8 Monroe, and Broward Counties. This pilot program shall allow
9 for the transfer of the current lead agency oversight
10 responsibilities of the Department of Children and Family
11 Services to independent agents and for funding the program
12 through a block grant that enhances funding flexibility. The
13 pilot program shall expand the responsibilities and services
14 provided by these lead agencies.

15 (2) The Department of Children and Family Services
16 shall enter into a 3-year contract with the designated
17 community-based care lead agency serving Miami-Dade and Monroe
18 Counties and with the designated community-based care lead
19 agency serving Broward County, which have been established in
20 accordance with s. 409.1671, Florida Statutes. The contracts
21 must be fixed-price contracts funded in 36 equal monthly
22 installments. The first 2 months shall be paid in advance, and
23 the contract must contain the elements outlined in this
24 section. The initial 2-month advance payment is due July 10,
25 2006. The contracts shall be funded by general revenue through
26 a block grant and by federal Title IV-E funding and other
27 federal funding sources. The amount of federal Title IV-E
28 funding allocated in each year of the 3-year pilot program
29 shall be equal to the amount earned by each of the lead
30 agencies during the 2005-2006 fiscal year. The state shall be
31 held harmless for any shortfall caused by the lead agencies'

1 inability to earn the allocated Title IV-E funding, and each
2 lead agency's contract shall be increased in accordance with
3 any federal overearnings. Funding in excess of the contracted
4 amounts for the lead agencies shall be available only in the
5 event of additional specific legislative appropriations for
6 services provided under s. 409.1671, Florida Statutes; an
7 increase in the population of children served which exceeds 3
8 percent of the population of children served on June 15, 2005,
9 by either lead agency; or unforeseen catastrophic events as
10 determined by the Governor and funded by the Legislature. The
11 lead agencies shall annually provide certified audited
12 financial statements to the Governor, the Department of
13 Children and Family Services, and the appropriations
14 committees of the Legislature. All other required fiscal
15 reporting shall be determined by the independent fiscal
16 monitors selected by the parties. For purposes of this
17 section, the term "parties" means the two lead agencies
18 implementing this pilot program and the Department of Children
19 and Family Services. In order to facilitate and expedite the
20 execution of this section, the parties shall engage an
21 independent arbitrator for purposes of dispute resolution,
22 including any disputes related to the form and substance of
23 the contract to execute the pilot program, with an award of
24 fees and costs to the prevailing party. The arbitrator's role
25 shall be limited to selecting which of the party's position is
26 more reasonable.

27 (3) Contract management, fiscal oversight, and
28 programmatic oversight shall be conducted by independent,
29 nongovernmental third-party entities under contract to the
30 department and shall be conducted in a manner jointly agreed
31 to by the lead agencies and the department. The cost of

1 contracting with these independent entities shall be funded by
2 the department. Notwithstanding any other provision to the
3 contrary, the pilot program may not be implemented until the
4 parties have agreed to the selection of these entities and the
5 manner in which they are to carry out their responsibilities.
6 Such agreement must be reached by the parties no later than
7 July 1, 2006. The selection of the entities for purposes of
8 compliance with this subsection shall be exempt from the
9 provisions of s. 287.057, Florida Statutes. Fiscal oversight
10 shall be conducted in a manner similar to the model used by
11 the department during the 2005-2006 fiscal year in Miami-Dade
12 and Monroe Counties. In order to be able to compare the
13 performance of the pilot program's lead agencies with that of
14 other lead agencies, the programmatic performance of the pilot
15 program's lead agencies shall be measured and monitored by
16 outcome measures contained in their contracts with the
17 department which are in effect on the effective date of this
18 section. The independent entities shall submit their reports
19 directly to the Governor, the President of the Senate, and the
20 Speaker of the House of Representatives.

21 (4) The department and the lead agencies implementing
22 the pilot program shall develop an implementation plan with
23 the Agency for Health Care Administration regarding the
24 pending Medicaid mental health reform for the purpose of
25 implementing a local reform model that allows for the
26 integration of services in the current systems of care.

27 (5) The moneys in this appropriation are appropriated
28 to the Department of Children and Family Services for the
29 2006-2007 fiscal year for the purpose of funding the contracts
30 provided for in this section. The contracts shall be funded in
31 the first year as follows: \$104 million for Miami-Dade and

1 Monroe Counties and \$70.3 million for Broward County. This
2 section shall be implemented to the extent that appropriations
3 contained in the General Appropriations Act are available for
4 such purpose.

5 (6) The annual evaluation required by s.
6 409.1671(4)(a), Florida Statutes, shall include an evaluation
7 of the pilot program described in this act which compares
8 performance and fiscal management of the community-based care
9 lead agencies in the pilot program to those that are not in
10 the pilot program. In addition, the Office of Program Policy
11 Analysis and Government Accountability and the Office of the
12 Auditor General shall jointly complete an evaluation of the
13 pilot program and provide an interim report to the Legislature
14 no later than February 1, 2008, and a final report no later
15 than February 1, 2009.

16 Section 2. This act shall take effect upon becoming a
17 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1694
4 Establishes a 3-year pilot for the community-based care lead
5 agencies serving Miami-Dade, Monroe and Broward counties.
6 Authorizes the transfer of current responsibilities of the
7 Department of Children and Family Services for oversight of
8 the specified lead agencies to independent entities under
9 contract to the Department of Children and Family Services.
10 Exempts the procurement of the independent oversight entities
11 from the provisions of s. 287.057, F.S.
12 Provides for funding for the lead agencies through a block
13 grant.
14 Directs the Department of Children and Family Services to
15 develop an implementation plan with the Agency for Health Care
16 Administration to implement a local Medicaid mental health
17 reform model that allows for the integration of services in
18 the current systems of care.
19 Requires that the annual evaluation of community based care
20 lead agencies currently required by law include an evaluation
21 of the pilot program described in the bill comparing their
22 performance and fiscal management to lead agencies not
23 included in the pilot program.
24 Requires a joint evaluation of the pilot program by the Office
25 of Program Policy Analysis and Government Accountability and
26 the Office of the Auditor General, with an interim report due
27 to the Legislature no later than February 1, 2008, and a final
28 report no later than February 1, 2009.
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