

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Barreiro offered the following:

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

4 Remove line 131 and insert:

5 Section 2. Effective upon this act becoming a law:

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

14 (2) The Department of Children and Family Services shall
15 enter into a 3-year contract with the designated community-based
16 care lead agency serving Miami-Dade and Monroe Counties and with
17 the designated community-based care lead agency serving Broward

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18 County, which have been established in accordance with s.
19 409.1671, Florida Statutes. The contracts must be fixed-payment
20 contracts funded in 36 equal monthly installments. The first 2
21 months shall be paid in advance, and the contract must contain
22 the elements outlined in this section. The initial 2-month
23 advance payment is due July 10, 2006. The contracts shall be
24 funded by general revenue through a grant and by federal Title
25 IV-E funding and other federal funding sources. The amount of
26 federal Title IV-E funding allocated in each year of the 3-year
27 pilot program shall be equal to the amount earned by each of the
28 lead agencies during the 2005-2006 fiscal year. The state shall
29 be held harmless for any shortfall caused by the lead agencies'
30 inability to earn the allocated Title IV-E funding, and each
31 lead agency's contract shall be increased in accordance with any
32 federal overearnings. Funding in excess of the contracted
33 amounts for the lead agencies shall be available only in the
34 event of additional specific legislative appropriations for
35 services provided under s. 409.1671, Florida Statutes; an
36 increase in the population of children served that exceeds 3
37 percent of the population of children served on June 15, 2005,
38 by either lead agency; or unforeseen catastrophic events as
39 determined by the Governor and funded by the Legislature. The
40 lead agencies shall annually provide certified audited financial
41 statements to the Governor, the Department of Children and
42 Family Services, and the appropriations committees of the
43 Legislature. All other required fiscal reporting shall be
44 determined by the independent fiscal monitors selected by the
45 parties. For purposes of this section, the term "parties" means
46 the two lead agencies implementing this pilot program and the
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47 Department of Children and Family Services. In order to
48 facilitate and expedite the execution of this section, the
49 parties shall engage an independent arbitrator for purposes of
50 dispute resolution, including any disputes related to the form
51 and substance of the contract to execute the pilot program, with
52 an award of fees and costs to the prevailing party. The
53 arbitrator's role shall be limited to selecting which party's
54 position is more reasonable.

55 (3) Contract management, fiscal oversight, and
56 programmatic oversight shall be conducted by independent,
57 nongovernmental third-party entities under contract to the
58 department and shall be conducted in a manner jointly agreed to
59 by the lead agencies and the department. The cost of contracting
60 with these independent entities shall be funded by the
61 department. Notwithstanding any other provision to the contrary,
62 the pilot program may not be implemented until the parties have
63 agreed to the selection of these entities and the manner in
64 which they are to carry out their responsibilities. Such
65 agreement must be reached by the parties no later than July 1,
66 2006. The selection of the entities for purposes of compliance
67 with this subsection shall be exempt from the provisions of s.
68 287.057, Florida Statutes. Fiscal oversight shall be conducted
69 in a manner similar to the model used by the department during
70 the 2005-2006 fiscal year in Miami-Dade and Monroe Counties. In
71 order to be able to compare the performance of the pilot
72 program's lead agencies with that of other lead agencies, the
73 programmatic performance of the pilot program's lead agencies
74 shall be measured and monitored by outcome measures contained in
75 their contracts with the department that are in effect on the
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76 effective date of this section. The independent entities shall
77 submit their reports directly to the Governor, the President of
78 the Senate, and the Speaker of the House of Representatives.

79 (4) The department and the lead agencies implementing the
80 pilot program shall develop an implementation plan with the
81 Agency for Health Care Administration regarding the pending
82 Medicaid mental health reform for the purpose of implementing a
83 local reform model that allows for the integration of services
84 in the current systems of care.

85 (5) The annual evaluation required by s. 409.1671(4)(a),
86 Florida Statutes, shall include an evaluation of the pilot
87 program described in this act that compares performance and
88 fiscal management of the community-based care lead agencies in
89 the pilot program to those that are not in the pilot program. In
90 addition, the Office of Program Policy Analysis and Government
91 Accountability and the Office of the Auditor General shall
92 jointly complete an evaluation of the pilot program and provide
93 an interim report to the President of the Senate and the Speaker
94 of the House of Representatives no later than February 1, 2008,
95 and a final report no later than February 1, 2009.

96 Section 3. Except as otherwise expressly provided in this
97 act, this act shall take effect July 1, 2006.

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99

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

101 Remove line 16 and insert:
102 establishing a 3-year pilot program in Miami-Dade, Monroe, and
103 Broward Counties; providing for the transfer of certain
104 responsibilities from the Department of Children and Family
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105 Services to specified community-based care lead agencies;
106 providing for funding the pilot program from grants and federal
107 funds; requiring that the department enter into fixed-payment
108 contracts; requiring that annual financial statements regarding
109 the pilot program be provided to the Governor, the department,
110 and the Legislature; requiring that an independent arbitrator
111 resolve certain disputes related to contracts; requiring that
112 contract management and oversight be conducted by third-party
113 entities; providing an exemption from s. 287.057, F.S.;
114 requiring such entities to submit reports to the Governor and
115 the Legislature; requiring that the department, the lead
116 agencies implementing the pilot program, and the Agency for
117 Health Care Administration develop a plan for integrating
118 certain Medicaid mental health services; specifying that the
119 annual evaluation required in s. 409.1671, F.S., include an
120 evaluation of the pilot program; directing the Office of Program
121 Policy Analysis and Government Accountability and the Office of
122 the Auditor General to complete an evaluation of the pilot
123 program and to report to the Legislature; providing effective
124 dates.