

1 A bill to be entitled
 2 An act relating to foster care and related services;
 3 amending s. 409.1671, F.S.; providing for general
 4 liability insurance coverage for community-based provider
 5 staff under certain circumstances; requiring the
 6 Department of Children and Family Services to enter into
 7 multiyear, fixed-price contracts with lead agencies;
 8 requiring the department to contract with third-party
 9 entities for fiscal, administrative, and programmatic
 10 monitoring to replace department monitoring, except as
 11 required by federal law; providing an exemption from
 12 competitive procurement for a specified period of time;
 13 requiring the department to develop a compliance
 14 supplement, in consultation with the Department of
 15 Financial Services, regarding flexibility of allowable
 16 expenditures; amending s. 409.175, F.S.; providing for
 17 department approval of certain health standards; providing
 18 an appropriation; providing an effective date.

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

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 22 Section 1. Paragraphs (h) and (j) of subsection (1) of
 23 section 409.1671, Florida Statutes, are amended, and subsection
 24 (12) is added to that section, to read:

25 409.1671 Foster care and related services; outsourcing.--

26 (1)

27 (h) Other than an entity to which s. 768.28 applies, any
 28 eligible lead community-based provider, as defined in paragraph

29 (e), or its employees or officers, except as otherwise provided
30 in paragraph (i), must, as a part of its contract, obtain a
31 minimum of \$1 million per claim/\$3 million per incident in
32 general liability insurance coverage. In lieu of such personal
33 motor vehicle insurance, the lead community-based provider's
34 casualty, liability, or motor vehicle insurance carrier may
35 provide such motor vehicle coverage under its policy, by
36 endorsement, schedule, declaration, rider, or otherwise, to
37 include such bodily injury liability coverage for the personal
38 motor vehicles of the provider's employees when used within the
39 scope of their employment or to transport the provider's client
40 children or families, including while en route to and returning
41 from transporting the provider's client children or families. An
42 insurer is authorized to develop rates and forms to schedule
43 such employees' motor vehicles as covered automobiles in the
44 policy issued to the lead community-based provider, or the
45 eligible lead community-based provider may obtain non-owned
46 automobile liability insurance coverage in order to provide the
47 required minimum bodily injury liability insurance coverage. If
48 the eligible lead community-based provider does not offer such
49 coverage, the eligible lead community-based provider must also
50 require that staff who transport client children and families in
51 their personal automobiles in order to carry out their job
52 responsibilities obtain minimum bodily injury liability
53 insurance in the amount of \$100,000 per claim, \$300,000 per
54 incident, on their personal automobiles. In any tort action
55 brought against such an eligible lead community-based provider
56 or employee, net economic damages shall be limited to \$1 million

57 per liability claim and \$100,000 per automobile claim,
58 including, but not limited to, past and future medical expenses,
59 wage loss, and loss of earning capacity, offset by any
60 collateral source payment paid or payable. In any tort action
61 brought against such an eligible lead community-based provider,
62 noneconomic damages shall be limited to \$200,000 per claim. A
63 claims bill may be brought on behalf of a claimant pursuant to
64 s. 768.28 for any amount exceeding the limits specified in this
65 paragraph. Any offset of collateral source payments made as of
66 the date of the settlement or judgment shall be in accordance
67 with s. 768.76. The lead community-based provider shall not be
68 liable in tort for the acts or omissions of its subcontractors
69 or the officers, agents, or employees of its subcontractors.

70 (j) Any subcontractor of an eligible lead community-based
71 provider, as defined in paragraph (e), ~~that~~ ~~which~~ is a direct
72 provider of foster care and related services to children and
73 families, and its employees or officers, except as otherwise
74 provided in paragraph (i), must, as a part of its contract,
75 obtain a minimum of \$1 million per claim/\$3 million per incident
76 in general liability insurance coverage. In lieu of such
77 personal motor vehicle insurance, the subcontractor's casualty,
78 liability, or motor vehicle insurance carrier may provide such
79 motor vehicle coverage under its policy, by endorsement,
80 schedule, declaration, rider, or otherwise, to include such
81 bodily injury liability coverage for the personal motor vehicles
82 of the subcontractor's employees when used within the scope of
83 their employment or to transport the subcontractor's client
84 children or families, including while en route to and returning

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85 from transporting the subcontractor's client children or
86 families. An insurer is authorized to develop rates and forms to
87 schedule such employees' motor vehicles as covered automobiles
88 in the policy issued to the subcontractor, or the subcontractor
89 may obtain non-owned automobile liability insurance coverage in
90 order to provide the required minimum bodily injury liability
91 insurance coverage. If the subcontractor does not offer such
92 coverage, the subcontractor of an eligible lead community-based
93 provider must also require that staff who transport client
94 children and families in their personal automobiles in order to
95 carry out their job responsibilities obtain minimum bodily
96 injury liability insurance in the amount of \$100,000 per claim,
97 \$300,000 per incident, on their personal automobiles. In any
98 tort action brought against such subcontractor or employee, net
99 economic damages shall be limited to \$1 million per liability
100 claim and \$100,000 per automobile claim, including, but not
101 limited to, past and future medical expenses, wage loss, and
102 loss of earning capacity, offset by any collateral source
103 payment paid or payable. In any tort action brought against such
104 subcontractor, noneconomic damages shall be limited to \$200,000
105 per claim. A claims bill may be brought on behalf of a claimant
106 pursuant to s. 768.28 for any amount exceeding the limits
107 specified in this paragraph. Any offset of collateral source
108 payments made as of the date of the settlement or judgment shall
109 be in accordance with s. 768.76.

110 (12) In order to increase efficiency and reduce the cost
111 of administration and delivery of foster care and related
112 services, the department shall:

113 (a) Enter into multiyear, fixed-price contracts with lead
 114 agencies.

115 (b) Contract for fiscal, administrative, and programmatic
 116 monitoring by independent, nongovernmental third-party entities
 117 to replace department monitoring, except as required by federal
 118 law. Monitoring shall be conducted in a manner jointly agreed to
 119 by the lead agencies and the department. The department shall
 120 fund the cost of contracting with these entities. The selection
 121 of third-party entities under this subsection shall be exempt
 122 from s. 287.057 through June 30, 2008.

123 (c) Develop a compliance supplement, in consultation with
 124 the Department of Financial Services, regarding flexibility of
 125 allowable expenditures in accordance with s. 215.97.

126 Section 2. Paragraph (a) of subsection (5) of section
 127 409.175, Florida Statutes, is amended to read:

128 409.175 Licensure of family foster homes, residential
 129 child-caring agencies, and child-placing agencies; public
 130 records exemption.--

131 (5)(a) The department shall adopt and amend licensing
 132 rules for family foster homes, residential child-caring
 133 agencies, and child-placing agencies. The department may also
 134 adopt rules relating to the screening requirements for summer
 135 day camps and summer 24-hour camps. The requirements for
 136 licensure and operation of family foster homes, residential
 137 child-caring agencies, and child-placing agencies shall include:

138 1. The operation, conduct, and maintenance of these homes
 139 and agencies and the responsibility which they assume for
 140 children served and the evidence of need for that service.

141 2. The provision of food, clothing, educational
 142 opportunities, services, equipment, and individual supplies to
 143 assure the healthy physical, emotional, and mental development
 144 of the children served.

145 3. The appropriateness, safety, cleanliness, and general
 146 adequacy of the premises, including fire prevention and health
 147 standards, to provide for the physical comfort, care, and well-
 148 being of the children served. Notwithstanding any other
 149 provision of law, the department shall have exclusive
 150 jurisdiction to approve rules for health standards established
 151 by the Department of Health specific to family foster homes,
 152 residential child-caring agencies, and child-placing agencies.

153 4. The ratio of staff to children required to provide
 154 adequate care and supervision of the children served and, in the
 155 case of foster homes, the maximum number of children in the
 156 home.

157 5. The good moral character based upon screening,
 158 education, training, and experience requirements for personnel.

159 6. The department may grant exemptions from
 160 disqualification from working with children or the
 161 developmentally disabled as provided in s. 435.07.

162 7. The provision of preservice and inservice training for
 163 all foster parents and agency staff.

164 8. Satisfactory evidence of financial ability to provide
 165 care for the children in compliance with licensing requirements.

166 9. The maintenance by the agency of records pertaining to
 167 admission, progress, health, and discharge of children served,
 168 including written case plans and reports to the department.

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169 10. The provision for parental involvement to encourage
170 preservation and strengthening of a child's relationship with
171 the family.

172 11. The transportation safety of children served.

173 12. The provisions for safeguarding the cultural,
174 religious, and ethnic values of a child.

175 13. Provisions to safeguard the legal rights of children
176 served.

177 Section 3. The sum of \$290,407 is appropriated from the
178 General Revenue Fund and the sum of \$8,982 is appropriated from
179 the Federal Grants Trust Fund to the Department of Children and
180 Family Services for the 2007-2008 fiscal year to implement the
181 provisions of this act.

182 Section 4. This act shall take effect July 1, 2007.