

By Senator Gelber

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1 A bill to be entitled
2 An act relating to community-based foster care;
3 amending s. 409.1671, F.S.; requiring that the
4 Department of Children and Family Services ensure that
5 contracts with community-based agencies are funded by
6 general revenue and federal funding sources; requiring
7 the agencies to document federal earnings and to
8 return undocumented earnings to the department;
9 permitting contracts with the agencies to be increased
10 by excess earnings; authorizing the department to
11 outsource certain functions relating to the agencies;
12 permitting certain expenditures by the agencies;
13 requiring fixed-price contracts with the agencies to
14 have a 2-month advance and that interest on the
15 advance be retained by the agencies to expend on
16 allowable child welfare services; providing an
17 effective date.

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

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21 Section 1. Present subsections (10) and (11) of section
22 409.1671, Florida Statutes, are redesignated as subsections (14)
23 and (15), respectively, and new subsections (10), (11), 12), and
24 (13) are added to that section, to read:

25 409.1671 Foster care and related services; outsourcing.—
26 (10) The department shall ensure that contracts entered
27 into with community-based agencies pursuant to this section are
28 funded by a grant of general revenue and by applicable federal
29 funding sources. The community-based agencies shall document

35-01400A-09

20091638

30 federal earnings, and earnings that are not documented must be
31 returned to the department. Notwithstanding subsection (8), the
32 community-based agencies' annual contract amounts may be
33 increased by excess federal earnings in accordance with s.
34 216.181(11).

35 (11) The department may outsource programmatic,
36 administrative, or fiscal oversight of community-based agencies.
37 Notwithstanding any other provision of law, the following
38 community-based agency expenditures are permissible:

39 (a) Staff cellular telephone allowances.

40 (b) Contracts requiring deferred payments and maintenance
41 agreements.

42 (c) Security deposits for office leases.

43 (d) Related professional membership dues and professional
44 state license fees.

45 (e) Food and refreshments.

46 (f) Promotional materials.

47 (g) Costs associated with fundraising personnel who are
48 employed by or under contract with a community-based agency.

49 (12) The department shall enter into fixed-price contracts
50 with community-based agencies that have a 2-month advance
51 payment at the beginning of the fiscal year followed by equal
52 monthly payments.

53 (13) Notwithstanding s. 216.181(16)(b), community-based
54 agencies may retain any interest earned on advances and expend
55 such earnings on allowable child welfare and related services.
56 The department shall develop reporting requirements that require
57 the community-based agency to annually document their interest
58 earnings and associated expenditures.

35-01400A-09

20091638__

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Section 2. This act shall take effect July 1, 2009.