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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on Children, Families, and Elder Affairs (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 287.0576, Florida Statutes, is created to read:

287.0576 Contracts for health and human services.—The Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the Department of Juvenile Justice shall identify and implement changes that improve



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12 efficiency in health and human services contract administration.
13 To assist with that goal, each agency shall adopt the following
14 policies:

15 (1) Limit administrative monitoring to once every 3 years
16 if the contracted provider is accredited by the Joint Commission
17 on the Accreditation of Healthcare Organizations, the Commission
18 on Accreditation of Rehabilitation Facilities or the Council on
19 Accreditation. By accepting the survey or inspection of an
20 accrediting organization, the department or agency does not
21 forfeit its right to monitor in order to ensure that services
22 for which the department or agency is paying are provided. The
23 department or agency may investigate complaints or suspected
24 problems and monitor the provider's compliance with negotiated
25 terms and conditions, including provisions relating to consent
26 decrees, which are unique to a specific contract and are not
27 statements of general applicability. The department or agency
28 may also monitor compliance with federal and state laws, federal
29 regulations, or state rules if such monitoring does not
30 duplicate the accrediting organization's review pursuant to
31 accreditation standards. Medicaid provider agreements are
32 excluded from the provisions of this subsection.

33 (2) Allow private-sector development and implementation of
34 a secure consolidated data warehouse and archive for maintaining
35 corporate, fiscal, and administrative records of child welfare
36 provider contracts. Providers must ensure that the data is up to
37 date and accessible to contracting state agencies and the
38 contracting providers. State agencies that contract with child
39 welfare providers must use the data warehouse for document
40 requests. If information is not current or is unavailable on the



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41 provider's website, the state agency may contact the provider
42 directly. At a minimum, the records must include:

- 43 (a) Articles of incorporation.
- 44 (b) Bylaws.
- 45 (c) Governing board and committee minutes.
- 46 (d) Financial audits.
- 47 (e) Expenditure reports.
- 48 (f) Compliance audits.
- 49 (g) Organizational charts.
- 50 (h) Staff resumes.
- 51 (i) Governing board membership information.
- 52 (j) Human resource policies and procedures.

53 Section 2. Subsections (12), (13) and (14) are added to
54 section 409.1671, Florida Statutes, to read:

55 409.1671 Foster care and related services; outsourcing.—

56 (12) The department shall ensure that a contract entered
57 into with each community-based care lead agency pursuant to this
58 section is funded by a grant of general revenue and by
59 applicable other state and federal funding sources. Each
60 community-based care lead agency is responsible for documenting
61 federal earnings, and federal earnings not documented shall be
62 returned to the department. Notwithstanding subsection (8), each
63 community-based care lead agency's annual contract amount may be
64 increased by excess federal earnings in accordance with s.
65 216.181(11).

66 (13) Notwithstanding any other provision of law, the
67 following community-based care lead agency expenditures are
68 permissible:

- 69 (a) Cellular telephone allowances for staff;



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70 (b) Contracts requiring deferred payments and maintenance
71 agreements;

72 (c) Security deposits for office leases;

73 (d) Related professional membership dues and professional
74 state license fees; and

75 (e) Promotional materials not used for fundraising.

76 (14) The department shall enter into a fixed-price contract
77 with each community-based care lead agency which provides for a
78 2-month advance payment at the beginning of the fiscal year
79 followed by equal monthly payments.

80 Section 3. This act shall take effect July 1, 2009.

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

83 And the title is amended as follows:

84 Delete everything before the enacting clause
85 and insert:

86 A bill to be entitled
87 An act relating to health and human service contracts;
88 creating s. 287.0576, F.S.; requiring the Departments
89 of Children and Family Services, Health, and Juvenile
90 Justice and the Agencies for Persons with Disabilities
91 and Health Care Administration to adopt certain
92 policies relating to the monitoring of provider
93 contracts and access to provider data; providing an
94 exception; amending s. 409.1671, F.S.; requiring the
95 Department of Children and Family Services to ensure
96 that contracts entered into with community-based care
97 lead agencies are funded by a grant of general revenue
98 and applicable other state and federal funding



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99 sources; requiring community-based care lead agencies
100 to document federal earnings; specifying permissible
101 expenditures for community-based care lead agencies;
102 requiring the department to enter into certain
103 contracts with community-based care lead agencies;
104 providing an effective date.
105