

By the Committee on Health and Human Services Appropriations;
and Senator Peadar

603-03994-09

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1 A bill to be entitled
2 An act relating to health and human service contracts;
3 creating s. 287.0576, F.S.; requiring the Departments
4 of Children and Family Services, Health, Elderly
5 Affairs, and Juvenile Justice and the Agencies for
6 Persons with Disabilities and Health Care
7 Administration to adopt certain policies relating to
8 the monitoring of provider contracts, access to
9 provider data, and the imposition of new provider
10 requirements; amending s. 409.1671, F.S.; requiring
11 the Department of Children and Family Services to
12 ensure that contracts entered into with community-
13 based agencies are funded by a grant of general
14 revenue and federal funding sources; requiring
15 community-based agencies to document federal earnings;
16 authorizing the department to contract for the
17 oversight of the community-based agencies; specifying
18 permissible expenditures; requiring the department to
19 enter into certain contracts with community-based
20 agencies; providing an effective date.

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

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

26 287.0576 Contracts for health and human services.—The
27 Department of Children and Family Services, the Department of
28 Health, the Department of Elderly Affairs, the Agency for
29 Persons with Disabilities, the Agency for Health Care

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30 Administration, and the Department of Juvenile Justice shall
31 identify and implement changes that improve efficiency in health
32 and human services contract administration. To assist with that
33 goal, each agency shall adopt the following policies:

34 (1) Limit administrative and fiscal monitoring to once
35 every 3 years if the contracted provider is accredited by a
36 nationally recognized organization. By accepting the survey or
37 inspection of an accrediting organization, the department or
38 agency does not forfeit its right to monitor in order to ensure
39 that services for which the department or agency is paying are
40 provided. The department or agency may investigate complaints or
41 suspected problems and monitor the provider's compliance with
42 negotiated terms and conditions, including provisions relating
43 to consent decrees, which are unique to a specific contract and
44 are not statements of general applicability. The department or
45 agency may also monitor compliance with federal and state laws,
46 federal regulations, or state rules if such monitoring does not
47 duplicate the accrediting organization's review pursuant to
48 accreditation standards.

49 (2) Allow private-sector development and implementation of
50 a secure consolidated data warehouse and archive for maintaining
51 corporate, fiscal, and administrative records of child welfare
52 provider contracts. Providers must ensure that the data is up to
53 date and accessible to contracting state agencies and the
54 contracting providers. State agencies that contract with child
55 welfare providers must use the data warehouse for document
56 requests. If information is not current or is unavailable on the
57 provider's website, the state agency may contact the provider
58 directly. At a minimum, the records must include:

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59 (a) Articles of incorporation.

60 (b) Bylaws.

61 (c) Governing board and committee minutes.

62 (d) Financial audits.

63 (e) Expenditure reports.

64 (f) Compliance audits.

65 (g) Organizational charts.

66 (h) Staff resumes.

67 (i) Governing board membership information.

68 (j) Human resource policies and procedures.

69 (3) Not impose a new form, procedure, or mandate on a
70 health and human services contract provider without determining,
71 in conjunction with the provider, the fiscal and programmatic
72 effect of the new requirement.

73 Section 2. Subsections (12) and (13) are added to section
74 409.1671, Florida Statutes, to read:

75 409.1671 Foster care and related services; outsourcing.—

76 (12) The department shall ensure that a contract entered
77 into with each community-based agency pursuant to this section
78 is funded by a grant of general revenue and by applicable
79 federal funding sources. Each community-based agency is
80 responsible for documenting federal earnings, and federal
81 earnings not documented shall be returned to the department.
82 Notwithstanding subsection (8), each community-based agency's
83 annual contract amount may be increased by excess federal
84 earnings in accordance with s. 216.181(11). The department may
85 contract for the programmatic, administration, or fiscal
86 oversight of each community-based agency. Notwithstanding any
87 other provision of law, the following community-based-agency

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88 expenditures are permissible:

89 (a) Cellular telephone allowances for staff;

90 (b) Contracts requiring deferred payments and maintenance
91 agreements;

92 (c) Security deposits for office leases;

93 (d) Related professional membership dues and professional
94 state license fees;

95 (e) Food and refreshment; and

96 (f) Promotional materials.

97 (13) The department shall enter into a fixed-price contract
98 with each community-based agency which has a 2-month advance
99 payment at the beginning of the fiscal year followed by equal
100 monthly payments.

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