

By the Committees on Children, Families, and Elder Affairs; and Health and Human Services Appropriations; and Senator Peadar

586-05222-09

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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, and Juvenile
5 Justice and the Agencies for Persons with Disabilities
6 and Health Care Administration to adopt certain
7 policies relating to the monitoring of provider
8 contracts and access to provider data; providing an
9 exception; amending s. 409.1671, F.S.; requiring the
10 Department of Children and Family Services to ensure
11 that contracts entered into with community-based care
12 lead agencies are funded by a grant of general revenue
13 and applicable other state and federal funding
14 sources; requiring community-based care lead agencies
15 to document federal earnings; specifying permissible
16 expenditures for community-based care lead agencies;
17 requiring the department to enter into certain
18 contracts with community-based care lead agencies;
19 providing an effective date.

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

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

25 287.0576 Contracts for health and human services.—The
26 Department of Children and Family Services, the Department of
27 Health, the Agency for Persons with Disabilities, the Agency for
28 Health Care Administration, and the Department of Juvenile
29 Justice shall identify and implement changes that improve

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30 efficiency in health and human services contract administration.
31 To assist with that goal, each agency shall adopt the following
32 policies:

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

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

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

- 61 (a) Articles of incorporation.
62 (b) Bylaws.
63 (c) Governing board and committee minutes.
64 (d) Financial audits.
65 (e) Expenditure reports.
66 (f) Compliance audits.
67 (g) Organizational charts.
68 (h) Staff resumes.
69 (i) Governing board membership information.
70 (j) Human resource policies and procedures.

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

73 409.1671 Foster care and related services; outsourcing.—

74 (12) The department shall ensure that a contract entered
75 into with each community-based care lead agency pursuant to this
76 section is funded by a grant of general revenue and by
77 applicable other state and federal funding sources. Each
78 community-based care lead agency is responsible for documenting
79 federal earnings, and federal earnings not documented shall be
80 returned to the department. Notwithstanding subsection (8), each
81 community-based care lead agency's annual contract amount may be
82 increased by excess federal earnings in accordance with s.
83 216.181(11).

84 (13) Notwithstanding any other provision of law, the
85 following community-based care lead agency expenditures are
86 permissible:

87 (a) Cellular telephone allowances for staff;

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88 (b) Contracts requiring deferred payments and maintenance
89 agreements;

90 (c) Security deposits for office leases;

91 (d) Related professional membership dues and professional
92 state license fees; and

93 (e) Promotional materials not used for fundraising.

94 (14) The department shall enter into a fixed-price contract
95 with each community-based care lead agency which provides for a
96 2-month advance payment at the beginning of the fiscal year
97 followed by equal monthly payments.

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