

1                                   A bill to be entitled  
 2           An act relating to health and human services contracts;  
 3           creating s. 287.0576, F.S.; requiring the Departments of  
 4           Children and Family Services, Health, and Juvenile Justice  
 5           and the Agencies for Persons with Disabilities and Health  
 6           Care Administration to adopt certain policies relating to  
 7           the monitoring of provider contracts and access to  
 8           provider data; providing an exception; amending s.  
 9           409.1671, F.S.; providing funding requirements for  
 10          contracts established between the Department of Children  
 11          and Family Services and certain community-based agencies;  
 12          requiring community-based agencies to document federal  
 13          earnings and return undocumented earnings to the  
 14          department; permitting contracts with the agencies to be  
 15          increased by excess federal earnings; authorizing the  
 16          department to outsource certain functions of the agencies;  
 17          permitting the agencies to make specified expenditures;  
 18          specifying method of payment for fixed-price contracts;  
 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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 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 Agency for Persons with Disabilities, the Agency for

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

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

52 (2) Allow private-sector development and implementation of  
53 an Internet-based, secure consolidated data warehouse and  
54 archive for maintaining corporate, fiscal, and administrative  
55 records of child welfare provider contracts. Providers must  
56 ensure that the data is up to date and accessible to contracting

57 state agencies and the contracting providers. State agencies  
 58 that contract with health and human services providers must use  
 59 the data warehouse for document requests. If information is not  
 60 current or is unavailable on the provider's Internet-based data  
 61 warehouse and archive, the state agency may contact the provider  
 62 directly. At a minimum, the records must include:

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

73 Section 2. Subsection (12) is added to section 409.1671,  
 74 Florida Statutes, to read:

75 409.1671 Foster care and related services; outsourcing.--

76 (12) A contract established between the department and a  
 77 community-based agency under this section must be funded by a  
 78 grant of general revenue, other state trust funds, and  
 79 applicable federal funding sources. Community-based agencies  
 80 must document federal funds earned, and federal funds earned  
 81 that are not documented must be returned to the department.  
 82 Notwithstanding subsection (8), the amount of the annual  
 83 contract for a community-based agency may be increased by excess  
 84 federal funds earned in accordance with s. 216.181(11). The

85 department may outsource programmatic, administrative, or fiscal  
86 monitoring oversight of community-based agencies.  
87 Notwithstanding any other provision of law, a community-based  
88 agency may make expenditures for staff cellular telephone  
89 allowances, contracts requiring deferred payments and  
90 maintenance agreements, security deposits for office leases,  
91 related professional membership dues, costs of promotional  
92 materials, and costs of food and refreshment provided to clients  
93 in the care of the organization and to foster parents, adoptive  
94 parents, and caseworkers during training sessions. The method of  
95 payment for a fixed-price contract with a community-based agency  
96 shall include provisions for a 2-month advance payment at the  
97 beginning of each fiscal year with equal monthly payments  
98 thereafter.

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