

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 child welfare providers must use the data
 59 warehouse for document requests. If information is not current
 60 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.