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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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04/06/2010 10:20 AM

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Senator Peaden moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Contracts for child welfare services.—The Department of Children and Family Services, the Department of Health, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Agency for Health Care Administration, and the community-based care lead agencies shall identify and implement changes that improve efficiency in contract administration for child welfare services. To assist with that goal, each agency shall adopt the following policies:

(1) Limit administrative monitoring to once every 3 years



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14 if the contracted provider is accredited by the Joint Commission
15 on the Accreditation of Healthcare Organizations, the Commission
16 on Accreditation of Rehabilitation Facilities, or the Council on
17 Accreditation. Notwithstanding the survey or inspection of an
18 accrediting organization, the department or agency may continue
19 to monitor the provider as necessary with respect to:

20 (a) Ensuring that services for which the agency is paying
21 are being provided.

22 (b) Investigating complaints or suspected problems and
23 monitoring the provider's compliance with any resulting
24 negotiated terms and conditions, including provisions relating
25 to consent decrees that are unique to a specific contract and
26 are not statements of general applicability.

27 (c) Ensuring compliance with federal and state laws,
28 federal regulations, or state rules if such monitoring does not
29 duplicate the accrediting organization's review pursuant to
30 accreditation standards.

31 (2) Allow private-sector development and implementation of
32 an Internet-based, secure, and consolidated data warehouse and
33 archive for maintaining corporate, fiscal, and administrative
34 records of child welfare provider contracts. Providers must
35 ensure that the data is up to date and accessible to the
36 contracting state agency and the contracting provider. State
37 agencies that contract with child welfare providers must use the
38 data warehouse for document requests. If information is not
39 current or is unavailable from the provider's data warehouse and
40 archive, the state agency may contact the provider directly. At
41 a minimum, the records must include the provider's:

42 (a) Articles of incorporation.



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43 (b) Bylaws.

44 (c) Governing board and committee minutes.

45 (d) Financial audits.

46 (e) Expenditure reports.

47 (f) Compliance audits.

48 (g) Organizational charts.

49 (h) Governing board membership information.

50 (i) Human resource policies and procedures.

51 Section 2. Subsection (25) is added to section 39.301,
52 Florida Statutes, to read:

53 39.301 Initiation of protective investigations.—

54 (25) The department may develop and operate a pilot program
55 relating to family needs assistance referrals. The pilot program
56 shall be located in a circuit in which the child protective
57 investigation unit, whether located in the department or the
58 county sheriff's office, and the community-based care lead
59 agency agree to participate in the pilot program. The pilot
60 program shall be funded from existing resources in the circuit.

61 (a) Upon receiving a call that does not meet the criteria
62 for being a report of abuse or child abuse, abandonment, or
63 neglect, but does indicate that the family needs assistance, the
64 central abuse hotline shall accept these calls for a family
65 needs assistance referral and immediately transfer the referral
66 to the county wherein the family currently resides.

67 (b) The department shall review the referral in the county
68 of residence and a joint response shall be coordinated with the
69 community-based care lead agency within 48 hours after being
70 received from the central abuse hotline to determine the
71 appropriate response, which must include at least one of the



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72 following, as appropriate:

73 1. If, after the initial home visit and assessment
74 conducted by the child protective investigator, conditions in
75 the home meet criteria for a report of abuse, abandonment, or
76 neglect, the department shall initiate a child protective
77 response.

78 2. If the department makes a determination that the family
79 would benefit from a family needs assistance referral and a
80 child protective response is not indicated, services must be
81 offered.

82 (c) The participation in the family needs assistance
83 referral pilot program is voluntary. The community-based care
84 lead agency shall determine the referral needs and shall conduct
85 the ongoing linkage of services to the families based on the
86 availability of resources at the time of the initial visit or
87 within 2 business days after the initial visit with the
88 department.

89 (d) The duration and intensity of such intervention shall
90 be determined by the family and the community-based care lead
91 agency and must be based on the availability of funds and
92 community resources.

93 (e) The department and each community-based care lead
94 agency must maintain up-to-date documentation of all family
95 needs assistance referrals. The documentation must include, at a
96 minimum:

- 97 1. The number of referrals received;
98 2. The type of response to each referral;
99 3. An indication of whether or not the family accepted
100 services;



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101 4. If the services were accepted by the family, the type of
102 services delivered;

103 5. If the services were available through the Florida Safe
104 Families Network, the cost of the services;

105 6. The outcome of services accepted or delivered;

106 7. Whether or not families who are the subject of the
107 referral return to the attention of the department as a
108 subsequent family needs assistance referral, or as the subject
109 of a report accepted for a child protective investigation; and

110 8. Any additional information that enables a determination
111 of the success of the family needs assistance referral pilot
112 program.

113 (e) The department shall submit a report to the Legislature
114 by January 31, 2011, which contains the results of the family
115 needs assistance pilot program and recommendations for
116 continuing, expanding, or modifying the program.

117 Section 3. Subsection (4) of section 402.7305, Florida
118 Statutes, is amended to read:

119 402.7305 Department of Children and Family Services;
120 procurement of contractual services; contract management.—

121 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
122 department shall establish contract monitoring units staffed by
123 career service employees who report to a member of the Selected
124 Exempt Service or Senior Management Service and who have been
125 properly trained to perform contract monitoring., ~~with~~ At least
126 one member of the contract monitoring unit must possess
127 ~~possessing~~ specific knowledge and experience in the contract's
128 program area. The department shall establish a contract
129 monitoring process that includes ~~must include~~, but need not be



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130 limited to, the following requirements:

131 (a) Performing a risk assessment at the start of each
132 fiscal year and preparing an annual contract monitoring schedule
133 that considers ~~includes consideration for~~ the level of risk
134 assigned. The department may monitor any contract at any time
135 regardless of whether such monitoring was originally included in
136 the annual contract monitoring schedule.

137 (b) Preparing a contract monitoring plan, including
138 sampling procedures, before performing onsite monitoring at
139 external locations of a service provider. The plan must include
140 a description of the programmatic, fiscal, and administrative
141 components that will be monitored on site. If appropriate,
142 clinical and therapeutic components may be included.

143 (c) Conducting analyses of the performance and compliance
144 of an external service provider by means of desk reviews if the
145 external service provider will not be monitored on site during a
146 fiscal year.

147 (d) Unless the department sets forth in writing the need
148 for an extension, providing a written report presenting the
149 results of the monitoring within 30 days after the completion of
150 the onsite monitoring or desk review.

151 (e) Developing and maintaining a set of procedures
152 describing the contract monitoring process.

153
154 Notwithstanding any other provision of the section, the
155 department shall limit contract monitoring of a child-caring or
156 child-placing services provider to only once per year. Such
157 monitoring may not duplicate administrative monitoring that is
158 included in the survey of a contract provider conducted by a



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159 national accreditation organization.

160 Section 4. Present subsections (8) through (11) of section
161 409.1671, Florida Statutes, are renumbered as subsections (12)
162 through (15), respectively, and new subsections (8) through (11)
163 are added to that section, to read:

164 409.1671 Foster care and related services; outsourcing.—

165 (8) A contract established between the department and a
166 community-based agency under this section must be funded by a
167 grant of general revenue, other applicable state funds, or
168 applicable federal funding sources. A community-based care lead
169 agency may carry forward documented unexpended state funds from
170 one fiscal year to the next; however, the cumulative amount
171 carried forward may not exceed 8 percent of the contract total.
172 Any unexpended state funds in excess of that percentage must be
173 returned to the department. The funds carried forward may not be
174 used in any way that would create increased recurring future
175 obligations, and such funds may not be used for any type of
176 program or service that is not currently authorized by the
177 existing contract with the department. Expenditures of funds
178 carried forward must be separately reported to the department.
179 Any unexpended funds that remain at the end of the contract
180 period shall be returned to the department.

181 (9) The method of payment for a fixed-price contract with a
182 community-based care lead agency shall provide for a 2-month
183 advance payment at the beginning of each fiscal year and equal
184 monthly payments thereafter.

185 (10) The department may outsource the programmatic,
186 administrative, or fiscal monitoring oversight of community-
187 based care lead agencies.



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188 (11) Notwithstanding any other provision of law, a
189 community-based care lead agency may make expenditures for staff
190 cellular telephone allowances, contracts requiring deferred
191 payments and maintenance agreements, security deposits for
192 office leases, related agency professional membership dues other
193 than personal professional membership dues, promotional
194 materials, and grant-writing services. Expenditures for food and
195 refreshment, other than those provided to clients in the care of
196 the agency or to foster parents, adoptive parents, and
197 caseworkers during training sessions, are not allowable.

198 Section 5. Section 394.655, Florida Statutes, is repealed.

199 Section 6. This act shall take effect July 1, 2010.

200
201 ===== T I T L E A M E N D M E N T =====

202 And the title is amended as follows:

203 Delete everything before the enacting clause
204 and insert:

205 A bill to be entitled
206 An act relating to child welfare services and mental
207 health and substance abuse; limiting state agency
208 contract monitoring to once every 3 years if the
209 contracted provider is subject to accreditation
210 surveys by specified accreditation organizations;
211 providing exceptions; allowing the establishment of an
212 Internet-based data warehouse to maintain the records
213 of contract providers; requiring state agencies to use
214 the warehouse for document requests; specifying the
215 information that such records must include; amending
216 s. 39.301, F.S.; creating a family needs assistance



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217 referral pilot program; providing that the program be
218 funded by existing resources; requiring that the
219 Department of Children and Family Services and each
220 community-based care lead agency maintain up-to-date
221 documentation; requiring that such documentation
222 contain specified information; requiring that the
223 department submit a report to the Legislature by a
224 specified date; amending s. 402.7305, F.S.; limiting
225 the Department of Children and Family Services to one
226 contract monitoring of a child-caring or child-placing
227 contract provider per year; amending s. 409.1671,
228 F.S.; providing funding requirements for contracts for
229 foster care and related services; authorizing a
230 community-based care lead agency to carry forward
231 certain unexpended state funds; authorizing certain
232 advance payments to a lead agency; authorizing the
233 department to outsource certain oversight duties;
234 specifying certain allowable expenses; prohibiting
235 certain expenditures; repealing s. 394.655, F.S.,
236 relating to the Florida Substance Abuse and Mental
237 Health Corporation; providing an effective date.