

1                   A bill to be entitled  
2           An act relating to child welfare; amending s. 402.302,  
3           F.S.; defining the term "child welfare provider"; creating  
4           s. 402.7306, F.S.; requiring the Department of Children  
5           and Family Services, the Department of Health, the Agency  
6           for Persons with Disabilities, the Agency for Health Care  
7           Administration, and community-based care lead agencies to  
8           adopt policies for the administrative monitoring of child  
9           welfare providers; authorizing private-sector entities to  
10          establish an Internet-based data warehouse and archive for  
11          the maintenance of specified records of child welfare  
12          providers; providing agency and provider requirements;  
13          providing for access to the data warehouse under certain  
14          conditions; amending s. 402.7305, F.S.; providing a  
15          limitation on the frequency of monitoring of child-caring  
16          and child-placing service providers; prohibiting certain  
17          duplicative monitoring; amending s. 409.1451, F.S.;  
18          providing the Department of Children and Family Services  
19          with rulemaking authority with respect to payments and  
20          conditions relating to youth and young adults in the  
21          independent living transition services program; repealing  
22          s. 409.1663, F.S., relating to adoption benefits for  
23          qualifying adoptive employees of state agencies; amending  
24          s. 409.1671, F.S.; revising provisions relating to funding  
25          for contracts established between the Department of  
26          Children and Family Services and community-based care lead  
27          agencies; authorizing the department to outsource certain  
28          functions; authorizing a community-based care lead agency

29 | to make certain expenditures; amending s. 409.166, F.S.;

30 | deleting a reference to conform to changes made by the

31 | act; authorizing the Department of Children and Family

32 | Services to provide services to certain dependent

33 | children; providing exceptions; authorizing the department

34 | and the participating dependency court to develop

35 | eligibility criteria; providing an effective date.

36 |

37 | Be It Enacted by the Legislature of the State of Florida:

38 |

39 | Section 1. Subsections (4) through (16) of section

40 | 402.302, Florida Statutes, are renumbered as subsections (5)

41 | through (17), respectively, and a new subsection (4) is added to

42 | that section to read:

43 | 402.302 Definitions.—

44 | (4) "Child welfare provider" means a licensed child-caring

45 | or child-placing agency.

46 | Section 2. Section 402.7306, Florida Statutes, is created

47 | to read:

48 | 402.7306 Administrative monitoring for child welfare

49 | providers.—The Department of Children and Family Services, the

50 | Department of Health, the Agency for Persons with Disabilities,

51 | the Agency for Health Care Administration, and community-based

52 | care lead agencies shall identify and implement changes that

53 | improve the efficiency of administrative monitoring of child

54 | welfare services. To assist with that goal, each such agency

55 | shall adopt the following policies:

56 | (1) Limit administrative monitoring to once every 3 years

57 if the child welfare provider is accredited by the Joint  
 58 Commission on Accreditation of Healthcare Organizations, the  
 59 Commission on Accreditation of Rehabilitation Facilities, or the  
 60 Council on Accreditation of Children and Family Services. If the  
 61 accrediting body does not require documentation that the state  
 62 agency requires, that documentation shall be requested by the  
 63 state agency and may be posted by the provider on the data  
 64 warehouse for the agency's review. Notwithstanding the survey or  
 65 inspection of an accrediting organization specified in this  
 66 subsection, an agency specified in and subject to this section  
 67 may continue to monitor the provider as necessary with respect  
 68 to:

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

71 (b) Investigating complaints or suspected problems and  
 72 monitoring the provider's compliance with any resulting  
 73 negotiated terms and conditions, including provisions relating  
 74 to consent decrees that are unique to a specific service and are  
 75 not statements of general applicability.

76 (c) Ensuring compliance with federal and state laws,  
 77 federal regulations, or state rules if such monitoring does not  
 78 duplicate the accrediting organization's review pursuant to  
 79 accreditation standards.

80  
 81 Medicaid certification and precertification reviews are exempt  
 82 from this subsection to ensure Medicaid compliance.

83 (2) Allow private-sector development and implementation of  
 84 an Internet-based, secure, and consolidated data warehouse and

85 archive for maintaining corporate, fiscal, and administrative  
86 records of child welfare providers. A provider shall ensure that  
87 the data is up to date and accessible to the applicable agency  
88 under this section and the appropriate agency subcontractor. A  
89 provider shall submit any revised, updated information to the  
90 data warehouse within 10 business days after receiving the  
91 request. An agency that conducts administrative monitoring of  
92 child welfare providers under this section must use the data  
93 warehouse for document requests. If the information provided to  
94 the agency by the provider's data warehouse is not current or is  
95 unavailable from the data warehouse and archive, the agency may  
96 contact the provider directly. A provider that fails to comply  
97 with an agency's requested documents may be subject to a site  
98 visit to ensure compliance. Access to the data warehouse must be  
99 provided without charge to an applicable agency under this  
100 section. At a minimum, the records must include the provider's:

- 101 (a) Articles of incorporation.  
102 (b) Bylaws.  
103 (c) Governing board and committee minutes.  
104 (d) Financial audits.  
105 (e) Expenditure reports.  
106 (f) Compliance audits.  
107 (g) Organizational charts.  
108 (h) Governing board membership information.  
109 (i) Human resource policies and procedures.  
110 (j) Staff credentials.  
111 (k) Monitoring procedures, including tools and schedules.  
112 (l) Procurement and contracting policies and procedures.

113 (m) Monitoring reports.

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

116 402.7305 Department of Children and Family Services;  
 117 procurement of contractual services; contract management.—

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

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

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

140 (c) Conducting analyses of the performance and compliance

141 of an external service provider by means of desk reviews if the  
 142 external service provider will not be monitored on site during a  
 143 fiscal year.

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

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

150

151 Notwithstanding any other provision of this section, the  
 152 department shall limit monitoring of a child-caring or child-  
 153 placing services provider under this subsection to only once per  
 154 year. Such monitoring may not duplicate administrative  
 155 monitoring that is included in the survey of a child welfare  
 156 provider conducted by a national accreditation organization  
 157 specified under s. 402.7306(1).

158 Section 4. Subsection (10) of section 409.1451, Florida  
 159 Statutes, is amended to read:

160 409.1451 Independent living transition services.—

161 (10) RULEMAKING.—The department shall adopt by rule  
 162 procedures to administer this section, including balancing the  
 163 goals of normalcy and safety for the youth and providing the  
 164 caregivers with as much flexibility as possible to enable the  
 165 youth to participate in normal life experiences. ~~The department~~  
 166 ~~shall not adopt rules relating to reductions in awards.~~ The  
 167 department shall engage in appropriate planning to prevent, to  
 168 the extent possible, a reduction in awards after issuance. The

169 department shall adopt rules to govern the payments and  
170 conditions related to payments for services to youth or young  
171 adults provided under this section.

172 Section 5. Section 409.1663, Florida Statutes, is  
173 repealed.

174 Section 6. Subsections (8), (9), (10), and (11) of section  
175 409.1671, Florida Statutes, are renumbered as subsections (10),  
176 (14), (15), and (16), respectively, and new subsections (8),  
177 (9), (11), (12), and (13) are added to that section to read:

178 409.1671 Foster care and related services; outsourcing.—

179 (8) A contract established between the department and a  
180 community-based care lead agency under this section must be  
181 funded by a grant of general revenue, other applicable state  
182 funds, or applicable federal funding sources. A community-based  
183 care lead agency may carry forward documented unexpended state  
184 funds from one fiscal year to the next; however, the cumulative  
185 amount carried forward may not exceed 8 percent of the total  
186 contract. Any unexpended state funds in excess of that  
187 percentage must be returned to the department. The funds carried  
188 forward may not be used in any way that would create increased  
189 recurring future obligations, and such funds may not be used for  
190 any type of program or service that is not currently authorized  
191 by the existing contract with the department. Expenditures of  
192 funds carried forward must be separately reported to the  
193 department. Any unexpended funds that remain at the end of the  
194 contract period shall be returned to the department. Funds  
195 carried forward may be retained through any contract renewals  
196 and any new procurements as long as the same community-based

197 care lead agency is retained by the department.

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

202 (11) Notwithstanding subsection (10), the amount of the  
 203 annual contract for a community-based care lead agency may be  
 204 increased by excess federal funds earned in accordance with s.  
 205 216.181(11).

206 (12) The department may outsource programmatic,  
 207 administrative, or fiscal monitoring oversight of community-  
 208 based care lead agencies.

209 (13) Notwithstanding any other provision of law, a  
 210 community-based care lead agency may make expenditures for staff  
 211 cellular telephone allowances, contracts requiring deferred  
 212 payments and maintenance agreements, security deposits for  
 213 office leases, related agency professional membership dues other  
 214 than personal professional membership dues, promotional  
 215 materials, and grant writing services. Expenditures for food and  
 216 refreshments, other than those provided to clients in the care  
 217 of the agency or to foster parents, adoptive parents, and  
 218 caseworkers during training sessions, are not allowable.

219 Section 7. Paragraph (b) of subsection (2) of section  
 220 409.166, Florida Statutes, is amended to read:

221 409.166 Children within the child welfare system; adoption  
 222 assistance program.—

223 (2) DEFINITIONS.—As used in this section, the term:

224 (b) "Adoption assistance" means financial assistance and



225 services provided to a child and his or her adoptive family.  
226 Such assistance may include a maintenance subsidy, medical  
227 assistance, Medicaid assistance, and reimbursement of  
228 nonrecurring expenses associated with the legal adoption. The  
229 term also includes a tuition exemption at a postsecondary career  
230 program, community college, or state university, ~~and a state~~  
231 ~~employee adoption benefit under s. 409.1663.~~

232       Section 8. The Department of Children and Family Services  
233 may serve dependent children deemed to be in need of family-  
234 centered, cognitive-behavioral interventions designed to  
235 mitigate out-of-home placements. Treatment services may be  
236 evidenced-based with family therapy and group therapy components  
237 for youth for whom these services are appropriate. Dependent  
238 youth at risk of out-of-home placement or currently within the  
239 foster care system are eligible for these family therapy and  
240 group therapy services. The services shall be provided as an  
241 alternative to specialized therapeutic foster or group care. A  
242 child who has been adjudicated delinquent, had adjudication  
243 withheld, or committed any violent crime, except for females  
244 adjudicated delinquent for domestic violence, any first-degree  
245 felony, or any felony direct-filed in adult court, may not be  
246 served by the program. The department and each participating  
247 dependency court may jointly develop eligibility criteria to  
248 identify youth appropriate for services in this program.

249       Section 9. This act shall take effect July 1, 2010.