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1 A bill to be entitled  
2 An act relating to procurement of contractual services by  
3 a state agency; creating s. 287.0575, F.S.; providing  
4 definitions; providing intent with respect to certain  
5 requirements relating to the provision of outsourced human  
6 services related to mental health, substance abuse, child  
7 welfare, or juvenile justice; requiring the acceptance by  
8 state agencies of national accreditation of providers of  
9 such human services in lieu of, and as a substitute for,  
10 specified agency licensing, administrative, and program  
11 requirements; requiring that a state agency designated by  
12 the Federal Government as a controlling state authority  
13 with respect to the provision of specific human services  
14 function as the lead agency for the designated service  
15 population; providing requirements of lead agencies;  
16 providing requirements with respect to contracts for such  
17 services; requiring state agencies to provide an analysis  
18 that identifies specified costs to human services  
19 providers; requiring a fiscal impact statement; requiring  
20 state agencies to accept mandated reports and invoices  
21 electronically and establish a procedure that allows for  
22 posting of all core documents in secure electronic  
23 storage; providing for agency access to such storage for  
24 monitoring core documents; providing that failure by a  
25 governmental entity to negotiate a contract amendment to  
26 remedy a material adverse financial impact of a new  
27 governmental mandate constitutes an agency action for  
28 purposes of the Administrative Procedure Act; providing

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29 for annual reports by state agencies; amending s. 216.136,  
 30 F.S.; requiring the Social Services Estimating Conference  
 31 to convene annually for the purpose of developing  
 32 information related to mental health, substance abuse,  
 33 child welfare, and juvenile justice services needs;  
 34 providing an effective date.

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. Section 287.0575, Florida Statutes, is created  
 39 to read:

40 287.0575 Outsourced human services related to mental  
 41 health, substance abuse, child welfare, or juvenile justice.-

42 (1) For the purposes of this section:

43 (a) "Material adverse financial impact" means an increase  
 44 in reasonable costs of \$10,000 or more in the annual aggregate  
 45 to a contractor in performing a contract for the outsourcing of  
 46 human services related to mental health, substance abuse, child  
 47 welfare, or juvenile justice.

48 (b) "New governmental mandate" means a statutory  
 49 requirement, administrative rule, regulation, assessment,  
 50 executive order, judicial order, or other governmental  
 51 requirement, or an agency policy, that was not in effect when a  
 52 contract for the outsourcing of human services related to mental  
 53 health, substance abuse, child welfare, or juvenile justice was  
 54 originally entered into and that directly imposes an obligation  
 55 on the contractor.

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56           (2) To create a more stable business environment for  
57 providing outsourced human services related to mental health,  
58 substance abuse, child welfare, or juvenile justice and to  
59 ensure accountability, eliminate duplication, and improve  
60 efficiency:

61           (a) Notwithstanding any provision of law to the contrary,  
62 national accreditation of human services providers by the Joint  
63 Commission on Accreditation of Healthcare Organizations, the  
64 Commission on Accreditation of Rehabilitation Facilities, and  
65 the Council on Accreditation shall be accepted by state agencies  
66 in lieu of the agency's facility licensure onsite review  
67 requirements and administrative and program monitoring  
68 requirements and shall be accepted as a substitute for the state  
69 agency's licensure, administrative, and program monitoring  
70 requirements.

71           (b) Each state agency that has been designated by the  
72 Federal Government as the controlling state authority with  
73 respect to the provision of specific services related to mental  
74 health, substance abuse, child welfare, or juvenile justice  
75 shall be the lead agency for the designated service population.  
76 Each lead agency shall:

77           1. Develop a common monitoring protocol that must be  
78 utilized by all agencies serving the same population.

79           2. Implement a plan to coordinate monitoring activities  
80 related to the delivery of services to the populations being  
81 served by multiple state agencies.

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82       3. Develop common rules that guide delivery of service  
83 across the jurisdictions of multiple state agencies serving the  
84 same population and coordinate all monitoring activities.

85       4. Provide for a master list of core required documents  
86 for contract monitoring purposes and provide for the collection  
87 of such documents from each service provider.

88       (3) Contracts to outsource human services related to  
89 mental health, substance abuse, child welfare, or juvenile  
90 justice shall:

91       (a) Provide that, in the event that a material change to  
92 the scope of the contract is imposed upon a service provider and  
93 compliance with such change will have a material adverse  
94 financial impact on the service provider, the contracting agency  
95 shall negotiate a contract amendment with the service provider  
96 to increase the maximum obligation amount or unit price of the  
97 contract to offset the material adverse financial impact of the  
98 change, provided the service provider furnishes evidence to the  
99 contracting agency of such material adverse financial impact  
100 along with a request to renegotiate the contract based on the  
101 proposed change.

102       (b) Ensure that:

103       1. Payment will be made on all items not under dispute and  
104 that in no event will payment be withheld on undisputed issues  
105 pending the resolution of disputed issues.

106       2. All disputed items shall be reconciled within 30 days.

107       (c) Provide that any dispersed funds that remain  
108 unexpended during the contract term be approved as authorized

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109 revenue into the next year for the purposes of cash flow and  
110 continuation of the contract.

111 (d) Include language authorizing, subject to  
112 appropriation, an annual cost-of-living adjustment that reflects  
113 increases in the consumer price index.

114 (4) State agencies shall provide an analysis of every new  
115 form, procedure, or mandate required of a provider of human  
116 services related to mental health, substance abuse, child  
117 welfare, or juvenile justice under a contract for the  
118 outsourcing of such human services that were not in effect when  
119 the contract was originally entered into. The analysis shall  
120 identify the cost to the provider of any such new requirements  
121 and must be transmitted to the provider before any new form,  
122 procedure, or mandate may be used or implemented. The analysis  
123 shall also include a fiscal impact statement from the provider  
124 with respect to each new form, procedure, or mandate required or  
125 imposed.

126 (5) State agencies shall be required to accept all  
127 mandated reports and invoices from service providers  
128 electronically and shall establish a procedure that allows for  
129 posting of all core documents in secure electronic storage. If a  
130 service provider utilizes secure electronic storage, the state  
131 agency shall have access to such secure electronic storage for  
132 monitoring core documents.

133 (6) Any contractor aggrieved by the refusal or failure of  
134 a governmental unit to negotiate a contract amendment to remedy  
135 a material adverse financial impact of a new governmental

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136 mandate pursuant to this section constitutes an agency action  
137 for the purposes of the Administrative Procedure Act.

138 (7) By December 30 annually, each agency that contracts  
139 for the provision of human services shall prepare a  
140 comprehensive list of all contract requirements, mandated  
141 reports, outcome measures, and other requirements of a provider.  
142 The list shall include citations to reference sources for the  
143 mandate, such as laws, rules, or policies. The list shall be  
144 submitted to the Governor, the President of the Senate, and the  
145 Speaker of the House of Representatives.

146 Section 2. Paragraph (c) is added to subsection (6) of  
147 section 216.136, Florida Statutes, to read:

148 216.136 Consensus estimating conferences; duties and  
149 principals.—

150 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.—

151 (c) The Social Services Estimating Conference shall be  
152 convened annually for the purpose of developing information  
153 related to mental health, substance abuse, child welfare, and  
154 juvenile justice services needs. The information developed by  
155 the conference shall include, but not be limited to, enrollment,  
156 caseloads, utilization, and expenditures and must be reflective  
157 of population growth and economic trends.

158 Section 3. This act shall take effect upon becoming a law.