

By Senator Bogdanoff

25-00376-11

2011374

1                   A bill to be entitled  
2           An act relating to health and human services  
3           contracts; establishing the Health and Human Services  
4           Contract Resource Center to be administratively housed  
5           in the Department of Management Services; providing  
6           the center's duties; establishing a board of trustees  
7           composed of certain agency heads; providing for an  
8           executive director appointed by the Governor;  
9           providing for implementation by a certain date;  
10          amending s. 287.057, F.S.; exempting services provided  
11          by an eligible lead community-based provider from  
12          being subject to the state competitive bidding  
13          process; providing an effective date.  
14

15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Health and Human Services Contract Resource  
18 Center.—The Health and Human Services Contract Resource Center  
19 is created and housed for administrative purposes only in the  
20 Department of Management Services. The Legislature intends that  
21 the center serve as a single, consolidated unit for the  
22 administrative and fiscal contract management of health and  
23 human services outsourced by the Department of Children and  
24 Family Services, the Department of Elderly Affairs, the  
25 Department of Health, the Agency for Persons with Disabilities,  
26 the Department of Juvenile Justice, and the Agency for Health  
27 Care Administration.

28           (1) CENTER DUTIES.—The center shall:

29           (a) Serve as the lead state agency for all administrative

25-00376-11

2011374\_\_

30 and fiscal matters related to health and human services  
31 contracts.

32 (b) Provide administrative and fiscal monitoring activities  
33 in coordination with the agency responsible for the program  
34 components related to the services provided by the health and  
35 human services contract.

36 (c) Establish administrative and fiscal performance  
37 standards for vendors providing health and human services. The  
38 standards shall be used in contract monitoring and as part of  
39 each agency's evaluation of competitive bids for health and  
40 human services.

41 (d) Develop uniform policies, contract administrative  
42 requirements, and monitoring protocols related to the  
43 administrative and fiscal requirements of vendors providing  
44 health and human services.

45 (e) Establish or arrange for the establishment of a  
46 consolidated data warehouse and archive to maintain the  
47 corporate, fiscal, and administrative records of health and  
48 human services vendors. The center shall ensure that this data  
49 is up to date and accessible to other agencies, participating  
50 vendors, and the general public through web-based technology.  
51 The records may include, but need not be limited to:

- 52 1. Articles of incorporation.
- 53 2. Bylaws.
- 54 3. Governing board and committee meeting minutes.
- 55 4. Financial audits.
- 56 5. Organizational charts.

57 (f) Manage the administrative and fiscal data in a manner  
58 that allows contract information to be aggregated and assessed

25-00376-11

2011374

59 to determine the amount, value, and achievement of  
60 administrative standards by vendor, by agency, and by type of  
61 service.

62 (g) Establish a consolidated schedule for site visits to  
63 monitor and evaluate the administrative and fiscal compliance of  
64 vendors providing health and human services. The center shall  
65 facilitate joint site visits with agency programmatic staff  
66 whenever possible.

67 (h) Create an enterprise that allows nonstate agencies to  
68 purchase center services. Eligible buyers include, but are not  
69 limited to, local governments, nongovernmental organizations,  
70 and vendors that have contracts for health and human services  
71 with other local service agencies or organizations.

72 (2) BOARD OF TRUSTEES.—

73 (a) The center shall be governed by a board of trustees  
74 consisting of the agency heads, or designees, of the Department  
75 of Children and Family Services, the Department of Health, the  
76 Department of Elderly Affairs, the Agency for Persons with  
77 Disabilities, the Department of Juvenile Justice, and the Agency  
78 for Health Care Administration. The chair of the board shall be  
79 appointed by the Governor from the participating agency heads.

80 (b) The board shall approve an annual work program and  
81 business plan, review and approve center policies, and establish  
82 a mechanism for receiving and evaluating feedback from health  
83 and human services vendors.

84 (3) EXECUTIVE DIRECTOR.—The Governor shall appoint an  
85 executive director of the center. The executive director must  
86 have a graduate degree from an accredited institution and at  
87 least 7 years of executive-level experience.

25-00376-11

2011374

88       (4) IMPLEMENTATION.—The activities of the center shall be  
89 phased in beginning with children's services contracts of the  
90 Department of Children and Family Services and the Department of  
91 Health. Other agency contracts shall be incorporated into the  
92 center's management protocols in accordance with a schedule  
93 developed by the board of trustees and approved by the  
94 Legislative Budget Commission. However, the phasing in of all  
95 agency contracts must be completed by June 30, 2011.

96       Section 2. Paragraph (f) of subsection (3) of section  
97 287.057, Florida Statutes, is amended to read:

98       287.057 Procurement of commodities or contractual  
99 services.—

100       (3) When the purchase price of commodities or contractual  
101 services exceeds the threshold amount provided in s. 287.017 for  
102 CATEGORY TWO, no purchase of commodities or contractual services  
103 may be made without receiving competitive sealed bids,  
104 competitive sealed proposals, or competitive sealed replies  
105 unless:

106       (f) The purchase is for any of the following contractual  
107 services and commodities ~~are not subject to the competitive-~~  
108 ~~solicitation requirements of this section:~~

109       1. Artistic services. For the purposes of this subsection,  
110 the term "artistic services" does not include advertising or  
111 typesetting. As used in this subparagraph, the term  
112 "advertising" means the making of a representation in any form  
113 in connection with a trade, business, craft, or profession in  
114 order to promote the supply of commodities or services by the  
115 person promoting the commodities or contractual services.

116       2. Academic program reviews if the fee for such services

25-00376-11

2011374

117 does not exceed \$50,000.

118 3. Lectures by individuals.

119 4. Legal services, including attorney, paralegal, expert  
120 witness, appraisal, or mediator services.

121 5.~~a~~. Health services involving examination, diagnosis,  
122 treatment, prevention, medical consultation, or administration.

123 ~~b~~. Beginning January 1, 2011, health services, also  
124 includes including, but is not limited to, substance abuse and  
125 mental health services, involving examination, diagnosis,  
126 treatment, prevention, or medical consultation, if ~~when~~ such  
127 services are offered to eligible individuals participating in a  
128 specific program that qualifies multiple providers and uses a  
129 standard payment methodology. Reimbursement for the ~~of~~  
130 administrative costs of ~~for~~ providers of services purchased in  
131 this manner are ~~shall~~ also ~~be~~ exempt. For purposes of this  
132 subparagraph ~~sub-subparagraph~~, the term "providers" means health  
133 professionals, health facilities, or organizations that deliver  
134 or arrange for the delivery of health services.

135 6. Services provided to persons with mental or physical  
136 disabilities by not-for-profit corporations which have obtained  
137 exemptions under ~~the provisions of~~ s. 501(c)(3) of the United  
138 States Internal Revenue Code or ~~when~~ such services are governed  
139 by ~~the provisions of~~ Office of Management and Budget Circular A-  
140 122. However, in acquiring such services, the agency shall  
141 consider the ability of the vendor, past performance,  
142 willingness to meet time requirements, and price.

143 7. Medicaid services delivered to an eligible Medicaid  
144 recipient unless the agency is directed otherwise by ~~in~~ law.

145 8. Family placement services.

25-00376-11

2011374\_\_

146       9. Services provided by an eligible lead community-based  
147 provider as described in s. 409.1671(1)(e) currently under  
148 contract with the Department of Children and Family Services and  
149 in compliance with the department's performance, fiscal, and  
150 administrative standards.

151       ~~10.9.~~ Prevention services related to mental health,  
152 including drug abuse prevention programs, child abuse prevention  
153 programs, and shelters for runaways, operated by not-for-profit  
154 corporations. However, in acquiring such services, the agency  
155 must ~~shall~~ consider the ability of the vendor, past performance,  
156 willingness to meet time requirements, and price.

157       ~~11.10.~~ Training and education services provided to injured  
158 employees pursuant to s. 440.491(6).

159       ~~12.11.~~ Contracts entered into pursuant to s. 337.11.

160       ~~13.12.~~ Services or commodities provided by governmental  
161 agencies.

162       Section 3. This act shall take effect July 1, 2011.