

By the Committee on Governmental Oversight and Accountability;  
and Senator Bogdanoff

585-03914-11

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1                                   A bill to be entitled  
2           An act relating to health and human services  
3           contracts; amending s. 287.0575, F.S.; creating the  
4           Health and Human Services Contract Resource Council  
5           within the Department of Management Services;  
6           requiring the department to provide administrative  
7           support; providing meeting times and duties of the  
8           council; providing membership of the council;  
9           establishing the duties of several state agencies,  
10          including the Department of Juvenile Justice and the  
11          Agency for Health Care Administration with regard to  
12          contracts for health and human services; revising the  
13          deadline dates for state agencies to notify their  
14          contract service providers and for contract service  
15          providers to provide their contract managers a list of  
16          their health and human service contracts; requiring  
17          the Health and Human Service Contract Resource Council  
18          to designate a lead administrative coordinator for  
19          each contract service provider; conforming provisions  
20          to changes made by the act; revising the  
21          responsibilities of the designated lead administrative  
22          coordinator; requiring each agency contracting for  
23          health and human services to submit an annual report  
24          to the council; requiring the council to provide an  
25          executive summary of the reports to the Governor and  
26          the Legislature; requiring the council to make  
27          recommendations to the Legislature regarding  
28          legislation or rulemaking authority that would promote  
29          interdepartmental collaboration and program

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30 integration; amending s. 287.057, F.S.; exempting  
31 services provided by an eligible lead community-based  
32 provider from being subject to the state competitive  
33 bidding process; providing an effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Section 287.0575, Florida Statutes, is amended  
38 to read:

39 287.0575 Coordination of contracted services.—

40 (1) There is created the Health and Human Services Contract  
41 Resource Council, which is a coordinating council as defined in  
42 s. 20.03.

43 (a) The council shall ensure that the public policy of this  
44 state relating to the administrative and fiscal contract  
45 management of health and human services is developed to promote  
46 interdepartmental collaboration and program administration in  
47 order that contracts and services are planned, managed, and  
48 delivered in an integrated manner.

49 (b) The council is created in the Department of Management  
50 Services, which shall provide administrative support and service  
51 to the council.

52 (c) The council shall meet for its organizational session  
53 no later than August 1, 2011. The council shall select a chair  
54 from its members. Thereafter, the council shall meet at least  
55 six times each year in order to:

56 1. Develop and implement a shared and cohesive vision on  
57 how to deliver integrated services to eliminate administrative  
58 duplication and improve outcomes in this state.

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59       2. Align, coordinate, and consolidate administrative and  
60 fiscal performance standards into model consolidated standards  
61 for vendors that provide health and human services. The model  
62 consolidated standards shall be used by the agencies in  
63 subsection (2) in monitoring contracts and as part of each  
64 agency's evaluation of competitive bids for health and human  
65 services.

66       3. Review, align, coordinate, consolidate, and recommend  
67 uniform administrative rules and policies so that administrative  
68 requirements and goals for the contracts are aligned to the  
69 greatest extent possible and not in conflict.

70       4. Review the monitoring protocols related to the  
71 administrative and fiscal requirements of vendors that provide  
72 health and human services to ensure that the protocols are in  
73 compliance with this section.

74       5. Design and implement actions that promote collaboration,  
75 creativity, increased efficiency, information sharing, and  
76 improved service delivery between and within state agencies and  
77 organizations that provide services. In particular, the efforts  
78 shall include the long-range planning process mandated by s.  
79 216.013.

80       6. Make recommendations for the establishment of a  
81 consolidated data warehouse and archive to maintain the  
82 corporate, fiscal, and administrative records of vendors that  
83 provide health and human services. The council shall include  
84 recommendations to ensure that the administrative and fiscal  
85 data are up-to-date and accessible to other agencies,  
86 participating vendors, and the general public through web-based  
87 technology, and managed in a manner that allows contract

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88 information to be aggregated and assessed to determine the  
89 amount, value, and achievement of administrative standards by  
90 vendor, by agency, and by type of service.

91 7. Identify to the greatest extent possible, existing and  
92 potential private and nonstate moneys and resources for  
93 improving contracting efficiencies, including, but not limited  
94 to, federal grant funds, other nonstate grant funds, gifts,  
95 donations, foundation and organization grants, and any other  
96 form of private funding opportunities, including public-private  
97 partnerships.

98 8. Engage in other activities that will improve  
99 collaboration of agencies in order to create, manage, and  
100 promote coordinated policies, programs, and service delivery  
101 systems.

102 9. Designate the lead state agency for all administrative  
103 and fiscal matters related to contracts for health and human  
104 services.

105 (2) The council shall select a chair from among its  
106 members. The council shall consist of seven members:

107 (a) The Secretary of Children and Family Services or his or  
108 her designee;

109 (b) The Secretary of Juvenile Justice or his or her  
110 designee;

111 (c) The director of the Agency for Persons with  
112 Disabilities or his or her designee;

113 (d) The State Surgeon General or his or her designee;

114 (e) The Secretary of Health Care Administration or his or  
115 her designee;

116 (f) The Secretary of Elderly Affairs or his or her

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117 designee; and

118 (g) The executive director of the Department of Veterans'  
119 Affairs or his or her designee.

120 (3) The following duties and responsibilities of the  
121 Department of Children and Family Services, the Agency for  
122 Persons with Disabilities, the Department of Health, the  
123 Department of Juvenile Justice, the Agency for Health Care  
124 Administration, the Department of Elderly Affairs, and the  
125 Department of Veterans' Affairs, and service providers under  
126 contract to those agencies, are established:

127 (a)~~(1)~~ No later than August 1, 2011 ~~2010~~, or upon entering  
128 into any new contract for health and human services, state  
129 agencies contracting for health and human services must notify  
130 their contract service providers of the requirements of this  
131 section.

132 (b)~~(2)~~ No later than October 1, 2011 ~~2010~~, contract service  
133 providers that have more than one contract with one or more  
134 state agencies to provide health and human services must provide  
135 to each of their contract managers a comprehensive list of their  
136 health and human services contracts. The list must include the  
137 following information:

138 1.~~(a)~~ The name of each contracting state agency and the  
139 applicable office or program issuing the contract.

140 2.~~(b)~~ The identifying name and number of each contract.

141 3.~~(c)~~ The starting and ending date of each contract.

142 4.~~(d)~~ The amount of each contract.

143 5.~~(e)~~ A brief description of the purpose of the contract  
144 and the types of services provided under each contract.

145 6.~~(f)~~ The name and contact information of the contract

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146 manager.

147 (c)~~(3)~~ With respect to contracts entered into on or after  
148 August 1, 2011 ~~2010~~, effective November 1, 2011 ~~2010~~, or 30 days  
149 after receiving the list provided under paragraph (b) ~~subsection~~  
150 ~~(2)~~, a single lead administrative coordinator for each contract  
151 service provider shall be designated by the Health and Human  
152 Services Contract Resource Council as provided in this  
153 subsection from among the agencies having multiple contracts as  
154 provided in paragraph (b) ~~subsection (2)~~. On or before the date  
155 such responsibilities are assumed, the designated lead  
156 administrative coordinator shall provide notice of his or her  
157 designation to the contract service provider and to the agency  
158 contract managers for each affected contract. Unless another  
159 lead administrative coordinator is selected by the Health and  
160 Human Services Contract Resource Council ~~agreement of all~~  
161 ~~affected contract managers~~, the designated lead administrative  
162 coordinator shall be the agency contract manager of the contract  
163 with the highest dollar value over the term of the contract,  
164 provided the term of the contract remaining at the time of  
165 designation exceeds 24 months. If the remaining terms of all  
166 contracts are 24 months or less, the designated lead  
167 administrative coordinator shall be the contract manager of the  
168 contract with the latest end date. A designated lead  
169 administrative coordinator, or his or her successor as contract  
170 manager, shall continue as lead administrative coordinator until  
171 another lead administrative coordinator is selected by the  
172 Health and Human Services Contract Resource Council ~~agreement of~~  
173 ~~all affected contract managers~~ or until the end date of the  
174 contract for which the designated lead administrative

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175 coordinator serves as contract manager, at which time a new lead  
176 administrative coordinator shall be designated pursuant to this  
177 subsection, if applicable.

178 (d)~~(4)~~ The designated lead administrative coordinator shall  
179 be responsible for:

180 1.~~(a)~~ Establishing a coordinated schedule for  
181 administrative and fiscal monitoring;

182 2.~~(b)~~ Coordinating and consulting with other case managers  
183 to establish a single unified set of required administrative and  
184 fiscal documentation;

185 3.~~(c)~~ Coordinating and consulting with other case managers  
186 to establish a single unified schedule for periodic updates of  
187 administrative and fiscal information; and

188 4.~~(d)~~ Maintaining an accessible electronic file of up-to-  
189 date administrative and fiscal documents, including, but not  
190 limited to, corporate documents, membership records, audits, and  
191 monitoring reports.

192 (e)~~(5)~~ Contract managers for agency contracts other than  
193 the designated lead administrative coordinator must conduct  
194 administrative and fiscal monitoring activities in accordance  
195 with the coordinated schedule and must obtain any necessary  
196 administrative and fiscal documents from the designated lead  
197 administrative coordinator's electronic file.

198 (f)~~(6)~~ This section does not apply to routine program  
199 performance monitoring or prohibit a contracting agency from  
200 directly and immediately contacting the service provider when  
201 the health or safety of clients is at risk.

202 (g)~~(7)~~ Each agency contracting for health and human  
203 services shall annually evaluate the performance of its

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204 designated lead administrative coordinator in establishing  
205 coordinated systems, improving efficiency, and reducing  
206 redundant monitoring activities for state agencies and their  
207 service providers. The annual report shall be submitted to the  
208 Health and Human Services Contract Resource Council. The Health  
209 and Human Services Contract Resource Council shall provide an  
210 executive summary of the reports to the Governor, the President  
211 of the Senate, and the Speaker of the House of Representatives.  
212 In addition to an executive summary, the council shall make  
213 recommendations to the President of the Senate and the Speaker  
214 of the House of Representatives for legislation or rulemaking  
215 authority that would promote interdepartmental collaboration and  
216 program integration.

217 Section 2. Paragraph (f) of subsection (3) of section  
218 287.057, Florida Statutes, is amended to read:

219 287.057 Procurement of commodities or contractual  
220 services.—

221 (3) When the purchase price of commodities or contractual  
222 services exceeds the threshold amount provided in s. 287.017 for  
223 CATEGORY TWO, no purchase of commodities or contractual services  
224 may be made without receiving competitive sealed bids,  
225 competitive sealed proposals, or competitive sealed replies  
226 unless:

227 (f) The purchase is for any of the following contractual  
228 services and commodities ~~are not subject to the competitive~~  
229 ~~solicitation requirements of this section:~~

230 1. Artistic services. For the purposes of this subsection,  
231 the term "artistic services" does not include advertising or  
232 typesetting. As used in this subparagraph, the term



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233 "advertising" means the making of a representation in any form  
234 in connection with a trade, business, craft, or profession in  
235 order to promote the supply of commodities or services by the  
236 person promoting the commodities or contractual services.

237 2. Academic program reviews if the fee for such services  
238 does not exceed \$50,000.

239 3. Lectures by individuals.

240 4. Legal services, including attorney, paralegal, expert  
241 witness, appraisal, or mediator services.

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

244 ~~b~~. Beginning January 1, 2011, health services, also  
245 includes including, but is not limited to, substance abuse and  
246 mental health services, involving examination, diagnosis,  
247 treatment, prevention, or medical consultation, if when such  
248 services are offered to eligible individuals participating in a  
249 specific program that qualifies multiple providers and uses a  
250 standard payment methodology. Reimbursement for the of  
251 administrative costs of for providers of services purchased in  
252 this manner are shall also ~~be~~ exempt. For purposes of this  
253 subparagraph sub-subparagraph, the term "providers" means health  
254 professionals, health facilities, or organizations that deliver  
255 or arrange for the delivery of health services.

256 6. Services provided to persons with mental or physical  
257 disabilities by not-for-profit corporations which have obtained  
258 exemptions under ~~the provisions of~~ s. 501(c)(3) of the United  
259 States Internal Revenue Code or ~~when~~ such services ~~are~~ governed  
260 by ~~the provisions of~~ Office of Management and Budget Circular A-  
261 122. However, in acquiring such services, the agency shall

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262 consider the ability of the vendor, past performance,  
263 willingness to meet time requirements, and price.

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

266 8. Family placement services.

267 9. Services provided by an eligible lead community-based  
268 provider as described in s. 409.1671(1)(e) currently under  
269 contract with the Department of Children and Family Services and  
270 in compliance with the department's performance, fiscal, and  
271 administrative standards.

272 ~~10.9.~~ Prevention services related to mental health,  
273 including drug abuse prevention programs, child abuse prevention  
274 programs, and shelters for runaways, operated by not-for-profit  
275 corporations. However, in acquiring such services, the agency  
276 must ~~shall~~ consider the ability of the vendor, past performance,  
277 willingness to meet time requirements, and price.

278 ~~11.10.~~ Training and education services provided to injured  
279 employees pursuant to s. 440.491(6).

280 ~~12.11.~~ Contracts entered into pursuant to s. 337.11.

281 ~~13.12.~~ Services or commodities provided by governmental  
282 agencies.

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