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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2021	.	
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Appropriations Subcommittee on Health and Human Services (Bean)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 358 - 957

and insert:

Section 5. Paragraph (m) is added to subsection (3) of  
section 394.9082, Florida Statutes, to read:

394.9082 Behavioral health managing entities.—

(3) DEPARTMENT DUTIES.—The department shall:

(m) Collect and post all of the following information on  
its website, updated annually, for each managing entity under



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11 contract with the department:

12 1. Current salaries, bonuses, and other compensation paid,  
13 by position, for any employee who receives a salary from state-  
14 appropriated funds, including state-appropriated federal funds,  
15 whether base pay or base pay combined with any bonus or  
16 incentive payments, in excess of 150 percent of the annual  
17 salary paid to the secretary of the Department of Children and  
18 Families. For purposes of this subparagraph, the term "employee"  
19 includes, but is not limited to, the chief executive officer,  
20 chief financial officer, and chief operating officer, or any  
21 other executive staff of the managing entity.

22 2. All findings of the comprehensive, multi-year review of  
23 the revenues, expenditures, and financial position of all  
24 managing entities, which shall cover the most recent two  
25 consecutive fiscal years. The review must include a  
26 comprehensive system-of-care analysis and provide expenditure  
27 information related to direct care, administration, and indirect  
28 costs. All contracted entities must develop and maintain a plan  
29 to achieve financial viability which shall accompany the  
30 department's submission. The findings from this review shall be  
31 submitted to the Governor, the President of the Senate, and the  
32 Speaker of the House of Representatives by November 1, of each  
33 year in addition to being posted on the department's internet  
34 website.

35 Section 6. Section 394.90825, Florida Statutes, is created  
36 to read:

37 394.90825 Boards of managing entities; conflicts of  
38 interest.—

39 (1) As used in this section, the term:



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40 (a) "Activity" includes, but is not limited to, a contract  
41 for goods and services, a contract for the purchase of any real  
42 or tangible property, or an agreement to engage with the  
43 managing entity for the benefit of a third party in exchange for  
44 an interest in real or tangible property, a monetary benefit, or  
45 an in-kind contribution.

46 (b) "Conflict of interest" means when a board member or an  
47 officer, or a relative of a board member or an officer, of the  
48 managing entity does any of the following:

49 1. Enters into a contract or other transaction for goods or  
50 services with the managing entity.

51 2. Holds a direct or indirect interest in a corporation,  
52 limited liability corporation, partnership, limited liability  
53 partnership, or other business entity that conducts business  
54 with the managing entity or proposes to enter into a contract or  
55 other transaction with the managing entity. For purposes of this  
56 paragraph, "indirect interest" has the same meaning as provided  
57 in s. 112.312.

58 3. Knowingly obtains a direct or indirect personal,  
59 financial, professional, or other benefit as a result of the  
60 relationship of such member or officer, or relative of the  
61 member or officer, with the managing entity. For purposes of  
62 this paragraph, the term "benefit" does not include per diem and  
63 travel expenses paid or reimbursed to board members in  
64 connection with their service on the board.

65 (c) "Managing entity" has the same meaning as in s.  
66 394.9082.

67 (d) "Relative" means a relative within the third degree of  
68 consanguinity by blood or marriage.



69       (2) (a) For any activity that is presented to the board of a  
70 managing entity for its initial consideration and approval after  
71 July 1, 2021, or any activity that involves a contract that is  
72 being considered for renewal on or after July 1, 2021, and  
73 before January 1, 2022, a board member or an officer of a  
74 managing entity shall disclose to the board any activity that  
75 may reasonably be construed to be a conflict of interest before  
76 such activity is initially considered and approved or renewed by  
77 the board. A rebuttable presumption of a conflict of interest  
78 exists if the activity was acted upon by the board without prior  
79 notice as required under subsection (3).

80       (b) For contracts with a managing entity which are in  
81 existence on July 1, 2021, and are not subject to renewal before  
82 January 1, 2022, a board member or an officer shall disclose to  
83 the board any activity that may reasonably be construed to be a  
84 conflict of interest under this section by December 31, 2021.

85       (3) (a) If a board member or an officer, or a relative of a  
86 member or an officer, proposes to engage in an activity as  
87 described in (2) (a), the proposed activity must be listed on the  
88 meeting agenda for the next general or special meeting of the  
89 members, and copies of all contracts and transactional documents  
90 related to the proposed activity must be included in the agenda.  
91 The meeting agenda must clearly identify the existence of a  
92 potential conflict of interest for the proposed activity. Before  
93 a member or an officer, or a relative of a member or an officer,  
94 engages in the proposed activity, the activity and contract or  
95 other transaction documents must be approved by an affirmative  
96 vote of two-thirds of all other members present.

97       (b) If a member or an officer notifies the board of a



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98 potential conflict of interest with the member or officer, or a  
99 relative of the member or officer, under an existing contract as  
100 described in paragraph (2)(b), the board must notice the  
101 activity on a meeting agenda for the next general or special  
102 meeting of the members, and copies of all contracts and  
103 transactional documents related to the activity must be  
104 attached. The meeting agenda must clearly identify the existence  
105 of a potential conflict of interest. The board must be given the  
106 opportunity to approve or disapprove the conflict of interest by  
107 a vote of two-thirds of all other members present.

108 (4)(a) If the board votes against the proposed activity  
109 pursuant to paragraph (3)(a), the board member or officer, or  
110 the relative of the member or officer, must notify the board in  
111 writing of his or her intention, or his or her relative's  
112 intention, not to pursue the proposed activity, or the member or  
113 officer shall withdraw from office before the next scheduled  
114 board meeting. If the board finds that an officer or a member  
115 has violated this paragraph, the officer or member shall be  
116 deemed removed from office before the next scheduled board  
117 meeting.

118 (b) In the event that the board does not approve of a  
119 conflict of interest as required in paragraph (3)(b), the  
120 parties to the activity may opt to cancel the activity or, in  
121 the alternative, the member or officer must resign from the  
122 board before the next scheduled board meeting. If the activity  
123 canceled is a contract, the managing entity is only liable for  
124 the reasonable value of the goods and services provided up to  
125 the time of cancellation and is not liable for any termination  
126 fee, liquidated damages, or other form of penalty for such



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127 cancellation.

128 (5) A board member or an officer, or a relative of a member  
129 or an officer, who is a party to, or has an interest in, an  
130 activity that is a possible conflict of interest may attend the  
131 meeting at which the activity is considered by the board and is  
132 authorized to make a presentation to the board regarding the  
133 activity. After the presentation, the member or officer, or the  
134 relative of the member or officer, shall leave the meeting  
135 during the discussion of, and the vote on, the activity. A  
136 member or an officer who is a party to, or has an interest in,  
137 the activity shall recuse himself or herself from the vote.

138 (6) A contract entered into between a board member or an  
139 officer, or a relative of a member or an officer, and the  
140 managing entity which has not been properly disclosed as a  
141 conflict of interest or potential conflict of interest under  
142 this section is voidable and terminates upon the filing of a  
143 written notice terminating the contract with the board of  
144 directors which contains the consent of at least 20 percent of  
145 the voting interests of the managing entity.

146 Section 7. Section 409.987, Florida Statutes, is amended to  
147 read:

148 409.987 Lead agency procurement; boards; conflicts of  
149 interest.—

150 (1) Community-based care lead agencies shall be procured by  
151 the department through a competitive process as required under  
152 chapter 287.

153 (2) The department shall produce a schedule for the  
154 procurement of community-based care lead agencies and provide  
155 the schedule to the community alliances established pursuant to



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156 s. 20.19(5) and post the schedule on the department's website.

157 (3) Notwithstanding s. 287.057, the department shall use 5-  
158 year contracts with lead agencies.

159 (4) In order to serve as a lead agency, an entity must:

160 (a) Be organized as a Florida corporation or a governmental  
161 entity.

162 (b) Be governed by a board of directors or a board  
163 committee composed of board members. The membership of the board  
164 of directors or board committee must be described in the bylaws  
165 or articles of incorporation of each lead agency, which must  
166 provide that at least 75 percent of the membership of the board  
167 of directors or board committee must consist of persons residing  
168 in this state, and at least 51 percent of the state residents on  
169 the board of directors must reside within the service area of  
170 the lead agency. However, for procurements of lead agency  
171 contracts initiated on or after July 1, 2014:

172 1. At least 75 percent of the membership of the board of  
173 directors must consist of persons residing in this state, and at  
174 least 51 percent of the membership of the board of directors  
175 must consist of persons residing within the service area of the  
176 lead agency. If a board committee governs the lead agency, 100  
177 percent of its membership must consist of persons residing  
178 within the service area of the lead agency.

179 2. The powers of the board of directors or board committee  
180 include, but are not limited to, approving the lead agency's  
181 budget and setting the lead agency's operational policy and  
182 procedures. A board of directors must additionally have the  
183 power to hire the lead agency's executive director, unless a  
184 board committee governs the lead agency, in which case the board



185 committee must have the power to confirm the selection of the  
186 lead agency's executive director.

187 (c) Demonstrate financial responsibility through an  
188 organized plan for regular fiscal audits and the posting of a  
189 performance bond.

190 (5) The department's procurement team procuring any lead  
191 agencies' contracts must include individuals from the community  
192 alliance in the area to be served under the contract. All  
193 meetings at which vendors make presentations to or negotiate  
194 with the procurement team shall be held in the area to be served  
195 by the contract.

196 (6) In communities where conditions make it impossible or  
197 not feasible to competitively contract with a lead agency, the  
198 department shall develop an alternative plan, in collaboration  
199 with the local community alliance, that may include establishing  
200 an innovative consortia of partners which may include, but is  
201 not limited to, private entities, local and county governmental  
202 entities, and the department. The plan must detail how the  
203 community will continue to implement community-based care  
204 through competitively procuring either the specific components  
205 of foster care and related services or comprehensive services  
206 for defined eligible populations of children and families from  
207 qualified licensed agencies as part of the community's efforts  
208 to develop the local capacity for a community-based system of  
209 coordinated care. The plan must ensure local control over the  
210 management and administration of the service provision in  
211 accordance with the intent of this section and may adhere to  
212 recognized best business practices, including, but not limited  
213 to, the use of public or private partnerships.





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214       (7) (a) As used in this subsection, the term:  
215       1. "Activity" includes, but is not limited to, a contract  
216 for goods and services, a contract for the purchase of any real  
217 or tangible property, or an agreement to engage with the lead  
218 agency for the benefit of a third party in exchange for an  
219 interest in real or tangible property, a monetary benefit, or an  
220 in-kind contribution.  
221       2. "Conflict of interest" means when a board member or an  
222 officer, or a relative of a member or an officer, of the lead  
223 agency does any of the following:  
224       a. Enters into a contract or other transaction for goods or  
225 services with the lead agency.  
226       b. Holds a direct or indirect interest in a corporation,  
227 limited liability corporation, partnership, limited liability  
228 partnership, or other business entity that conducts business  
229 with the lead agency or proposes to enter into a contract or  
230 other transaction with the lead agency. For purposes of this  
231 subparagraph, "indirect interest" has the same meaning as  
232 provided in s. 112.312.  
233       c. Knowingly obtains a direct or indirect personal,  
234 financial, professional, or other benefit as a result of the  
235 relationship of such member or officer, or relative of the  
236 member or officer, with the lead agency. For purposes of this  
237 subparagraph, the term "benefits" does not include per diem and  
238 travel expenses paid or reimbursed to board members in  
239 connection with their service on the board.  
240       3. "Relative" means a relative within the third degree of  
241 consanguinity by blood or marriage.  
242       (b)1. For any activity that is presented to the board for



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243 its initial consideration and approval on or after July 1, 2021,  
244 or any activity that involves a contract which is being  
245 considered for renewal on or after July 1, 2021, and before  
246 January 1, 2022, a board member or an officer of a lead agency  
247 must disclose to the board any activity that may reasonably be  
248 construed to be a conflict of interest before such activity is  
249 initially considered and approved or renewed by the board. A  
250 rebuttable presumption of a conflict of interest exists if the  
251 activity was acted upon by the board without prior notice, as  
252 required in paragraph (c).

253 2. For contracts with a lead agency which are in existence  
254 on July 1, 2021, and are not subject to renewal before January  
255 1, 2022, a board member or officer shall disclose to the board  
256 any activity that may reasonably be construed to be a conflict  
257 of interest under this section by December 31, 2021.

258 (c)1. If a member or an officer, or a relative of a member  
259 or an officer, proposes to engage in an activity that is covered  
260 by subparagraph (b)1., the proposed activity must be listed on  
261 the meeting agenda for the next general or special meeting of  
262 the members, and copies of all contracts and transactional  
263 documents related to the proposed activity must be included in  
264 the agenda. The meeting agenda must clearly identify the  
265 existence of a potential conflict of interest for the proposed  
266 activity. Before a member or an officer, or a relative of a  
267 member or an officer, engages in the proposed activity, the  
268 activity and contract or other transaction documents must be  
269 approved by an affirmative vote of two-thirds of all other  
270 members present.

271 2. If a member or an officer notifies the board of a



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272 potential conflict of interest with the member or officer, or a  
273 relative of the member or officer, under an existing contract as  
274 described in subparagraph (b)2., the board must notice the  
275 activity on a meeting agenda for the next general or special  
276 meeting of the members, and copies of all contracts and  
277 transactional documents related to the activity must be  
278 attached. The meeting agenda must clearly identify the existence  
279 of a potential conflict of interest. The board must be given the  
280 opportunity to approve or disapprove of the conflict of interest  
281 by a vote of two-thirds of all other members present.

282 (d)1. If the board votes against the proposed activity  
283 pursuant to subparagraph (c)1., the member or officer, or the  
284 relative of the member or officer, must notify the board in  
285 writing of his or her intention, or his or her relative's  
286 intention, not to pursue the proposed activity, or the member or  
287 officer shall withdraw from office before the next scheduled  
288 board meeting. If the board finds that an officer or a member  
289 has violated this subparagraph, the officer or member shall be  
290 deemed removed from office before the next scheduled board  
291 meeting.

292 2. In the event that the board does not approve of a  
293 conflict as required in subparagraph (c)2., the parties to the  
294 activity may opt to cancel the activity or, in the alternative,  
295 the member or officer must resign from the board before the next  
296 scheduled board meeting. If the activity canceled is a contract,  
297 the lead agency is only liable for the reasonable value of the  
298 goods and services provided up to the time of cancellation and  
299 is not liable for any termination fee, liquidated damages, or  
300 other form of penalty for such cancellation.



301       (e) A member or an officer, or a relative of a member or an  
302 officer, who is a party to, or has an interest in, an activity  
303 that is a possible conflict of interest may attend the meeting  
304 at which the activity is considered by the board and is  
305 authorized to make a presentation to the board regarding the  
306 activity. After the presentation, the member or officer, or the  
307 relative of the member or officer, must leave the meeting during  
308 the discussion of, and the vote on, the activity. A member or an  
309 officer who is a party to, or has an interest in, the activity  
310 must recuse himself or herself from the vote.

311       (f) A contract entered into between a member or an officer,  
312 or a relative of a member or an officer, and the lead agency  
313 which has not been properly disclosed as a conflict of interest  
314 or potential conflict of interest under this subsection is  
315 voidable and terminates upon the filing of a written notice  
316 terminating the contract with the board of directors which  
317 contains the consent of at least 20 percent of the voting  
318 interests of the lead agency.

319       Section 8. Subsection (1) of section 409.988, Florida  
320 Statutes, is amended to read:

321       409.988 Lead agency duties; general provisions.—

322       (1) DUTIES.—A lead agency:

323       (a) Shall serve all children referred as a result of a  
324 report of abuse, neglect, or abandonment to the department's  
325 central abuse hotline, including, but not limited to, children  
326 who are the subject of verified reports and children who are not  
327 the subject of verified reports but who are at moderate to  
328 extremely high risk of abuse, neglect, or abandonment, as  
329 determined using the department's risk assessment instrument,



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330 regardless of the level of funding allocated to the lead agency  
331 by the state if all related funding is transferred. The lead  
332 agency may also serve children who have not been the subject of  
333 reports of abuse, neglect, or abandonment, but who are at risk  
334 of abuse, neglect, or abandonment, to prevent their entry into  
335 the child protection and child welfare system.

336 (b) Shall provide accurate and timely information necessary  
337 for oversight by the department pursuant to the child welfare  
338 results-oriented accountability system required by s. 409.997.

339 (c) Shall follow the financial guidelines developed by the  
340 department and provide for a regular independent auditing of its  
341 financial activities. Such financial information shall be  
342 provided to the community alliance established under s.  
343 20.19(5).

344 ~~(d) Shall post on its website the current budget for the~~  
345 ~~lead agency, including the salaries, bonuses, and other~~  
346 ~~compensation paid, by position, for the agency's chief executive~~  
347 ~~officer, chief financial officer, and chief operating officer,~~  
348 ~~or their equivalents.~~

349 ~~(e)~~ Shall prepare all judicial reviews, case plans, and  
350 other reports necessary for court hearings for dependent  
351 children, except those related to the investigation of a  
352 referral from the department's child abuse hotline, and shall  
353 submit these documents timely to the department's attorneys for  
354 review, any necessary revision, and filing with the court. The  
355 lead agency shall make the necessary staff available to  
356 department attorneys for preparation for dependency proceedings,  
357 and shall provide testimony and other evidence required for  
358 dependency court proceedings in coordination with the



359 department's attorneys. This duty does not include the  
360 preparation of legal pleadings or other legal documents, which  
361 remain the responsibility of the department.

362 (e)~~(f)~~ Shall ensure that all individuals providing care for  
363 dependent children receive:

364 1. Appropriate training and meet the minimum employment  
365 standards established by the department. Appropriate training  
366 shall include, but is not limited to, training on the  
367 recognition of and responses to head trauma and brain injury in  
368 a child under 6 years of age developed by the Child Protection  
369 Team Program within the Department of Health.

370 2. Contact information for the local mobile response team  
371 established under s. 394.495.

372 (f)~~(g)~~ Shall maintain eligibility to receive all available  
373 federal child welfare funds.

374 (g) Shall demonstrate the ability to adhere to all best  
375 child welfare practices pursuant to ss. 39.4087, 39.523,  
376 409.1415, and 409.145.

377 (h) Shall maintain written agreements with Healthy Families  
378 Florida lead entities in its service area pursuant to s. 409.153  
379 to promote cooperative planning for the provision of prevention  
380 and intervention services.

381 (i) Shall comply with federal and state statutory  
382 requirements and agency rules in the provision of contractual  
383 services.

384 (j) May subcontract for the provision of services required  
385 by the contract with the lead agency and the department;  
386 however, the subcontracts must specify how the provider will  
387 contribute to the lead agency meeting the performance standards



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388 established pursuant to the child welfare results-oriented  
389 accountability system required by s. 409.997. The lead agency  
390 shall directly provide no more than 35 percent of all child  
391 welfare services provided unless it can demonstrate a need,  
392 within the lead agency's geographic service area, to exceed this  
393 threshold. The local community alliance in the geographic  
394 service area in which the lead agency is seeking to exceed the  
395 threshold shall review the lead agency's justification for need  
396 and recommend to the department whether the department should  
397 approve or deny the lead agency's request for an exemption from  
398 the services threshold. If there is not a community alliance  
399 operating in the geographic service area in which the lead  
400 agency is seeking to exceed the threshold, such review and  
401 recommendation shall be made by representatives of local  
402 stakeholders, including at least one representative from each of  
403 the following:

- 404 1. The department.
- 405 2. The county government.
- 406 3. The school district.
- 407 4. The county United Way.
- 408 5. The county sheriff's office.
- 409 6. The circuit court corresponding to the county.
- 410 7. The county children's board, if one exists.

411 (k) Shall post on its website by the 15th day of each month  
412 at a minimum the information contained in subparagraphs 1.-4.  
413 for the preceding calendar month regarding its case management  
414 services. The following information shall be reported by each  
415 individual subcontracted case management provider, by the lead  
416 agency, if the lead agency provides case management services,



417 and in total for all case management services subcontracted or  
418 directly provided by the lead agency:

419 1. The average caseload of case managers, including only  
420 filled positions;

421 2. The turnover rate for case managers and case management  
422 supervisors for the previous 12 months;

423 3. The percentage of required home visits completed; and

424 4. Performance on outcome measures required pursuant to s.  
425 409.997 for the previous 12 months.

426 (1) Shall identify an employee to serve as a liaison with  
427 the community alliance and community-based and faith-based  
428 organizations interested in collaborating with the lead agency  
429 or offering services or other assistance on a volunteer basis to  
430 the children and families served by the lead agency. The lead  
431 agency shall ensure that appropriate lead agency staff and  
432 subcontractors, including, but not limited to, case managers,  
433 are informed of the specific services or assistance available  
434 from community-based and faith-based organizations.

435 Section 9. Present subsections (3) through (25) of section  
436 409.996, Florida Statutes, are redesignated as subsections (4)  
437 through (26), respectively, a new subsection (3) is added to  
438 that section, and subsections (1) and (2) and paragraph (d) of  
439 present subsection (25) are amended, to read:

440 409.996 Duties of the Department of Children and Families.—  
441 The department shall contract for the delivery, administration,  
442 or management of care for children in the child protection and  
443 child welfare system. In doing so, the department retains  
444 responsibility for the quality of contracted services and  
445 programs and shall ensure that, at a minimum, services are





446 delivered in accordance with applicable federal and state  
447 statutes and regulations and the performance standards and  
448 metrics specified in the strategic plan created under s.  
449 20.19(1).

450 (1) The department shall enter into contracts with lead  
451 agencies for the performance of the duties by the lead agencies  
452 established in s. 409.988. At a minimum, the contracts must do  
453 all of the following:

454 (a) Provide for the services needed to accomplish the  
455 duties established in s. 409.988. and

456 (b) Provide information to the department which specifies  
457 how the lead agency will adhere to all best child welfare  
458 practices pursuant to ss. 39.4087, 39.523, 409.1415, and  
459 409.145.

460 (c) Provide information to the department which is  
461 necessary to meet the requirements for a quality assurance  
462 program under subsection (20) ~~(19)~~ and the child welfare  
463 results-oriented accountability system under s. 409.997.

464 (d) ~~(b)~~ Provide for tiered interventions and graduated  
465 penalties for failure to comply with contract terms or in the  
466 event of performance deficiencies. Such interventions and  
467 penalties shall include, but are not limited to:

468 1. Enhanced monitoring and reporting.

469 2. Corrective action plans.

470 3. Requirements to accept technical assistance and  
471 consultation from the department under subsection (5) ~~(4)~~.

472 4. Financial penalties, which shall require a lead agency  
473 to reallocate funds from administrative costs to direct care for  
474 children.



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475           5. Early termination of contracts, as provided in s.  
476 402.1705(3) (f).

477           (e)~~(e)~~ Ensure that the lead agency shall furnish current  
478 and accurate information on its activities in all cases in  
479 client case records in the state's statewide automated child  
480 welfare information system.

481           (f)~~(d)~~ Specify the procedures to be used by the parties to  
482 resolve differences in interpreting the contract or to resolve  
483 disputes as to the adequacy of the parties' compliance with  
484 their respective obligations under the contract.

485           (2) The department must adopt written policies and  
486 procedures for monitoring the contract for delivery of services  
487 by lead agencies which must be posted on the department's  
488 website. These policies and procedures must, at a minimum,  
489 address the evaluation of fiscal accountability and program  
490 operations, including provider achievement of performance  
491 standards, provider monitoring of subcontractors, and timely  
492 follow-up ~~followup~~ of corrective actions for significant  
493 monitoring findings related to providers and subcontractors.  
494 These policies and procedures must also include provisions for  
495 reducing the duplication of the department's program monitoring  
496 activities both internally and with other agencies, to the  
497 extent possible. The department's written procedures must ensure  
498 that the written findings, conclusions, and recommendations from  
499 monitoring the contract for services of lead agencies are  
500 communicated to the director of the provider agency and the  
501 community alliance as expeditiously as possible.

502           (3) The department shall collect and post on its website,  
503 and annually update, all of the following information for each



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504 lead agency under contract with the department:

505 (a) Current salaries, bonuses, and other compensation paid,  
506 by position, for any employee who receives a salary from state-  
507 appropriated funds, including state-appropriated federal funds,  
508 whether base pay or base pay combined with any bonus or  
509 incentive payments, in excess of 150 percent of the annual  
510 salary paid to the secretary of the Department of Children and  
511 Families. For purposes of this paragraph, the term "employee"  
512 includes, but is not limited to, the chief executive officer,  
513 chief financial officer, and chief operating officer, or any  
514 other executive staff of the community-based care lead agency.

515 (b) All findings of the comprehensive, multi-year review of  
516 the revenues, expenditures, and financial position of all lead  
517 agencies, which shall cover the most recent two consecutive  
518 fiscal years. The review must include a comprehensive system-of-  
519 care analysis and provide expenditure information related to  
520 direct care, administration, and indirect costs. All contracted  
521 agencies must develop and maintain a plan to achieve financial  
522 viability which shall accompany the department's submission. The  
523 findings from this review shall be submitted to the Governor,  
524 the President of the Senate, and the Speaker of the House of  
525 Representatives by November 1, of each year in addition to being  
526 posted on the department's internet website.

527 ===== T I T L E A M E N D M E N T =====

528 And the title is amended as follows:

529 Delete lines 32 - 72

530 and insert:

531 the department; creating s. 394.90825, F.S.; defining  
532 terms; requiring a board member or an officer of a



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533 managing entity to disclose specified activity that  
534 may reasonably be construed as a conflict of interest;  
535 creating a rebuttable presumption of a conflict of  
536 interest if the activity was acted upon by the board  
537 without prior notice; establishing a process for the  
538 managing entity's board of directors to address the  
539 activity under certain timelines; providing for  
540 certain consequences for failure to obtain a board's  
541 approval or failure to properly disclose a contract as  
542 a conflict of interest; amending s. 409.987, F.S.;  
543 requiring the department to develop an alternative  
544 plan to contracting with a lead agency in a community  
545 under certain circumstances; providing requirements  
546 for the alternative plan; defining terms; requiring a  
547 board member or an officer of a lead agency to  
548 disclose activity that may reasonably be construed as  
549 a conflict of interest; creating a rebuttable  
550 presumption of a conflict of interest if the activity  
551 was acted upon by the board without prior notice;  
552 establishing a process for the lead agency's board of  
553 directors to address the activity under certain  
554 timelines; providing for certain consequences for  
555 failure to obtain a board's approval or failure to  
556 properly disclose a contract as a conflict of  
557 interest; amending s. 409.988, F.S.; deleting a  
558 requirement that lead agencies post their current  
559 budgets on their websites; requiring a lead agency to  
560 demonstrate the ability to adhere to all best child  
561 welfare practices; amending s. 409.996,