



418884

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
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The Appropriations Committee on Health and Human Services
(Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 172 - 399

and insert:

not disclosed to the department. Civil penalties must be
paid by the board and not from any state or federal funds.

2. If a contract is executed for which a conflict of
interest was not disclosed to the department before execution of
the contract, the following penalties apply:

a. A civil penalty in the amount of \$50,000 for a first



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11 offense.

12 b. A civil penalty in the amount of \$100,000 for a second
13 or subsequent offense.

14 3. The civil penalties for failure to disclose a conflict
15 of interest under subparagraphs 1. and 2. apply to any contract
16 entered into, regardless of the method of procurement,
17 including, but not limited to, formal procurement, single-source
18 contracts, and contracts that do not meet the minimum threshold
19 for formal procurement.

20 4. A contract procured for which a conflict of interest was
21 not disclosed to the department before execution of the contract
22 must be reprocured.

23 5. The department may, at its sole discretion, prohibit
24 execution of a contract for which a conflict of interest exists,
25 or will exist after execution.

26 Section 2. Paragraphs (c), (i), (j), (k), and (l) of
27 subsection (1) of section 409.988, Florida Statutes, are amended
28 to read:

29 409.988 Community-based care lead agency duties; general
30 provisions.—

31 (1) DUTIES.—A lead agency:

32 (c) Shall follow the financial guidelines developed by the
33 department and shall comply with regular, independent auditing
34 of its financial activities, including any requests for records
35 associated with such financial audits within the timeframe
36 established by the department or its contracted vendors ~~provide~~
37 for a regular independent auditing of its financial activities.
38 The results of the financial audit must ~~Such financial~~
39 ~~information shall~~ be provided to the community alliance



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40 established under s. 20.19(5).

41 (i) Shall comply with federal and state statutory
42 requirements and agency rules in the provision of contractual
43 services. Any subcontract in excess of \$250,000 must comply with
44 the competitive procurement process.

45 (j) May subcontract for the provision of services,
46 excluding management and oversight functions, required by the
47 contract with the lead agency and the department; however, the
48 subcontracts must specify how the provider will contribute to
49 the lead agency meeting the performance standards established
50 pursuant to the child welfare results-oriented accountability
51 system required by s. 409.997. The contract with the department
52 must detail the administrative functions and services the lead
53 agency is allowed to subcontract. The lead agency shall directly
54 provide no more than 35 percent of all child welfare services
55 provided unless it can demonstrate a need, within the lead
56 agency's geographic service area where there is a lack of viable
57 providers available to perform the necessary services. The
58 approval period to exceed the threshold is limited to 2 years.
59 During this 2-year period, the lead agency must submit quarterly
60 reports to the department and the community alliance showing its
61 efforts to recruit providers to the geographic service area. The
62 lead agency must reprocure for these services before the end of
63 the 2-year period, to exceed this threshold. The local community
64 alliance in the geographic service area in which the lead agency
65 is seeking to exceed the threshold shall review the lead
66 agency's justification for need and recommend to the department
67 whether the department should approve or deny the lead agency's
68 request for an exemption from the services threshold. If there



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69 is not a community alliance operating in the geographic service
70 area in which the lead agency is seeking to exceed the
71 threshold, such review and approval or denial of the lead
72 agency's request for an exemption from the services threshold
73 must recommendation shall be made by the department. ~~by~~
74 ~~representatives of local stakeholders, including at least one~~
75 ~~representative from each of the following:~~

- 76 ~~1. The department.~~
- 77 ~~2. The county government.~~
- 78 ~~3. The school district.~~
- 79 ~~4. The county United Way.~~
- 80 ~~5. The county sheriff's office.~~
- 81 ~~6. The circuit court corresponding to the county.~~
- 82 ~~7. The county children's board, if one exists.~~

83 (k) Shall publish on its website by the 15th day of each
84 month at a minimum the data specified in subparagraphs 1.-9. ~~1.-~~
85 ~~5.~~, calculated using a standard methodology determined by the
86 department, for the preceding calendar month regarding its case
87 management services. The following information must ~~shall~~ be
88 reported by each individual subcontracted case management
89 provider, by the lead agency, if the lead agency provides case
90 management services, and in total for all case management
91 services subcontracted or directly provided by the lead agency:

- 92 1. The average caseload of case managers, including only
93 filled positions;
- 94 2. The total number and percentage of case managers who
95 have 25 or more cases on their caseloads;
- 96 3. The turnover rate for case managers and case management
97 supervisors for the previous 12 months;



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98 4. The percentage of required home visits completed; ~~and~~
99 5. Performance on outcome measures required pursuant to s.
100 409.997 for the previous 12 months;~~;~~

101 6. The number of unlicensed placements for the previous
102 month;

103 7. The percentage and trends for foster parent and group
104 home recruitment and licensure for the previous month;

105 8. The percentage of families being served through family
106 support, in-home, and out-of-home services for the previous
107 month; and

108 9. The percentage of cases that converted from nonjudicial
109 to judicial for the previous month.

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

111 And the title is amended as follows:

112 Delete lines 20 - 28

113 and insert:

114 community-based care lead agency duties;