



**Conference Committee on Health &  
Human Services Appropriations/  
Human Services**

**Proviso  
Implementing Bill  
Conforming Bill**

**Meeting Packet**

**Date: May 1, 2009**

**Time: 8:30 a.m.**

**Location: 110 Senate Office Building**

# HUMAN SERVICES / HEALTH AND HUMAN SERVICES

## SIDE-BY-SIDE PROVISIO

SB 2600 IE	HOUSE BILLS (5001, 5101)	COMMENTS
AGENCY/PERSONS WITH DISABL		
03 67100100 100179		
G/A-INDIVIDUAL & FAMILY		
<p>Funds in Specific Appropriation ***** expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.</p>	<p>Funds from Specific Appropriation ***** expended for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.</p>	
03 67100100 101555		
HOME/COMM SERVICES WAIVER		
<p>Funds from Specific Appropriation ***** shall not be used for administrative costs.</p>	<p>Funds from Specific Appropriation ***** shall not be used for administrative costs.</p>	
<p>Funds in Specific Appropriation ***** for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.</p>	<p>Funds in Specific Appropriation ***** for developmental training programs shall require a 12.5 percent match from local sources. In-kind match is acceptable provided there is no reduction in the number of persons served or level of services provided.</p>	
<p>From the funds in Specific Appropriation ***** the Agency may expand enrollment in the Consumer Directed Care Plus Program by up to 2,500 individuals. Any savings generated from this expansion may be used to serve clients on the waiting list.</p>	<p>From the funds in Specific Appropriation ***** \$6,188,440 nonrecurring funds from the Social Services Block Grant Trust Fund and \$12,935,293 in nonrecurring funds from the Operations and Maintenance Trust Fund are provided to continue services in the Home and Community Based Services Waiver. Release of these funds is contingent upon the agency submitting a spending plan to the Legislative Budget Commission for approval.</p>	
<p>Funds in Specific Appropriation ***** reflect a reduction of \$970,800 from the General Revenue Fund and \$2,029,200 from the Operations and Maintenance Trust Fund as a result of eliminating behavior assistance services in standard and behavior focus group homes, effective October 1, 2009.</p>	<p>From the funds in Specific Appropriation ***** the agency may expand enrollment in the Consumer Directed Care Plus Program up to 2,500 individuals. Any savings generated from this expansion may be used to serve clients on the waiting list.</p>	
<p>Funds in Specific Appropriation ***** reflect a reduction of \$108,670 from the General Revenue Fund and \$227,146 from the Operations and Maintenance Trust Fund as a result of eliminating behavioral therapy, assessment services, effective October 1, 2009.</p>	<p>Funds in Specific Appropriation ***** reflect a reduction of \$970,800 from the General Revenue Fund and \$2,029,200 from the Operations and Maintenance Trust Fund as a result of eliminating behavior assistance services in standard and behavior focus group homes, effective October 1, 2009.</p>	
<p>Funds in Specific Appropriation ***** reflect a reduction of \$97,691 from the General Revenue Fund and \$204,210 from the Operations and Maintenance Trust Fund as a result of eliminating medication reviews, effective October 1, 2009.</p>	<p>Funds in Specific Appropriation ***** reflect a reduction of \$108,670 from the General Revenue Fund and \$227,146 from the Operations and Maintenance Trust Fund as a result of eliminating behavioral therapy, assessment services, effective October 1, 2009.</p>	
<p>Funds in Specific Appropriation ***** reflect a reduction of \$301,629 from the General Revenue Fund and \$630,468 from the Operations and Maintenance Trust Fund as a result of consolidating durable and consumable medical supplies purchasing, effective January 1, 2010.</p>	<p>Funds in Specific Appropriation ***** reflect a reduction of \$97,691 from the General Revenue Fund and \$204,210 from the Operations and Maintenance Trust Fund as a result of eliminating medication reviews, effective October 1, 2009.</p>	
<p>From the funds in Specific Appropriation ***** \$6,188,440 in non-recurring funds from the Social Services Block Grant Trust Fund, and \$12,935,292 in non-recurring funds from the Operations and Maintenance Trust Fund are provided to continue providing services in the Home and Community Based Services Waiver. Release of these funds is contingent upon the Legislative Budget Commission approval of the agency's spending plan.</p>	<p>Funds in Specific Appropriation ***** reflect a reduction of \$301,629 from the General Revenue Fund and \$630,468 from the Operations and Maintenance Trust Fund as a result of consolidating durable and consumable medical supplies purchasing, effective January 1, 2010.</p>	
<p>Contingent on receiving required federal approvals, the Agency for Health Care Administration and the Agency for Person with Disabilities</p>	<p>Contingent on receiving required federal approvals, the Agency for Health Care Administration and the Agency for Person with Disabilities</p>	

# HUMAN SERVICES / HEALTH AND HUMAN SERVICES

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SB 2600 1E	HOUSE BILLS (5001, 5101)	COMMENTS
<p>Health Care Administration and the agency may add a flexible benefit service to each home and community-based service to each home and community-based service administered by the agency. This service shall be self-directed and provide the individual with meaningful day activities and support within the home. If an individual chooses to receive the flexible benefit service, the individual's total projected FY 2009-10 expenditures for adult day training, companion services, respite care, supported employment, and in-home support services. An individual may not be authorized to receive simultaneously the flexible benefit service and any of the following services: adult day training, companion services, respite care, supported employment, supported living coaching, or in-home support services. The flexible benefit service may allow training for the individual or the person authorized to make decisions on behalf of the individual to ensure successful self-direction of flexible benefit services.</p>	<p>may add a flexible benefit service to each home and community-based services waiver administered by the agency. This service shall be self-directed and provide the individual with meaningful day activities and support within the home. If an individual chooses to receive the flexible benefit service, the fiscal year 2009-2010 amount of the service may not exceed 92 percent of the individual's total projected FY 2009-2010 expenditures for adult day training, companion services, respite care, supported employment, supported living coaching, or in-home support services. An individual may not be authorized to receive simultaneously the flexible benefit service and any of the following services: adult day training, companion services, respite care, supported employment, supported living coaching, or in-home support services. The flexible benefit service may allow training for the individual or the person authorized to make decisions on behalf of the individual to ensure successful self-direction of flexible benefit services.</p>	
<p>03 67100200 210022 NORTHWOOD SRC (NSRC)</p>	<p>From the funds in Specific Appropriation *****, the agency in consultation with the Agency for Health Care Administration shall develop a plan to establish individual budgets for individuals enrolled in the home and community-based services waivers. The plan shall provide for the following: an equitable distribution of available resources among individuals based on an assessment process that includes client characteristics and a valid formal assessment instrument; client choice of services and providers once the individual budget is determined; an formula necessary to predict resource needs and establish individual budgets; a recommended role for providers and support coordinators during the assessment process to avoid any potential conflicts of interest; a proposed schedule for implementation; and any suggested statutory revisions necessary to implement individual budgets. The agency shall consider input from stakeholder groups, including self-advocates, family members, service providers, waiver support coordinators, and advocacy organizations in developing the plan. The plan shall be delivered to the Governor, the Chair of the Senate Policy and Steering Committee on Ways and Means, and the Chair of the House Full Appropriations Council on General Government &amp; Health Care no later than February 1, 2010.</p>	
<p>03 67100360 606000 DEV DISAB PUBLIC FACIL</p>	<p>From funds in Specific Appropriation *****, the Agency for Persons with Disabilities shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC) and a plan to the Northwood Shared Resource Center (NSRC) providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC and NSRC respectively, pursuant to section 17, Chapter 2008-116, Laws of Florida. These plans shall also be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government &amp; Health Care.</p>	

# HUMAN SERVICES / HEALTH AND HUMAN SERVICES

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SB 2600 1E

HOUSE BILLS (5001, 5101)

COMMENTS

The Agency for Persons with Disabilities shall purchase pharmaceuticals through the Minnesota Multistate Contracting Alliance for Pharmacy (MNCAP) thereby enabling the agency to obtain pharmaceuticals at reduced prices. Additionally, the Department of Health and the agency shall determine the feasibility of consolidating drug repackaging services under the Department of Health's central pharmacy.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate and submit a report to the Legislature by June 30, 2009, containing recommendations for the statewide consolidation of pharmaceutical repackaging services, including an evaluation of the value to the State of Florida of all potential credits, rebates, and cost avoidance that may be realized through repackaging for the Department of Corrections (DOC), the Department of Juvenile Justice (DJJ), the Agency for Persons with Disabilities (APD), the Department of Children & Families (DCF), and the Department of Health (DOH). OPPAGA shall also include in their report an analysis of verifiable annual utilization rates for the dispensing of pharmaceuticals for fiscal years 2005 - 2009 by each of the five agencies that would participate in a consolidated repackaging services program, and the approximate daily output capabilities that would be required to meet the projected average daily utilization rate, as adjusted for future growth projections over the next three years for the five agencies. The OPPAGA report shall include an assessment of the projected capitalized cost of leases and equipment, and the fully burdened labor rate, projected for projected daily utilization requirements for statewide consolidated repackaging services, and, if applicable, any cost avoidance and/or credits that would apply or not apply, as well as any federal regulatory requirements, including any inspection and certification requirements by the Food and Drug Administration.

Additionally, OPPAGA shall evaluate and submit a report to the Legislature by September 30, 2009, containing its recommendations concerning options for implementing a statewide consolidated program for purchasing pharmaceuticals under an adopted formulary to be used by DJJ, APD, DCF, and DOH, and the feasibility of Florida obtaining discounts below both Wholesale Acquisition Cost (WAC) and the Minnesota Multistate Contracting Alliance for Pharmacy (MNCAP) prices for the pharmaceuticals listed on the adopted formulary, including the availability and regulatory prerequisites for obtaining 340B pricing under the Federal Medicare Program.

Based on the OPPAGA recommendations, the Agency for Persons with Disabilities shall purchase pharmaceuticals at prices no greater than those available under the (MNCAP), thereby enabling the agency to obtain pharmaceuticals at reduced prices that are the most cost-effective for Florida. Additionally, the Department of Health and APD shall study the feasibility of consolidating drug repackaging services through the Department of Health's central pharmacy and compare that with the cost and benefits of contracting out for such services to a private, FDA-licensed pharmaceutical repackager, with preference given to vendors with Florida-based manufacturing operations that will promote the creation and maintenance of jobs in Florida.

From funds in Specific Appropriation 11, the Department of Children and Family Services is directed to establish and chair a workgroup made up of representatives designated by the Department of Enterprise, the Northwood Shared Resource Center (NSRC), and the Agency for Enterprise Information Technology. The workgroup is recommended to plan for an modifications in operation, overall cost, and delivery of services that

CHILDREN & FAMILY SERVICES  
03 60900202 010000  
SALARIES AND BENEFITS

# HUMAN SERVICES / HEALTH AND HUMAN SERVICES

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HOUSE BILLS (5001, 5101)	COMMENTS
SB 2600 1E	will impact the Florida On-line Recipient Integrated Data Access (FLORIDA) System as a result of the production implementation of the Department of Revenue's Child Support Automated Management System. The plan shall minimally address system needs over the next three state fiscal years and include current and projected staffing requirements, current and projected maintenance and other system capacity requirements, current and projected costs of operation, including any one-time transition costs, and any changes in technology that are determined to be necessary. The plan shall be submitted to the Governor, the chair of the House Full Appropriations Council, the General Government & Health Care, and the chair of the Senate Policy and Steering Committee on Ways and Means no later than February 28, 2010.
03 60900202 103241 RISK MANAGEMENT INSURANCE	From funds in Specific Appropriation 283 through *****, the Department of Children and Family Services shall submit a plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC) and a plan to the Northwood Shared Resource Center (NSRC) providing for the efficient transfer of all data center service resources allocated to data center functions within the department to the SSRC and NSRC respectively, pursuant to section 17, Chapter 2008-116, Laws of Florida. The plans shall be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care.
03 60900212 103241 RISK MANAGEMENT INSURANCE	The Northwood Shared Resource Center (NSRC) shall notify and coordinate with customer agencies, provide a standard format for submitting data, and facilitate the efforts of those customer agencies who are required to develop transition plans, relating to the transfer of agency data center service resources to the primary data center, for submittal to the NSRC on October 1, 2009, pursuant to section 17, Chapter 2008-116, Laws of Florida. Not later than November 15, 2009, the NSRC shall submit a transition plan for absorbing the transfer of customer agency data center resources to the Shared Resource Center by July 1, 2010. The plan shall include FY 2010-2011 legislative budget request adjustments submitted from each customer agency as well as budget adjustments required by the NSRC to accomplish the efficient transfer of the data center service resources, pursuant to section 17, Chapter 2008-116, Laws of Florida. The plan shall describe and make recommendations relating to issues which must be resolved to accomplish the transfer. The plan shall be provided to the Agency for Enterprise Information Technology, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care.
	The Department of Juvenile Justice and the Department of Business and Professional Regulation shall each have one trustee with one vote on the Northwood Shared Resource Center Board to facilitate planned data center consolidations.

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SB 2600 1E	HOUSE BILLS (5001, 5101)	COMMENTS
03 60910310 100782 G/A-SHERIFFS PI GRANTS		
The funds in Specific Appropriation ***** shall be used by the Department of Children and Family Services to award grants to the Sheriffs of Manatee, Pasco, Pinellas, Broward, Seminole, Hillsborough and Citrus counties to conduct child protective investigations as mandated in section 39.3065 Florida Statutes. The appropriation shall be allocated as follows:	The funds in Specific Appropriation ***** shall be used by the Department of Children and Family Services to award grants to the Sheriffs of Manatee, Pasco, Pinellas, Broward, Seminole, Hillsborough and Citrus counties to conduct child protective investigations as mandated in section 39.3065, Florida Statutes.	
Manatee County Sheriff 3,410,732	The sheriffs receiving grants from the funds appropriated in Specific Appropriation ***** shall submit detailed expenditure reports to the Department of Children and Family Services for the fiscal year ending June 30, 2009, by July 31, 2009. The Department of Children and Family Services shall assemble the information reported by the sheriffs and submit the collection of reports to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the Full Appropriations Council on General Government & Health Care by September 1, 2009.	
Pasco County Sheriff 3,947,463		
Pinellas County Sheriff 10,040,024		
Broward County Sheriff 12,565,623		
Hillsborough County Sheriff 3,323,114		
Seminole County Sheriff 3,323,114		
Citrus County Sheriff 1,852,903		
The sheriffs receiving grants from the funds appropriated in Specific Appropriation ***** shall submit detailed expenditure reports to the Department of Children and Family Services for the fiscal year ending June 30, 2009, by July 31, 2009. The Department of Children and Family Services shall assemble the information reported by the sheriffs and submit the collection of reports to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care by September 1, 2009.		
03 60810310 100995 G/A-DOMESTIC VIOLENCE PRG		
From the funds provided in Specific Appropriation ***** \$3,486,326 from the Federal Grants Trust Fund is provided for the Domestic Violence Program from increased federal funds available from the Violence Against Women Act authorized by the American Recovery and Reinvestment Act of 2009.		
03 60910310 101555 HOME/COMM SERVICES WAIVER		
	Funds in Specific Appropriation ***** have been adjusted by \$1,578,497 to reflect federal funds expected from the American Recovery and Reinvestment Act of 2009, which is contingent on changes to the Federal Medical Assistance Percentage (FMAP).	
03 60910310 104072 G/A-FAMILY FOSTER CARE		
The department shall transfer \$4,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds.	The department shall transfer \$4,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds.	
03 60910310 108304 G/A - COMMUNITY BASED CARE		
From the funds available in Specific Appropriation ***** \$55,000,000		

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SB 2600 1E	HOUSE BILLS (5001, 5101)	COMMENTS
from the Federal Grants Trust Fund is provided from discretionary federal funds authorized by the American Recovery and Reinvestment Act of 2009 to offset a projected shortfall in the Tobacco Settlement Trust Fund.		
From the funds available in Specific Appropriation *****, \$6,295,267 from the Federal Grants Trust Fund is provided for the Foster Care Waiver Program from federal funds available from Title IV-E Foster Care funds authorized by the American Recovery and Reinvestment Act of 2009.		Funds in Specific Appropriation ***** have been adjusted by \$3,658,181 to reflect federal funds expected from the American Recovery and Reinvestment Act of 2009 related to Title IV-E Foster Care and Adoption Assistance.
From the funds available in Specific Appropriation *****, \$7,410,531 from the Federal Grants Trust Fund is provided for Maintenance Adoption Subsidies from additional federal funds available from Title IV-E Adoption Assistance authorized by the American Recovery and Reinvestment Act of 2009.		
	03 60910506 010000 SALARIES AND BENEFITS	
		From the funds in Specific Appropriations 316, 317, 318, 319, 320, 325, 331, 336, and 337, the Agency for Health Care Administration on behalf of the department, shall issue an Invitation to Negotiate (ITN), or a Request for Proposal (RFP) for the provision of treatment and all other operations of the Northeast Florida State Hospital in Macclenny, Florida. The department may respond to the ITN or RFP. The Agency for Health Care Administration shall evaluate all responses and select the successful respondent. To be considered a qualified respondent, a minimum General Revenue savings of \$2,004,608 and a minimum trust fund savings of \$1,336,404 for Fiscal Year 2009-2010 based on a January 1, 2010 implementation must be guaranteed, as well as a minimum annual General Revenue savings of \$4,009,216 and a minimum annual trust fund savings of \$2,612,808. The selected respondent will begin operating the facility by January 1, 2010 either under contract if the selected respondent is a private provider, or through the implementation of a revised operational plan consistent with the ITN or RFP if the selected respondent is the department. Funds in Specific Appropriations 316, 317, 318, 319, 320, 325, 331, 336, and 337 reflect a reduction of \$2,004,608 in the General Revenue fund and \$1,336,404 in trust funds associated with the implementation of this proviso.
		In the event a private provider is awarded a contract, the contract shall require the provider to continue care for all existing patients and accept new patients demonstrating traumatic brain injuries and complex medical needs without additional appropriation. The contract shall also provide that the hospital shall remain in Macclenny, Florida.
		Current Northeast Florida State Hospital employees who are affected by the outsourcing, in the event a private provider is awarded a contract, shall be given first preference for continued employment by the contractor. The department shall make all reasonable efforts to find suitable job placements for employees who wish to remain within the state personnel system.
		The selected vendor who is awarded the management and operation of Northeast Florida State Hospital assumes the entire debt service for the



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SB 2600 1E	contracted infrastructure energy savings program.
03 60910506 100610 G/A-COMM MENTAL HLTH SVS	From the funds available in Specific Appropriation *****, \$4,662,443 from the Federal Grants Trust Fund is provided from discretionary federal funds authorized by the American Recovery and Reinvestment Act of 2009 to offset a projected shortfall in the Tobacco Settlement Trust Fund.
03 60910506 102780 G/A-PTS EMO DIS CHI/YOUTH	The department shall transfer \$15,863,504 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children in Statewide Inpatient Psychiatric Program (SIPP) and Residential Group Care beds. The remaining funds shall be used to provide residential services to non-Medicaid eligible children.
03 60910708 000000 ECONOMIC SELF SUFFICIENCY	From the funds available in Specific Appropriations 348, 349, 350, and 361, \$10,140,000 from the Federal Grants Trust Fund is provided for Supplemental Nutrition Assistance Administration from federal funds authorized by the American Recovery and Reinvestment Act of 2009.
03 60910807100550 G/A-FED EMER SHELTER FORM	From the funds in Specific Appropriation *****, \$12,904,265 from the Federal Grants Trust Fund is provided for homeless prevention from increased Homeless Prevention federal grant funds authorized by the American Recovery and Reinvestment Act of 2009.
03 60910708 102010 G/A-LOCAL SERVICES PROGRAM	From the funds in Specific Appropriation *****, the department shall issue an invitation to negotiate or a Request for Proposal for health care services in Miami-Dade County upon the expiration of the contract with Jackson Health Systems.
03 60910708 110012 CASH ASSISTANCE	From the funds in Specific Appropriation *****, \$44,637,095 from the non-recurring funds from the Welfare Transition Trust Fund is provided



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SB 2600 1E	HOUSE BILLS (5001, 5101)	COMMENTS
<p>for the Cash Assistance Program from federal funds available from the Temporary Assistance for Needy Families (TANF) Emergency Contingency Fund authorized by the American Recovery and Reinvestment Act of 2009.</p> <p>HEALTH, DEPT OF 03 64100400 210022 NORTHWOOD SRC (NSRC)</p>	<p>funds expected from the American Recovery and Reinvestment Act of 2009.</p>	
<p>From funds in Specific Appropriation ***** from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.</p> <p>03 64200700 000000 CTY HLTH LOC HLTH NEED</p>	<p>From funds in Specific Appropriation ***** from the Federal Grants Trust Fund are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.</p>	
<p>FROM: COMMUNITY PUBLIC HLTH INFECTIOUS DISEASE CNTRL 03 64200400 050027 G/A-RYAN WHITE CONSORTIA</p>		
<p>The Department of Health, in coordination with the Agency for Health Care Administration, the Deans of Florida Medical and Osteopathic Schools with Obstetric Residency Programs, along with Certified Nurse-Midwifery Educational Programs and birth hospitals/facilities, is directed to expand the provision of prenatal delivery and postpartum care through the County Health Departments, thereby expanding the role of supervising attending physicians and residents. The Department is directed to submit a plan of action to the Governor the President of the Senate, and the Speaker of the House of Representatives by February 1, 2010.</p>	<p>The Department of Health shall develop and establish a health care collaborative action network as a 3-year pilot program in Miami-Dade County. To implement the program, the department shall in conjunction with the local health department establish and manage an alliance of federally qualified health centers, free clinics, and other health care providers in Miami-Dade County to provide primary care services to the uninsured and underserved populations without a medical home. The department shall enter into a contract for the administration of services for the alliance. The department shall establish an alliance between hospitals, federally qualified health centers, free clinics, and other health care providers in Miami-Dade County to provide primary care services free or at a discount to county residents. The department shall coordinate service delivery, eliminate duplication of services, establish an electronic record, lower costs of health services, consolidate planning, increase access to healthcare, enhance cooperation among such providers, and ensure that individuals establish a medical home. The department shall make services of the program available to residents in Miami-Dade County and provide an interface to its electronic medical records system for data exchange.</p>	

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SB 2600 1E	HOUSE BILLS (5001, 5101)	COMMENTS
03 64200700 010000 SALARIES AND BENEFITS		The annual rate of salary for the positions in Specific Appropriation ***** is 468,856,521.
03 64200700 084093 CNST/REN/EQUIP-CRU		Funds in Specific Appropriation ***** shall be allocated to the Orange County Health Department from nonrecurring county health department trust funds.
03 64200800 101015 DRUGS/VACCINES/BIOLOGICALS		Funds in Specific Appropriation ***** from the Federal Grants Trust Fund, are contingent upon sufficient state matching funds being identified to qualify for the federal Ryan White grant award. The Department of Health and the Department of Corrections shall collaborate in determining the amount of state general revenue funds expended by the Department of Corrections for AIDS-related activities and services that qualify as state matching funds for the Ryan White grant.
03 64200800 101501 JAMES & ESTHER KING BIO R		From the funds in Specific Appropriation ***** up to \$50,000 shall be used for collaborative biomedical research projects within the state's historically black colleges and universities.
03 64200800 101503 BANKHEAD/COLEY/CANCER RES		From the funds provided in Specific Appropriation ***** \$500,000 is provided to maintain the statewide Brain Tumor Registry Program at the McKnight Brain Institute.
03 64300100 100497 G/A-CMS NETWORK		Funds in Specific Appropriation ***** shall not be used to support continuing education courses or training for health professionals or staff employed by the Children's Medical Services (CMS) Network or under contract with the department. This limitation shall include but not be limited to classroom instruction, train the trainer, or web-based continuing education courses that may be considered professional development or that results in continuing education credit that may be applied towards the initial or subsequent renewal of a health professionals' license. This does not preclude the CMS Network from providing information on treatment technologies or best practices to appropriate CMS network health professionals at the following: 03 64300100 103629
03 64300100 103629 G/A-BEI SERVICES/PART C		

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SB 2600 1E	
From the funds in Specific Appropriation *****, \$1,545,968 from the General Revenue Fund is provided as the state match for Medicaid reimbursable early intervention services in Specific Appropriation 181.	From the funds in Specific Appropriation *****, \$1,544,165 from the General Revenue Fund is provided as the state match for Medicaid reimbursable early intervention services in Specific Appropriation 181.
From the funds in Specific Appropriation *****, \$11,538,560 from the Federal Grants Trust Fund is provided for Early Steps-IDEA Part C as a result of federal funding received from the American Recovery and Reinvestment Act of 2009.	Funds in Specific Appropriation ***** have been adjusted by \$11,538,560 to reflect federal funds expected from the American Recovery and Reinvestment Act of 2009 related to individuals with Disabilities Education Act Part C.
03 64400200 106036 TOBACCO PREVENTION	
From the funds in Specific Appropriation *****, \$5,000,000 of non-recurring tobacco settlement trust funds shall be used to improve the infrastructure of the county health departments to implement the Comprehensive Statewide Tobacco and Prevention Program.	
TOBACCO PREVENTION	
Funds in Specific Appropriations ***** and 549A shall be used to implement the Comprehensive Statewide Tobacco Education and Use Prevention Program in accordance with section 27, Article X of the State Constitution. The appropriation shall be allocated as follows:	Funds in Specific Appropriation ***** shall be used to implement the Comprehensive Statewide Tobacco Education and Use Prevention Program in accordance with section 27, Article X of the State Constitution. The appropriation shall be allocated as follows:
State & Community Interventions..... 10,000,000	State & Community Interventions..... 14,075,311
State & Community Interventions - AHEC..... 6,500,000	State & Community Interventions - AHEC..... 20,613,744
Health Communications Interventions..... 20,613,714	Health Communications Interventions..... 15,831,561
Cessation Interventions..... 5,951,303	Cessation Interventions..... 8,230,541
Surveillance & Evaluation..... 4,500,000	Surveillance & Evaluation..... 2,813,052
Administration & Management..... 6,184,123	Administration & Management..... 2,813,052
03 64500100 010000 SALARIES AND BENEFITS	
The annual rate of salary for the positions funded by the U.S. Trust Fund in Specific Appropriation ***** is 37,643,114.	



From the funds provided in Specific Appropriations 489, 490, 491, 494, 496, 498, and 506, \$33,679,985 in recurring General Revenue, \$327,311 in recurring Administrative Trust Funds, \$88,909,727 in recurring Federal Grants Trust Funds, \$374,157 in recurring Grants and Donations Trust Funds, and \$ 27,894,081 in recurring Planning and Evaluation Trust Funds shall be used to support Laboratory Services, Pharmacy Services and Vital Statistics and are contingent upon SB 1662 becoming law.

DOH

# *Pregnancy Support Services*

## **Proviso for FPSSP**

Of line item number \_\_\_\_, a maximum of .0025% shall be spent on contract management per direct client service provider per year; and a maximum of 2.5% shall be spent on direct services per direct client services provider per year; and a minimum of 85% of all monies spent shall be spent on overall direct client service providers.

'BACK OF BILL' SECTIONS SENATE/HOUSE

SENATE BILL 2600

HOUSE AMENDMENT TO SB 2600

Comments

	<p>HEALTH HUMAN SERVS</p> <p>SECTION 24. The sum of \$2,000,000 from unexpended funds in Specific Appropriation 658A of chapter 2008-152, Laws of Florida, provided to the Department of Health for Statewide Tobacco Prevention and Education Fixed Capital Outlay shall revert immediately and is appropriated for the 2009-2010 fiscal year to provide nicotine replacement therapy in the Tobacco Education and Use Prevention Program in the Department of Health.</p> <p><del>SECTION 25. The unexpended balance of nonrecurring general revenue funds appropriated to the Agency for Health Care Administration in chapter 2008-32, Laws of Florida, related to the Florida Health Choice Program, shall revert immediately and is appropriated for the 2008-2010 fiscal year for the purpose of the original appropriation.</del></p>	
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# Implementing TB Hosp

1 The Department of Health shall issue a Request for Proposals, as  
2 defined in s. 287.012, F.S., and shall enter into a contract no later *2602*  
3 than March 1, 2010, for a replacement facility for the A.G. Holley  
4 State Hospital and for the provision of inpatient hospital services  
5 and other operations currently provided by the A.G. Holley State  
6 Hospital.

7  
8 The Request for Proposals shall specify that responses may include  
9 proposals to design and construct a new hospital, to move the  
10 location of the hospital, or to co-locate the hospital with existing  
11 state, public or private facilities. The Request for Proposals shall  
12 specify that any proposals to construct a new hospital on the  
13 existing A.G. Holley State Hospital campus shall be limited to using  
14 no more than 15 acres of the existing campus. Proposals shall not  
15 address future uses for the existing campus, other than the portion  
16 of the campus which may be used for a replacement facility.

17  
18 The Request for Proposals shall specify that qualified respondents  
19 shall have experience in the administration of inpatient services,  
20 and shall document a plan for securing staff with expertise in the  
21 treatment of patients with active tuberculosis. Hospital operations  
22 shall not include public health functions related to tuberculosis  
23 control and prevention. Such functions shall remain the  
24 responsibility of the Department of Health. Provision of hospital  
25 services shall commence upon the availability of the replacement  
26 facility. The Request for Proposals shall require that the number of  
27 beds for the replacement facility shall be limited to the highest  
28 average census for the last five fiscal years. Qualifying responses  
29 shall provide for application for Joint Commission accreditation  
30 within 6 months of operation, and accreditation within 18 months of  
31 operation.

32  
33 The Request for Proposals shall specify that the treatment and all  
34 other hospital operations shall *not exceed \$6 million annually.* be provided within the hospital's  
35 existing operating budget. Qualifying proposals must identify one or  
36 more methods for financing the costs of relocation or new  
37 construction, which may include but are not limited to sponsoring the  
38 issuance of tax-exempt certificates of participation or other  
39 securities, or a lease-purchase agreement with the state.



1 The Department of Health shall issue a Request for Proposals, as  
2 defined in s. 287.012, F.S., and shall enter into a contract no later  
3 than March 1, 2010, for a replacement facility for the A.G. Holley  
4 State Hospital and for the provision of inpatient hospital services  
5 and other operations currently provided by the A.G. Holley State  
6 Hospital.

7  
8 The Request for Proposals shall specify that responses may include  
9 proposals to design and construct a new hospital, to move the  
10 location of the hospital, or to co-locate the hospital with existing  
11 state, public or private facilities. The Request for Proposals shall  
12 specify that any proposals to construct a new hospital on the  
13 existing A.G. Holley State Hospital campus shall be limited to using  
14 no more than 15 acres of the existing campus. Proposals shall not  
15 address future uses for the existing campus, other than the portion  
16 of the campus which may be used for a replacement facility.

17  
18 The Request for Proposals shall specify that qualified respondents  
19 shall have experience in the administration of inpatient services,  
20 and shall document a plan for securing staff with expertise in the  
21 treatment of patients with active tuberculosis. Hospital operations  
22 shall not include public health functions related to tuberculosis  
23 control and prevention. Such functions shall remain the  
24 responsibility of the Department of Health. Provision of hospital  
25 services shall commence upon the availability of the replacement  
26 facility. The Request for Proposals shall require that the number of  
27 beds for the replacement facility shall be limited to the highest  
28 average census for the last five fiscal years. Qualifying responses  
29 shall provide for application for Joint Commission accreditation  
30 within 6 months of operation, and accreditation within 18 months of  
31 operation.

32  
33 The Request for Proposals shall specify that the treatment and all  
34 other hospital operations shall be provided within the hospital's  
35 existing operating budget. Qualifying proposals must identify one or  
36 more methods for financing the costs of relocation or new  
37 construction, which may include but are not limited to sponsoring the  
38 issuance of tax-exempt certificates of participation or other  
39 securities, or a lease-purchase agreement with the state.

# HUMAN SERVICES APPROPRIATIONS

## FY 2009-2010

### Department of Health

SB 1662	HB 5107
<p><b>Section 1.</b> (s. 154.02) Authorizes an additional use for funds from the County Health Department Trust Fund; deletes a provision requiring an increase in the emergency reserve based on the Consumer Price Index.</p>	<p><b>Section 1.</b> (s. 154.02) Authorizes an additional use for funds from the County Health Department Trust Fund; deletes a provision requiring an increase in the emergency reserve based on the Consumer Price Index.</p>
<p><b>Section 2.</b> (s. 216.2625) Repeals this section of statute related to an exemption from position authorized in the General Appropriations Act.</p>	<p><b>Section 2.</b> (s. 216.2625) Repeals this section of statute related to an exemption from position authorized in the General Appropriations Act.</p>
<p><b>Section 3.</b> Effective date July 1, 2009.</p>	<p><b>Section 3.</b> Effective date July 1, 2009.</p>

Section 3. Subsection (1) of section 381.0202, Florida Statutes, is amendment to read:

381.0202 Laboratory services.—

(1) The department shall may establish and maintain, in suitable and convenient places in the state, laboratories for microbiological and chemical analyses and any other purposes it determines necessary for the protection of the public health.

Section 4. Subsection (2) of section 381.0203, Florida Statutes, is amended to read:

381.0203 Pharmacy services.—

(2) The department shall may establish and maintain a pharmacy services program, including, but not limited to:

Section 5. Section 382.003, Florida Statutes, is amended to read:

382.003 Powers and duties of the department.—

The department shall may:

(1) Establish an Office of Vital Statistics under the direction of a State Registrar for the uniform and efficient registration, compilation, storage, and preservation of all vital records in the state.

(2) Procure the complete registration of all vital records in each registration district and in the Office of Vital Statistics.

(3) Uniformly enforce the law throughout the state.

(4) Establish registration districts throughout the state, which districts may be consolidated or subdivided to facilitate registration.

(5) Appoint a local registrar of vital statistics for each registration district in the state.

(6) Investigate cases of irregularity or violation of law, and all local registrars of vital statistics shall aid the department in such investigations. When necessary, the department shall report cases of violations of any of the provisions of this chapter to the state attorney in the registration district in which the violation occurs.

(7) Approve all forms used in registering, recording, certifying, and preserving vital records, or in otherwise carrying out the purposes of this chapter, and no other forms shall be used other than those approved by the department. The department is responsible for the careful examination of the certificates received monthly from the local registrars and marriage certificates and dissolution of marriage reports received from the circuit and county courts. A certificate that is complete and satisfactory shall be accepted and given a state file number and considered a state-filed record. If any such certificates are incomplete or unsatisfactory, the department shall require further information to be supplied as may be necessary to make the record complete and satisfactory. All physicians, midwives,

informants, or funeral directors, and all other persons having knowledge of the facts, are required to supply, upon a form approved by the department or upon the original certificate, such information as they may possess regarding any vital record.

(8) Prepare and publish an annual report of vital statistics and such other reports as may be required.

(9) Appoint one or more suitable persons to act as subregistrars, who shall be authorized to receive death certificates and fetal death certificates and to issue burial permits in and for such portions of one or more districts as may be designated. A subregistrar may be removed from office by the department for neglect of or failure to perform his or her duty in accordance with this chapter.

(10) Accept, use, and produce all records, reports, and documents necessary for carrying out the provisions of this chapter, in paper or electronic form, and adopt and enforce all rules necessary for the acceptance, use, production, issuance, recording, maintenance, and processing of such records, reports, and documents, and for carrying out the provisions of ss. 382.004-382.0135 and ss. 382.016-382.019.

(11) By rule require that forms, documents, and information submitted to the department in the creation or amendment of a vital record be under oath.

## Health Care/Medical Research

SB 1664	HB 5109
<p><b>Section 1.</b> (s. 381.84) Deletes provisions limiting certain activities of the Area Health Education Network (AHEC) and the Department of Health at the end of FY 2008-09; removes AHECs from competitive procurement; increase the amount of the grant to AHECs from \$10 million to \$11 million for a smoking cessation program.</p>	<p><b>Section 1.</b> (381.922, F.S.) Reduces the annual appropriation to the James and Ester King Biomedical Research program from \$4.5 million to \$2 million.</p>
<p><b>Section 2.</b> (381.922, F.S.) Reduces the annual appropriation to the Bankhead-Coley Biomedical Research program from \$6.75 million to \$5 million.</p>	<p><b>Section 2.</b> (381.922, F.S.) Reduces the annual appropriation to the Bankhead-Coley Biomedical Research program from \$6.75 million to \$3 million.</p>
<p><b>Section 3.</b> Effective date July 1, 2009.</p>	<p><b>Section 3.</b> Effective date July 1, 2009.</p>

1664

**DRAFT CANCER RESEARCH ALLOCATION LANGUAGE  
DEUTCH VERSION of KING AND BANKHEAD-COLEY PLAN**

Section XXX. Subsections (3), (5), (12), (13), (14), and (15) of section 215.5602, Florida Statutes, as amended by section 1 of chapter 2009-5, Laws of Florida, are amended to read:

(3) There is created within the Department of Health the Biomedical Research Advisory Council.

(a) The council shall consist of 13 44 members, including: the chief executive officer of the Florida Division of the American Cancer Society, or a designee; the chief executive officer of the Greater Southeast Florida/Puerto Rico Affiliate of the American Heart Association, or a designee; ~~and the chief executive officer of the American Lung Association of Florida, or a designee;~~ the chief executive officer of Enterprise Florida, or a designee; and the chief executive officer of BioFlorida, or a designee. The remaining 8 members of the council shall be appointed as follows:

1. The Governor shall appoint four members, two members with expertise in the field of biomedical research, one member from a research university in the state, and one member representing the general population of the state.

2. The President of the Senate shall appoint two members, one member with expertise in the field of behavioral or social research and one representative from a cancer program approved by the American College of Surgeons.

3. The Speaker of the House of Representatives shall appoint two members, one member from a professional medical organization and one representative from a cancer program approved by the American College of Surgeons.

In making these appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall select primarily, but not exclusively, Floridians with biomedical and lay expertise in the general areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The appointments shall be for a

3-year term and shall reflect the diversity of the state's population. An appointed member may not serve more than two consecutive terms.

(b) The council shall adopt internal organizational procedures as necessary for its efficient organization.

(c) The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

(d) Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

(5)(a) Applications for biomedical research funding under the program may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institution affiliation, shall have equal access and opportunity to compete for the research funding.

(b) Grants and fellowships shall be awarded by the State Surgeon General, after consultation with the council, on the basis of scientific merit, as determined by an open competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.
2. Institutional research grants.
3. Predoctoral and postdoctoral research fellowships.

(c) Projects other than basic or applied research shall be funded within the parameters prescribed in this section.

(12) Beginning in fiscal year 2009-10 ~~2006-2007~~, the sum of \$25 ~~\$6~~ million is appropriated annually from recurring funds derived from the tobacco surcharge on cigarettes prescribed in s. XXX.XX and shall be directed ~~in the General Revenue Fund~~ to the Biomedical Research Trust Fund within the Department of Health for purposes of the James and Esther King Biomedical Research Program pursuant to this section.



From these funds up to ~~\$500,000~~ \$250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease.

(a) For any given year, the Biomedical Research Advisory Council may recommend a minimum of ten percent but no more than fifty percent of its allocation for the James and Esther King Biomedical Research Program for the recruitment of cancer, heart, or lung researchers and research teams to institutions in the state, for operational start-up grants for newly recruited cancer, heart, or lung researchers and research teams, for equipment expenditures related to the expansion of cancer, heart, or lung research and treatment capacity in the state, or for the construction of facilities for cancer, heart, or lung research. From these designated funds, up to ten percent of the total allocation for the James and Esther King Biomedical Research Program in any given fiscal year may be applied to an Innovation Incentive Program award for research and development pursuant to 288.1089, provided any such award would inure to the advancement of better treatments or cures for cancer, heart, or lung disease.

(b) Grantees receiving moneys for purposes other than basic or applied research shall use matching funds of at least 100 percent of the amount awarded by the Biomedical Research Advisory Council.

(c) Funds for construction awarded through the James and Esther King Biomedical Research Program may be bonded as prescribed in s. 210.201, with the approval of the Governor and a majority of the Cabinet. Any funds awarded for this purpose but not approved by the Governor and a majority of the Cabinet shall revert to the program for redistribution.

~~(13) By June 1, 2009, the Division of Statutory Revision of the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of this section, which is scheduled to expire January 1, 2011.~~

~~(14) The Legislature shall review the performance, the outcomes, and the financial management of the James and Esther King Biomedical Research Program during the 2010 Regular Session of the Legislature and shall determine the most appropriate funding source and means of funding the program based on its review.~~

~~(15) This section expires January 1, 2011, unless reviewed and reenacted by the Legislature before that date.~~

Section XXX. Section 381.922, Florida Statutes, is amended to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program.—

(1) The William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program, which may be otherwise cited as the "Bankhead-Coley Program," is created within the Department of Health. The purpose of the program is shall be to advance progress towards cures for cancer using through grants awarded through a peer-reviewed, competitive process, and to expand cancer research and treatment capacity in the state.

(2) The program shall provide grants for cancer research, including cancer clinical trials projects as provided in this section, to further the search for cures for cancer, for recruiting cancer researchers and research teams to institutions in the state, for operational start-up grants for newly recruited cancer researchers and research teams, for equipment expenditures related to the expansion of cancer research and treatment capacity in the state, or for the construction of facilities for cancer research.

(a) For any given year, the Biomedical Research Advisory Council may recommend a minimum of ten percent but no more than fifty percent of its allocation for the William G. "Bill" Bankhead, Jr. and David Coley Cancer Research Program for the recruitment of cancer researchers and research teams to institutions in the state, for operational start-up grants for newly recruited cancer researchers and research teams, for equipment expenditures related to the expansion of cancer research and treatment capacity in the state, or for the construction of facilities for cancer research. From these designated funds, up to ten percent of the total allocation for the William G. "Bill" Bankhead, Jr. and David Coley Research Program in any given fiscal year may be applied to an Innovation Incentive Program award for research and development pursuant to 288.1089, provided any such award would inure to the advancement of better treatments or cures for cancer.

(b) Grantees receiving moneys for purposes other than basic or applied research or cancer clinical trials projects awarded under this section shall use matching funds of at least 100 percent of the amount awarded by the Biomedical Research Advisory Council.

(c) Funds for construction awarded through the William G. "Bill" Bankhead, Jr. and David Coley Cancer Research Program may be bonded as prescribed in s. 210.201, with the approval of the Governor and a majority of the Cabinet. Any funds awarded for this purposes but not approved by the Governor and a majority of the Cabinet shall revert to the program for redistribution.

(3)(a) Applications for funding for cancer research may be submitted by any university or established research institute in the state. All qualified investigators in the state, regardless of institutional affiliation, shall have equal access and opportunity to compete for the research funding. Collaborative proposals, including those that advance the program's goals enumerated in subsection (2), may be given preference. Grants shall be awarded by the State Surgeon General, after consultation with the Biomedical Research Advisory Council, on the basis of scientific merit, as determined by an open, competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.
2. Institutional research grants.
3. Collaborative research grants, including those that advance the finding of cures through basic or applied research.
4. Clinical trials project grants, particularly those projects such as matching services which identify prospective clinical trials treatment options for cancer patients in Florida. Provided receipt of a meritorious proposal or proposals in any given year, at least one such grant shall be awarded. Such project grant proposal may not be required to be posed as a research question in order to qualify for an award.

(b) In order to ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the State Surgeon General, in

consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.

(c) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflicts of interest. A member of the council or panel may not participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels are subject to chapter 119, s.286.011, and s. 24, Art. I of the State Constitution.

(d) Projects other than basic or applied research or cancer clinical trials project grants shall be funded within the parameters prescribed in this section.

(4) By December 15 of each year, the Department of Health shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report indicating progress towards the program's mission and making recommendations that further its purpose.

(5) For the ~~2009-10~~ ~~2008-2009~~ fiscal year and each fiscal year thereafter, the sum of ~~\$25~~ ~~\$6.75~~ million is appropriated annually from recurring funds derived from ~~in~~ the tobacco surcharge on cigarettes prescribed in s. XXX.XX and shall be directed ~~General Revenue Fund~~ to the Biomedical Research Trust Fund within the Department of Health for purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program and shall be distributed pursuant to this section to provide grants to researchers seeking cures for cancer, with emphasis given to the goals enumerated in s. 381.921. From the total funds appropriated, an amount of up to 10 percent may be used for administrative expenses.

~~(6) By June 1, 2009, the Division of Statutory Revision of the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of this section, which is scheduled to expire January 1, 2011.~~

~~(7) The Legislature shall review the performance, the outcomes, and the financial management of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program during the 2010 Regular Session of the Legislature and shall determine the most appropriate funding source and means of funding the program based on its review.~~

~~(8) This section expires January 1, 2011, unless reviewed and reenacted by the Legislature before that date.~~

Section XXX. Section 210.201, Florida Statutes, is amended to read:

210.201 Cancer and other facilities research facility at the University of South Florida; establishment; funding.~~—The Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute shall construct, furnish, and equip, and shall covenant to complete, the cancer research facility at the University of South Florida adjacent to the H. Lee Moffitt Cancer Center and Research Institute. Moneys allocated transferred to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute pursuant to s. 210.20, or eligible moneys allocated to any research facility through the James and Esther King Biomedical Research Program or the William G. "Bill" Bankhead, Jr. and David Coley Cancer Research Program may pursuant to s. 210.20 shall be used to secure financing to pay or secure bonds or financial products issued or incurred in connection with the costs related to constructing, furnishing, and equipping the cancer research, treatment, and related facilities facility. Such financing may include the issuance of tax-exempt bonds or other forms of indebtedness by a local authority, municipality, or county pursuant to parts II and III of chapter 159. Such bonds shall not constitute state bonds for purposes of s. 11, Art. VII of the State Constitution, but shall constitute bonds of a "local agency," as defined in s. 159.27(4). The cigarette tax dollars pledged to the facilities this facility pursuant to s. 210.20 or tobacco surcharge dollars pledged to the facilities pursuant to s. XXX.XX may be replaced annually by the Legislature from tobacco litigation settlement proceeds.~~

Section XXX. The State of Florida shall have a commercialization interest, commensurate with its level of investment, in any activities funded with state moneys through the James and Esther King Biomedical Research Program established in s.

215.5602 or the William G. "Bill" Bankhead, Jr. and David Coley Cancer Research Program established in s. 381.922.

**PROPOSED ANNUAL ALLOCATIONS**

<b>RESEARCH PROGRAM / INSTITUTION</b>	<b>AMOUNT</b>
James and Esther King Biomedical Research Program*	\$25,000,000
Bankhead-Coley Cancer Research Program*	25,000,000
<b>TOTAL</b>	<b>\$50,000,000</b>

\* *Propose include bonding authority for certain projects, but only with Governor and Cabinet approval.*

Agency for Persons  
with Disabilities



## Agency for Persons with Disabilities

SB 1660	HB 5111
<p><b>Section 1.</b> (s. 393.065, F.S.) Requires the agency to assign and provide priority to clients waiting for waiver services; specifies the order of priority; and authorizes AHCA and APD to adopt rules.</p>	<p><b>Section 1.</b> (s. 393.23, F.S.) Revises how moneys in trust accounts in developmental disabilities centers may be spent.</p>
<p><b>Section 2.</b> (s. 393.0661, F.S.) Deletes a provision that permits all developmental services to be available in all tiers; deletes a provision that limits an increase in the number of waiver services; directs the agency to eliminate redundancies in certain services and reduce supported employment services for certain clients; deletes the expiration date related to the calculation of the amount of cost plan adjustment.</p>	<p><b>Section 2.</b> (s. 393.0661, F.S.) Deletes a provision that permits all developmental services to be available in all tiers; deletes a provision that limits an increase in the number of waiver services; directs the agency to eliminate redundancies in certain services and reduce supported employment services for certain clients.</p>
<p><b>Section 3.</b> (s. 393.23, F.S.) Revises how moneys in trust accounts in developmental disabilities centers may be spent.</p>	<p><b>Section 3.</b> (s. 393.0661, F.S.) Deletes the expiration date related to the calculation of the amount of cost plan adjustment.</p>
<p><b>Section 4.</b> Effective date is July 1, 2009.</p>	<p><b>Section 4.</b> Effective date is July 1, 2008, except as other expressly provided in the act.</p>

By the Committee on Health and Human Services Appropriations;  
and Senator Peadar

4/23/09  
1660

603-03993-09

20091660c1

1 A bill to be entitled  
2 An act relating to the Agency for Persons with  
3 Disabilities; amending s. 393.065, F.S.; requiring  
4 that the agency assign and provide priority to clients  
5 waiting for waiver services; specifying the order of  
6 priority; authorizing the agency and the Agency for  
7 Health Care Administration to adopt rules; amending s.  
8 393.0661, F.S.; deleting a provision that permits all  
9 developmental waiver services to be available in all  
10 waiver tiers; deleting a provision that limits an  
11 increase in the number of waiver services until after  
12 a certain date; directing the Agency for Persons with  
13 Disabilities to eliminate medication-review services  
14 and redundancies in certain services and reduce the  
15 supported employment services for certain clients;  
16 deleting the expiration date for a provision relating  
17 to the calculation of the amount of a waiver cost plan  
18 adjustment; deleting obsolete provisions; amending s.  
19 393.23, F.S.; revising how moneys in trust accounts in  
20 developmental disability centers may be spent;  
21 providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Subsections (5) and (6) of section 393.065, Section 1.  
26 Florida Statutes, are amended to read:

27 Application and eligibility determination.— 393.065

28 (5) Except as otherwise directed by law, the agency shall  
29 assign and provide priority to clients waiting for waiver  
30 services in the following order:

31 (a) Category 1, which includes ~~With the exception of~~  
32 ~~clients deemed to be in crisis whom the agency shall serve as~~  
33 described in rule and individuals charged with felony offenses who have  
been determined incompetent to proceed due to retardation or autism and for whom

the agency has submitted an evaluation to the court concluding the defendant is unlikely to be restored to competency., the agency shall place at the top of its

34 wait list for waiver services those

35 (b) Category 2, which includes children on the wait list  
36 who are from the child welfare system with an open case in the  
37 Department of Children and Family Services' statewide automated  
38 child welfare information system, individuals who have been  
39 court-ordered to receive services, and clients who are members  
40 of the class covered by the Brown versus Bush settlement  
41 agreement.

42 (c) Category 3, which includes, but is not required to be  
43 limited to, clients:

44 1. Whose caregivers have a documented condition that is  
45 expected to render them unable to provide care within the next  
46 12 months and for whom a caregiver is required but no alternate  
47 caregiver is available;

51 2. At substantial risk of incarceration or court commitment  
52 without supports;

53 3. Whose documented behaviors or physical needs place them  
54 or their caregivers at risk of serious harm and other supports  
55 are not currently available to alleviate the situation;

56 4. Who are identified as ready for discharge within the  
57 next year from a state mental health hospital or skilled nursing facility  
58 and require a caregiver but for whom no caregiver is available;

68 (d) Category 4, which includes but is not required to be limited to  
clients

whose caregivers are 70 years of age or older and for  
whom a caregiver is required but no alternate caregiver is  
available;

71 (e) Category 5, which includes but is not required to be limited to  
clients who are expected to graduate within the next 12 months from secondary  
school and need support to obtain or maintain

66 competitive employment, or to pursue an accredited program of post-  
secondary education to which they have been accepted.

74 (f) Category 6, which are clients 21 years of age or older  
69 who do not meet the criteria for category 1, category 2,  
70 category 3, category 4 or category 5.

(g) Category 7, which are clients younger than 21 years of  
72 age who do not meet the criteria for category 1, category 2, category 3,  
or category 4.

(6) Within category 3, category 4, category 5, category 6 and category 7,  
the

75 agency shall maintain a wait list of clients in the order of the  
76 date that the client is determined eligible for waiver services.

77 (7) The client, the client's guardian, or the client's  
78 family must ensure that accurate contact information is  
79 registered with the agency at all times. The agency shall remove  
80 from the wait list any individual who cannot be located using  
81 the contact information provided to the agency, refuses an offer  
82 of waiver enrollment, fails to meet eligibility requirements, or  
83 becomes domiciled outside of the state.

84 (8)(6) The agency and the Agency for Health Care  
85 Administration may adopt rules specifying application  
86 procedures, criteria associated with wait list categories,  
87 procedures for administering the wait list, and eligibility  
88 criteria as needed to administer this section.

89 Subsections (3) and (6) of section 393.0661, Section 2.  
90 Florida Statutes, are amended to read:

91 Home and community-based services delivery system; 393.0661  
92 comprehensive redesign.—The Legislature finds that the home and  
93 community-based services delivery system for persons with  
94 developmental disabilities and the availability of appropriated  
95 funds are two of the critical elements in making services  
96 available. Therefore, it is the intent of the Legislature that  
97 the Agency for Persons with Disabilities shall develop and  
98 implement a comprehensive redesign of the system.

99 The Agency for Health Care Administration, in (3)  
100 consultation with the agency, shall seek federal approval and  
101 implement a four-tiered waiver system to serve eligible clients  
102 through ~~with developmental disabilities in the developmental~~  
103 ~~disabilities and family and supported living waivers. The agency~~  
104 ~~shall assign all clients receiving services through the~~  
105 ~~developmental disabilities waiver to a tier based on a valid~~  
106 ~~assessment instrument, client characteristics, and other~~  
107 ~~appropriate assessment methods. All services covered under the~~  
108 ~~current developmental disabilities waiver shall be available to~~  
109 ~~all clients in all tiers where appropriate, except as otherwise~~  
110 ~~provided in this subsection or in the General Appropriations~~  
111 ~~Act.~~

112 Tier one (a) is ~~shall be~~ limited to clients who have

113 service needs that cannot be met in tier two, three, or four for  
114 intensive medical or adaptive needs and that are essential for  
115 avoiding institutionalization, or who possess behavioral  
116 problems that are exceptional in intensity, duration, or  
117 frequency and present a substantial risk of harm to themselves  
118 or others.

119 Tier two (b) is ~~shall be~~ limited to clients whose service  
120 needs include a licensed residential facility and who are  
121 authorized to receive a moderate level of support for standard  
122 residential habilitation services or a minimal level of support  
123 for behavior focus residential habilitation services, or clients  
124 in supported living who receive more ~~greater~~ than 6 hours a day  
125 of in-home support services. Total annual expenditures under  
126 tier two may not exceed \$55,000 per client each year.

127 Tier three (c) includes ~~shall include~~, but is not limited  
128 to, clients requiring residential placements, clients in  
129 independent or supported living situations, and clients who live  
130 in their family home. Total annual expenditures under tier three  
131 may not exceed \$35,000 per client each year.

132 Tier four is the family and supported living waiver (d) and  
133 includes. ~~Tier four shall include~~, but is not limited to,  
134 clients in independent or supported living situations and  
135 clients who live in their family home. ~~An increase to the number~~  
136 ~~of services available to clients in this tier shall not take~~  
137 ~~effect prior to July 1, 2009~~. Total annual expenditures under  
138 tier four may not exceed \$14,792 per client each year.

139 The Agency for Health Care Administration shall also (e)  
140 seek federal approval to provide a consumer-directed option for  
141 persons with developmental disabilities which corresponds to the  
142 funding levels in each of the waiver tiers. The agency shall  
143 implement the four-tiered waiver system beginning with tiers  
144 one, three, and four and followed by tier two. The agency and  
145 the Agency for Health Care Administration may adopt any rules  
146 necessary to administer this subsection.

147 The agency shall seek federal waivers and amend (f)  
148 contracts as necessary to make changes to services defined in  
149 federal waiver programs administered by the agency as follows:

150 Supported living coaching services 1. may ~~shall~~ not exceed  
151 20 hours per month for persons who also receive in-home support  
152 services.

153 Limited support coordination services 2. ~~is shall be~~ the  
154 only type of support coordination service that may be provided  
155 to persons under the age of 18 who live in the family home.

156 Personal care assistance services 3. ~~are shall be~~ limited  
157 to ~~no more than~~ 180 hours per calendar month and ~~may shall~~ not  
158 include rate modifiers. Additional hours may be authorized for  
159 persons who have intensive physical, medical, or adaptive needs  
160 if such hours are essential for avoiding institutionalization.

161 Residential habilitation services 4. ~~are shall be~~ limited  
162 to 8 hours per day. Additional hours may be authorized for  
163 persons who have intensive medical or adaptive needs and if such  
164 hours are essential for avoiding institutionalization, or for  
165 persons who possess behavioral problems that are exceptional in  
166 intensity, duration, or frequency and present a substantial risk  
167 of harming themselves or others. This restriction shall be in  
168 effect until the four-tiered waiver system is fully implemented.

169 Chore services, nonresidential support services, and 5.  
170 homemaker services ~~are shall be~~ eliminated. The agency shall  
171 expand the definition of in-home support services to allow  
172 ~~enable~~ the service provider ~~of the service~~ to include activities  
173 previously provided in the ~~these~~ eliminated services.

174 Massage therapy 6., medication review, and psychological  
175 assessment services ~~are shall be~~ eliminated.

176 The agency shall conduct supplemental cost plan reviews 7.  
177 to verify the medical necessity of authorized services for plans  
178 that have increased by more than 8 percent during either of the  
179 2 preceding fiscal years.

180 The agency shall implement a consolidated residential 8.  
181 habilitation rate structure to increase savings to the state  
182 through a more cost-effective payment method and establish  
183 uniform rates for intensive behavioral residential habilitation  
184 services.

185 Pending federal approval, the agency 9. ~~may is authorized~~  
186 ~~to~~ extend current support plans for clients receiving services  
187 under Medicaid waivers for 1 year beginning July 1, 2007, or  
188 from the date approved, whichever is later. Clients who have a  
189 substantial change in circumstances which threatens their health  
190 and safety may be reassessed during this year in order to  
191 determine the necessity for a change in their support plan.

192 10. The agency shall eliminate redundancies and

193 duplications between in-home support services, companion  
194 services, personal care services, and supported living coaching  
195 by limiting or consolidating such services.

196 11. The agency shall reduce the intensity and frequency of  
197 supported employment services to clients in stable employment  
198 situations who have a documented history of at least 3 years'  
199 employment with the same company or in the same industry.

200 (6) Effective January 1 of each year, 2009, and Except as otherwise  
201 provided in this section, a client an individual served by the  
202 home and community-based services waiver or the family and  
203 supported living waiver funded through the agency for Persons  
204 with Disabilities shall have his or her cost plan adjusted to  
205 reflect the amount of expenditures for the previous state fiscal  
206 year plus 5 percent if such amount is less than the client's  
207 individual's existing cost plan. The agency for Persons with  
208 Disabilities shall use actual paid claims for services provided  
209 during the previous fiscal year that are submitted by October 31  
210 to calculate the revised cost plan amount. If the client an  
211 individual was not served for the entire previous state  
212 fiscal year or there was any single change in the cost plan  
213 amount of more than 5 percent during the previous state fiscal  
214 year, the agency shall set the cost plan amount at an estimated  
215 annualized expenditure amount plus 5 percent. The agency shall  
216 estimate the annualized expenditure amount by calculating the  
217 average of monthly expenditures, beginning in the fourth month  
218 after the client individual enrolled, interrupted services are resumed, or  
the cost plan was

219 changed by more than 5 percent and ending on August 31 with  
220 August 31, 2008, and multiplying the average by 12. In order to determine whether a client was not served for the  
entire year, the agency may consider any interruption of a waiver funded service or services lasting at least 18 days.

If In the

221 event that at least 3 months of actual expenditure data are not  
222 available to estimate annualized expenditures, the agency may  
223 not rebase a cost plan pursuant to this subsection. Any client who experiences a significant life change that results  
in a change to their cost plan of more than five percent between July 1 and the date that their rebased cost plan would take  
effect pursuant to this subsection shall not have their cost plan rebased.

This

224 subsection expires June 30, 2009, unless reenacted by the  
225 Legislature before that date.

226 Subsection (1) of section 393.23, Florida Section 3.

227 Statutes, is amended to read:



228           Developmental disabilities centers; trust accounts. 393.23  
229 All receipts from the operation of canteens, vending machines,  
230 hobby shops, sheltered workshops, activity centers, farming  
231 projects, and other like activities operated in a developmental  
232 disabilities center, and moneys donated to the center, must be  
233 deposited in a trust account in any bank, credit union, or  
234 savings and loan association authorized by the State Treasury as  
235 a qualified depository to do business in this state, if the  
236 moneys are available on demand.

237           Moneys in the trust account must be expended for the (1)  
238 benefit, education, or ~~and~~ welfare of clients. However, if  
239 specified, moneys that are donated to the center must be  
240 expended in accordance with the intentions of the donor. Trust  
241 account money may not be used for the benefit of agency  
242 ~~employees of the agency~~ or to pay the wages of such employees.  
243 The welfare of ~~the~~ clients includes the expenditure of funds for  
244 the purchase of items for resale at canteens or vending  
245 machines, and for the establishment of, maintenance of, and  
246 operation of canteens, hobby shops, recreational or  
247 entertainment facilities, sheltered workshops, activity centers,  
248 farming projects, or other like facilities or programs  
249 established at the center for the benefit of clients.

250           This act shall take effect upon becoming a law. Section 4.

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1                   A bill to be entitled  
 2           An act relating to prepaid services for parents of  
 3           children with developmental disabilities; creating the  
 4           Prepaid Services for Parents of Children with  
 5           Developmental Disabilities Study Group to evaluate the  
 6           creation of a prepaid service plan for children with  
 7           disabilities; providing for membership; providing for  
 8           administrative support; providing for the duties of the  
 9           study group; providing for per diem and travel expenses  
 10          for members; requiring the study group to present a final  
 11          report to the Legislature; providing an effective date.

12

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

14

15           Section 1.   (1) The Prepaid Services for Parents of  
 16           Children with Developmental Disabilities Study Group is created  
 17           for the purpose of evaluating the creation of a prepaid service  
 18           plan for children with disabilities modeled after the Florida  
 19           prepaid college program. Such a prepaid service plan would allow  
 20           funds to be paid into a plan on behalf of a child and then, when  
 21           the child exits an exceptional student program, provide the  
 22           child with a voucher to purchase additional services from a  
 23           qualified, willing service provider. These services would  
 24           provide support to help the parent retain the benefits to the  
 25           child of the exceptional student program and to help the child  
 26           transition to the workforce whenever possible.

27           (2) The study group shall consist of the following:

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28        (a) A member of the House of Representatives appointed by  
29 the Speaker of the House of Representatives.

30        (b) A member of the Senate appointed by the President of  
31 the Senate.

32        (c) The director of the Agency for Persons with  
33 Disabilities, or his or her designee.

34        (d) The director of the Division of Vocational  
35 Rehabilitation, or his or her designee.

36        (e) The executive director of the State Board of  
37 Administration, or his or her designee.

38        (f) The Commissioner of Education, or his or her designee.

39        (g) The executive director of The Arc of Florida, or his  
40 or her designee.

41        (h) An Arc of Florida family board member appointed by the  
42 executive director of The Arc of Florida.

43        (i) The chairperson of the Family Care Council Florida, or  
44 his or her designee.

45        (j) A parent representative from the Family Care Council  
46 Florida appointed by the chairperson of the Family Care Council  
47 Florida.

48        (3) The Agency for Persons with Disabilities shall provide  
49 administrative support for the study group.

50        (4) The study group shall evaluate and develop findings  
51 and recommendations regarding the following:

52        (a) The services for which such a voucher could be used.

53        (b) The financial requirements for such a system.

54        (c) The qualifications of service providers.

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(d) The steps that would be necessary to qualify prepaid service plan funds for a federal waiver match program or other federal funding and the possibilities of such a waiver match or other federal funding.

(5) Members of the study group shall serve without compensation but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(6) The members of the study group shall be appointed by July 30, 2009, and shall hold their first meeting by September 1, 2009. The final report of the study group shall be presented to the President of the Senate and the Speaker of the House of Representatives no later than January 29, 2010. The group is abolished and this section is repealed upon submission of the group's final report.

Section 2. This act shall take effect July 1, 2009.

Department of children &  
Families

## **Proviso Language Administrative Monitoring**

**BE: 60900000**

The Department of Children and Family Services (DCF) shall adopt policies and procedures to improve efficiency in health and human services contract administration, including the streamlining of administrative monitoring if a provider is nationally accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, or the Council on Accreditation. DCF shall process document requests that relate to contracts with child welfare providers from a secure consolidated data warehouse administered by these providers.

## **Kimberly's Cottage**

### **Specific Appropriations:**

**271 (Executive Direction – Expenses) (60900101 – 040000)**

**297 (Family Safety and Preservation – Expenses) (60910310 – 040000)**

**350 (Economic Self Sufficiency Services - Expenses) (60910708 – 040000)**

From the funds in Specific Appropriations 271, 297 and 350, the department shall allocate the sum of \$199,500 to rent 9,500 square feet of office space in Marion County to house ACCESS staff, legal services personnel, and adult and child protective investigators in one location. The annual cost per square foot for this office space shall not exceed \$21, including rent and utility services.

**Proviso**  
**SSBG Disaster and Hurricane Relief**

BE: XXXXXXXX

QEC Cat: XXXXXXXX

Funds in Specific XXX include \$35,384,592 from the 2008 Social Services Disaster Relief Grant and \$18,690,713 from the 2006 Hurricane Relief Grant received by the Department of Children and Family Services to provide repair and renovation to facilities, eligible Fixed Capital Outlay projects, and social services to qualifying agencies as specified by these grants. The department is authorized to submit a distribution plan for these funds for approval by the Legislative Budget Commission pursuant to the provisions of chapter 216, Florida Statutes.



# **Mental Health and Substance Abuse Administrative Claiming**

## **Specific Appropriation 323 (Mental Health)**

**60910506**

**1301.08.00.00**

**100610**

Specific Appropriation XXX, includes the non-recurring sum of \$1,000,000 in the Federal Grants Trust Fund from the Community Based Medicaid Administrative Claiming (CBMAC) federal earnings. The department shall pay for CBMAC related administrative costs, and allocate the remainder of these funds to community mental health providers who participate in the CBMAC program in proportion to their earnings, for enhancing client services.

## **Specific Appropriation 343 (Substance Abuse)**

**60910604**

**1201.03.00.00**

**100618**

Specific Appropriation XXX, includes the non-recurring sum of \$6,500,000 in the Federal Grants Trust Fund from the Community Based Medicaid Administrative Claiming (CBMAC) federal earnings. The department shall pay for CBMAC related administrative costs, and allocate the remainder of these funds to community substance abuse providers who participate in the CBMAC program in proportion to their earnings for enhancing client services.

## **Children's Action Team (CAT) – Manatee County (DCF)**

**SA 332**

**BE: 60910506**

**102780**

From Specific Appropriation 332, \$500,000 is provided for a Children's Community Action Team (CAT) in Manatee County as an alternative to SIPP placement for seriously emotional disturbed children. Through the CAT teams, children 5 through 18 at risk of crisis unit care, child welfare, juvenile justice or residential services with or without Medicaid coverage will receive intensive services from a team of psychiatrists, counselors, case managers and mentors who will be available seven days a week and twenty four hours a day at a cost of \$55 per day. The goal is to stabilize the mental illness so that children can continue to live in the community with their families.

**Department of Children and Families**  
**Changes Required To Realign Sheriff Budgets To The Same Per Case Cost**  
**For FY 2008-2009**

Sheriffs Participating	Reports Fiscal Year 07-08	Budget Fiscal Year 08-09	Budget per Report	Bring Highest Down	Bring Lowest Up	New Budget Per Report
Pasco	6,244	\$3,947,463	\$632.20		\$1,294,538.53	\$839.53
Seminole	4,519	\$3,323,114	\$735.36		\$470,704.85	\$839.53
Manatee	4,409	\$3,410,532	\$773.54		\$290,938.97	\$839.53
Broward	15,185	\$12,565,623	\$827.50		\$182,582.18	\$839.53
Pinellas	11,567	\$10,040,024	\$867.99	-\$329,224.57		\$839.53
Hillsborough	13,019	\$12,334,498	\$947.42	-\$1,404,706.54		\$839.53
Citrus	1,626	\$1,869,903	\$1,150.00	-\$504,833.42		\$839.53
<b>Total All</b>						
<b>Sheriffs</b>	56,569	\$47,491,157	\$839.53	(\$2,238,765)	\$2,238,765	

## IMPLEMENTING BILL LANGUAGE

### DCF Reorganization

#### Section XX.

In order to implement Specific Appropriations 269 through 365 of the 2009-2010 General Appropriations Act, subsection (3) of section 1, of chapter 2007-174, Laws of Florida, is amended to read:

(3) This section expires June 30, 2010 ~~2008~~.

This section shall take effect June 29, 2009.

## IMPLEMENTING BILL LANGUAGE

### CBC Pilot Project Extension

#### Section XX.

In order to implement Specific Appropriation 315 of the 2009-2010 General Appropriations Act, subsections (9) and (12) of section 2, of chapter 2006- 30, Laws of Florida, are amended to read:

(9) (1) Contracts between the department and community-based agencies authorized in s. 409.1671 must be funded by a grant of general revenue, other state trust funds, and applicable federal funding sources. Community-based agencies must document federal funds earned, and federal funds earned that are not documented must be returned to the department. Notwithstanding subsection s. 409.1671(8), the amount of the annual contract for a community-based agency may be increased by excess federal funds earned in accordance with s. 216.181(11). Notwithstanding any other provision of law, a community-based agency may make expenditures for staff cellular telephone allowances, contracts requiring deferred payments and maintenance agreements, security deposits for office leases, related professional membership dues, and costs of promotional materials not used for fundraising. The method of payment for a fixed-price contract with a community-based agency shall include provisions for a 2-month advance payment at the beginning of each fiscal year with equal monthly payments thereafter.

~~(3) (2)~~ This section is repealed June 30, 2010 ~~2009~~.

# **Implementing Bill Language Administrative Monitoring**

## Section XX

In order to implement sections 269 through 365 of the 2009-2010 General Appropriations Act, section 287.0576, Florida Statutes, is created to read:

287.0576 Contracts for health and human services.—The Department of Children and Family Services, the Agency for Persons with Disabilities, and the Department of Juvenile Justice shall identify and implement changes that improve efficiency in health and human services contract administration. To assist with that goal, each agency shall adopt the following policies:

(1) Limit administrative monitoring to once every 3 years if the contracted provider is accredited by the Joint Commission on the Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities or the Council on Accreditation. By accepting the survey or inspection of an accrediting organization, the department or agency does not forfeit its right to monitor in order to ensure that services for which the department or agency is paying are provided. The department or agency may investigate complaints or suspected problems and monitor the provider's compliance with negotiated terms and conditions, including provisions relating to consent decrees, which are unique to a specific contract and are not statements of general applicability. The department or agency may also monitor compliance with federal and state laws, federal regulations, or state rules if such monitoring does not duplicate the accrediting organization's review pursuant to accreditation standards.

(2) Allow private-sector development and implementation of a secure consolidated data warehouse and archive for maintaining corporate, fiscal, and administrative records of child welfare provider contracts. Providers must ensure that the data is up to date and accessible to contracting state agencies and the contracting providers. State agencies that contract with child welfare providers must use the data warehouse for document requests. If information is not current or is unavailable on the provider's website, the state agency may contact the provider directly. At a minimum, the records must include:

- (a) Articles of incorporation.
- (b) Bylaws.
- (c) Governing board and committee minutes.
- (d) Financial audits.
- (e) Expenditure reports.
- (f) Compliance audits.
- (g) Organizational charts.
- (h) Staff resumes.
- (i) Governing board membership information.
- (j) Human resource policies and procedures.

# Implementing Bill

TANF BGC Amendment rev 4 26 09

Bill - HB 5103

Section 4: Insert on line 125 Section 4 and renumber all subsequent sections:  
Any new TANF Funds may be used to provide After School Care programs for Foster Children and other at risk youth that qualify for TANF Funding in accordance with Federal Regulations.

- (1) Any new TANF funding obtained by using matching funds and/or services made available from the Boys and Girls Clubs in Florida shall be used by the Florida Alliance of Boys and Girls Clubs for foster children and other at risk youth that qualify for TANF Funding in accordance with Federal Regulations.