

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5305 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (4) through (16) of section
6 402.302, Florida Statutes, are renumbered as subsections (5)
7 through (17), respectively, and a new subsection (4) is added to
8 that section to read:

9 402.302 Definitions.—

10 (4) "Child welfare provider" means a licensed child-caring
11 or child-placing agency.

12 Section 2. Section 402.7306, Florida Statutes, is created
13 to read:

14 402.7306 Administrative monitoring for child welfare
15 providers.—The Department of Children and Family Services, the
16 Department of Health, the Agency for Persons with Disabilities,
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17 the Agency for Health Care Administration, and community-based
18 care lead agencies shall identify and implement changes that
19 improve the efficiency of administrative monitoring of child
20 welfare services. To assist with that goal, each such agency
21 shall adopt the following policies:

22 (1) Limit administrative monitoring to once every 3 years
23 if the child welfare provider is accredited by the Joint
24 Commission on Accreditation of Healthcare Organizations, the
25 Commission on Accreditation of Rehabilitation Facilities, or the
26 Council on Accreditation of Children and Family Services. If the
27 accrediting body does not require documentation that the state
28 agency requires, that documentation shall be requested by the
29 state agency and may be posted by the provider on the data
30 warehouse for the agency's review. Notwithstanding the survey or
31 inspection of an accrediting organization specified in this
32 subsection, an agency specified in and subject to this section
33 may continue to monitor the provider as necessary with respect
34 to:

35 (a) Ensuring that services for which the agency is paying
36 are being provided.

37 (b) Investigating complaints or suspected problems and
38 monitoring the provider's compliance with any resulting
39 negotiated terms and conditions, including provisions relating
40 to consent decrees that are unique to a specific service and are
41 not statements of general applicability.

42 (c) Ensuring compliance with federal and state laws,
43 federal regulations, or state rules if such monitoring does not

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44 duplicate the accrediting organization's review pursuant to
45 accreditation standards.

46
47 Medicaid certification and precertification reviews are exempt
48 from this subsection to ensure Medicaid compliance.

49 (2) Allow private-sector development and implementation of
50 an Internet-based, secure, and consolidated data warehouse and
51 archive for maintaining corporate, fiscal, and administrative
52 records of child welfare providers. A provider shall ensure that
53 the data is up to date and accessible to the applicable agency
54 under this section and the appropriate agency subcontractor. A
55 provider shall submit any revised, updated information to the
56 data warehouse within 10 business days after receiving the
57 request. An agency that conducts administrative monitoring of
58 child welfare providers under this section must use the data
59 warehouse for document requests. If the information provided to
60 the agency by the provider's data warehouse is not current or is
61 unavailable from the data warehouse and archive, the agency may
62 contact the provider directly. A provider that fails to comply
63 with an agency's requested documents may be subject to a site
64 visit to ensure compliance. Access to the data warehouse must be
65 provided without charge to an applicable agency under this
66 section. At a minimum, the records must include the provider's:

67 (a) Articles of incorporation.

68 (b) Bylaws.

69 (c) Governing board and committee minutes.

70 (d) Financial audits.

71 (e) Expenditure reports.

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- 72 (f) Compliance audits.
73 (g) Organizational charts.
74 (h) Governing board membership information.
75 (i) Human resource policies and procedures.
76 (j) Staff credentials.
77 (k) Monitoring procedures, including tools and schedules.
78 (l) Procurement and contracting policies and procedures.
79 (m) Monitoring reports.

80 Section 3. Subsection (4) of section 402.7305, Florida
81 Statutes, is amended to read:

82 402.7305 Department of Children and Family Services;
83 procurement of contractual services; contract management.—

84 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
85 department shall establish contract monitoring units staffed by
86 career service employees who report to a member of the Selected
87 Exempt Service or Senior Management Service and who have been
88 properly trained to perform contract monitoring, ~~with~~ At least
89 one member of the contract monitoring unit must possess
90 ~~possessing~~ specific knowledge and experience in the contract's
91 program area. The department shall establish a contract
92 monitoring process that includes ~~must include~~, but ~~is need~~ not
93 be limited to, the following requirements:

94 (a) Performing a risk assessment at the start of each
95 fiscal year and preparing an annual contract monitoring schedule
96 that considers ~~includes consideration for~~ the level of risk
97 assigned. The department may monitor any contract at any time
98 regardless of whether such monitoring was originally included in
99 the annual contract monitoring schedule.

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100 (b) Preparing a contract monitoring plan, including
101 sampling procedures, before performing onsite monitoring at
102 external locations of a service provider. The plan must include
103 a description of the programmatic, fiscal, and administrative
104 components that will be monitored on site. If appropriate,
105 clinical and therapeutic components may be included.

106 (c) Conducting analyses of the performance and compliance
107 of an external service provider by means of desk reviews if the
108 external service provider will not be monitored on site during a
109 fiscal year.

110 (d) Unless the department sets forth in writing the need
111 for an extension, providing a written report presenting the
112 results of the monitoring within 30 days after the completion of
113 the onsite monitoring or desk review.

114 (e) Developing and maintaining a set of procedures
115 describing the contract monitoring process.

116
117 Notwithstanding any other provision of this section, the
118 department shall limit monitoring of a child-caring or child-
119 placing services provider under this subsection to only once per
120 year. Such monitoring may not duplicate administrative
121 monitoring that is included in the survey of a child welfare
122 provider conducted by a national accreditation organization
123 specified under s. 402.7306(1).

124 Section 4. Subsection (10) of section 409.1451, Florida
125 Statutes, is amended to read:

126 409.1451 Independent living transition services.—

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127 (10) RULEMAKING.—The department shall adopt by rule
128 procedures to administer this section, including balancing the
129 goals of normalcy and safety for the youth and providing the
130 caregivers with as much flexibility as possible to enable the
131 youth to participate in normal life experiences. ~~The department~~
132 ~~shall not adopt rules relating to reductions in awards.~~ The
133 department shall engage in appropriate planning to prevent, to
134 the extent possible, a reduction in awards after issuance. The
135 department shall adopt rules to govern the payments and
136 conditions related to payments for services to youth or young
137 adults provided under this section.

138 Section 5. Section 409.1663, Florida Statutes, is
139 repealed.

140 Section 6. Subsections (8), (9), (10), and (11) of section
141 409.1671, Florida Statutes, are renumbered as subsections (10),
142 (14), (15), and (16), respectively, and new subsections (8),
143 (9), (11), (12), and (13) are added to that section to read:

144 409.1671 Foster care and related services; outsourcing.—

145 (8) A contract established between the department and a
146 community-based care lead agency under this section must be
147 funded by a grant of general revenue, other applicable state
148 funds, or applicable federal funding sources. A community-based
149 care lead agency may carry forward documented unexpended state
150 funds from one fiscal year to the next; however, the cumulative
151 amount carried forward may not exceed 8 percent of the total
152 contract. Any unexpended state funds in excess of that
153 percentage must be returned to the department. The funds carried
154 forward may not be used in any way that would create increased

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155 recurring future obligations, and such funds may not be used for
156 any type of program or service that is not currently authorized
157 by the existing contract with the department. Expenditures of
158 funds carried forward must be separately reported to the
159 department. Any unexpended funds that remain at the end of the
160 contract period shall be returned to the department. Funds
161 carried forward may be retained through any contract renewals
162 and any new procurements as long as the same community-based
163 care lead agency is retained by the department.

164 (9) The method of payment for a fixed-price contract with
165 a community-based care lead agency shall provide for a 2-month
166 advance payment at the beginning of each fiscal year and equal
167 monthly payments thereafter.

168 (11) Notwithstanding subsection (10), the amount of the
169 annual contract for a community-based care lead agency may be
170 increased by excess federal funds earned in accordance with s.
171 216.181(11).

172 (12) The department may outsource programmatic,
173 administrative, or fiscal monitoring oversight of community-
174 based care lead agencies.

175 (13) Notwithstanding any other provision of law, a
176 community-based care lead agency may make expenditures for staff
177 cellular telephone allowances, contracts requiring deferred
178 payments and maintenance agreements, security deposits for
179 office leases, related agency professional membership dues other
180 than personal professional membership dues, promotional
181 materials, and grant writing services. Expenditures for food and
182 refreshments, other than those provided to clients in the care

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183 of the agency or to foster parents, adoptive parents, and
184 caseworkers during training sessions, are not allowable.

185 Section 7. Paragraph (b) of subsection (2) of section
186 409.166, Florida Statutes, is amended to read:

187 409.166 Children within the child welfare system; adoption
188 assistance program.—

189 (2) DEFINITIONS.—As used in this section, the term:

190 (b) "Adoption assistance" means financial assistance and
191 services provided to a child and his or her adoptive family.
192 Such assistance may include a maintenance subsidy, medical
193 assistance, Medicaid assistance, and reimbursement of
194 nonrecurring expenses associated with the legal adoption. The
195 term also includes a tuition exemption at a postsecondary career
196 program, community college, or state university, ~~and a state~~
197 ~~employee adoption benefit under s. 409.1663.~~

198 Section 8. The Department of Children and Family Services
199 may serve dependent children deemed to be in need of family-
200 centered, cognitive-behavioral interventions designed to
201 mitigate out-of-home placements. Treatment services may be
202 evidenced-based with family therapy and group therapy components
203 for youth for whom these services are appropriate. Dependent
204 youth at risk of out-of-home placement or currently within the
205 foster care system are eligible for these family therapy and
206 group therapy services. The services shall be provided as an
207 alternative to specialized therapeutic foster or group care. A
208 child who has been adjudicated delinquent, had adjudication
209 withheld, or committed any violent crime, except for females
210 adjudicated delinquent for domestic violence, any first-degree

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211 felony, or any felony direct-filed in adult court, may not be
212 served by the program. The department and each participating
213 dependency court may jointly develop eligibility criteria to
214 identify youth appropriate for services in this program.

215 Section 9. This act shall take effect July 1, 2010.

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218 **T I T L E A M E N D M E N T**

219 Remove the entire title and insert:

220 A bill to be entitled

221 An act relating to child welfare; amending s. 402.302,
222 F.S.; defining the term "child welfare provider";
223 creating s. 402.7306, F.S.; requiring the Department of
224 Children and Family Services, the Department of Health,
225 the Agency for Persons with Disabilities, the Agency for
226 Health Care Administration, and community-based care lead
227 agencies to adopt policies for the administrative
228 monitoring of child welfare providers; authorizing
229 private-sector entities to establish an Internet-based
230 data warehouse and archive for the maintenance of
231 specified records of child welfare providers; providing
232 agency and provider requirements; providing for access to
233 the data warehouse under certain conditions; amending s.
234 402.7305, F.S.; providing a limitation on the frequency
235 of monitoring of child-caring and child-placing service
236 providers; prohibiting certain duplicative monitoring;
237 amending s. 409.1451, F.S.; providing the Department of
238 Children and Family Services with rulemaking authority

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239 with respect to payments and conditions relating to youth
240 and young adults in the independent living transition
241 services program; repealing s. 409.1663, F.S., relating
242 to adoption benefits for qualifying adoptive employees of
243 state agencies; amending s. 409.1671, F.S.; revising
244 provisions relating to funding for contracts established
245 between the Department of Children and Family Services
246 and community-based care lead agencies; authorizing the
247 department to outsource certain functions; authorizing a
248 community-based care lead agency to make certain
249 expenditures; amending s. 409.166, F.S.; deleting a
250 reference to conform to changes made by the act;
251 authorizing the Department of Children and Family
252 Services to provide services to certain dependent
253 children; providing exceptions; authorizing the
254 department and the participating dependency court to
255 develop eligibility criteria; providing an effective
256 date.

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