

By the Policy and Steering Committee on Ways and Means; the Committee on Health and Human Services Appropriations; and Senator Peadar

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1 A bill to be entitled
2 An act relating to child welfare services and mental
3 health and substance abuse; limiting state agency
4 contract monitoring to once every 3 years if the
5 contracted provider is subject to accreditation
6 surveys by specified accreditation organizations;
7 providing exceptions; allowing the establishment of an
8 Internet-based data warehouse to maintain the records
9 of contract providers; requiring state agencies to use
10 the warehouse for document requests; specifying the
11 information that such records must include; amending
12 s. 39.301, F.S.; creating a family needs assistance
13 referral pilot program; providing that the program be
14 funded by existing resources; requiring that the
15 Department of Children and Family Services and each
16 community-based care lead agency maintain up-to-date
17 documentation; requiring that such documentation
18 contain specified information; requiring that the
19 department submit a report to the Legislature by a
20 specified date; amending s. 402.7305, F.S.; limiting
21 the Department of Children and Family Services to one
22 contract monitoring of a child-caring or child-placing
23 contract provider per year; amending s. 409.1671,
24 F.S.; providing funding requirements for contracts for
25 foster care and related services; authorizing a
26 community-based care lead agency to carry forward
27 certain unexpended state funds; authorizing certain
28 advance payments to a lead agency; authorizing the
29 department to outsource certain oversight duties;

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30 specifying certain allowable expenses; prohibiting
31 certain expenditures; repealing s. 394.655, F.S.,
32 relating to the Florida Substance Abuse and Mental
33 Health Corporation; providing an effective date.

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

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37 Section 1. Contracts for child welfare services.—The
38 Department of Children and Family Services, the Department of
39 Health, the Department of Juvenile Justice, the Agency for
40 Persons with Disabilities, the Agency for Health Care
41 Administration, and the community-based care lead agencies shall
42 identify and implement changes that improve efficiency in
43 contract administration for child welfare services. To assist
44 with that goal, each agency shall adopt the following policies:

45 (1) Limit administrative monitoring to once every 3 years
46 if the contracted provider is accredited by the Joint Commission
47 on the Accreditation of Healthcare Organizations, the Commission
48 on Accreditation of Rehabilitation Facilities, or the Council on
49 Accreditation. Notwithstanding the survey or inspection of an
50 accrediting organization, the department or agency may continue
51 to monitor the provider as necessary with respect to:

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

54 (b) Investigating complaints or suspected problems and
55 monitoring the provider's compliance with any resulting
56 negotiated terms and conditions, including provisions relating
57 to consent decrees that are unique to a specific contract and
58 are not statements of general applicability.

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59 (c) Ensuring compliance with federal and state laws,
60 federal regulations, or state rules if such monitoring does not
61 duplicate the accrediting organization's review pursuant to
62 accreditation standards.

63 (2) Allow private-sector development and implementation of
64 an Internet-based, secure, and consolidated data warehouse and
65 archive for maintaining corporate, fiscal, and administrative
66 records of child welfare provider contracts. Providers must
67 ensure that the data is up to date and accessible to the
68 contracting state agency and the contracting provider. State
69 agencies that contract with child welfare providers must use the
70 data warehouse for document requests. If information is not
71 current or is unavailable from the provider's data warehouse and
72 archive, the state agency may contact the provider directly. At
73 a minimum, the records must include the provider's:

74 (a) Articles of incorporation.

75 (b) Bylaws.

76 (c) Governing board and committee minutes.

77 (d) Financial audits.

78 (e) Expenditure reports.

79 (f) Compliance audits.

80 (g) Organizational charts.

81 (h) Governing board membership information.

82 (i) Human resource policies and procedures.

83 Section 2. Subsection (25) is added to section 39.301,
84 Florida Statutes, to read:

85 39.301 Initiation of protective investigations.—

86 (25) The department may develop and operate a pilot program
87 relating to family needs assistance referrals. The pilot program

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88 shall be located in a circuit in which the child protective
89 investigation unit, whether located in the department or the
90 county sheriff's office, and the community-based care lead
91 agency agree to participate in the pilot program. The pilot
92 program shall be funded from existing resources in the circuit.

93 (a) Upon receiving a call that does not meet the criteria
94 for being a report of abuse or child abuse, abandonment, or
95 neglect, but does indicate that the family needs assistance, the
96 central abuse hotline shall accept these calls for a family
97 needs assistance referral and immediately transfer the referral
98 to the county wherein the family currently resides.

99 (b) The department shall review the referral in the county
100 of residence and a joint response shall be coordinated with the
101 community-based care lead agency within 48 hours after being
102 received from the central abuse hotline to determine the
103 appropriate response, which must include at least one of the
104 following, as appropriate:

105 1. If, after the initial home visit and assessment
106 conducted by the child protective investigator, conditions in
107 the home meet criteria for a report of abuse, abandonment, or
108 neglect, the department shall initiate a child protective
109 response.

110 2. If the department makes a determination that the family
111 would benefit from a family needs assistance referral and a
112 child protective response is not indicated, services must be
113 offered.

114 (c) The participation in the family needs assistance
115 referral pilot program is voluntary. The community-based care
116 lead agency shall determine the referral needs and shall conduct

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117 the ongoing linkage of services to the families based on the
118 availability of resources at the time of the initial visit or
119 within 2 business days after the initial visit with the
120 department.

121 (d) The duration and intensity of such intervention shall
122 be determined by the family and the community-based care lead
123 agency and must be based on the availability of funds and
124 community resources.

125 (e) The department and each community-based care lead
126 agency must maintain up-to-date documentation of all family
127 needs assistance referrals. The documentation must include, at a
128 minimum:

129 1. The number of referrals received;

130 2. The type of response to each referral;

131 3. An indication of whether or not the family accepted
132 services;

133 4. If the services were accepted by the family, the type of
134 services delivered;

135 5. If the services were available through the Florida Safe
136 Families Network, the cost of the services;

137 6. The outcome of services accepted or delivered;

138 7. Whether or not families who are the subject of the
139 referral return to the attention of the department as a
140 subsequent family needs assistance referral, or as the subject
141 of a report accepted for a child protective investigation; and

142 8. Any additional information that enables a determination
143 of the success of the family needs assistance referral pilot
144 program.

145 (e) The department shall submit a report to the Legislature

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146 by January 31, 2011, which contains the results of the family
147 needs assistance pilot program and recommendations for
148 continuing, expanding, or modifying the program.

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

151 402.7305 Department of Children and Family Services;
152 procurement of contractual services; contract management.—

153 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
154 department shall establish contract monitoring units staffed by
155 career service employees who report to a member of the Selected
156 Exempt Service or Senior Management Service and who have been
157 properly trained to perform contract monitoring. ~~with~~ At least
158 one member of the contract monitoring unit must possess
159 ~~possessing~~ specific knowledge and experience in the contract's
160 program area. The department shall establish a contract
161 monitoring process that includes ~~must include~~, but need not be
162 limited to, the following requirements:

163 (a) Performing a risk assessment at the start of each
164 fiscal year and preparing an annual contract monitoring schedule
165 that considers ~~includes consideration for~~ the level of risk
166 assigned. The department may monitor any contract at any time
167 regardless of whether such monitoring was originally included in
168 the annual contract monitoring schedule.

169 (b) Preparing a contract monitoring plan, including
170 sampling procedures, before performing onsite monitoring at
171 external locations of a service provider. The plan must include
172 a description of the programmatic, fiscal, and administrative
173 components that will be monitored on site. If appropriate,
174 clinical and therapeutic components may be included.

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175 (c) Conducting analyses of the performance and compliance
176 of an external service provider by means of desk reviews if the
177 external service provider will not be monitored on site during a
178 fiscal year.

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

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

185
186 Notwithstanding any other provision of the section, the
187 department shall limit contract monitoring of a child-caring or
188 child-placing services provider to only once per year. Such
189 monitoring may not duplicate administrative monitoring that is
190 included in the survey of a contract provider conducted by a
191 national accreditation organization.

192 Section 4. Present subsections (8) through (11) of section
193 409.1671, Florida Statutes, are renumbered as subsections (12)
194 through (15), respectively, and new subsections (8) through (11)
195 are added to that section, to read:

196 409.1671 Foster care and related services; outsourcing.-

197 (8) A contract established between the department and a
198 community-based agency under this section must be funded by a
199 grant of general revenue, other applicable state funds, or
200 applicable federal funding sources. A community-based care lead
201 agency may carry forward documented unexpended state funds from
202 one fiscal year to the next; however, the cumulative amount
203 carried forward may not exceed 8 percent of the contract total.

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204 Any unexpended state funds in excess of that percentage must be
205 returned to the department. The funds carried forward may not be
206 used in any way that would create increased recurring future
207 obligations, and such funds may not be used for any type of
208 program or service that is not currently authorized by the
209 existing contract with the department. Expenditures of funds
210 carried forward must be separately reported to the department.
211 Any unexpended funds that remain at the end of the contract
212 period shall be returned to the department.

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

217 (10) The department may outsource the programmatic,
218 administrative, or fiscal monitoring oversight of community-
219 based care lead agencies.

220 (11) Notwithstanding any other provision of law, a
221 community-based care lead agency may make expenditures for staff
222 cellular telephone allowances, contracts requiring deferred
223 payments and maintenance agreements, security deposits for
224 office leases, related agency professional membership dues other
225 than personal professional membership dues, promotional
226 materials, and grant-writing services. Expenditures for food and
227 refreshment, other than those provided to clients in the care of
228 the agency or to foster parents, adoptive parents, and
229 caseworkers during training sessions, are not allowable.

230 Section 5. Section 394.655, Florida Statutes, is repealed.

231 Section 6. This act shall take effect July 1, 2010.