

Chapter 9

COMMUNITY-BASED CARE LEAD AGENCY DIRECT SERVICES EXEMPTION PROCESS

9-1. Purpose. This chapter provides a formalized process for a Community-Based Care Led Agency to request an exemption from the statutorily required 35 percent threshold for direct provision of child welfare services and Department review of same.

9-2. Legal Authority. Section [409.988](#), Florida Statutes (F.S.).

9-3. Scope. Statute provides that “the lead agency shall directly provide no more than 35 percent of all child welfare services provided unless it can demonstrate a need, within the lead agency’s geographic service area, to exceed this threshold” (section [409.988\(1\)\(j\)](#), F.S.). This chapter outlines the process the Department will use to approve or deny a request for an exemption from the 35 percent threshold.

9-4. Procedure.

a. Memorandum Detailing the Justification of Need. If a Lead Agency requires an exemption from the 35 percent threshold in order to facilitate better service provision and be in the best interest of children and families in that lead agency’s geographic service area, the lead agency shall submit a memorandum detailing the justification of need to:

(1) In a geographic service area with a local community alliance, the Department’s contract manager and the local community alliance.

(2) In a geographic services area without a local community alliance, the Department’s contract manager. In this instance, in order to comply with section [409.988\(1\)\(j\)](#), F.S., the Department will convene a local committee of representatives from each of the following:

- (a) The Department of Children and Families.
- (b) The county government.
- (c) The local school district.
- (d) The county United Way.
- (e) The county sheriff’s office.
- (f) The Circuit Court corresponding to the county.
- (g) The county Children’s Services Council, if one exists.
- (h) The Guardian ad Litem’s office; and,
- (i) The Managing Entity, unless the Lead Agency is also the Managing Entity.

(3) A memorandum detailing the justification of need must include:

(a) A narrative description of reasons for requesting an exemption from the 35 percent direct service provision threshold, to include:

- 1. Services the Lead Agency proposes to provide directly.

2. Current sub-contracted services and the entities who perform these services for the Lead Agency; and,

3. Any attempts the Lead Agency has made to avoid or reduce the need to exceed the 35 percent threshold.

(b) The current percentage of child welfare services provided by the Lead Agency as calculated by the Child Welfare Services Calculation Template (form CF-FSP [5457](#), available in DCF Forms).

(c) The proposed percentage of child welfare services provided by the Lead Agency as calculated by the Child Welfare Services Calculation Template (form CF-FSP [5457](#), available in DCF Forms).

(d) Any collateral information important to the review and approval process.

(e) Any feedback or responses from community stakeholders the Lead Agency has already gathered.

(4) Submission of all materials outlined in (3) will begin the review process.

b. Local Community Alliance or Local Justification of Need Committee.

(1) Once a memorandum is received by the local community alliance or local committee (convened as needed), that entity shall review the memorandum and any collateral information submitted and formulate a recommendation (based on the internal procedures of that body) to the Department whether to approve or deny the Lead Agency's request for exemption from the 35 percent threshold. An explanation of the recommendation and supporting documentation shall be included.

(2) The local community alliance or local committee may request additional documentation from the Lead Agency to assist in the process. Further, the Lead Agency may be required to explain its memorandum or respond to questions. The review and recommendation process shall be completed within 20 business days of the submission of all materials in (3) and any additional documents requested unless the Department authorizes additional time for the submission of the recommendation.

(3) Once finalized, the written recommendation must be submitted to the Department's contract manager.

c. Department Process.

(1) Once a local community alliance or local committee has submitted a written recommendation, Department contract staff will review the recommendation as well as the previously submitted memorandum of justification and any collateral information submitted. The Department will also discuss any issues and develop a plan to address any new requirements created by approval of the Lead Agency's request to providing direct services in excess of the 35 percent threshold.

(2) If Department contract staff determines the process has been followed and there are no outstanding issues or questions, the Department contract manager will submit the materials and schedule a meeting with the Assistant Secretary for Child and Family Well-Being or designee to discuss the recommendation. This meeting must take place within 10 business days of the submission of the written recommendation to the Department contract manager by the local community alliance or local committee.

(3) Upon review of all submitted materials, the Assistant Secretary for Child and Family Well-Being or designee may request additional information in support of the request prior to rendering a final decision.

d. Final Decision. Once the Assistant Secretary for Child and Family Well-Being or designee has held a meeting with the Department contract manager and reviewed the recommendation and all submitted materials, the Assistant Secretary for Child and Family Well-Being or designee will draft and provide an official approval or denial letter from the Secretary or designee to the Lead Agency, and representative of the local community alliance or local committee.