

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: CS/SB 1130

INTRODUCER: Health Policy Committee and Senators Bean and Mayfield

SUBJECT: Pregnancy Support Services

DATE: April 17, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	Fav/CS
2.	Loe	Williams	AHS	Pre-meeting
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1130 creates s. 381.96, F.S., to codify the existing Pregnancy Support Services Program (program) which has been funded by the state since the 2005-2006 fiscal year. A nonprofit corporation provides pregnancy support and wellness support services, such as direct client services, program awareness activities, and communication activities, through a statewide alliance of community organizations. The bill directs the Department of Health (DOH) to specify contract deliverables with the program, including financial reports, staffing requirements, and timeframes for achieving obligations. The program is to contract only with providers that exclusively promote and support childbirth.

The bill has no impact on state revenues or expenditures.

The effective date of the bill is July 1, 2017.

II. Present Situation:

Florida's Birth Rate

In 2015, over 214,000 women aged 15 to 50 in Florida had a birth in the past 12 months.¹ Unlike the national trend that shows an upward tick in the birth rate, Florida's birth rate has slowly

¹ United States Census Bureau, *American Fact Finder - Selected Characteristics in the United States, 2011-2015 American Community Survey 5-Year Estimates*,

trended downward for several years.² Of Florida's total births, 42 percent of all births are to unwed mothers with 86 percent of the fathers acknowledged on the birth certificate.³

The state's infant mortality rate decreased to 6.0 infant deaths per 1,000 live births in 2014, the lowest rate in Florida's history. The department conducted an annual analysis through 2015 of expected infant mortality rates and low birth rates by county based on unique demographics of the area. Variables that were identified included the mother's race, marital status, and educational attainment.⁴ Higher fluctuations in expected versus actual rates were seen in the smaller, rural counties compared to the larger, urban counties across the multi-year time period.

The Florida Pregnancy Care Network

The Florida Pregnancy Care Network (network) is a private 501(c)(3)⁵ nonprofit organization that provides financial and other support to pregnant women and their families through an alliance of pregnancy support organizations. The network includes 74 resource organizations throughout the state that provide counseling, referral, material support, training, and education to pregnant mothers as they prepare to parent or place their babies for adoption.⁶

Florida Pregnancy Support Services Program

The network administers the Florida Pregnancy Support Services Program (program) through a contract with the DOH. The program has received state funding since the 2005-2006 fiscal year, including \$4 million in general revenue funds for the 2016-2017 fiscal year.⁷

Proviso language in the Fiscal Year 2016-2017 General Appropriations Act (GAA) permits the funds to be used for wellness services, including but not limited to, high blood pressure screening, flu vaccines, anemia testing, thyroid screening, cholesterol, diabetes screening, assistance with smoking cessation, and tetanus vaccines.⁸ The GAA also requires that at least 85 percent of the funds appropriated be used for direct client services such as life skills, program awareness, and communications.⁹ The department is directed to specifically contract with the program's current contract management provider and to provide the contractual oversight. The department is authorized by the Fiscal Year 2016-2017 GAA to spend no more than \$50,000 for administrative oversight activities. Similar proviso language has been included in the GAA since the 2009-2010 fiscal year.

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_15_5YR_DP02&src=pt (last visited Mar. 10, 2017).

² *Id.*

³ Department of Health, *FL Health Charts, Pregnancy and Young Child Profile*,

<http://www.flhealthcharts.com/charts/MICProfile.aspx?county=1&profileyear=2015&tn=30>, (last visited: Mar. 10, 2017).

⁴ Daniel Thompson and Cheryl Clark, Department of Health, Division of Community Health Promotion, Bureau of Family Health Services, *Infant Mortality and Low Birth Weight Actual Rates Compared to Expected Rates by County for Florida 2014*, <http://www.floridahealth.gov/diseases-and-conditions/infant-mortality-and-adverse-birth-outcomes/documents/expected-rates-by-county-2014.pdf> (last visited Mar. 10, 2017).

⁵ Section 501(c)(3) of the Internal Revenue Code. Organizations described in this section are commonly referred to as charitable organizations.

⁶ Florida Pregnancy Care Network, *Introduction*, <http://myfpcn.com/>, (last visited Mar. 10, 2017).

⁷ Chapter 2016-66, Specific Appropriation 464, Laws of Fla.

⁸ *Id.*

⁹ *Id.*

Financial reimbursement through this contract is made to local pregnancy resource organizations for services to pregnant women and their families by the program.¹⁰ While many participating organizations may be faith-based, they are not permitted to share religious information and contracting entities must ensure that they will strictly adhere to this regulation.¹¹

The program also provides a statewide toll free number¹² that is available 24/7 via phone or text message, a helpline via email,¹³ and a website that can also connect women and their families to available resources.¹⁴ All services are available to women and their families free of charge and can continue for up to 12 months after the birth of the child.

Pregnant women and their families may use the program to prepare for pregnancy, childbirth, and parenting. The program offers free counseling and classes that cover these topics as well as nutrition and infant care. Participants may also receive items such as maternity and baby clothing, diapers, formula and baby food, baby bath items, cribs and infant carriers by participating in on-site classes and training.¹⁵ For Fiscal Year 2015-2016, the program served 24,184 clients and has served 16,448 clients through January 2017 of the 2016-2017 fiscal year.¹⁶

Background Screenings for Qualified Entities

Under s. 943.0542, F.S., certain business and organizations that provide care or care placement services, or licenses or certifies to provide care or care placement services, may have access to criminal history information from the Florida Department of Law Enforcement (FDLE) after registering with the FDLE and payment of any fees. The qualified entity must submit fingerprints to the FDLE with its request for screening and maintain a signed waiver allowing the release of the state and national criminal history record to the qualified entity. The amount of the fee is set by the Federal Bureau of Investigation for the national criminal history check in compliance with the National Child Protection Act of 1993, as amended.

The national criminal history data is available to qualified entities to use only for the purpose of screening employees and volunteers or persons applying to be employees or volunteers. The FDLE will provide the information directly to the qualified entity as permitted by the written waiver. Whether the individual is fit to be an employee or volunteer around children or the elderly is for the qualified entity to determine; the FDLE will not make that determination. The qualified entity must notify the screened individual of his or her right to obtain a copy of the screening report as well as any criminal records.

¹⁰ Florida Pregnancy Care Network, *Florida Pregnancy Support Services Program*, <http://myfpcn.com/about.html> (last visited Mar. 10, 2017).

¹¹ *Id.*

¹² The toll-free number is 1-866-673-4673 or participants can text the word “choice” to 313131.

¹³ The helpline via email is floridapregnancy@optionline.org.

¹⁴ Florida Pregnancy Support Services, *I Might Be Pregnant* <http://www.floridapregnancysupportservices.com/i-might-be-pregnant/> (last visited Mar. 10, 2017).

¹⁵ Florida Pregnancy Support Services, *I Am Pregnant and Considering Terminating My Pregnancy*, <http://www.floridapregnancysupportservices.com/i-am-pregnant-and-need-help/> (last visited Mar. 10, 2017).

¹⁶ Email from Bryan Wendel, Florida Department of Health, (Mar. 13, 2017) (on file with the Senate Committee on Health Policy).

III. Effect of Proposed Changes:

Section 1 creates s. 381.96, F.S., to codify the Pregnancy Support Services Program, a program that has been funded through the General Appropriations Act since the 2005-2006 fiscal year. The bill implements most of the provisions from the prior years' proviso language with a few exceptions and additions as noted below:

- A specific directive to spend at least 90 percent of the contract funds on pregnancy support and wellness services rather than 85 percent of appropriated funds on direct client services, including life skills, program awareness, and communications.
- A specific requirement for background screening under s. 943.0542, F.S., for all paid staff and volunteers of a subcontractor if those individuals provide direct client services to a client who is a minor or an elderly person who has a disability.

The bill directs the DOH to specify the contract deliverables with the program, including requirements to:

- Establish the financial deliverables and delivery dates, the timeframes for achieving the contractual obligations, and any other requirements deemed necessary by the DOH, such as staffing and location requirements;
- Monitor subcontractors annually and to specify the sanctions that shall be imposed for noncompliance with the terms of a subcontract;
- Establish and manage the subcontracts with a sufficient number of networks to ensure availability of pregnancy support and wellness services and to maintain delivery of those services throughout the contract term;
- Offer wellness services or vouchers or other appropriate payment arrangements that allow for the purchase of services from providers;
- Subcontract only with providers that exclusively promote and support childbirth; and
- Ensure that informational materials provided to eligible clients is accurate, current, and cites a reference source of medical statement.

Section 2 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Either the individual resource organizations or the program will be paying the costs of the criminal background checks at the cost of \$36.00 per employee or \$28.75 per volunteer.¹⁷ The current contract between the program and the department requires the program's subcontractors to follow these same screening requirements.¹⁸ The current contract places this responsibility on the individual subcontractors.

C. Government Sector Impact:

The DOH is responsible for the contractual oversight of the state's funding of the program. Proviso language included in the Fiscal Year 2016-2017 GAA places a cap of \$50,000 on DOH administrative costs.¹⁹ The bill does not place a maximum or minimum funding amount for the DOH's administrative oversight functions.

The FDLE will be processing additional background checks for the program employees and volunteers. It is unknown at this time how many employees or volunteers will be processed under this new requirement. The background check will cost \$36.00 for employees and \$28.75 for volunteers.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 381.96 of the Florida Statutes.

¹⁷ Florida Department of Law Enforcement, *Criminal History Record Check Fee Schedule* (October 1, 2016) https://www.fdle.state.fl.us/cms/Criminal-History-Records/Documents/BackgroundChecks_FAQ.aspx, p. 8, (last visited Mar. 10, 2017)

¹⁸ State of Florida, Department of Health and Florida Pregnancy Care Network, Inc. (Contract #COHD2), (Feb. 2, 2017) (on file with the Senate Committee on Health Policy).

¹⁹ *Supra* note 8.

²⁰ *Supra* note 19.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy Committee on March 13, 2017:

The CS corrects a technical issue as the bill contemplated the inclusion of both pregnancy support services and wellness services. For consistency, the CS added “wellness services,” as appropriate to address the deficiency.

- B. **Amendments:**

None.