

The following additional definitions are provided for this Contract:

A. Administrative Costs

- a. Lead Agency Administrative Costs – Administrative Costs incurred by the Lead Agency, exclusive of Subcontractor Administrative Costs.
- b. Subcontractor Administrative Costs – The total of all Administrative Costs incurred by the Lead Agency’s subcontractors under contract with the Lead Agency to provide foster care or related services, exclusive of Lead Agency Administrative Costs.
- c. System Administrative Costs – The total of the Lead Agency Administrative Costs and Subcontractor Administrative Costs.

B. Business Associate shall generally have the same meaning as the term “business associate” as defined in 45 CFR 160.103, and for purposes of this Attachment shall specifically refer to the Lead Agency.

C. Child(ren) refers to individual(s) under the age of 18.

D. Child Welfare Practice Model refers to expectation that when children are safe but at high or very high risk for future maltreatment, affirmative outreach and efforts will be provided to engage families in family support services designed to prevent future maltreatment.

E. Comprehensive Child Welfare Information System (CCWIS) data is defined in 45 CFR 1355.52(b).

- a. Title IV–B and title IV–E data that supports the efficient, effective, and economical administration of the programs including:
 - i. Data required for ongoing federal child welfare reports;
 - ii. Data required for title IV–E eligibility determinations, authorizations of services, and expenditures under IV–B and IV–E;
 - iii. Data to support federal child welfare laws, regulations, and policies; and
 - iv. Case management data to support federal audits, reviews, and other monitoring activities;
- b. Data to support state or tribal child welfare laws, regulations, policies, practices, reporting requirements, audits, program evaluations, and reviews;
- c. For states, data to support specific measures taken to comply with the requirements in section 422(b)(9) of the Act regarding the state’s compliance with the Indian Child Welfare Act; and
- d. For each state, data for the National Child Abuse and Neglect Data System.

F. Contract Renewal – Subject to the provisions of §287.057(14), Florida Statutes (F.S.), the Department may, at its sole discretion, renew this Contract in whole or in part for up to five (5) additional one-year periods, or portions thereof. Any renewal of this Contract shall be conditioned upon the Lead Agency’s satisfactory performance during the initial term, as determined by the Department’s monitoring and evaluation process, and subject to the availability of funds.

G. Covered Entity shall generally have the same meaning as the term “covered entity” as defined in 45 CFR 160.103, and for purposes of this Attachment shall refer to the Department.

H. Direct Care for Children, as defined in §409.986(3)(a), F.S., shall mean services of any kind which are designed to facilitate a child remaining safely in his or her own home, returning safely to his or her own home if he or she is removed from the home, or obtaining an alternative permanent home if he or she cannot remain at home or be returned home. The term includes, but is not limited to, prevention, diversion, and related services.

I. Family Intensive Treatment (FIT) are services by providers subcontracted by the Managing Entities.

J. Financial Consequence means a contractually authorized adjustment to payment made by the Department in response to the Lead Agency’s failure to meet performance measures, deliverables, or other requirements of this Contract. Financial consequences may include, but

are not limited to, the delay, denial, reduction, or disallowance of payment and may be applied at the time of nonperformance without the requirement for a corrective action plan.

- K. **Financial Penalty** means a monetary sanction imposed by the Department in accordance with s. 402.73(1), F.S., and Rule 65C-29.001, F.A.C., as a result of the Lead Agency's failure to implement or make acceptable progress toward a Department-required corrective action plan. Financial penalties shall be applied in accordance with the procedures, notice requirements, and limitations established in law and this Contract.
- L. **HIPAA Rules** shall mean the Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164.
- M. **Initial Contract Term** means the original fixed duration of the effective date of the Contract and ending on the expiration date identified in the Contract, exclusive of any renewal, extension, or amendment periods.
- N. **Lead Agency** refers to the Community-Based Care entity or business entity contracted with pursuant to this agreement to provide care for children in the child protection and child welfare system.
- O. **Licensed Out of Home Care** refers to a caregiver who is licensed by the Department to provide out of home care, such as residential group homes and foster homes.
- P. **Performance Measure** refers to the numerical level of achievement stated as a percentage, ratio or count.
- Q. **Protective Supervision** refers to the responsibility for managing a safety plan and a case plan to ensure enhancements of diminished protective capacities and/or permanency for unsafe children.
- R. **Relative and non-relative placement** refers to placement with someone who is known to the child.
- S. **Subcontractor** shall generally have the same meaning as the term "subcontractor" as defined in 45 CFR §160.103 and is defined as an individual to whom a Lead Agency delegates a function, activity, service, other than in the capacity of a member of the workforce of such business associate.
- T. **System of Care** refers to the service delivery approach that builds partnerships to create a broad, integrated process for meeting the multiple needs of families.
- U. **Unlicensed Out of Home Care** refers to relative and non-relative placements.
- V. **Volunteer** is defined as any individual who assists for more than 10 hours per month or any individual who assists on an intermittent basis for less than 10 hours per month but is not in the line of sight of a person who meets the screening requirement of this section.
- W. **Young Adult** refers to youth over the age of 18, receiving services through the Extended Foster Care, Postsecondary Education Services and Support Aftercare Services, Extension of Maintenance Adoption Subsidy or the Extended Guardian Assistance Program.
- X. **Management Functions:**
 - a. Planning, directing, organizing, coordinating, and carrying out oversight duties of the Lead Agency; or,
 - b. Contracting for officer or director level staffing in performance of the planning, directing, organizing, coordinating, and carrying out of oversight duties of the Lead Agency.
- Y. **Conflict of Interest** means when a board of directors' member, a director, or an officer, or a relative of a board of directors member, a director, or an officer, of a Lead Agency does any of the following:
 - a. Enters into a contract or other transaction for goods or services with the Lead Agency.
 - b. Holds a direct or indirect interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the Lead Agency or proposes to enter into a contract or other transaction with the Lead Agency. For purposes of this paragraph, the term "indirect interest" has the same meaning as in §112.312, F.S.

- c. Knowingly obtains a direct or indirect personal, financial, professional, or other benefit as a result of the relationship of such board of directors member, director, or officer, or relative of the board or directors member, director, or officer, with the Lead Agency. For purposes of this paragraph, the term “benefit” does not include per diem and travel expenses paid or reimbursed to board members or officers of the Lead Agency in connection with their service on the board of directors.
- Z. **Related party** means any entity of which a director or an officer of the entity is also directly or indirectly related to or has a direct or indirect financial or other material interest in, the Lead Agency. The term also includes any subsidiary firm, parent entity, associate firm, or joint venture.
- AA. **Visitor** means a person who:
 - a. Provides care or supervision to the child in a home; and,
 - b. Is 12 years of age or older, other than a child in care, and who will be in the child’s home at least:
 - i. (i) Five consecutive days; or
 - ii. Seven days or more in one month.

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