

By the Committee on Appropriations; and Senator Peadar

309-2354-04

1 A bill to be entitled
2 An act relating to the structure of the
3 executive branch of government; amending s.
4 20.04, F.S.; revising requirements for the
5 internal structure of specified agencies;
6 amending s. 20.19, F.S.; providing for deputy
7 secretaries and assistant secretaries within
8 the Department of Children and Family Services;
9 specifying duties of the assistant secretaries;
10 providing for the service areas of the
11 department to be organized into zones and
12 districts rather than service districts;
13 requiring the secretary of the department to
14 appoint a zone director for each zone;
15 specifying duties of the zone directors;
16 continuing for an additional fiscal year
17 certain transfer authority of the secretary of
18 the department; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 20.04, Florida Statutes, is amended
23 to read:

24 20.04 Structure of executive branch.--The executive
25 branch of state government is structured as follows:

26 (1) The department is the principal administrative
27 unit of the executive branch. Each department must bear a
28 title beginning with the words "State of Florida" and
29 continuing with "Department of"

30
31

1 (2) For field operations, departments may establish
2 district or area offices that combine division, bureau,
3 section, and subsection functions.

4 (3) Except as otherwise provided in subsections (4),
5 (5), and (6)~~For their internal structure~~, all departments,
6 except for the Department of Financial Services, ~~the~~
7 ~~Department of Children and Family Services, the Department of~~
8 ~~Corrections,~~the Department of Management Services, and the
9 Department of Revenue, ~~and the Department of Transportation,~~
10 must adhere to the following standard terms for their internal
11 structure:

12 (a) The principal unit of the department is the
13 "division." Each division is headed by a "director."

14 (b) The principal unit of the division is the
15 "bureau." Each bureau is headed by a "chief."

16 (c) The principal unit of the bureau is the "section."
17 Each section is headed by an "administrator."

18 (d) If further subdivision is necessary, sections may
19 be divided into "subsections," which are headed by
20 "supervisors."

21 (4) Within the Department of Children and Family
22 Services there may also be ~~are~~ organizational units called
23 "program offices," headed by program directors. Program
24 offices shall be below a division but above a bureau.

25 (5) Within the Department of Corrections the principal
26 policy and program development unit of the department is the
27 "office." Each "office" is headed by a director.

28 (6) Within the Department of Transportation the
29 principal policy and program development unit of the
30 department is the "office." Each "office" is headed by a
31 director.

1 (7)(a) Unless specifically authorized by law, the head
2 of a department may not reallocate duties and functions
3 specifically assigned by law to a specific unit of the
4 department. Those functions or agencies assigned generally to
5 the department without specific designation to a unit of the
6 department may be allocated and reallocated to a unit of the
7 department at the discretion of the head of the department.

8 (b) Within the limitations of this subsection, the
9 head of the department may recommend the establishment of
10 additional divisions, bureaus, sections, and subsections of
11 the department to promote efficient and effective operation of
12 the department. However, additional divisions, ~~or~~ offices in
13 the Department of Children and Family Services, the Department
14 of Corrections, and the Department of Transportation, may be
15 established only by specific statutory enactment. New program
16 offices, bureaus, sections, and subsections of departments may
17 be initiated by a department and established as recommended by
18 the Department of Management Services and approved by the
19 Executive Office of the Governor, or may be established by
20 specific statutory enactment.

21 (c) For the purposes of such recommendations and
22 approvals, the Department of Management Services and the
23 Executive Office of the Governor, respectively, must adopt and
24 apply specific criteria for assessing the appropriateness of
25 all reorganization requests from agencies. The criteria must
26 be applied to future agency requests for reorganization and
27 must be used to review the appropriateness of bureaus
28 currently in existence. Any current bureau that does not meet
29 the criteria for a bureau must be reorganized into a section
30 or other appropriate unit.

31

1 (8) The Executive Office of the Governor must maintain
2 a current organizational chart of each agency of the executive
3 branch, which must identify all divisions, program offices,
4 bureaus, units, and subunits of the agency. Agencies must
5 submit such organizational charts in accordance with
6 guidelines established by the Executive Office of the
7 Governor.

8 Section 2. Section 20.19, Florida Statutes, is amended
9 to read:

10 20.19 Department of Children and Family
11 Services.--There is created a Department of Children and
12 Family Services.

13 (1) MISSION AND PURPOSE.--

14 (a) The mission of the department ~~of Children and~~
15 ~~Family Services~~ is to work in partnership with local
16 communities to ensure the safety, well-being, and
17 self-sufficiency of the people served.

18 (b) The department shall develop a strategic plan for
19 fulfilling its mission and establish a set of measurable
20 goals, objectives, performance standards, and quality
21 assurance requirements to ensure that the department is
22 accountable to the people of Florida.

23 (c) To the extent allowed by law and within specific
24 appropriations, the department shall deliver services by
25 contract through private providers.

26 (2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY
27 SECRETARY.--

28 (a) The head of the department is the Secretary of
29 Children and Family Services. The secretary is appointed by
30 the Governor, subject to confirmation by the Senate. The
31 secretary serves at the pleasure of the Governor.

1 (b) The secretary shall appoint a deputy secretary who
2 shall perform ~~act in the absence of the secretary. The deputy~~
3 ~~secretary is directly responsible to the secretary, performs~~
4 such duties as are assigned by the secretary, and serve ~~serves~~
5 at the pleasure of the secretary.

6 (3)(c)1. ASSISTANT SECRETARY FOR SUBSTANCE ABUSE AND
7 MENTAL HEALTH.--The secretary shall appoint an Assistant
8 Secretary for the Division of Substance Abuse and Mental
9 Health. The assistant secretary ~~shall serve at the pleasure of~~
10 ~~the secretary and~~ must have expertise in both areas of
11 responsibility and shall supervise the department's substance
12 abuse and mental health programs.

13 ~~2.~~ The secretary shall also appoint a Program Director
14 for Substance Abuse and a Program Director for Mental Health
15 who have the requisite expertise and experience in their
16 respective fields ~~to head the state's substance abuse and~~
17 ~~mental health programs.~~

18 (a)a. Each program director shall have line authority
19 over all district substance abuse and mental health program
20 management staff.

21 (b)b. The assistant secretary shall enter into a
22 memorandum of understanding with each district or region
23 administrator, ~~which must be approved by the secretary or the~~
24 ~~secretary's designee,~~ describing the working relationships
25 within each geographic area.

26 (c)c. The mental health institutions shall report to
27 the Program Director for Mental Health.

28 (d)d. Each program director shall have direct control
29 over the program's budget and contracts for services. Support
30 staff necessary to manage budget and contracting functions
31

1 within the department shall be placed under the supervision of
2 the program directors.

3 ~~(d) The secretary has the authority and responsibility~~
4 ~~to ensure that the mission of the department is fulfilled in~~
5 ~~accordance with state and federal laws, rules, and~~
6 ~~regulations.~~

7 ~~(3) PROGRAM DIRECTORS.--The secretary shall appoint~~
8 ~~program directors who serve at the pleasure of the secretary.~~
9 ~~The secretary may delegate to the program directors~~
10 ~~responsibilities for the management, policy, program, and~~
11 ~~fiscal functions of the department.~~

12 (4) ASSISTANT SECRETARY FOR PROGRAMS ~~PROGRAM OFFICES~~
13 ~~AND SUPPORT OFFICES.--~~

14 (a) The secretary shall appoint an Assistant Secretary
15 for the Division of Programs. Except for Mental Health and
16 Substance Abuse, the assistant secretary shall supervise all
17 department program offices.~~The department is authorized to~~
18 ~~establish program offices and support offices, each of which~~
19 ~~shall be headed by a director or other management position who~~
20 ~~shall be appointed by and serves at the pleasure of the~~
21 ~~secretary.~~

22 (b) The following program offices shall be ~~are~~
23 established:

- 24 1. Adult Services.
- 25 2. Child Care Services.
- 26 3. Developmental Disabilities.
- 27 4. Economic Self-Sufficiency Services.
- 28 5. Family Safety.
- 29 6. ~~Mental Health.~~
- 30 6.7. Refugee Services.
- 31 8. ~~Substance Abuse.~~

1 (c) Program offices and support offices may be
2 consolidated, restructured, or rearranged by the secretary, in
3 consultation with the Executive Office of the Governor,
4 provided any such consolidation, restructuring, or rearranging
5 is capable of meeting functions and activities and achieving
6 outcomes as delineated in state and federal laws, rules, and
7 regulations. The secretary may appoint additional managers and
8 administrators as he or she determines are necessary for the
9 effective management of the department.

10 (5) ASSISTANT SECRETARY FOR ADMINISTRATION.--The
11 secretary shall appoint an Assistant Secretary for the
12 Division of Administration. The assistant secretary shall be
13 responsible for all administrative, financial, and budget
14 functions of the department.

15 (6) ASSISTANT SECRETARY FOR OPERATIONS.--The secretary
16 shall appoint an Assistant Secretary for the Division of
17 Operations. The assistant secretary shall be responsible for
18 the management and operation of the department's zones and
19 districts.

20 (7)(5) ZONES AND SERVICE DISTRICTS.--

21 (a) The department shall plan and administer its
22 programs of family services through zones, service districts,
23 and subdistricts composed of the following counties:

24 1. Panhandle Zone.--

25 a.1. District 1.--Escambia, Santa Rosa, Okaloosa, and
26 Walton Counties.

27 b.2. District 2, Subdistrict A.--Holmes, Washington,
28 Bay, Jackson, Calhoun, and Gulf Counties.

29 c.3. District 2, Subdistrict B.--Gadsden, Liberty,
30 Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor
31 Counties.

1 2. Northeast Zone.--
2 ~~a.4.~~ District 3.--Hamilton, Suwannee, Lafayette,
3 Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and
4 Alachua Counties.
5 ~~b.5.~~ District 4.--Baker, Nassau, Duval, Clay, and St.
6 Johns Counties.
7 c. District 12.--Flagler and Volusia Counties.
8 3. The Suncoast Zone.--
9 ~~a.6.~~ District 5.--Pasco and Pinellas Counties.
10 ~~b.7.~~ District 6.--Hillsborough and Manatee Counties.
11 4. Central Zone.--
12 ~~a.8.~~ District 7, Subdistrict A.--Seminole, Orange, and
13 Osceola Counties.
14 ~~b.9.~~ District 7, Subdistrict B.--Brevard County.
15 c. District 13.--Marion, Citrus, Hernando, Sumter, and
16 Lake Counties.
17 d. District 14.--Polk, Hardee, and Highlands Counties.
18 5. Southern Zone.--
19 ~~a.10.~~ District 8, Subdistrict A.--Sarasota and DeSoto
20 Counties.
21 ~~b.11.~~ District 8, Subdistrict B.--Charlotte, Lee,
22 Glades, Hendry, and Collier Counties.
23 ~~c.12.~~ District 9.--Palm Beach County.
24 ~~d.13.~~ District 10.--Broward County.
25 e. District 15.--Indian River, Okeechobee, St. Lucie,
26 and Martin Counties.
27 6. District 11 Zone.--
28 ~~a.14.~~ District 11, Subdistrict A.--Miami-Dade County.
29 ~~b.15.~~ District 11, Subdistrict B.--Monroe County.
30 ~~16. District 12.--Flagler and Volusia Counties.~~
31

1 ~~17. District 13.--Marion, Citrus, Hernando, Sumter,~~
2 ~~and Lake Counties.~~

3 ~~18. District 14.--Polk, Hardee, and Highlands~~
4 ~~Counties.~~

5 ~~19. District 15.--Indian River, Okeechobee, St. Lucie,~~
6 ~~and Martin Counties.~~

7 (b) The secretary shall appoint zone directors for
8 each of the zones. The zone directors shall serve at the
9 pleasure of the secretary and be responsible for providing
10 administrative support, including programmatic technical
11 assistance, budget and financial services, data collection and
12 information technology services, and such other duties as
13 assigned by the secretary.

14 (c)(b)1. The secretary shall appoint a district
15 administrator for each of the service districts. The district
16 administrator shall serve at the pleasure of the secretary and
17 be responsible for the provision of program services and such
18 other shall perform such duties as assigned by the secretary.
19 Subject to the approval of the secretary, such duties shall
20 include transferring up to 10 percent of the total district
21 budget, the provisions of ss. 216.292 and 216.351
22 notwithstanding.

23 2. For the 2004-2005 ~~2003-2004~~ fiscal year only, the
24 transfer authority provided in this subsection must be
25 specifically appropriated in the 2004-2005 ~~2003-2004~~ General
26 Appropriations Act and shall be pursuant to the requirements
27 of s. 216.292. This subparagraph expires July 1, 2005 ~~2004~~.

28 (c) Each fiscal year the secretary shall, in
29 consultation with the relevant employee representatives,
30 develop projections of the number of child abuse and neglect
31 cases and shall include in the department's legislative budget

1 request a specific appropriation for funds and positions for
2 the next fiscal year in order to provide an adequate number of
3 full-time equivalent:

4 1. Child protection investigation workers so that
5 caseloads do not exceed the Child Welfare League Standards by
6 more than two cases; and

7 2. Child protection case workers so that caseloads do
8 not exceed the Child Welfare League Standards by more than two
9 cases.

10 (8)~~(6)~~ COMMUNITY ALLIANCES.--

11 (a) The department shall, in consultation with local
12 communities, establish a community alliance of the
13 stakeholders, community leaders, client representatives and
14 funders of human services in each county to provide a focal
15 point for community participation and governance of
16 community-based services. An alliance may cover more than one
17 county when such arrangement is determined to provide for more
18 effective representation. The community alliance shall
19 represent the diversity of the community.

20 (b) The duties of the community alliance shall
21 include, but not necessarily be limited to:

22 1. Joint planning for resource utilization in the
23 community, including resources appropriated to the department
24 and any funds that local funding sources choose to provide.

25 2. Needs assessment and establishment of community
26 priorities for service delivery.

27 3. Determining community outcome goals to supplement
28 state-required outcomes.

29 4. Serving as a catalyst for community resource
30 development.

31

1 5. Providing for community education and advocacy on
2 issues related to delivery of services.

3 6. Promoting prevention and early intervention
4 services.

5 (c) The department shall ensure, to the greatest
6 extent possible, that the formation of each community alliance
7 builds on the strengths of the existing community human
8 services infrastructure.

9 (d) The initial membership of the community alliance
10 in a county shall be composed of the following:

- 11 1. The district administrator.
- 12 2. A representative from county government.
- 13 3. A representative from the school district.
- 14 4. A representative from the county United Way.
- 15 5. A representative from the county sheriff's office.
- 16 6. A representative from the circuit court
17 corresponding to the county.
- 18 7. A representative from the county children's board,
19 if one exists.

20 (e) At any time after the initial meeting of the
21 community alliance, the community alliance shall adopt bylaws
22 and may increase the membership of the alliance to include the
23 state attorney for the judicial circuit in which the community
24 alliance is located, or his or her designee, the public
25 defender for the judicial circuit in which the community
26 alliance is located, or his or her designee, and other
27 individuals and organizations who represent funding
28 organizations, are community leaders, have knowledge of
29 community-based service issues, or otherwise represent
30 perspectives that will enable them to accomplish the duties
31 listed in paragraph (b), if, in the judgment of the alliance,

1 such change is necessary to adequately represent the diversity
2 of the population within the community alliance service
3 districts.

4 (f) Members of the community alliances shall serve
5 without compensation, but are entitled to receive
6 reimbursement for per diem and travel expenses, as provided in
7 s. 112.061. Payment may also be authorized for preapproved
8 child care expenses or lost wages for members who are
9 consumers of the department's services and for preapproved
10 child care expenses for other members who demonstrate
11 hardship.

12 (g) Members of a community alliance are subject to the
13 provisions of part III of chapter 112, the Code of Ethics for
14 Public Officers and Employees.

15 (h) Actions taken by a community alliance must be
16 consistent with department policy and state and federal laws,
17 rules, and regulations.

18 (i) Alliance members shall annually submit a
19 disclosure statement of services interests to the department's
20 inspector general. Any member who has an interest in a matter
21 under consideration by the alliance must abstain from voting
22 on that matter.

23 (j) All alliance meetings are open to the public
24 pursuant to s. 286.011 and the public records provision of s.
25 119.07(1).

26 (9)~~(7)~~ PROTOTYPE REGION.--

27 (a) Notwithstanding the provisions of this section,
28 the department may consolidate the management and
29 administrative structure or function of the geographic area
30 that includes the counties in the sixth, twelfth, and
31 thirteenth judicial circuits as defined in s. 26.021. The

1 department shall evaluate the efficiency and effectiveness of
2 the operation of the prototype region and upon a determination
3 that there has been a demonstrated improvement in management
4 and oversight of services or cost savings from more efficient
5 administration of services, the secretary may consolidate
6 management and administration of additional areas of the
7 state. Any such additional consolidation shall comply with
8 the provisions of subsection (7)~~(5)~~ unless legislative
9 authorization to the contrary is provided.

10 (b) Within the prototype region, the budget transfer
11 authority defined in paragraph (7)(b)~~(5)(b)~~ shall apply to
12 the consolidated geographic area.

13 (c) The department is authorized to contract for
14 children's services with a lead agency in each county of the
15 prototype area, except that the lead agency contract may cover
16 more than one county when it is determined that such coverage
17 will provide more effective or efficient services. The duties
18 of the lead agency shall include, but not necessarily be
19 limited to:

20 1. Directing and coordinating the program and
21 children's services within the scope of its contract.

22 2. Providing or contracting for the provision of core
23 services, including intake and eligibility, assessment,
24 service planning, and case management.

25 3. Creating a service provider network capable of
26 delivering the services contained in client service plans,
27 which shall include identifying the necessary services, the
28 necessary volume of services, and possible utilization
29 patterns and negotiating rates and expectations with
30 providers.

31

1 4. Managing and monitoring of provider contracts and
2 subcontracts.

3 5. Developing and implementing an effective bill
4 payment mechanism to ensure all providers are paid in a timely
5 fashion.

6 6. Providing or arranging for administrative services
7 necessary to support service delivery.

8 7. Utilizing departmentally approved training and
9 meeting departmentally defined credentials and standards.

10 8. Providing for performance measurement in accordance
11 with the department's quality assurance program and providing
12 for quality improvement and performance measurement.

13 9. Developing and maintaining effective interagency
14 collaboration to optimize service delivery.

15 10. Ensuring that all federal and state reporting
16 requirements are met.

17 11. Operating a consumer complaint and grievance
18 process.

19 12. Ensuring that services are coordinated and not
20 duplicated with other major payors, such as the local schools
21 and Medicaid.

22 13. Any other duties or responsibilities defined in s.
23 409.1671 related to community-based care.

24 (10)~~(8)~~ CONSULTATION WITH COUNTIES ON MANDATED
25 PROGRAMS.--It is the intent of the Legislature that when
26 county governments are required by law to participate in the
27 funding of programs, the department shall consult with
28 designated representatives of county governments in developing
29 policies and service delivery plans for those programs.

30 (11)~~(9)~~ PROCUREMENT OF HEALTH SERVICES.--Nothing
31 contained in chapter 287 shall require competitive bids for

1 health services involving examination, diagnosis, or
2 treatment.

3 Section 3. This act shall take effect July 1, 2004.

4

5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 1282

7

8 Amends s. 20.04, F.S., to set forth the organizational
9 structure for the Department of Children and Family Services.

10 Authorizes the creation of six zones, within the Department of
11 Children and Family Services, that are responsible for
12 providing administrative support to the districts, including
13 programmatic technical assistance, budget and financial
14 services, data collection, and information technology
15 services. The department estimates that the consolidation of
16 organizational functions authorized in this bill would create
17 administrative efficiencies that will produce future cost
18 savings.

19 Amends s.20.19, F.S., to extend for one year the ten percent
20 transfer authority limitation mandated for Fiscal Year
21 2003-04.

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37