

Bill No. HB 1845

Amendment No. ____ Barcode 951006

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

(3) Except as otherwise provided in subsections (4), (5), and (6) For their internal structure, all departments, except for the Department of Financial Services, ~~the Department of Children and Family Services, the Department of~~

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1 ~~Corrections~~, the Department of Management Services, and the
2 Department of Revenue, ~~and the Department of Transportation~~,
3 must adhere to the following standard terms for their internal
4 structure:

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

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

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

11 (d) If further subdivision is necessary, sections may
12 be divided into "subsections," which are headed by
13 "supervisors."

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

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

21 (6) Within the Department of Transportation the
22 principal policy and program development unit of the
23 department is the "office." Each "office" is headed by a
24 director.

25 (7)(a) Unless specifically authorized by law, the head
26 of a department may not reallocate duties and functions
27 specifically assigned by law to a specific unit of the
28 department. Those functions or agencies assigned generally to
29 the department without specific designation to a unit of the
30 department may be allocated and reallocated to a unit of the
31 department at the discretion of the head of the department.

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

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

24 (8) The Executive Office of the Governor must maintain
25 a current organizational chart of each agency of the executive
26 branch, which must identify all divisions, program offices,
27 bureaus, units, and subunits of the agency. Agencies must
28 submit such organizational charts in accordance with
29 guidelines established by the Executive Office of the
30 Governor.

31 Section 2. Section 20.19, Florida Statutes, is amended

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1 to read:

2 20.19 Department of Children and Family
3 Services.--There is created a Department of Children and
4 Family Services.

5 (1) MISSION AND PURPOSE.--

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

10 (b) The department shall develop a strategic plan for
11 fulfilling its mission and establish a set of measurable
12 goals, objectives, performance standards, and quality
13 assurance requirements to ensure that the department is
14 accountable to the people of Florida.

15 (c) To the extent allowed by law and within specific
16 appropriations, the department shall deliver services by
17 contract through private providers.

18 (2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY
19 SECRETARY.--

20 (a) The head of the department is the Secretary of
21 Children and Family Services. The secretary is appointed by
22 the Governor, subject to confirmation by the Senate. The
23 secretary serves at the pleasure of the Governor.

24 (b) The secretary shall appoint a deputy secretary who
25 shall perform ~~act in the absence of the secretary. The deputy~~
26 ~~secretary is directly responsible to the secretary, performs~~
27 such duties as are assigned by the secretary, and serve ~~serves~~
28 at the pleasure of the secretary.

29 (3)~~(c)~~1. ASSISTANT SECRETARY FOR SUBSTANCE ABUSE AND
30 MENTAL HEALTH.-- The secretary shall appoint an Assistant

31 Secretary for the Division of Substance Abuse and Mental

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1 Health. The assistant secretary ~~shall serve at the pleasure of~~
2 ~~the secretary and~~ must have expertise in both areas of
3 responsibility and shall supervise the department's substance
4 abuse and mental health programs.

5 ~~2.~~ The secretary shall also appoint a Program Director
6 for Substance Abuse and a Program Director for Mental Health
7 who have the requisite expertise and experience in their
8 respective fields ~~to head the state's substance abuse and~~
9 ~~mental health programs.~~

10 (a)~~a.~~ Each program director shall have line authority
11 over all district substance abuse and mental health program
12 management staff.

13 (b)~~b.~~ The assistant secretary shall enter into a
14 memorandum of understanding with each district or region
15 administrator, ~~which must be approved by the secretary or the~~
16 ~~secretary's designee,~~ describing the working relationships
17 within each geographic area.

18 (c)~~c.~~ The mental health institutions shall report to
19 the Program Director for Mental Health.

20 (d)~~d.~~ Each program director shall have direct control
21 over the program's budget and contracts for services. Support
22 staff necessary to manage budget and contracting functions
23 within the department shall be placed under the supervision of
24 the program directors.

25 ~~(d) The secretary has the authority and responsibility~~
26 ~~to ensure that the mission of the department is fulfilled in~~
27 ~~accordance with state and federal laws, rules, and~~
28 ~~regulations.~~

29 ~~(3) PROGRAM DIRECTORS.--The secretary shall appoint~~
30 ~~program directors who serve at the pleasure of the secretary.~~

31 ~~The secretary may delegate to the program directors~~

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1 ~~responsibilities for the management, policy, program, and~~
2 ~~fiscal functions of the department.~~

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

5 (a) The secretary shall appoint an Assistant Secretary
6 for the Division of Programs. Except for Mental Health and
7 Substance Abuse, the assistant secretary shall supervise all
8 department program offices. ~~The department is authorized to~~
9 ~~establish program offices and support offices, each of which~~
10 ~~shall be headed by a director or other management position who~~
11 ~~shall be appointed by and serves at the pleasure of the~~
12 ~~secretary.~~

13 (b) The following program offices shall be ~~are~~
14 established:

- 15 1. Adult Services.
- 16 2. Child Care Services.
- 17 3. Developmental Disabilities.
- 18 4. Economic Self-Sufficiency Services.
- 19 5. Family Safety.
- 20 ~~6. Mental Health.~~
- 21 6.7. Refugee Services.
- 22 ~~8. Substance Abuse.~~

23 (c) Program offices and support offices may be
24 consolidated, restructured, or rearranged by the secretary, in
25 consultation with the Executive Office of the Governor,
26 provided any such consolidation, restructuring, or rearranging
27 is capable of meeting functions and activities and achieving
28 outcomes as delineated in state and federal laws, rules, and
29 regulations. The secretary may appoint additional managers and
30 administrators as he or she determines are necessary for the
31 effective management of the department.

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1 (5) ASSISTANT SECRETARY FOR ADMINISTRATION.--The
 2 secretary shall appoint an Assistant Secretary for the
 3 Division of Administration. The assistant secretary shall be
 4 responsible for all administrative, financial, and budget
 5 functions of the department.

6 (6) ASSISTANT SECRETARY FOR OPERATIONS.--The secretary
 7 shall appoint an Assistant Secretary for the Division of
 8 Operations. The assistant secretary shall be responsible for
 9 the management and operation of the department's zones and
 10 districts.

11 ~~(7)(5)~~ ZONES AND SERVICE DISTRICTS.--

12 (a) The department shall plan and administer its
 13 programs of family services through zones, ~~service~~ districts,
 14 and subdistricts composed of the following counties:

15 1. Panhandle Zone.--

16 ~~a.1.~~ District 1.--Escambia, Santa Rosa, Okaloosa, and
 17 Walton Counties.

18 ~~b.2.~~ District 2, Subdistrict A.--Holmes, Washington,
 19 Bay, Jackson, Calhoun, and Gulf Counties.

20 ~~c.3.~~ District 2, Subdistrict B.--Gadsden, Liberty,
 21 Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor
 22 Counties.

23 2. Northeast Zone.--

24 ~~a.4.~~ District 3.--Hamilton, Suwannee, Lafayette,
 25 Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and
 26 Alachua Counties.

27 ~~b.5.~~ District 4.--Baker, Nassau, Duval, Clay, and St.
 28 Johns Counties.

29 c. District 12.--Flagler and Volusia Counties.

30 3. The Suncoast Zone.--

31 ~~a.6.~~ District 5.--Pasco and Pinellas Counties.

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1 b.7. District 6.--Hillsborough and Manatee Counties.

2 4. Central Zone.--

3 a.8. District 7, Subdistrict A.--Seminole, Orange, and
4 Osceola Counties.

5 b.9. District 7, Subdistrict B.--Brevard County.

6 c. District 13.--Marion, Citrus, Hernando, Sumter, and
7 Lake Counties.

8 d. District 14.--Polk, Hardee, and Highlands Counties.

9 5. Southern Zone.--

10 a.10. District 8, Subdistrict A.--Sarasota and DeSoto
11 Counties.

12 b.11. District 8, Subdistrict B.--Charlotte, Lee,
13 Glades, Hendry, and Collier Counties.

14 c.12. District 9.--Palm Beach County.

15 d.13. District 10.--Broward County.

16 e. District 15.--Indian River, Okeechobee, St. Lucie,
17 and Martin Counties.

18 6. District 11 Zone.--

19 a.14. District 11, Subdistrict A.--Miami-Dade County.

20 b.15. District 11, Subdistrict B.--Monroe County.

21 ~~16. District 12.--Flagler and Volusia Counties.~~

22 ~~17. District 13.--Marion, Citrus, Hernando, Sumter,~~
23 ~~and Lake Counties.~~

24 ~~18. District 14.--Polk, Hardee, and Highlands~~
25 ~~Counties.~~

26 ~~19. District 15.--Indian River, Okeechobee, St. Lucie,~~
27 ~~and Martin Counties.~~

28 (b) The secretary shall appoint zone directors for
29 each of the zones. The zone directors shall serve at the
30 pleasure of the secretary and be responsible for providing
31 administrative support, including programmatic technical

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1 assistance, budget and financial services, data collection and
 2 information technology services, and such other duties as
 3 assigned by the secretary.

4 ~~(c)(b)~~1. The secretary shall appoint a district
 5 administrator for each of the service districts. The district
 6 administrator shall serve at the pleasure of the secretary and
 7 be responsible for the provision of program services and such
 8 other shall perform such duties as assigned by the secretary.
 9 Subject to the approval of the secretary, such duties shall
 10 include transferring up to 10 percent of the total district
 11 budget, the provisions of ss. 216.292 and 216.351
 12 notwithstanding.

13 2. For the 2004-2005 ~~2003-2004~~ fiscal year only, the
 14 transfer authority provided in this subsection must be
 15 specifically appropriated in the 2004-2005 ~~2003-2004~~ General
 16 Appropriations Act and shall be pursuant to the requirements
 17 of s. 216.292. This subparagraph expires July 1, 2005 ~~2004~~.

18 (c) Each fiscal year the secretary shall, in
 19 consultation with the relevant employee representatives,
 20 develop projections of the number of child abuse and neglect
 21 cases and shall include in the department's legislative budget
 22 request a specific appropriation for funds and positions for
 23 the next fiscal year in order to provide an adequate number of
 24 full-time equivalent:

25 1. Child protection investigation workers so that
 26 caseloads do not exceed the Child Welfare League Standards by
 27 more than two cases; and

28 2. Child protection case workers so that caseloads do
 29 not exceed the Child Welfare League Standards by more than two
 30 cases.

31 ~~(8)(6)~~ COMMUNITY ALLIANCES.--

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1 (a) The department shall, in consultation with local
2 communities, establish a community alliance of the
3 stakeholders, community leaders, client representatives and
4 funders of human services in each county to provide a focal
5 point for community participation and governance of
6 community-based services. An alliance may cover more than one
7 county when such arrangement is determined to provide for more
8 effective representation. The community alliance shall
9 represent the diversity of the community.

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

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

15 2. Needs assessment and establishment of community
16 priorities for service delivery.

17 3. Determining community outcome goals to supplement
18 state-required outcomes.

19 4. Serving as a catalyst for community resource
20 development.

21 5. Providing for community education and advocacy on
22 issues related to delivery of services.

23 6. Promoting prevention and early intervention
24 services.

25 (c) The department shall ensure, to the greatest
26 extent possible, that the formation of each community alliance
27 builds on the strengths of the existing community human
28 services infrastructure.

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

31 1. The district administrator.

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- 1 2. A representative from county government.
- 2 3. A representative from the school district.
- 3 4. A representative from the county United Way.
- 4 5. A representative from the county sheriff's office.
- 5 6. A representative from the circuit court
- 6 corresponding to the county.
- 7 7. A representative from the county children's board,
- 8 if one exists.

9 (e) At any time after the initial meeting of the
10 community alliance, the community alliance shall adopt bylaws
11 and may increase the membership of the alliance to include the
12 state attorney for the judicial circuit in which the community
13 alliance is located, or his or her designee, the public
14 defender for the judicial circuit in which the community
15 alliance is located, or his or her designee, and other
16 individuals and organizations who represent funding
17 organizations, are community leaders, have knowledge of
18 community-based service issues, or otherwise represent
19 perspectives that will enable them to accomplish the duties
20 listed in paragraph (b), if, in the judgment of the alliance,
21 such change is necessary to adequately represent the diversity
22 of the population within the community alliance service
23 districts.

24 (f) Members of the community alliances shall serve
25 without compensation, but are entitled to receive
26 reimbursement for per diem and travel expenses, as provided in
27 s. 112.061. Payment may also be authorized for preapproved
28 child care expenses or lost wages for members who are
29 consumers of the department's services and for preapproved
30 child care expenses for other members who demonstrate
31 hardship.

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

4 (h) Actions taken by a community alliance must be
5 consistent with department policy and state and federal laws,
6 rules, and regulations.

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

12 (j) All alliance meetings are open to the public
13 pursuant to s. 286.011 and the public records provision of s.
14 119.07(1).

15 ~~(9)(7)~~ PROTOTYPE REGION.--

16 (a) Notwithstanding the provisions of this section,
17 the department may consolidate the management and
18 administrative structure or function of the geographic area
19 that includes the counties in the sixth, twelfth, and
20 thirteenth judicial circuits as defined in s. 26.021. The
21 department shall evaluate the efficiency and effectiveness of
22 the operation of the prototype region and upon a determination
23 that there has been a demonstrated improvement in management
24 and oversight of services or cost savings from more efficient
25 administration of services, the secretary may consolidate
26 management and administration of additional areas of the
27 state. Any such additional consolidation shall comply with
28 the provisions of subsection ~~(7)(5)~~ unless legislative
29 authorization to the contrary is provided.

30 (b) Within the prototype region, the budget transfer
31 authority defined in paragraph ~~(7)(b)(5)(b)~~ shall apply to

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1 the consolidated geographic area.

2 (c) The department is authorized to contract for
3 children's services with a lead agency in each county of the
4 prototype area, except that the lead agency contract may cover
5 more than one county when it is determined that such coverage
6 will provide more effective or efficient services. The duties
7 of the lead agency shall include, but not necessarily be
8 limited to:

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

11 2. Providing or contracting for the provision of core
12 services, including intake and eligibility, assessment,
13 service planning, and case management.

14 3. Creating a service provider network capable of
15 delivering the services contained in client service plans,
16 which shall include identifying the necessary services, the
17 necessary volume of services, and possible utilization
18 patterns and negotiating rates and expectations with
19 providers.

20 4. Managing and monitoring of provider contracts and
21 subcontracts.

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

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

27 7. Utilizing departmentally approved training and
28 meeting departmentally defined credentials and standards.

29 8. Providing for performance measurement in accordance
30 with the department's quality assurance program and providing
31 for quality improvement and performance measurement.

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1 9. Developing and maintaining effective interagency
2 collaboration to optimize service delivery.

3 10. Ensuring that all federal and state reporting
4 requirements are met.

5 11. Operating a consumer complaint and grievance
6 process.

7 12. Ensuring that services are coordinated and not
8 duplicated with other major payors, such as the local schools
9 and Medicaid.

10 13. Any other duties or responsibilities defined in s.
11 409.1671 related to community-based care.

12 ~~(10)(8)~~ CONSULTATION WITH COUNTIES ON MANDATED
13 PROGRAMS.--It is the intent of the Legislature that when
14 county governments are required by law to participate in the
15 funding of programs, the department shall consult with
16 designated representatives of county governments in developing
17 policies and service delivery plans for those programs.

18 ~~(11)(9)~~ PROCUREMENT OF HEALTH SERVICES.--Nothing
19 contained in chapter 287 shall require competitive bids for
20 health services involving examination, diagnosis, or
21 treatment.

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

23
24

25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28

29 and insert:

30 A bill to be entitled

31 An act relating to the structure of the

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

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