

By Senator Oelrich

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1 A bill to be entitled
2 An act relating to the creation of the Department of
3 Health and Human Services; amending s. 20.04, F.S.;
4 authorizing the department to establish regions headed
5 by deputy secretaries; conforming terminology;
6 creating s. 20.601, F.S.; creating the Department of
7 Health and Human Services; providing for mission and
8 purpose; providing for appointment of a Secretary of
9 Health and Human Services by the Governor; providing
10 duties of the secretary; authorizing the secretary to
11 appoint regional deputy secretaries; establishing
12 regions for the administration of program services;
13 establishing program divisions within each region;
14 requiring the department to consult with counties
15 regarding mandated programs; providing guidelines for
16 procurement of health services; creating s. 20.602,
17 F.S.; establishing the Central Office of Investigative
18 Services; providing duties; establishing the Office of
19 Inspector General in the Central Office of
20 Investigative Services; requiring each region to have
21 a separate investigative office; amending s. 1001.706,
22 F.S.; directing the Board of Governors to establish
23 regional policy development and research exchange
24 centers at specified state universities for certain
25 purposes; repealing s. 20.19, F.S., relating to the
26 Department of Children and Family Services; repealing
27 s. 20.195, F.S., relating to Department of Children
28 and Family Services trust funds; repealing s. 20.197,
29 F.S., relating to the Agency for Persons with

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30 Disabilities; repealing s. 20.1971, F.S., relating to
31 the Agency for Persons with Disabilities trust funds;
32 repealing s. 20.42, F.S., relating to the Agency for
33 Health Care Administration; repealing s. 20.425, F.S.,
34 relating to Agency for Health Care Administration
35 trust funds; repealing s. 20.43, F.S., relating to the
36 Department of Health; repealing s. 20.435, F.S.,
37 relating to Department of Health trust funds;
38 providing a directive to the Division of Statutory
39 Revision to change the name of the Department of
40 Children and Family Services to the Department of
41 Health and Human Services; transferring and
42 reassigning certain functions and responsibilities,
43 including records, personnel, property, and unexpended
44 balances of appropriations and other resources, from
45 the Agency for Health Care Administration, the Agency
46 for Persons with Disabilities, the Department of
47 Children and Family Services, and the Department of
48 Health to the Department of Health and Human Services
49 by a type two transfer; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsections (3) and (4) and paragraph (b) of
54 subsection (7) of section 20.04, Florida Statutes, are amended
55 to read:

56 20.04 Structure of executive branch.—The executive branch
57 of state government is structured as follows:

58 (3) For their internal structure, all departments, except

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59 for the Department of Financial Services, the Department of
60 Health and Human ~~Children and Family~~ Services, the Department of
61 Corrections, the Department of Management Services, the
62 Department of Revenue, and the Department of Transportation,
63 must adhere to the following standard terms:

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

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

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

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

72 (4) Within the Department of Health and Human ~~Children and~~
73 ~~Family~~ Services there are organizational units called "regions"
74 headed by deputy secretaries ~~"program offices,"~~ ~~headed by~~
75 ~~program directors.~~

76 (7)

77 (b) Within the limitations of this subsection, the head of
78 the department may recommend the establishment of additional
79 divisions, bureaus, sections, and subsections of the department
80 to promote efficient and effective operation of the department.
81 However, additional divisions, or offices in the Department of
82 Health and Human ~~Children and Family~~ Services, the Department of
83 Corrections, and the Department of Transportation, may be
84 established only by specific statutory enactment. New bureaus,
85 sections, and subsections of departments may be initiated by a
86 department and established as recommended by the Department of
87 Management Services and approved by the Executive Office of the

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88 Governor, or may be established by specific statutory enactment.

89 Section 2. Section 20.601, Florida Statutes, is created to
90 read:

91 20.601 Department of Health and Human Services.—There is
92 created a Department of Health and Human Services.

93 (1) MISSION AND PURPOSE.—

94 (a) The mission of the Department of Health and Human
95 Services is to:

96 1. Work in partnership with local communities to implement
97 state health policy.

98 2. Identify technologies and opportunities for gains in
99 productivity associated with the greater level of integration of
100 the delivery of health and human services.

101 3. Estimate the amount of workforce reduction as a result
102 of the integration of service delivery systems.

103 4. Estimate the reduction in the need for office or work
104 space as a result of increased use of technology and the
105 regionalization of health care operations.

106 5. Eliminate duplicative functions as a result of the
107 merging of the functions of the Agency for Health Care
108 Administration, the Agency for Persons with Disabilities, the
109 Department of Children and Family Services, and the Department
110 of Health into the department.

111 (b) The department shall develop a strategic plan for
112 fulfilling its mission and establish a set of measurable goals,
113 objectives, performance standards, and quality assurance
114 requirements to ensure that the department is accountable to the
115 people of Florida.

116 (2) SECRETARY OF HEALTH AND HUMAN SERVICES; DEPUTY

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117 SECRETARIES.—

118 (a) The head of the department is the Secretary of Health
119 and Human Services. The secretary is appointed by the Governor,
120 subject to confirmation by the Senate. The secretary serves at
121 the pleasure of the Governor.

122 (b) The secretary has the authority and responsibility to
123 ensure that the mission of the department is fulfilled in
124 accordance with state and federal laws, rules, and regulations.

125 (c) The secretary shall appoint six deputy secretaries who
126 shall lead the six regions. The deputy secretaries are directly
127 responsible to the secretary, perform such duties as are
128 assigned by the secretary, and serve at the pleasure of the
129 secretary.

130 (d) The secretary shall plan and administer program
131 services through regions that conform to the geographic
132 boundaries of the judicial circuits established in s. 26.021.
133 The department shall establish regional divisions as follows:

134 1. Region 1, Northwest Region.—Escambia, Santa Rosa,
135 Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun,
136 Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, and Jefferson
137 Counties.

138 2. Region 2, Northeast Region.—Madison, Taylor, Hamilton,
139 Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union,
140 Bradford, Putnam, Alachua, Baker, Nassau, Duval, Clay, St.
141 Johns, Flagler, and Volusia Counties.

142 3. Region 3, Central Region.—Marion, Citrus, Hernando,
143 Sumter, Lake, Polk, Hardee, Highlands, Seminole, Orange,
144 Osceola, Brevard, Indian River, Okeechobee, St. Lucie, and
145 Martin Counties.

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146 4. Region 4, Suncoast Region.-Pasco, Pinellas,
 147 Hillsborough, Manatee, Sarasota, DeSoto, Charlotte, Lee, Glades,
 148 Hendry, and Collier Counties.

149 5. Region 5, Southeast Region.-Palm Beach and Broward
 150 Counties.

151 6. Region 6, Southern Region.-Miami-Dade and Monroe
 152 Counties.

153 (3) PROGRAM DIVISIONS.-

154 (a) The department is authorized to establish program
 155 divisions within each region, each of which shall be headed by a
 156 director or other management position who shall be appointed by
 157 and serves at the pleasure of the secretary.

158 (b) The following program divisions are established:

159 1. Adult Services.

160 2. Child Care Services.

161 3. Foster Care Services.

162 4. Long-term Care Services.

163 5. Medicaid Services.

164 6. Quality Assurance Services.

165 7. Domestic Violence Services.

166 8. Economic Self-Sufficiency Services.

167 9. Family Safety Services.

168 10. Mental Health Services.

169 11. Refugee Services.

170 12. Substance Abuse Services.

171 13. Contracting Services.

172 14. Legal Services.

173 15. Administration Services.

174 16. Benefits Services.

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175 (c) Program divisions may be consolidated, restructured, or
176 rearranged by the secretary, in consultation with the Executive
177 Office of the Governor, provided any such consolidation,
178 restructuring, or rearranging is capable of meeting functions
179 and activities and achieving outcomes as delineated in state and
180 federal laws, rules, and regulations. The secretary may appoint
181 additional managers and administrators as he or she determines
182 are necessary for the effective management of the department.

183 (4) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is
184 the intent of the Legislature that when county governments are
185 required by law to participate in the funding of programs, the
186 department shall consult with designated representatives of
187 county governments in developing policies and service delivery
188 plans for those programs.

189 (5) PROCUREMENT OF HEALTH SERVICES.—Nothing contained in
190 chapter 287 shall require competitive bids for health services
191 involving examination, diagnosis, or treatment.

192 Section 3. Section 20.602, Florida Statutes, is created to
193 read:

194 20.602 Central Office of Investigative Services; purpose.—

195 (1) The Central Office of Investigative Services is
196 responsible for:

197 (a) All investigations relating to child abuse, adult
198 abuse, Medicaid fraud, and complaints against health care
199 professionals, health care providers, and managed care
200 organizations.

201 (b) Reporting the findings of the regional offices to the
202 United States Department of Health and Human Services.

203 (c) Coordinating investigations with federal agencies to

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204 implement health care mandates.

205 (d) Coordinating investigations statewide and providing
206 regional oversight.

207 (2) The Office of Inspector General is established in the
208 Central Office of Investigative Services to review complaints
209 regarding the conduct of investigators and investigations.

210 (3) Each region established under s. 20.601 shall have a
211 separate investigative office that shall conduct investigations,
212 collect information regarding complaints, and report such
213 findings to the Central Office of Investigative Services.

214 Section 4. Subsection (11) is added to section 1001.706,
215 Florida Statutes, to read:

216 1001.706 Powers and duties of the Board of Governors.—

217 (11) REGIONAL POLICY DEVELOPMENT AND RESEARCH EXCHANGE
218 CENTERS.—The Board of Governors shall establish a regional
219 policy development and research exchange center at one state
220 university located in each of the six regional divisions
221 established under s. 20.601. Each exchange center shall:

222 (a) Review data on subjects, including, but not limited to,
223 developmental disabilities, aging, Medicaid and managed care,
224 frontline caregivers, mental health, substance abuse, HIV/AIDS,
225 long-term care, community-based care, biological sciences, and
226 children's health and services issues.

227 (b) Examine data, including, but not limited to, encounter
228 data and cost-effectiveness data, and conduct field interviews
229 with providers and consumers.

230 (c) Make research findings available to the public through
231 the Internet with the opportunity for public comment.

232 (d) Provide recommendations to the Department of Health and

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233 Human Services, the President of the Senate, and the Speaker of
234 the House of Representatives regarding health and human services
235 policies.

236 Section 5. Sections 20.19, 20.195, 20.197, 20.1971, 20.42,
237 20.425, 20.43, and 20.435, Florida Statutes, are repealed.

238 Section 6. The Division of Statutory Revision of the Joint
239 Legislative Management Committee is directed to prepare a
240 reviser's bill for introduction at a subsequent session of the
241 Legislature to change the term "Department of Children and
242 Family Services" to "Department of Health and Human Services,"
243 the term "Secretary of Children and Family Services" to
244 "Secretary of Health and Human Services," and the term "district
245 administrator" to "deputy secretary," as that term relates to
246 the administrative duties of a district administrator in a
247 region, wherever those terms appear in the Florida Statutes.

248 Section 7. All powers, duties, functions, records, offices,
249 personnel, property, pending issues and existing contracts,
250 administrative authority, administrative rules, and unexpended
251 balances of appropriations, allocations, and other funds of the
252 Agency for Health Care Administration, the Agency for Persons
253 with Disabilities, the Department of Children and Family
254 Services, and the Department of Health are transferred by a type
255 two transfer, as defined in s. 20.06(2), Florida Statutes, to
256 the Department of Health and Human Services.

257 Section 8. This act shall take effect July 1, 2011.