

HB 1229

2012

1                   A bill to be entitled  
2           An act relating to the reorganization of the  
3           Department of Children and Family Services; amending  
4           s. 20.04, F.S.; changing the name of the Department of  
5           Children and Family Services to the Department of  
6           Children and Families; authorizing the department to  
7           restructure its organizational units to establish  
8           circuits, aligned geographically with judicial  
9           circuits and regions, which include multiple circuits  
10          in geographical proximity to each other; revising  
11          requirements relating to community alliances; deleting  
12          provisions relating to service districts, the  
13          prototype region, and the procurement of health  
14          services; amending s. 20.19, F.S.; deleting provisions  
15          relating to the mission and purpose of the department;  
16          deleting provisions establishing service districts;  
17          revising provisions relating to the structure of and  
18          services provided by the department; s. 20.43, F.S.;  
19          revising provisions aligning the boundaries of service  
20          areas for the Department of Health to those of the  
21          service districts of the department to conform to  
22          changes made by this act; s. 420.622, F.S.; deleting  
23          authority of the Governor to appoint the executive  
24          director of the State Office on Homelessness; amending  
25          s. 394.78, F.S.; deleting obsolete references;  
26          providing for legislation to conform the Florida  
27          Statutes to changes made by the act; providing an  
28          effective date.

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

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

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

(3) For their internal structure, all departments, except for the Department of Financial Services, the Department of Children and Families ~~Family Services~~, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation, must adhere to the following standard terms:

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

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

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

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

(4) Within the Department of Children and Families ~~Family Services~~ there are organizational units called "circuits" and "regions" ~~"program offices,"~~ headed by program directors. Each circuit is aligned geographically with each judicial circuit and each region comprises multiple circuits which are in geographical proximity to each other.

57 (7)  
 58 (b) Within the limitations of this subsection, the head of  
 59 the department may recommend the establishment of additional  
 60 divisions, bureaus, sections, and subsections of the department  
 61 to promote efficient and effective operation of the department.  
 62 However, additional divisions, or offices in the Department of  
 63 Children and Families ~~Family Services~~, the Department of  
 64 Corrections, and the Department of Transportation, may be  
 65 established only by specific statutory enactment. New bureaus,  
 66 sections, and subsections of departments may be initiated by a  
 67 department and established as recommended by the Department of  
 68 Management Services and approved by the Executive Office of the  
 69 Governor, or may be established by specific statutory enactment.

70 Section 2. Section 20.19, Florida Statutes, is amended to  
 71 read:

72 20.19 Department of Children and Families ~~Family~~  
 73 ~~Services~~.—There is created a Department of Children and Families  
 74 ~~Family Services~~.

75 ~~(1) MISSION AND PURPOSE.—~~

76 ~~(a) The mission of the Department of Children and Family~~  
 77 ~~Services is to work in partnership with local communities to~~  
 78 ~~ensure the safety, well-being, and self-sufficiency of the~~  
 79 ~~people served.~~

80 ~~(b) The department shall develop a strategic plan for~~  
 81 ~~fulfilling its mission and establish a set of measurable goals,~~  
 82 ~~objectives, performance standards, and quality assurance~~  
 83 ~~requirements to ensure that the department is accountable to the~~  
 84 ~~people of Florida.~~

85 ~~(c) To the extent allowed by law and within specific~~  
 86 ~~appropriations, the department shall deliver services by~~  
 87 ~~contract through private providers.~~

88 (1)~~(2)~~ SECRETARY OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~;  
 89 DEPUTY SECRETARY.—

90 (a) The head of the department is the Secretary of  
 91 Children and Families ~~Family Services~~. The secretary is  
 92 appointed by the Governor, subject to confirmation by the  
 93 Senate. The secretary serves at the pleasure of the Governor.

94 (b) The secretary shall appoint a deputy secretary who  
 95 shall act in the absence of the secretary. The deputy secretary  
 96 is directly responsible to the secretary, performs such duties  
 97 as are assigned by the secretary, and serves at the pleasure of  
 98 the secretary.

99 (c)1. The secretary shall appoint an Assistant Secretary  
 100 for Substance Abuse and Mental Health. The assistant secretary  
 101 shall serve at the pleasure of the secretary and must have  
 102 expertise in both areas of responsibility.

103 2. The secretary shall appoint a ~~Program~~ Director for  
 104 Substance Abuse and a ~~Program Director~~ for Mental Health who has  
 105 ~~have~~ the requisite expertise and experience in his or her ~~their~~  
 106 respective fields to head the ~~state's~~ Substance Abuse and Mental  
 107 Health Office ~~programs~~.

108 ~~a. Each program director shall have line authority over~~  
 109 ~~all district substance abuse and mental health program~~  
 110 ~~management staff.~~

111 ~~b. The assistant secretary shall enter into a memorandum~~  
 112 ~~of understanding with each district or region administrator,~~

113 ~~which must be approved by the secretary or the secretary's~~  
 114 ~~designee, describing the working relationships within each~~  
 115 ~~geographic area.~~

116 ~~e. The mental health institutions shall report to the~~  
 117 ~~Program Director for Mental Health.~~

118 ~~d. Each program director shall have direct control over~~  
 119 ~~the program's budget and contracts for services. Support staff~~  
 120 ~~necessary to manage budget and contracting functions within the~~  
 121 ~~department shall be placed under the supervision of the program~~  
 122 ~~directors.~~

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

126 ~~(3) PROGRAM DIRECTORS. The secretary shall appoint program~~  
 127 ~~directors who serve at the pleasure of the secretary. The~~  
 128 ~~secretary may delegate to the program directors responsibilities~~  
 129 ~~for the management, policy, program, and fiscal functions of the~~  
 130 ~~department.~~

131 ~~(2)(4) SERVICES PROVIDED PROGRAM OFFICES AND SUPPORT~~  
 132 ~~OFFICES.-~~

133 ~~(a) The department shall provide services relating to is~~  
 134 ~~authorized to establish program offices and support offices,~~  
 135 ~~each of which shall be headed by a director or other management~~  
 136 ~~position who shall be appointed by and serves at the pleasure of~~  
 137 ~~the secretary.~~

138 ~~(b) The following program offices are established:~~

- 139 1. Adult protection Services.
- 140 2. Child care regulation Services.

- 141        3. Child welfare.
- 142        ~~4.3.~~ Domestic violence.
- 143        5.4. Economic self-sufficiency ~~Services.~~
- 144        ~~5. Family Safety.~~
- 145        6. Mental health.
- 146        7. Refugees ~~Refugee services.~~
- 147        8. Substance abuse.

148        ~~(b)(c) Program offices and support~~ Offices of the  
 149 department may be consolidated, restructured, or rearranged by  
 150 the secretary, in consultation with the Executive Office of the  
 151 Governor, provided any such consolidation, restructuring, or  
 152 rearranging is capable of meeting functions and activities and  
 153 achieving outcomes as delineated in state and federal laws,  
 154 rules, and regulations. The secretary may appoint additional  
 155 managers and administrators as he or she determines are  
 156 necessary for the effective management of the department.

157        ~~(5) SERVICE DISTRICTS.—~~

158        ~~(a) The department shall plan and administer its programs~~  
 159 ~~of family services through service districts and subdistricts~~  
 160 ~~composed of the following counties:~~

- 161        ~~1. District 1. Escambia, Santa Rosa, Okaloosa, and Walton~~  
 162 ~~Counties.~~
- 163        ~~2. District 2, Subdistrict A. Holmes, Washington, Bay,~~  
 164 ~~Jackson, Calhoun, and Gulf Counties.~~
- 165        ~~3. District 2, Subdistrict B. Gadsden, Liberty, Franklin,~~  
 166 ~~Leon, Wakulla, Jefferson, Madison, and Taylor Counties.~~
- 167        ~~4. District 3. Hamilton, Suwannee, Lafayette, Dixie,~~  
 168 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua~~

169 ~~Counties.~~  
 170 ~~5. District 4. Baker, Nassau, Duval, Clay, and St. Johns~~  
 171 ~~Counties.~~  
 172 ~~6. District 5. Pasco and Pinellas Counties.~~  
 173 ~~7. District 6. Hillsborough and Manatee Counties.~~  
 174 ~~8. District 7, Subdistrict A. Seminole, Orange, and~~  
 175 ~~Osceola Counties.~~  
 176 ~~9. District 7, Subdistrict B. Brevard County.~~  
 177 ~~10. District 8, Subdistrict A. Sarasota and DeSoto~~  
 178 ~~Counties.~~  
 179 ~~11. District 8, Subdistrict B. Charlotte, Lee, Glades,~~  
 180 ~~Hendry, and Collier Counties.~~  
 181 ~~12. District 9. Palm Beach County.~~  
 182 ~~13. District 10. Broward County.~~  
 183 ~~14. District 11, Subdistrict A. Miami Dade County.~~  
 184 ~~15. District 11, Subdistrict B. Monroe County.~~  
 185 ~~16. District 12. Flagler and Volusia Counties.~~  
 186 ~~17. District 13. Marion, Citrus, Hernando, Sumter, and~~  
 187 ~~Lake Counties.~~  
 188 ~~18. District 14. Polk, Hardee, and Highlands Counties.~~  
 189 ~~19. District 15. Indian River, Okeechobee, St. Lucie, and~~  
 190 ~~Martin Counties.~~  
 191 ~~(b) The secretary shall appoint a district administrator~~  
 192 ~~for each of the service districts. The district administrator~~  
 193 ~~shall serve at the pleasure of the secretary and shall perform~~  
 194 ~~such duties as assigned by the secretary.~~  
 195 ~~(c) Each fiscal year the secretary shall, in consultation~~  
 196 ~~with the relevant employee representatives, develop projections~~

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197 ~~of the number of child abuse and neglect cases and shall include~~  
 198 ~~in the department's legislative budget request a specific~~  
 199 ~~appropriation for funds and positions for the next fiscal year~~  
 200 ~~in order to provide an adequate number of full-time equivalent:~~

201 ~~1. Child protection investigation workers so that~~  
 202 ~~caseloads do not exceed the Child Welfare League Standards by~~  
 203 ~~more than two cases; and~~

204 ~~2. Child protection case workers so that caseloads do not~~  
 205 ~~exceed the Child Welfare League Standards by more than two~~  
 206 ~~eases.~~

207 ~~(3)-(6)~~ (3) COMMUNITY ALLIANCES.—

208 (a) The department may ~~shall~~, in consultation with local  
 209 communities, establish a community alliance of the stakeholders,  
 210 community leaders, client representatives and funders of human  
 211 services in each county to provide a focal point for community  
 212 participation and governance of community-based services. An  
 213 alliance may cover more than one county when such arrangement is  
 214 determined to provide for more effective representation. The  
 215 community alliance shall represent the diversity of the  
 216 community.

217 (b) The duties of the community alliance ~~shall~~ include,  
 218 but are not ~~necessarily be~~ limited to:

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

222 2. Needs assessment and establishment of community  
 223 priorities for service delivery.

224 3. Determining community outcome goals to supplement



225 state-required outcomes.

226 4. Serving as a catalyst for community resource  
227 development.

228 5. Providing for community education and advocacy on  
229 issues related to delivery of services.

230 6. Promoting prevention and early intervention services.

231 (c) The department shall ensure, to the greatest extent  
232 possible, that the formation of each community alliance builds  
233 on the strengths of the existing community human services  
234 infrastructure.

235 (d) The ~~initial~~ membership of the community alliance in a  
236 county shall be composed of the following:

237 1. A representative from the department ~~The district~~  
238 ~~administrator.~~

239 2. A representative from county government.

240 3. A representative from the school district.

241 4. A representative from the county United Way.

242 5. A representative from the county sheriff's office.

243 6. A representative from the circuit court corresponding  
244 to the county.

245 7. A representative from the county children's board, if  
246 one exists.

247 (e) At any time after the initial meeting of the community  
248 alliance, the community alliance shall adopt bylaws and may  
249 increase the membership of the alliance to include ~~the state~~  
250 ~~attorney for the judicial circuit in which the community~~  
251 ~~alliance is located, or his or her designee, the public defender~~  
252 ~~for the judicial circuit in which the community alliance is~~

253 ~~located, or his or her designee,~~ and other individuals and  
 254 organizations who represent funding organizations, are community  
 255 leaders, have knowledge of community-based service issues, or  
 256 otherwise represent perspectives that will enable them to  
 257 accomplish the duties listed in paragraph (b), if, in the  
 258 judgment of the alliance, such change is necessary to adequately  
 259 represent the diversity of the population within the community  
 260 alliance service circuits ~~districts~~.

261 (f) A member of the community alliance, other than a  
 262 member specified in paragraph (d), may not receive payment for  
 263 contractual services from the department or a community-based  
 264 care lead agency.

265 (g) Members of the community alliances shall serve without  
 266 compensation, but are entitled to receive reimbursement for per  
 267 diem and travel expenses, as provided in s. 112.061. Payment may  
 268 also be authorized for preapproved child care expenses or lost  
 269 wages for members who are consumers of the department's services  
 270 and for preapproved child care expenses for other members who  
 271 demonstrate hardship.

272 (h) Members of a community alliance are subject to the  
 273 provisions of part III of chapter 112, the Code of Ethics for  
 274 Public Officers and Employees.

275 (i) Actions taken by a community alliance must be  
 276 consistent with department policy and state and federal laws,  
 277 rules, and regulations.

278 (j) Alliance members shall annually submit a disclosure  
 279 statement of services interests to the department's inspector  
 280 general. Any member who has an interest in a matter under

281 consideration by the alliance must abstain from voting on that  
 282 matter.

283 (k) All alliance meetings are open to the public pursuant  
 284 to s. 286.011 and the public records provision of s. 119.07(1).

285 ~~(7) PROTOTYPE REGION.—~~

286 ~~(a) Notwithstanding the provisions of this section, the~~  
 287 ~~department may consolidate the management and administrative~~  
 288 ~~structure or function of the geographic area that includes the~~  
 289 ~~counties in the sixth, twelfth, and thirteenth judicial circuits~~  
 290 ~~as defined in s. 26.021. The department shall evaluate the~~  
 291 ~~efficiency and effectiveness of the operation of the prototype~~  
 292 ~~region and upon a determination that there has been a~~  
 293 ~~demonstrated improvement in management and oversight of services~~  
 294 ~~or cost savings from more efficient administration of services,~~  
 295 ~~the secretary may consolidate management and administration of~~  
 296 ~~additional areas of the state. Any such additional consolidation~~  
 297 ~~shall comply with the provisions of subsection (5) unless~~  
 298 ~~legislative authorization to the contrary is provided.~~

299 ~~(b) Within the prototype region, the budget transfer~~  
 300 ~~authority defined in paragraph (5)(b) shall apply to the~~  
 301 ~~consolidated geographic area.~~

302 ~~(c) The department is authorized to contract for~~  
 303 ~~children's services with a lead agency in each county of the~~  
 304 ~~prototype area, except that the lead agency contract may cover~~  
 305 ~~more than one county when it is determined that such coverage~~  
 306 ~~will provide more effective or efficient services. The duties of~~  
 307 ~~the lead agency shall include, but not necessarily be limited~~  
 308 ~~to:~~

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- 309           ~~1. Directing and coordinating the program and children's~~  
310 ~~services within the scope of its contract.~~
- 311           ~~2. Providing or contracting for the provision of core~~  
312 ~~services, including intake and eligibility, assessment, service~~  
313 ~~planning, and case management.~~
- 314           ~~3. Creating a service provider network capable of~~  
315 ~~delivering the services contained in client service plans, which~~  
316 ~~shall include identifying the necessary services, the necessary~~  
317 ~~volume of services, and possible utilization patterns and~~  
318 ~~negotiating rates and expectations with providers.~~
- 319           ~~4. Managing and monitoring of provider contracts and~~  
320 ~~subcontracts.~~
- 321           ~~5. Developing and implementing an effective bill payment~~  
322 ~~mechanism to ensure all providers are paid in a timely fashion.~~
- 323           ~~6. Providing or arranging for administrative services~~  
324 ~~necessary to support service delivery.~~
- 325           ~~7. Utilizing departmentally approved training and meeting~~  
326 ~~departmentally defined credentials and standards.~~
- 327           ~~8. Providing for performance measurement in accordance~~  
328 ~~with the department's quality assurance program and providing~~  
329 ~~for quality improvement and performance measurement.~~
- 330           ~~9. Developing and maintaining effective interagency~~  
331 ~~collaboration to optimize service delivery.~~
- 332           ~~10. Ensuring that all federal and state reporting~~  
333 ~~requirements are met.~~
- 334           ~~11. Operating a consumer complaint and grievance process.~~
- 335           ~~12. Ensuring that services are coordinated and not~~  
336 ~~duplicated with other major payors, such as the local schools~~

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337 and Medicaid.

338 ~~13. Any other duties or responsibilities defined in s.~~  
 339 ~~409.1671 related to community-based care.~~

340 (4)~~(8)~~ CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It  
 341 is the intent of the Legislature that when county governments  
 342 are required by law to participate in the funding of programs,  
 343 the department shall consult with designated representatives of  
 344 county governments in developing policies and service delivery  
 345 plans for those programs.

346 ~~(9) PROCUREMENT OF HEALTH SERVICES. Nothing contained in~~  
 347 ~~chapter 287 shall require competitive bids for health services~~  
 348 ~~involving examination, diagnosis, or treatment.~~

349 Section 3. Subsection (5) of section 20.43, Florida  
 350 Statutes, is amended to read:

351 20.43 Department of Health.—There is created a Department  
 352 of Health.

353 (5) The department shall plan and administer its public  
 354 health programs through its county health departments and may,  
 355 for administrative purposes and efficient service delivery,  
 356 establish up to 15 service areas to carry out such duties as may  
 357 be prescribed by the State Surgeon General. The boundaries of  
 358 the service areas shall ~~be the same as, or combinations of, the~~  
 359 ~~service districts of the Department of Children and Family~~  
 360 ~~Services established in s. 20.19 and, to the extent practicable,~~  
 361 shall take into consideration the boundaries of the jobs and  
 362 education regional boards.

363 Section 4. Subsection (1) of section 420.622, Florida  
 364 Statutes, is amended to read:

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365 420.622 State Office on Homelessness; Council on  
 366 Homelessness.—

367 (1) The State Office on Homelessness is created within the  
 368 Department of Children and Families ~~Family Services~~ to provide  
 369 interagency, council, and other related coordination on issues  
 370 relating to homelessness. ~~An executive director of the office~~  
 371 ~~shall be appointed by the Governor.~~

372 Section 5. Subsection (6) of section 394.78, Florida  
 373 Statutes, is renumbered as subsection (5), and present  
 374 subsections (4) and (5) of that section are amended to read:

375 394.78 Operation and administration; personnel standards;  
 376 procedures for audit and monitoring of service providers;  
 377 resolution of disputes.—

378 (4) The department shall monitor service providers for  
 379 compliance with contracts and applicable state and federal  
 380 regulations. ~~A representative of the district health and human~~  
 381 ~~services board shall be represented on the monitoring team.~~

382 ~~(5) In unresolved disputes regarding this part or rules~~  
 383 ~~established pursuant to this part, providers and district health~~  
 384 ~~and human services boards shall adhere to formal procedures~~  
 385 ~~specified under s. 20.19(8)(n).~~

386 Section 6. During the 2013 Regular Session of the  
 387 Legislature, the Legislature shall adopt legislation to conform  
 388 the Florida Statutes to the provisions of this act.

389 Section 7. This act shall take effect July 1, 2012.