

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, which are aligned geographically with
9 judicial circuits, and regions, which include multiple
10 circuits in geographical proximity to each other;
11 revising requirements relating to community alliances;
12 deleting 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 appointment of an Assistant Secretary
16 for Substance Abuse and Mental Health; deleting
17 provisions relating to the appointment of a Program
18 Director for Substance Abuse and a Program Director
19 for Mental Health; deleting provisions establishing
20 service districts; revising provisions relating to the
21 structure of and services provided by the department;
22 amending s. 20.43, F.S.; revising provisions aligning
23 the boundaries of service areas for the Department of
24 Health to those of the service districts of the
25 department to conform to changes made by this act;
26 amending s. 420.622, F.S.; deleting authority of the
27 Governor to appoint the executive director of the
28 State Office on Homelessness; amending s. 394.78,

29 F.S.; deleting obsolete references; providing for
 30 future legislation to conform the Florida Statutes to
 31 changes made by the act; providing an effective date.
 32

33 Be It Enacted by the Legislature of the State of Florida:
 34

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

38 20.04 Structure of executive branch.—The executive branch
 39 of state government is structured as follows:

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

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

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

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

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

54 (4) Within the Department of Children and Families ~~Family~~
 55 ~~Services~~ there are organizational units called "circuits" and
 56 "regions." Each circuit is aligned geographically with each

57 judicial circuit, and each region comprises multiple circuits
 58 which are in geographical proximity to each other "program
 59 ~~offices,"~~ headed by program directors.

60 (7)

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

73 Section 2. Section 20.19, Florida Statutes, is amended to
 74 read:

75 20.19 Department of Children and Families ~~Family~~
 76 ~~Services~~.—There is created a Department of Children and Families
 77 ~~Family Services~~.

78 (1) MISSION AND PURPOSE.—

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

83 (b) The department shall develop a strategic plan for
 84 fulfilling its mission and establish a set of measurable goals,

85 objectives, performance standards, and quality assurance
 86 requirements to ensure that the department is accountable to the
 87 people of Florida.

88 (c) To the extent allowed by law and within specific
 89 appropriations, the department shall deliver services by
 90 contract through private providers.

91 (2) SECRETARY OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~;
 92 DEPUTY SECRETARY.—

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

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

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

106 ~~2. The secretary shall appoint a Program Director for~~
 107 ~~Substance Abuse and a Program Director for Mental Health who~~
 108 ~~have the requisite expertise and experience in their respective~~
 109 ~~fields to head the state's Substance Abuse and Mental Health~~
 110 ~~programs.~~

111 ~~a. Each program director shall have line authority over~~
 112 ~~all district substance abuse and mental health program~~

CS/HB 1229

2012

113 ~~management staff.~~

114 ~~b. The assistant secretary shall enter into a memorandum~~
115 ~~of understanding with each district or region administrator,~~
116 ~~which must be approved by the secretary or the secretary's~~
117 ~~designee, describing the working relationships within each~~
118 ~~geographic area.~~

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

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

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

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

134 ~~(3)(4) SERVICES PROVIDED PROGRAM OFFICES AND SUPPORT~~
135 ~~OFFICES.-~~

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

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

142 1. Adult protection Services.

143 2. Child care regulation Services.

144 3. Child welfare.

145 ~~4.3.~~ Domestic violence.

146 ~~5.4.~~ Economic self-sufficiency ~~Services~~.

147 ~~5.~~ Family Safety.

148 6. Homelessness.

149 ~~7.6.~~ Mental health.

150 ~~8.7.~~ Refugees ~~Refugee Services~~.

151 ~~9.8.~~ Substance abuse.

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

161 ~~(5) SERVICE DISTRICTS.—~~

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

165 1. ~~District 1. Escambia, Santa Rosa, Okaloosa, and Walton~~
 166 ~~Counties.~~

167 2. ~~District 2, Subdistrict A. Holmes, Washington, Bay,~~
 168 ~~Jackson, Calhoun, and Gulf Counties.~~

169 ~~3. District 2, Subdistrict B. Gadsden, Liberty, Franklin,~~
 170 ~~Leon, Wakulla, Jefferson, Madison, and Taylor Counties.~~

171 ~~4. District 3. Hamilton, Suwannee, Lafayette, Dixie,~~
 172 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua~~
 173 ~~Counties.~~

174 ~~5. District 4. Baker, Nassau, Duval, Clay, and St. Johns~~
 175 ~~Counties.~~

176 ~~6. District 5. Pasco and Pinellas Counties.~~

177 ~~7. District 6. Hillsborough and Manatee Counties.~~

178 ~~8. District 7, Subdistrict A. Seminole, Orange, and~~
 179 ~~Osceola Counties.~~

180 ~~9. District 7, Subdistrict B. Brevard County.~~

181 ~~10. District 8, Subdistrict A. Sarasota and DeSoto~~
 182 ~~Counties.~~

183 ~~11. District 8, Subdistrict B. Charlotte, Lee, Glades,~~
 184 ~~Hendry, and Collier Counties.~~

185 ~~12. District 9. Palm Beach County.~~

186 ~~13. District 10. Broward County.~~

187 ~~14. District 11, Subdistrict A. Miami Dade County.~~

188 ~~15. District 11, Subdistrict B. Monroe County.~~

189 ~~16. District 12. Flagler and Volusia Counties.~~

190 ~~17. District 13. Marion, Citrus, Hernando, Sumter, and~~
 191 ~~Lake Counties.~~

192 ~~18. District 14. Polk, Hardee, and Highlands Counties.~~

193 ~~19. District 15. Indian River, Okeechobee, St. Lucie, and~~
 194 ~~Martin Counties.~~

195 ~~(b) The secretary shall appoint a district administrator~~
 196 ~~for each of the service districts. The district administrator~~

197 ~~shall serve at the pleasure of the secretary and shall perform~~
 198 ~~such duties as assigned by the secretary.~~

199 (c) Each fiscal year the secretary shall, in consultation
 200 with the relevant employee representatives, develop projections
 201 of the number of child abuse and neglect cases and shall include
 202 in the department's legislative budget request a specific
 203 appropriation for funds and positions for the next fiscal year
 204 in order to provide an adequate number of full-time equivalent:

205 1. Child protection investigation workers so that
 206 caseloads do not exceed the Child Welfare League Standards by
 207 more than two cases; and

208 2. Child protection case workers so that caseloads do not
 209 exceed the Child Welfare League Standards by more than two
 210 cases.

211 (4)~~(6)~~ COMMUNITY ALLIANCES.—

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

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

223 1. Joint planning for resource utilization in the
 224 community, including resources appropriated to the department

CS/HB 1229

2012

225 and any funds that local funding sources choose to provide.

226 2. Needs assessment and establishment of community
227 priorities for service delivery.

228 3. Determining community outcome goals to supplement
229 state-required outcomes.

230 4. Serving as a catalyst for community resource
231 development.

232 5. Providing for community education and advocacy on
233 issues related to delivery of services.

234 6. Promoting prevention and early intervention services.

235 (c) The department shall ensure, to the greatest extent
236 possible, that the formation of each community alliance builds
237 on the strengths of the existing community human services
238 infrastructure.

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

241 1. A representative from the department ~~The district~~
242 ~~administrator.~~

243 2. A representative from county government.

244 3. A representative from the school district.

245 4. A representative from the county United Way.

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

247 6. A representative from the circuit court corresponding
248 to the county.

249 7. A representative from the county children's board, if
250 one exists.

251 (e) At any time after the initial meeting of the community
252 alliance, the community alliance shall adopt bylaws and may

253 | increase the membership of the alliance to include the state
254 | attorney for the judicial circuit in which the community
255 | alliance is located, or his or her designee, the public defender
256 | for the judicial circuit in which the community alliance is
257 | located, or his or her designee, and other individuals and
258 | organizations who represent funding organizations, are community
259 | leaders, have knowledge of community-based service issues, or
260 | otherwise represent perspectives that will enable them to
261 | accomplish the duties listed in paragraph (b), if, in the
262 | judgment of the alliance, such change is necessary to adequately
263 | represent the diversity of the population within the community
264 | alliance service circuits ~~districts~~.

265 | (f) A member of the community alliance, other than a
266 | member specified in paragraph (d), may not receive payment for
267 | contractual services from the department or a community-based
268 | care lead agency.

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

276 | (h) Members of a community alliance are subject to the
277 | provisions of part III of chapter 112, the Code of Ethics for
278 | Public Officers and Employees.

279 | (i) Actions taken by a community alliance must be
280 | consistent with department policy and state and federal laws,

281 rules, and regulations.

282 (j) Alliance members shall annually submit a disclosure
 283 statement of services interests to the department's inspector
 284 general. Any member who has an interest in a matter under
 285 consideration by the alliance must abstain from voting on that
 286 matter.

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

289 ~~(7) PROTOTYPE REGION.~~

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

303 ~~(b) Within the prototype region, the budget transfer~~
 304 ~~authority defined in paragraph (5) (b) shall apply to the~~
 305 ~~consolidated geographic area.~~

306 ~~(c) The department is authorized to contract for~~
 307 ~~children's services with a lead agency in each county of the~~
 308 ~~prototype area, except that the lead agency contract may cover~~

309 ~~more than one county when it is determined that such coverage~~
310 ~~will provide more effective or efficient services. The duties of~~
311 ~~the lead agency shall include, but not necessarily be limited~~
312 ~~to:~~

313 ~~1. Directing and coordinating the program and children's~~
314 ~~services within the scope of its contract.~~

315 ~~2. Providing or contracting for the provision of core~~
316 ~~services, including intake and eligibility, assessment, service~~
317 ~~planning, and case management.~~

318 ~~3. Creating a service provider network capable of~~
319 ~~delivering the services contained in client service plans, which~~
320 ~~shall include identifying the necessary services, the necessary~~
321 ~~volume of services, and possible utilization patterns and~~
322 ~~negotiating rates and expectations with providers.~~

323 ~~4. Managing and monitoring of provider contracts and~~
324 ~~subcontracts.~~

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

327 ~~6. Providing or arranging for administrative services~~
328 ~~necessary to support service delivery.~~

329 ~~7. Utilizing departmentally approved training and meeting~~
330 ~~departmentally defined credentials and standards.~~

331 ~~8. Providing for performance measurement in accordance~~
332 ~~with the department's quality assurance program and providing~~
333 ~~for quality improvement and performance measurement.~~

334 ~~9. Developing and maintaining effective interagency~~
335 ~~collaboration to optimize service delivery.~~

336 ~~10. Ensuring that all federal and state reporting~~

337 ~~requirements are met.~~

338 ~~11. Operating a consumer complaint and grievance process.~~

339 ~~12. Ensuring that services are coordinated and not~~
 340 ~~duplicated with other major payors, such as the local schools~~
 341 ~~and Medicaid.~~

342 ~~13. Any other duties or responsibilities defined in s.~~
 343 ~~409.1671 related to community-based care.~~

344 (5)~~(8)~~ CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It
 345 is the intent of the Legislature that when county governments
 346 are required by law to participate in the funding of programs,
 347 the department shall consult with designated representatives of
 348 county governments in developing policies and service delivery
 349 plans for those programs.

350 ~~(9) PROCUREMENT OF HEALTH SERVICES.—Nothing contained in~~
 351 ~~chapter 287 shall require competitive bids for health services~~
 352 ~~involving examination, diagnosis, or treatment.~~

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

355 20.43 Department of Health.—There is created a Department
 356 of Health.

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

CS/HB 1229

2012

365 ~~shall~~ take into consideration the boundaries of the jobs and
 366 education regional boards.

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

369 420.622 State Office on Homelessness; Council on
 370 Homelessness.—

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

376 Section 5. Subsection (6) of section 394.78, Florida
 377 Statutes, is renumbered as subsection (5), and subsection (4)
 378 and present subsection (5) of that section are amended to read:

379 394.78 Operation and administration; personnel standards;
 380 procedures for audit and monitoring of service providers;
 381 resolution of disputes.—

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

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

390 Section 6. During the 2013 Regular Session of the
 391 Legislature, the Legislature shall adopt legislation to conform
 392 the Florida Statutes to the provisions of this act.

CS/HB 1229

2012

393

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