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2012 Legislature

1
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.; revising the
15 mission of the department; providing for the
16 appointment of a Director for Substance Abuse and
17 Mental Health to head the state's Substance Abuse and
18 Mental Health Program Office; deleting provisions
19 establishing service districts; revising provisions
20 relating to the structure of and services provided by
21 the department; amending s. 20.43, F.S.; revising
22 provisions aligning the boundaries of service areas
23 for the Department of Health to those of the service
24 districts of the department to conform to changes made
25 by this act; amending s. 420.622, F.S.; deleting
26 authority of the Governor to appoint the executive
27 director of the State Office on Homelessness; amending
28 s. 394.78, F.S.; deleting obsolete references;

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29 providing for future legislation to conform the
 30 Florida Statutes to changes made by the act; providing
 31 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

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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 protect the vulnerable, promote strong and economically self-
 82 sufficient families, and advance personal and family recovery
 83 and resiliency ~~ensure the safety, well-being, and self-~~
 84 ~~sufficiency of the people served.~~

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85 (b) The department shall develop a strategic plan for
 86 fulfilling its mission and establish a set of measurable goals,
 87 objectives, performance standards, and quality assurance
 88 requirements to ensure that the department is accountable to the
 89 people of Florida.

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

93 (2) SECRETARY OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~;
 94 DEPUTY SECRETARY.—

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

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

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

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

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113 a. ~~Each program director shall have line authority over~~
 114 ~~all district substance abuse and mental health program~~
 115 ~~management staff.~~

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

121 c. ~~The mental health institutions shall report to the~~
 122 ~~Program Director for Mental Health.~~

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

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

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

136 (3) ~~(4) SERVICES PROVIDED PROGRAM OFFICES AND SUPPORT~~
 137 ~~OFFICES.-~~

138 (a) The department, through offices, shall provide
 139 services relating to: ~~is authorized to establish program offices~~
 140 ~~and support offices, each of which shall be headed by a director~~

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141 ~~or other management position who shall be appointed by and~~
 142 ~~serves at the pleasure of the secretary.~~

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

- 144 1. Adult protection Services.
- 145 2. Child care regulation Services.
- 146 3. Child welfare.
- 147 ~~4.3.~~ Domestic violence.
- 148 ~~5.4.~~ Economic self-sufficiency ~~Services~~.
- 149 ~~5.~~ Family Safety.
- 150 ~~6.~~ Homelessness.
- 151 ~~7.6.~~ Mental health.
- 152 ~~8.7.~~ Refugees ~~Refugee Services~~.
- 153 ~~9.8.~~ Substance abuse.

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

163 ~~(5) SERVICE DISTRICTS.—~~

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

- 167 1. ~~District 1. Escambia, Santa Rosa, Okaloosa, and Walton~~
 168 ~~Counties.~~

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- 169 ~~2. District 2, Subdistrict A. Holmes, Washington, Bay,~~
- 170 ~~Jackson, Calhoun, and Gulf Counties.~~
- 171 ~~3. District 2, Subdistrict B. Cadsden, Liberty, Franklin,~~
- 172 ~~Leon, Wakulla, Jefferson, Madison, and Taylor Counties.~~
- 173 ~~4. District 3. Hamilton, Suwannee, Lafayette, Dixie,~~
- 174 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua~~
- 175 ~~Counties.~~
- 176 ~~5. District 4. Baker, Nassau, Duval, Clay, and St. Johns~~
- 177 ~~Counties.~~
- 178 ~~6. District 5. Pasco and Pinellas Counties.~~
- 179 ~~7. District 6. Hillsborough and Manatee Counties.~~
- 180 ~~8. District 7, Subdistrict A. Seminole, Orange, and~~
- 181 ~~Osceola Counties.~~
- 182 ~~9. District 7, Subdistrict B. Brevard County.~~
- 183 ~~10. District 8, Subdistrict A. Sarasota and DeSoto~~
- 184 ~~Counties.~~
- 185 ~~11. District 8, Subdistrict B. Charlotte, Lee, Glades,~~
- 186 ~~Hendry, and Collier Counties.~~
- 187 ~~12. District 9. Palm Beach County.~~
- 188 ~~13. District 10. Broward County.~~
- 189 ~~14. District 11, Subdistrict A. Miami-Dade County.~~
- 190 ~~15. District 11, Subdistrict B. Monroe County.~~
- 191 ~~16. District 12. Flagler and Volusia Counties.~~
- 192 ~~17. District 13. Marion, Citrus, Hernando, Sumter, and~~
- 193 ~~Lake Counties.~~
- 194 ~~18. District 14. Polk, Hardee, and Highlands Counties.~~
- 195 ~~19. District 15. Indian River, Okeechobee, St. Lucie, and~~
- 196 ~~Martin Counties.~~

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197 ~~(b) The secretary shall appoint a district administrator~~
 198 ~~for each of the service districts. The district administrator~~
 199 ~~shall serve at the pleasure of the secretary and shall perform~~
 200 ~~such duties as assigned by the secretary.~~

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

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

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

213 (4)~~(6)~~ COMMUNITY ALLIANCES.—

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

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

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

228 2. Needs assessment and establishment of community
 229 priorities for service delivery.

230 3. Determining community outcome goals to supplement
 231 state-required outcomes.

232 4. Serving as a catalyst for community resource
 233 development.

234 5. Providing for community education and advocacy on
 235 issues related to delivery of services.

236 6. Promoting prevention and early intervention services.

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

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

243 1. A representative from the department ~~The district~~
 244 ~~administrator.~~

245 2. A representative from county government.

246 3. A representative from the school district.

247 4. A representative from the county United Way.

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

249 6. A representative from the circuit court corresponding
 250 to the county.

251 7. A representative from the county children's board, if
 252 one exists.

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

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

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

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

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281 (i) Actions taken by a community alliance must be
 282 consistent with department policy and state and federal laws,
 283 rules, and regulations.

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

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

291 ~~(7) PROTOTYPE REGION.~~

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

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

308 ~~(c) The department is authorized to contract for~~

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309 ~~children's services with a lead agency in each county of the~~
 310 ~~prototype area, except that the lead agency contract may cover~~
 311 ~~more than one county when it is determined that such coverage~~
 312 ~~will provide more effective or efficient services. The duties of~~
 313 ~~the lead agency shall include, but not necessarily be limited~~
 314 ~~to:~~

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

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

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

325 ~~4. Managing and monitoring of provider contracts and~~
 326 ~~subcontracts.~~

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

329 ~~6. Providing or arranging for administrative services~~
 330 ~~necessary to support service delivery.~~

331 ~~7. Utilizing departmentally approved training and meeting~~
 332 ~~departmentally defined credentials and standards.~~

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

336 ~~9. Developing and maintaining effective interagency~~

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337 ~~collaboration to optimize service delivery.~~
 338 ~~10. Ensuring that all federal and state reporting~~
 339 ~~requirements are met.~~
 340 ~~11. Operating a consumer complaint and grievance process.~~
 341 ~~12. Ensuring that services are coordinated and not~~
 342 ~~duplicated with other major payors, such as the local schools~~
 343 ~~and Medicaid.~~
 344 ~~13. Any other duties or responsibilities defined in s.~~
 345 ~~409.1671 related to community-based care.~~

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

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

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

357 20.43 Department of Health.—There is created a Department
 358 of Health.

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

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365 ~~service districts of the Department of Children and Family~~
 366 ~~Services established in s. 20.19 and, to the extent practicable,~~
 367 ~~shall~~ take into consideration the boundaries of the jobs and
 368 education regional boards.

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

371 420.622 State Office on Homelessness; Council on
 372 Homelessness.—

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

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

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

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

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

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

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