

By the Committee on Children, Families, and Elder Affairs

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1 A bill to be entitled
2 An act relating to the Department of Children and
3 Family Services; amending s. 20.04, F.S.; changing the
4 name of the department to the "Department of Children
5 and Families"; requiring that the department be
6 geographically organized into circuits and regions;
7 amending s. 20.19, F.S.; revising provisions relating
8 to the establishment of the department; providing for
9 a Director for Substance Abuse and Mental Health,
10 appointed by the secretary of the department; revising
11 the services provided by the department and abolishing
12 the program offices; deleting provisions establishing
13 service districts; revising the membership
14 requirements for community alliances; deleting
15 provisions providing for a prototype region; deleting
16 provisions providing an exemption from competitive
17 bids for certain health services; amending s. 20.43,
18 F.S., relating to the service areas of the Department
19 of Health; conforming provisions to the abolishment of
20 the service districts of the Department of Children
21 and Family Services; amending s. 39.01, F.S.;
22 conforming a cross-reference; amending s. 394.78,
23 F.S.; removing an obsolete reference to health and
24 human services boards; amending s. 420.622, F.S.,
25 relating to the State Office on Homelessness within
26 the Department of Children and Families; removing a
27 requirement that the executive director of the office
28 be appointed by the Governor; providing for
29 legislation to conform the Florida Statutes to changes

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30 made by the act; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Subsection (4) of section 20.04, Florida
35 Statutes, is amended to read:

36 20.04 Structure of executive branch.—The executive branch
37 of state government is structured as follows:

38 (4) Within the Department of Children and Families ~~Family~~
39 ~~Services~~ there are organizational units called "circuits" and
40 "regions." ~~"program offices," headed by program directors.~~ Each
41 circuit is aligned geographically with each of the state's
42 judicial circuits, and each region is comprised of multiple
43 circuits that are in geographical proximity to each other.

44 Section 2. Section 20.19, Florida Statutes, is amended to
45 read:

46 20.19 Department of Children and Families ~~Family Services~~.—
47 There is created a Department of Children and Families ~~Family~~
48 ~~Services~~.

49 (1) MISSION AND PURPOSE.—

50 (a) The mission of the Department of Children and Family
51 Services is to work in partnership with local communities to
52 ensure the safety, well-being, and self-sufficiency of the
53 people served.

54 (b) The department shall develop a strategic plan for
55 fulfilling its mission and establish a set of measurable goals,
56 objectives, performance standards, and quality assurance
57 requirements to ensure that the department is accountable to the
58 people of Florida.

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59 (c) To the extent allowed by law and within specific
60 appropriations, the department shall deliver services by
61 contract through private providers.

62 (2) SECRETARY OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~;
63 DEPUTY SECRETARY.—

64 (a) The head of the department is the Secretary of Children
65 and Families ~~Family Services~~. The secretary is appointed by the
66 Governor, subject to confirmation by the Senate. The secretary
67 serves at the pleasure of the Governor.

68 (b) The secretary shall appoint a deputy secretary who
69 shall act in the absence of the secretary. The deputy secretary
70 is directly responsible to the secretary, performs such duties
71 as are assigned by the secretary, and serves at the pleasure of
72 the secretary.

73 (c)1. The secretary shall appoint an Assistant Secretary
74 for Substance Abuse and Mental Health. The assistant secretary
75 shall serve at the pleasure of the secretary and must have
76 expertise in both areas of responsibility.

77 2. The secretary shall appoint a ~~Program~~ Director for
78 Substance Abuse and a ~~Program Director~~ for Mental Health who has
79 ~~have~~ the requisite expertise and experience ~~in their respective~~
80 ~~fields~~ to head the state's Substance Abuse and Mental Health
81 Program Office ~~programs~~.

82 a. ~~Each program director shall have line authority over all~~
83 ~~district substance abuse and mental health program management~~
84 ~~staff.~~

85 b. ~~The assistant secretary shall enter into a memorandum of~~
86 ~~understanding with each district or region administrator, which~~
87 ~~must be approved by the secretary or the secretary's designee,~~

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88 ~~describing the working relationships within each geographic~~
89 ~~area.~~

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

92 ~~d. Each program director shall have direct control over the~~
93 ~~program's budget and contracts for services. Support staff~~
94 ~~necessary to manage budget and contracting functions within the~~
95 ~~department shall be placed under the supervision of the program~~
96 ~~directors.~~

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

100 ~~(3) PROGRAM DIRECTORS. The secretary shall appoint program~~
101 ~~directors who serve at the pleasure of the secretary. The~~
102 ~~secretary may delegate to the program directors responsibilities~~
103 ~~for the management, policy, program, and fiscal functions of the~~
104 ~~department.~~

105 ~~(3)(4) SERVICES PROVIDED PROGRAM OFFICES AND SUPPORT~~
106 ~~OFFICES.-~~

107 ~~(a) The department shall provide the following services: is~~
108 ~~authorized to establish program offices and support offices,~~
109 ~~each of which shall be headed by a director or other management~~
110 ~~position who shall be appointed by and serves at the pleasure of~~
111 ~~the secretary.~~

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

- 113 1. Adult Protection Services.
- 114 2. Child Care Regulation Services.
- 115 3. Child Welfare.
- 116 4. ~~3.~~ Domestic Violence.

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117 5.4. Economic Self-Sufficiency Services.

118 ~~5. Family Safety.~~

119 6. Mental Health.

120 7. Refugee Services.

121 8. Substance Abuse.

122 ~~(b)(c) Program Offices and support offices~~ may be
 123 consolidated, restructured, or rearranged by the secretary, in
 124 consultation with the Executive Office of the Governor, if
 125 ~~provided any~~ such consolidation, restructuring, or rearranging
 126 is capable of meeting functions and activities and achieving
 127 outcomes as delineated in state and federal laws, rules, and
 128 regulations. The secretary may appoint additional managers and
 129 administrators as he or she determines are necessary for the
 130 effective management of the department.

131 ~~(5) SERVICE DISTRICTS.—~~

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

135 1. ~~District 1. Escambia, Santa Rosa, Okaloosa, and Walton~~
 136 ~~Counties.~~

137 2. ~~District 2, Subdistrict A. Holmes, Washington, Bay,~~
 138 ~~Jackson, Calhoun, and Gulf Counties.~~

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

141 4. ~~District 3. Hamilton, Suwannee, Lafayette, Dixie,~~
 142 ~~Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua~~
 143 ~~Counties.~~

144 5. ~~District 4. Baker, Nassau, Duval, Clay, and St. Johns~~
 145 ~~Counties.~~

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

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

148 ~~8. District 7, Subdistrict A. Seminole, Orange, and Osceola~~
149 ~~Counties.~~

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

151 ~~10. District 8, Subdistrict A. Sarasota and DeSoto~~
152 ~~Counties.~~

153 ~~11. District 8, Subdistrict B. Charlotte, Lee, Glades,~~
154 ~~Hendry, and Collier Counties.~~

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

156 ~~13. District 10. Broward County.~~

157 ~~14. District 11, Subdistrict A. Miami-Dade County.~~

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

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

160 ~~17. District 13. Marion, Citrus, Hernando, Sumter, and Lake~~
161 ~~Counties.~~

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

163 ~~19. District 15. Indian River, Okeechobee, St. Lucie, and~~
164 ~~Martin Counties.~~

165 ~~(b) The secretary shall appoint a district administrator~~
166 ~~for each of the service districts. The district administrator~~
167 ~~shall serve at the pleasure of the secretary and shall perform~~
168 ~~such duties as assigned by the secretary.~~

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

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175 1. Child protection investigation workers so that caseloads
176 do not exceed the Child Welfare League Standards by more than
177 two cases; and

178 2. Child protection case workers so that caseloads do not
179 exceed the Child Welfare League Standards by more than two
180 cases.

181 (4)~~(6)~~ COMMUNITY ALLIANCES.—

182 (a) The department shall, in consultation with local
183 communities, establish a community alliance of the stakeholders,
184 community leaders, client representatives, and funders of human
185 services in each county to provide a focal point for community
186 participation and governance of community-based services. An
187 alliance may cover more than one county when such arrangement is
188 determined to provide for more effective representation. The
189 community alliance shall represent the diversity of the
190 community.

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

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

196 2. Needs assessment and establishment of community
197 priorities for service delivery.

198 3. Determining community outcome goals to supplement state-
199 required outcomes.

200 4. Serving as a catalyst for community resource
201 development.

202 5. Providing for community education and advocacy on issues
203 related to delivery of services.

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204 6. Promoting prevention and early intervention services.

205 (c) The department shall ensure, to the greatest extent
206 possible, that the formation of each community alliance builds
207 on the strengths of the existing community human services
208 infrastructure.

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

211 1. A representative from the department. ~~The district~~
212 ~~administrator.~~

213 2. A representative from county government.

214 3. A representative from the school district.

215 4. A representative from the county United Way.

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

217 6. A representative from the circuit court corresponding to
218 the county.

219 7. A representative from the county children's board, if
220 one exists.

221 (e) At any time after the initial meeting of the community
222 alliance, the community alliance shall adopt bylaws and may
223 increase the membership of the alliance to include ~~the state~~
224 ~~attorney for the judicial circuit in which the community~~
225 ~~alliance is located, or his or her designee, the public defender~~
226 ~~for the judicial circuit in which the community alliance is~~
227 ~~located, or his or her designee, and other individuals and~~
228 organizations who represent funding organizations, are community
229 leaders, have knowledge of community-based service issues, or
230 otherwise represent perspectives that will enable them to
231 accomplish the duties listed in paragraph (b), if, in the
232 judgment of the alliance, such change is necessary to adequately

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233 represent the diversity of the population within the community
234 alliance service circuits ~~districts~~.

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

239 (g) Members of the community alliances shall serve without
240 compensation, but are entitled to receive reimbursement for per
241 diem and travel expenses, as provided in s. 112.061. Payment may
242 also be authorized for preapproved child care expenses or lost
243 wages for members who are consumers of the department's services
244 and for preapproved child care expenses for other members who
245 demonstrate hardship.

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

249 (i) Actions taken by a community alliance must be
250 consistent with department policy and state and federal laws,
251 rules, and regulations.

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

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

259 ~~(7) PROTOTYPE REGION.~~

260 ~~(a) Notwithstanding the provisions of this section, the~~
261 ~~department may consolidate the management and administrative~~

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262 ~~structure or function of the geographic area that includes the~~
263 ~~counties in the sixth, twelfth, and thirteenth judicial circuits~~
264 ~~as defined in s. 26.021. The department shall evaluate the~~
265 ~~efficiency and effectiveness of the operation of the prototype~~
266 ~~region and upon a determination that there has been a~~
267 ~~demonstrated improvement in management and oversight of services~~
268 ~~or cost savings from more efficient administration of services,~~
269 ~~the secretary may consolidate management and administration of~~
270 ~~additional areas of the state. Any such additional consolidation~~
271 ~~shall comply with the provisions of subsection (5) unless~~
272 ~~legislative authorization to the contrary is provided.~~

273 ~~(b) Within the prototype region, the budget transfer~~
274 ~~authority defined in paragraph (5)(b) shall apply to the~~
275 ~~consolidated geographic area.~~

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

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

284 ~~2. Providing or contracting for the provision of core~~
285 ~~services, including intake and eligibility, assessment, service~~
286 ~~planning, and case management.~~

287 ~~3. Creating a service provider network capable of~~
288 ~~delivering the services contained in client service plans, which~~
289 ~~shall include identifying the necessary services, the necessary~~
290 ~~volume of services, and possible utilization patterns and~~

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- 291 ~~negotiating rates and expectations with providers.~~
- 292 ~~4. Managing and monitoring of provider contracts and~~
- 293 ~~subcontracts.~~
- 294 ~~5. Developing and implementing an effective bill payment~~
- 295 ~~mechanism to ensure all providers are paid in a timely fashion.~~
- 296 ~~6. Providing or arranging for administrative services~~
- 297 ~~necessary to support service delivery.~~
- 298 ~~7. Utilizing departmentally approved training and meeting~~
- 299 ~~departmentally defined credentials and standards.~~
- 300 ~~8. Providing for performance measurement in accordance with~~
- 301 ~~the department's quality assurance program and providing for~~
- 302 ~~quality improvement and performance measurement.~~
- 303 ~~9. Developing and maintaining effective interagency~~
- 304 ~~collaboration to optimize service delivery.~~
- 305 ~~10. Ensuring that all federal and state reporting~~
- 306 ~~requirements are met.~~
- 307 ~~11. Operating a consumer complaint and grievance process.~~
- 308 ~~12. Ensuring that services are coordinated and not~~
- 309 ~~duplicated with other major payors, such as the local schools~~
- 310 ~~and Medicaid.~~
- 311 ~~13. Any other duties or responsibilities defined in s.~~
- 312 ~~409.1671 related to community-based care.~~

313 (5) ~~(8)~~ CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It
 314 is the intent of the Legislature that when county governments
 315 are required by law to participate in the funding of programs,
 316 the department shall consult with designated representatives of
 317 county governments in developing policies and service delivery
 318 plans for those programs.

319 ~~(9) PROCUREMENT OF HEALTH SERVICES. Nothing contained in~~

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320 ~~chapter 287 shall require competitive bids for health services~~
321 ~~involving examination, diagnosis, or treatment.~~

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

324 20.43 Department of Health.—There is created a Department
325 of Health.

326 (5) The department shall plan and administer its public
327 health programs through its county health departments and may,
328 for administrative purposes and efficient service delivery,
329 establish up to 15 service areas to carry out such duties as may
330 be prescribed by the State Surgeon General. The boundaries of
331 the service areas shall ~~be the same as, or combinations of, the~~
332 ~~service districts of the Department of Children and Family~~
333 ~~Services established in s. 20.19 and, to the extent practicable,~~
334 ~~shall~~ take into consideration the boundaries of the jobs and
335 education regional boards.

336 Section 4. Subsection (27) of section 39.01, Florida
337 Statutes, is amended to read:

338 39.01 Definitions.—When used in this chapter, unless the
339 context otherwise requires:

340 (27) "District administrator" means the chief operating
341 officer of each service district of the department as defined in
342 s. 20.19~~(5)~~ and, where appropriate, includes any district
343 administrator whose service district falls within the boundaries
344 of a judicial circuit.

345 Section 5. Subsection (5) of section 394.78, Florida
346 Statutes, is amended to read:

347 394.78 Operation and administration; personnel standards;
348 procedures for audit and monitoring of service providers;

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349 resolution of disputes.-

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

354 Section 6. Subsection (1) of section 420.622, Florida
355 Statutes, is amended to read:

356 420.622 State Office on Homelessness; Council on
357 Homelessness.-

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

363 Section 7. During the 2013 regular legislative session, the
364 Legislature shall adopt legislation to conform the Florida
365 Statutes to the provisions of this act.

366 Section 8. This act shall take effect July 1, 2012.