

By the Committees on Governmental Oversight and Accountability;
and Children, Families, and Elder Affairs

585-03102-12

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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; revising the
9 mission of the department; providing for a Director
10 for Substance Abuse and Mental Health, appointed by
11 the secretary of the department; revising the services
12 provided by the department and abolishing the program
13 offices; deleting provisions establishing service
14 districts; deleting provisions providing for a
15 prototype region; deleting provisions providing an
16 exemption from competitive bids for certain health
17 services; amending s. 20.43, F.S., relating to the
18 service areas of the Department of Health; conforming
19 provisions to the abolishment of the service districts
20 of the Department of Children and Family Services;
21 amending s. 39.01, F.S.; conforming a cross-reference;
22 amending s. 394.78, F.S.; removing an obsolete
23 reference to health and human services boards;
24 amending s. 420.622, F.S., relating to the State
25 Office on Homelessness within the Department of
26 Children and Families; removing a requirement that the
27 executive director of the office be appointed by the
28 Governor; providing for legislation to conform the
29 Florida Statutes to changes made by the act; providing

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30 an effective date.

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

33
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 Families
51 ~~Family Services~~ is to work in partnership with local communities
52 to protect the vulnerable, promote strong and economically self-
53 sufficient families, and advance personal and family recovery
54 and resiliency ~~ensure the safety, well-being, and self-~~
55 ~~sufficiency of the people served.~~

56 (b) The department shall develop a strategic plan for
57 fulfilling its mission and establish a set of measurable goals,
58 objectives, performance standards, and quality assurance

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59 requirements to ensure that the department is accountable to the
60 people of Florida.

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

64 (2) SECRETARY OF CHILDREN AND FAMILIES ~~FAMILY SERVICES~~;
65 DEPUTY SECRETARY.—

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

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

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

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

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

87 ~~b. The assistant secretary shall enter into a memorandum of~~

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88 ~~understanding with each district or region administrator, which~~
89 ~~must be approved by the secretary or the secretary's designee,~~
90 ~~describing the working relationships within each geographic~~
91 ~~area.~~

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

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

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

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

107 ~~(3)-(4) SERVICES PROVIDED PROGRAM OFFICES AND SUPPORT~~
108 ~~OFFICES.~~

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

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

- 115 1. Adult Protection Services.
- 116 2. Child Care Regulation Services.

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117 3. Child Welfare.

118 ~~4.3. Domestic Violence.~~

119 ~~5.4. Economic Self-Sufficiency Services.~~

120 ~~5. Family Safety.~~

121 6. Mental Health.

122 7. Refugee Services.

123 8. Substance Abuse.

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

133 ~~(5) SERVICE DISTRICTS.—~~

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

137 ~~1. District 1. Escambia, Santa Rosa, Okaloosa, and Walton~~
 138 ~~Counties.~~

139 ~~2. District 2, Subdistrict A. Holmes, Washington, Bay,~~
 140 ~~Jackson, Calhoun, and Gulf Counties.~~

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

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

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- 146 ~~5. District 4. Baker, Nassau, Duval, Clay, and St. Johns~~
 147 ~~Counties.~~
- 148 ~~6. District 5. Pasco and Pinellas Counties.~~
- 149 ~~7. District 6. Hillsborough and Manatee Counties.~~
- 150 ~~8. District 7, Subdistrict A. Seminole, Orange, and Osceola~~
 151 ~~Counties.~~
- 152 ~~9. District 7, Subdistrict B. Brevard County.~~
- 153 ~~10. District 8, Subdistrict A. Sarasota and DeSoto~~
 154 ~~Counties.~~
- 155 ~~11. District 8, Subdistrict B. Charlotte, Lee, Glades,~~
 156 ~~Hendry, and Collier Counties.~~
- 157 ~~12. District 9. Palm Beach County.~~
- 158 ~~13. District 10. Broward County.~~
- 159 ~~14. District 11, Subdistrict A. Miami-Dade County.~~
- 160 ~~15. District 11, Subdistrict B. Monroe County.~~
- 161 ~~16. District 12. Flagler and Volusia Counties.~~
- 162 ~~17. District 13. Marion, Citrus, Hernando, Sumter, and Lake~~
 163 ~~Counties.~~
- 164 ~~18. District 14. Polk, Hardee, and Highlands Counties.~~
- 165 ~~19. District 15. Indian River, Okeechobee, St. Lucie, and~~
 166 ~~Martin Counties.~~

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

171 (c) Each fiscal year the secretary shall, in consultation
 172 with the relevant employee representatives, develop projections
 173 of the number of child abuse and neglect cases and shall include
 174 in the department's legislative budget request a specific

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175 appropriation for funds and positions for the next fiscal year
176 in order to provide an adequate number of full-time equivalent:

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

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

183 (4) ~~(6)~~ COMMUNITY ALLIANCES.—

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

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

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

198 2. Needs assessment and establishment of community
199 priorities for service delivery.

200 3. Determining community outcome goals to supplement state-
201 required outcomes.

202 4. Serving as a catalyst for community resource
203 development.

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204 5. Providing for community education and advocacy on issues
205 related to delivery of services.

206 6. Promoting prevention and early intervention services.

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

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

213 1. A representative from the department. ~~The district~~
214 ~~administrator.~~

215 2. A representative from county government.

216 3. A representative from the school district.

217 4. A representative from the county United Way.

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

219 6. A representative from the circuit court corresponding to
220 the county.

221 7. A representative from the county children's board, if
222 one exists.

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

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233 accomplish the duties listed in paragraph (b), if, in the
234 judgment of the alliance, such change is necessary to adequately
235 represent the diversity of the population within the community
236 alliance service circuits ~~districts~~.

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

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

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

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

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

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

261 ~~(7) PROTOTYPE REGION.~~

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

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

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

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

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

289 ~~3. Creating a service provider network capable of~~
290 ~~delivering the services contained in client service plans, which~~

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291 ~~shall include identifying the necessary services, the necessary~~
292 ~~volume of services, and possible utilization patterns and~~
293 ~~negotiating rates and expectations with providers.~~

294 ~~4. Managing and monitoring of provider contracts and~~
295 ~~subcontracts.~~

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

298 ~~6. Providing or arranging for administrative services~~
299 ~~necessary to support service delivery.~~

300 ~~7. Utilizing departmentally approved training and meeting~~
301 ~~departmentally defined credentials and standards.~~

302 ~~8. Providing for performance measurement in accordance with~~
303 ~~the department's quality assurance program and providing for~~
304 ~~quality improvement and performance measurement.~~

305 ~~9. Developing and maintaining effective interagency~~
306 ~~collaboration to optimize service delivery.~~

307 ~~10. Ensuring that all federal and state reporting~~
308 ~~requirements are met.~~

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

310 ~~12. Ensuring that services are coordinated and not~~
311 ~~duplicated with other major payors, such as the local schools~~
312 ~~and Medicaid.~~

313 ~~13. Any other duties or responsibilities defined in s.~~
314 ~~409.1671 related to community-based care.~~

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

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320 plans for those programs.

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

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

326 20.43 Department of Health.—There is created a Department
327 of Health.

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

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

340 39.01 Definitions.—When used in this chapter, unless the
341 context otherwise requires:

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

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

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349 394.78 Operation and administration; personnel standards;
350 procedures for audit and monitoring of service providers;
351 resolution of disputes.-

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

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

358 420.622 State Office on Homelessness; Council on
359 Homelessness.-

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

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

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