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CHAPTER 2012-84

Committee Substitute for Committee Substitute for House Bill No. 1229

An act relating to the reorganization of the Department of Children and Family Services; amending s. 20.04, F.S.; changing the name of the Department of Children and Family Services to the Department of Children and Families; authorizing the department to restructure its organizational units to establish circuits, which are aligned geographically with judicial circuits, and regions, which include multiple circuits in geographical proximity to each other; revising requirements relating to community alliances; deleting provisions relating to service districts, the prototype region, and the procurement of health services; amending s. 20.19, F.S.; revising the mission of the department; providing for the appointment of a Director for Substance Abuse and Mental Health to head the state's Substance Abuse and Mental Health Program Office; deleting provisions establishing service districts; revising provisions relating to the structure of and services provided by the department; amending s. 20.43, F.S.; revising provisions aligning the boundaries of service areas for the Department of Health to those of the service districts of the department to conform to changes made by this act; amending s. 420.622, F.S.; deleting authority of the Governor to appoint the executive director of the State Office on Homelessness; amending s. 394.78, F.S.; deleting obsolete references; providing for future legislation to conform the Florida Statutes to changes made by the act; providing an effective date.

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.” Each circuit is aligned geographically with each judicial circuit, and each region comprises multiple circuits which are in geographical proximity to each other “program offices,” headed by program directors.

(7)

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

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

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

(1) MISSION AND PURPOSE.—

(a) The mission of the Department of Children and ~~Families~~ Family Services is to work in partnership with local communities to protect the vulnerable, promote strong and economically self-sufficient families, and advance personal and family recovery and resiliency ensure the safety, well-being, and self-sufficiency of the people served.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(3)(4) SERVICES PROVIDED PROGRAM OFFICES AND SUPPORT OFFICES.—~~

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

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

1. Adult protection Services.

2. Child care regulation Services.
3. Child welfare.
- ~~4.3.~~ Domestic violence.
- ~~5.4.~~ Economic self-sufficiency Services.
- ~~5.~~ Family Safety.
- ~~6.~~ Homelessness.
- ~~7.6.~~ Mental health.
- ~~8.7.~~ Refugees Refugee Services.
- ~~9.8.~~ Substance abuse.

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

~~(5) SERVICE DISTRICTS.—~~

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

- ~~1. District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties.~~
- ~~2. District 2, Subdistrict A.—Holmes, Washington, Bay, Jackson, Calhoun, and Gulf Counties.~~
- ~~3. District 2, Subdistrict B.—Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, and Taylor Counties.~~
- ~~4. District 3.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties.~~
- ~~5. District 4.—Baker, Nassau, Duval, Clay, and St. Johns Counties.~~
- ~~6. District 5.—Pasco and Pinellas Counties.~~
- ~~7. District 6.—Hillsborough and Manatee Counties.~~
- ~~8. District 7, Subdistrict A.—Seminole, Orange, and Osceola Counties.~~
- ~~9. District 7, Subdistrict B.—Brevard County.~~

- ~~10. District 8, Subdistrict A.—Sarasota and DeSoto Counties.~~
- ~~11. District 8, Subdistrict B.—Charlotte, Lee, Glades, Hendry, and Collier Counties.~~
- ~~12. District 9.—Palm Beach County.~~
- ~~13. District 10.—Broward County.~~
- ~~14. District 11, Subdistrict A.—Miami-Dade County.~~
- ~~15. District 11, Subdistrict B.—Monroe County.~~
- ~~16. District 12.—Flagler and Volusia Counties.~~
- ~~17. District 13.—Marion, Citrus, Hernando, Sumter, and Lake Counties.~~
- ~~18. District 14.—Polk, Hardee, and Highlands Counties.~~
- ~~19. District 15.—Indian River, Okeechobee, St. Lucie, and Martin Counties.~~

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

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

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

~~(4)(6)~~ COMMUNITY ALLIANCES.—

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

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

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

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

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

4. Serving as a catalyst for community resource development.

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

6. Promoting prevention and early intervention services.

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

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

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

2. A representative from county government.

3. A representative from the school district.

4. A representative from the county United Way.

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

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

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

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

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

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

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

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

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

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

~~(7) PROTOTYPE REGION.—~~

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

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

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

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

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

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

~~4.— Managing and monitoring of provider contracts and subcontracts.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

420.622 State Office on Homelessness; Council on Homelessness.—

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

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

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

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

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

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

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

Approved by the Governor April 6, 2012.

Filed in Office Secretary of State April 6, 2012.