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1                                   A bill to be entitled  
 2           An act relating to a review of the Department of Children  
 3           and Family Services under the Florida Government  
 4           Accountability Act; amending s. 20.04, F.S.; authorizing  
 5           the department to establish circuits or regions headed by  
 6           circuit administrators or region directors and deleting a  
 7           requirement for statutory enactment for additional  
 8           divisions or offices; amending s. 20.19, F.S.; changing  
 9           the name of the Department of Children and Family Services  
 10          to the Department of Children and Families; revising  
 11          provisions relating to the establishment and structure of,  
 12          and services provided by, the department; providing for  
 13          operating units called circuits or regions, based on the  
 14          geographic boundaries of judicial circuits; deleting  
 15          provisions relating to the program directors for mental  
 16          health and substance abuse, service districts, child  
 17          protection workers, the membership of community alliances,  
 18          and the prototype region; amending s. 420.622, F.S.;  
 19          deleting a requirement for the Governor to appoint the  
 20          executive director of the State Office of Homelessness;  
 21          amending ss. 20.43, 39.0121, 39.301, and 394.78, F.S.;  
 22          removing provisions to conform to changes made by the act;  
 23          repealing ss. 39.311, 39.312, 39.313, 39.314, 39.315,  
 24          39.316, 39.317, and 39.318, F.S., relating to the Family  
 25          Builders Program; repealing s. 394.9083, F.S., relating to  
 26          the Behavioral Health Services Integration Workgroup;  
 27          repealing s. 402.35, F.S., which provides for department  
 28          employees to be governed by Department of Management

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29 Services rules; providing a directive to the Division of  
 30 Statutory Revision to prepare a reviser's bill; providing  
 31 an effective date.

32

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

34

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

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

39 (4) Within the Department of Children and Families ~~Family~~  
 40 ~~Services~~ there are organizational units called "program  
 41 offices," headed by program directors, and operating units  
 42 called "circuits" headed by circuit administrators. In addition,  
 43 there may be "regions" headed by region directors.

44

(7)

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

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

59 (Substantial rewording of section. See  
60 s. 20.19, F.S., for present text.)

61 20.19 Department of Children and Families.—There is  
62 created a Department of Children and Families.

63 (1) SECRETARY OF CHILDREN AND FAMILIES.—

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

68 (b) The secretary is responsible for planning,  
69 coordinating, and managing the delivery of all services that are  
70 the responsibility of the department.

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

76 (d) The secretary may establish assistant secretary  
77 positions as necessary to administer the requirements of this  
78 section. All persons appointed to such positions shall serve at  
79 the pleasure of the secretary. The department shall integrate  
80 substance abuse and mental health programs into the overall  
81 structure and priorities of the department.

82 (2) SERVICES PROVIDED.—

83 (a) The department shall establish the following program  
84 offices, each of which shall be headed by a program director who

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85 shall be appointed by and serve at the pleasure of the  
 86 secretary:

- 87 1. Adult protection.
- 88 2. Child care licensure.
- 89 3. Domestic violence.
- 90 4. Economic self-sufficiency.
- 91 5. Family safety.
- 92 6. Mental health.
- 93 7. Refugee services.
- 94 8. Substance abuse.
- 95 9. Homelessness.

96 (b) The secretary may appoint additional managers as  
 97 necessary for the effective management of the program services  
 98 provided by the department.

99 (3) OPERATING UNITS.—

100 (a) The department shall plan and administer its program  
 101 services through operating units called "circuits" that conform  
 102 to the geographic boundaries of the judicial circuits  
 103 established in s. 26.021. The department may also establish one  
 104 or more regions consisting of one or more circuits. The region  
 105 shall provide administrative, management, and infrastructure  
 106 support to the circuits operating within the region. The region  
 107 shall consolidate support functions to provide the most  
 108 efficient use of resources to support the circuits operating  
 109 within the region.

110 (b) The secretary may appoint a circuit administrator and  
 111 a region director for each circuit and region, respectively, who  
 112 shall serve at the pleasure of the secretary and shall perform

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113 such duties as are assigned by the secretary.

114 (4) COMMUNITY ALLIANCES AND PARTNERSHIPS; ADVISORY  
 115 GROUPS.—The department, in consultation with the applicable  
 116 local communities, may establish in each circuit one or more  
 117 community alliances or other community partnerships consisting  
 118 of stakeholders, community leaders, client representatives, and  
 119 entities that fund human services in each judicial circuit to  
 120 provide a focal point for community participation and the  
 121 governance of community-based services. The membership of a  
 122 community alliance or partnership shall represent the diversity  
 123 of the community. The secretary may also establish advisory  
 124 groups at the state level as necessary to ensure and enhance  
 125 communication and provide liaison with stakeholders, community  
 126 leaders, and client representatives.

127 (a) The duties of a community alliance or community  
 128 partnership may include, but are not limited to:

129 1. Participating in joint planning for the effective use  
 130 of resources in the community, including resources appropriated  
 131 to the department, and any funds that local funding sources  
 132 choose to provide.

133 2. Performing a needs assessment and establishing  
 134 community priorities for service delivery.

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

137 4. Serving as a catalyst for community resource  
 138 development.

139 5. Providing for community education and advocacy on  
 140 issues related to service delivery.

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141        6. Promoting prevention and early intervention services.  
 142        (b) If one or more community alliances or partnerships are  
 143 established in a circuit, the department shall ensure, to the  
 144 greatest extent possible, that the formation of each alliance or  
 145 partnership builds on the strengths of the existing community  
 146 human services infrastructure.  
 147        (c) Members of community alliances, community  
 148 partnerships, and advisory groups shall serve without  
 149 compensation, but are entitled to reimbursement for per diem and  
 150 travel expenses in accordance with s. 112.061. The department  
 151 may also authorize payment for preapproved child care expenses  
 152 or lost wages for members who are consumers of services provided  
 153 by the department.  
 154        (d) Members of community alliances, community  
 155 partnerships, and advisory groups are subject to part III of  
 156 chapter 112, the Code of Ethics for Public Officers and  
 157 Employees.  
 158        (e) Actions taken by community alliances, community  
 159 partnerships, and advisory groups must be consistent with  
 160 department policy and state and federal laws, rules, and  
 161 regulations.  
 162        (f) Each member of a community alliance, community  
 163 partnership, or advisory group must submit annually to the  
 164 inspector general of the department a disclosure statement of  
 165 any interest in services provided by the department. Any member  
 166 who has an interest in a matter under consideration by the  
 167 alliance, partnership, or advisory group must abstain from  
 168 voting on that matter.

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169 (g) All meetings of community alliances, community  
 170 partnerships, and advisory groups are open to the public  
 171 pursuant to s. 286.011 and are subject to the public records  
 172 provisions of s. 119.07(1).

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

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

181 20.43 Department of Health.—There is created a Department  
 182 of Health.

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

193 Section 4. Subsection (10) of section 39.0121, Florida  
 194 Statutes, is amended to read:

195 39.0121 Specific rulemaking authority.—Pursuant to the  
 196 requirements of s. 120.536, the department is specifically

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197 | authorized to adopt, amend, and repeal administrative rules  
 198 | which implement or interpret law or policy, or describe the  
 199 | procedure and practice requirements necessary to implement this  
 200 | chapter, including, but not limited to, the following:

201 |       (10) ~~The Family Builders Program,~~ the Intensive Crisis  
 202 | Counseling Program, and any other early intervention programs  
 203 | and kinship care assistance programs.

204 |       Section 5. Paragraph (a) of subsection (15) of section  
 205 | 39.301, Florida Statutes, is amended to read:

206 |       39.301 Initiation of protective investigations.—

207 |       (15) (a) If the department or its agent determines that a  
 208 | child requires immediate or long-term protection through:

- 209 |       1. Medical or other health care; or
- 210 |       2. Homemaker care, day care, protective supervision, or
- 211 | other services to stabilize the home environment, including
- 212 | intensive family preservation services through ~~the Family~~
- 213 | ~~Builders Program~~ or the Intensive Crisis Counseling Program, ~~or~~
- 214 | ~~both,~~

215 |  
 216 | such services shall first be offered for voluntary acceptance  
 217 | unless there are high-risk factors that may impact the ability  
 218 | of the parents or legal custodians to exercise judgment. Such  
 219 | factors may include the parents' or legal custodians' young age  
 220 | or history of substance abuse or domestic violence.

221 |       Section 6. Subsection (5) of section 394.78, Florida  
 222 | Statutes, is amended to read:

223 |       394.78 Operation and administration; personnel standards;  
 224 | procedures for audit and monitoring of service providers;



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225 ~~resolution of disputes.-~~

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

230 Section 7. Subsection (1) of section 420.622, Florida  
 231 Statutes, is amended to read:

232 420.622 State Office on Homelessness; Council on  
 233 Homelessness.-

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

239 Section 8. Sections 39.311, 39.312, 39.313, 39.314,  
 240 39.315, 39.316, 39.317, 39.318, 394.9083, and 402.35, Florida  
 241 Statutes, are repealed.

242 Section 9. The Division of Statutory Revision of the Joint  
 243 Legislative Management Committee is directed to prepare a  
 244 reviser's bill for introduction at a subsequent session of the  
 245 Legislature to change the term "Department of Children and  
 246 Family Services" to the term "Department of Children and  
 247 Families" and the term "district administrator" to the term  
 248 "circuit administrator" wherever that term appears in the  
 249 Florida Statutes.

250 Section 10. This act shall take effect July 1, 2010.