

HB 115

2011

1 A bill to be entitled
2 An act relating to the creation of the Department of
3 Health and Human Services; amending s. 20.04, F.S.;
4 authorizing the department to establish regions headed by
5 deputy secretaries; conforming terminology; creating s.
6 20.601, F.S.; creating the Department of Health and Human
7 Services; providing for mission and purpose; providing for
8 appointment of a Secretary of Health and Human Services by
9 the Governor; providing duties of the secretary;
10 authorizing the secretary to appoint regional deputy
11 secretaries; establishing regions for the administration
12 of program services; establishing program divisions within
13 each region; requiring the department to consult with
14 counties regarding mandated programs; providing guidelines
15 for procurement of health services; creating s. 20.602,
16 F.S.; establishing the Central Office of Investigative
17 Services; providing duties; establishing the Office of
18 Inspector General in the Central Office of Investigative
19 Services; requiring each region to have a separate
20 investigative office; amending s. 1001.706, F.S.;
21 directing the Board of Governors to establish regional
22 policy development and research exchange centers at
23 specified state universities for certain purposes;
24 repealing s. 20.19, F.S., relating to the Department of
25 Children and Family Services; repealing s. 20.195, F.S.,
26 relating to Department of Children and Family Services
27 trust funds; repealing s. 20.197, F.S., relating to the

28 Agency for Persons with Disabilities; repealing s.
 29 20.1971, F.S., relating to the Agency for Persons with
 30 Disabilities trust funds; repealing s. 20.42, F.S.,
 31 relating to the Agency for Health Care Administration;
 32 repealing s. 20.425, F.S., relating to Agency for Health
 33 Care Administration trust funds; repealing s. 20.43, F.S.,
 34 relating to the Department of Health; repealing s. 20.435,
 35 F.S., relating to Department of Health trust funds;
 36 providing a directive to the Division of Statutory
 37 Revision to change the name of the Department of Children
 38 and Family Services to the Department of Health and Human
 39 Services; transferring and reassigning certain functions
 40 and responsibilities, including records, personnel,
 41 property, and unexpended balances of appropriations and
 42 other resources, from the Agency for Health Care
 43 Administration, the Agency for Persons with Disabilities,
 44 the Department of Children and Family Services, and the
 45 Department of Health to the Department of Health and Human
 46 Services by a type two transfer; providing an effective
 47 date.

48
 49 Be It Enacted by the Legislature of the State of Florida:

50
 51 Section 1. Subsections (3) and (4) and paragraph (b) of
 52 subsection (7) of section 20.04, Florida Statutes, are amended
 53 to read:

54 20.04 Structure of executive branch.—The executive branch

55 of state government is structured as follows:

56 (3) For their internal structure, all departments, except
 57 for the Department of Financial Services, the Department of
 58 Health and Human Children and Family Services, the Department of
 59 Corrections, the Department of Management Services, the
 60 Department of Revenue, and the Department of Transportation,
 61 must adhere to the following standard terms:

62 (a) The principal unit of the department is the
 63 "division." Each division is headed by a "director."

64 (b) The principal unit of the division is the "bureau."
 65 Each bureau is headed by a "chief."

66 (c) The principal unit of the bureau is the "section."
 67 Each section is headed by an "administrator."

68 (d) If further subdivision is necessary, sections may be
 69 divided into "subsections," which are headed by "supervisors."

70 (4) Within the Department of Health and Human Children and
 71 Family Services there are organizational units called "regions"
 72 headed by deputy secretaries "~~program offices,~~" ~~headed by~~
 73 ~~program directors.~~

74 (7)

75 (b) Within the limitations of this subsection, the head of
 76 the department may recommend the establishment of additional
 77 divisions, bureaus, sections, and subsections of the department
 78 to promote efficient and effective operation of the department.
 79 However, additional divisions, or offices in the Department of
 80 Health and Human Children and Family Services, the Department of
 81 Corrections, and the Department of Transportation, may be

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82 | established only by specific statutory enactment. New bureaus,
 83 | sections, and subsections of departments may be initiated by a
 84 | department and established as recommended by the Department of
 85 | Management Services and approved by the Executive Office of the
 86 | Governor, or may be established by specific statutory enactment.

87 | Section 2. Section 20.601, Florida Statutes, is created to
 88 | read:

89 | 20.601 Department of Health and Human Services.—There is
 90 | created a Department of Health and Human Services.

91 | (1) MISSION AND PURPOSE.—

92 | (a) The mission of the Department of Health and Human
 93 | Services is to:

94 | 1. Work in partnership with local communities to implement
 95 | state health policy.

96 | 2. Identify technologies and opportunities for gains in
 97 | productivity associated with the greater level of integration of
 98 | the delivery of health and human services.

99 | 3. Estimate the amount of workforce reduction as a result
 100 | of the integration of service delivery systems.

101 | 4. Estimate the reduction in the need for office or work
 102 | space as a result of increased use of technology and the
 103 | regionalization of health care operations.

104 | 5. Eliminate duplicative functions as a result of the
 105 | merging of the functions of the Agency for Health Care
 106 | Administration, the Agency for Persons with Disabilities, the
 107 | Department of Children and Family Services, and the Department
 108 | of Health into the department.

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

114 (2) SECRETARY OF HEALTH AND HUMAN SERVICES; DEPUTY
115 SECRETARIES.—

116 (a) The head of the department is the Secretary of Health
117 and Human Services. The secretary is appointed by the Governor,
118 subject to confirmation by the Senate. The secretary serves at
119 the pleasure of the Governor.

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

123 (c) The secretary shall appoint six deputy secretaries who
124 shall lead the six regions. The deputy secretaries are directly
125 responsible to the secretary, perform such duties as are
126 assigned by the secretary, and serve at the pleasure of the
127 secretary.

128 (d) The secretary shall plan and administer program
129 services through regions that conform to the geographic
130 boundaries of the judicial circuits established in s. 26.021.
131 The department shall establish regional divisions as follows:

132 1. Region 1, Northwest Region.—Escambia, Santa Rosa,
133 Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun,
134 Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, and Jefferson
135 Counties.

136 2. Region 2, Northeast Region.-Madison, Taylor, Hamilton,
 137 Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union,
 138 Bradford, Putnam, Alachua, Baker, Nassau, Duval, Clay, St.
 139 Johns, Flagler, and Volusia Counties.

140 3. Region 3, Central Region.-Marion, Citrus, Hernando,
 141 Sumter, Lake, Polk, Hardee, Highlands, Seminole, Orange,
 142 Osceola, Brevard, Indian River, Okeechobee, St. Lucie, and
 143 Martin Counties.

144 4. Region 4, Suncoast Region.-Pasco, Pinellas,
 145 Hillsborough, Manatee, Sarasota, DeSoto, Charlotte, Lee, Glades,
 146 Hendry, and Collier Counties.

147 5. Region 5, Southeast Region.-Palm Beach and Broward
 148 Counties.

149 6. Region 6, Southern Region.-Miami-Dade and Monroe
 150 Counties.

151 (3) PROGRAM DIVISIONS.-

152 (a) The department is authorized to establish program
 153 divisions within each region, each of which shall be headed by a
 154 director or other management position who shall be appointed by
 155 and serves at the pleasure of the secretary.

156 (b) The following program divisions are established:

- 157 1. Adult Services.
- 158 2. Child Care Services.
- 159 3. Foster Care Services.
- 160 4. Long-term Care Services.
- 161 5. Medicaid Services.
- 162 6. Quality Assurance Services.

- 163 | 7. Domestic Violence Services.
- 164 | 8. Economic Self-Sufficiency Services.
- 165 | 9. Family Safety Services.
- 166 | 10. Mental Health Services.
- 167 | 11. Refugee Services.
- 168 | 12. Substance Abuse Services.
- 169 | 13. Contracting Services.
- 170 | 14. Legal Services.
- 171 | 15. Administration Services.
- 172 | 16. Benefits Services.
- 173 | (c) Program divisions may be consolidated, restructured,
- 174 | or rearranged by the secretary, in consultation with the
- 175 | Executive Office of the Governor, provided any such
- 176 | consolidation, restructuring, or rearranging is capable of
- 177 | meeting functions and activities and achieving outcomes as
- 178 | delineated in state and federal laws, rules, and regulations.
- 179 | The secretary may appoint additional managers and administrators
- 180 | as he or she determines are necessary for the effective
- 181 | management of the department.
- 182 | (4) CONSULTATION WITH COUNTIES ON MANDATED PROGRAMS.—It is
- 183 | the intent of the Legislature that when county governments are
- 184 | required by law to participate in the funding of programs, the
- 185 | department shall consult with designated representatives of
- 186 | county governments in developing policies and service delivery
- 187 | plans for those programs.
- 188 | (5) PROCUREMENT OF HEALTH SERVICES.—Nothing contained in
- 189 | chapter 287 shall require competitive bids for health services

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190 involving examination, diagnosis, or treatment.

191 Section 3. Section 20.602, Florida Statutes, is created to
192 read:

193 20.602 Central Office of Investigative Services; purpose.—

194 (1) The Central Office of Investigative Services is
195 responsible for:

196 (a) All investigations relating to child abuse, adult
197 abuse, Medicaid fraud, and complaints against health care
198 professionals, health care providers, and managed care
199 organizations.

200 (b) Reporting the findings of the regional offices to the
201 United States Department of Health and Human Services.

202 (c) Coordinating investigations with federal agencies to
203 implement health care mandates.

204 (d) Coordinating investigations statewide and providing
205 regional oversight.

206 (2) The Office of Inspector General is established in the
207 Central Office of Investigative Services to review complaints
208 regarding the conduct of investigators and investigations.

209 (3) Each region established under s. 20.601 shall have a
210 separate investigative office that shall conduct investigations,
211 collect information regarding complaints, and report such
212 findings to the Central Office of Investigative Services.

213 Section 4. Subsection (11) is added to section 1001.706,
214 Florida Statutes, to read:

215 1001.706 Powers and duties of the Board of Governors.—

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216 (11) REGIONAL POLICY DEVELOPMENT AND RESEARCH EXCHANGE
217 CENTERS.—The Board of Governors shall establish a regional
218 policy development and research exchange center at one state
219 university located in each of the six regional divisions
220 established under s. 20.601. Each exchange center shall:

221 (a) Review data on subjects, including, but not limited
222 to, developmental disabilities, aging, Medicaid and managed
223 care, frontline caregivers, mental health, substance abuse,
224 HIV/AIDS, long-term care, community-based care, biological
225 sciences, and children's health and services issues.

226 (b) Examine data, including, but not limited to, encounter
227 data and cost-effectiveness data, and conduct field interviews
228 with providers and consumers.

229 (c) Make research findings available to the public through
230 the Internet with the opportunity for public comment.

231 (d) Provide recommendations to the Department of Health
232 and Human Services, the President of the Senate, and the Speaker
233 of the House of Representatives regarding health and human
234 services policies.

235 Section 5. Sections 20.19, 20.195, 20.197, 20.1971, 20.42,
236 20.425, 20.43, and 20.435, Florida Statutes, are repealed.

237 Section 6. The Division of Statutory Revision of the Joint
238 Legislative Management Committee is directed to prepare a
239 reviser's bill for introduction at a subsequent session of the
240 Legislature to change the term "Department of Children and
241 Family Services" to "Department of Health and Human Services,"
242 the term "Secretary of Children and Family Services" to

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243 "Secretary of Health and Human Services," and the term "district
244 administrator" to "deputy secretary," as that term relates to
245 the administrative duties of a district administrator in a
246 region, wherever those terms appear in the Florida Statutes.

247 Section 7. All powers, duties, functions, records,
248 offices, personnel, property, pending issues and existing
249 contracts, administrative authority, administrative rules, and
250 unexpended balances of appropriations, allocations, and other
251 funds of the Agency for Health Care Administration, the Agency
252 for Persons with Disabilities, the Department of Children and
253 Family Services, and the Department of Health are transferred by
254 a type two transfer, as defined in s. 20.06(2), Florida
255 Statutes, to the Department of Health and Human Services.

256 Section 8. This act shall take effect July 1, 2011.