

states currently have Children's Cabinets.² Although the Cabinets vary from state to state, they typically involve senior state officials from a range of state agencies, as well as representatives of key private sector stakeholders, such as parents, business and industry leaders, and advocates. Some Cabinets also include government members from the legislative and judicial branches. Some Cabinets have advisory boards, commissions or task forces which provide input to the Cabinet but do not participate in the decision-making.³ In the states that have them, Children's Cabinets have been established through Executive Orders, through legislation and through combinations of both processes.

In October 2006, more than 1,000 community leaders, legislators, advocates and policy makers met at the Florida Children's Summit. Summit participants identified and discussed many public policy issues and proposals relating to children and youth. The Summit's recommendations are reflected in the Florida Children's Action Agenda 2007/2008 which identifies as its "flagship issue" the creation of a Florida Children's Cabinet.⁴ The Summit also recommended initiatives concerning health care, transition services, screening and assessment, and child care.

III. Effect of Proposed Changes:

SB 564 describes the Legislature's finding that all state agencies and programs that touch the lives of children and youth must work in a coordinated and comprehensive manner to provide a continuum of services from prenatal care through successful transition to adulthood. The bill describes the Legislature's finding that the creation of a Children and Youth Cabinet (Cabinet) is the best method to ensure that Florida is the first place families think of when asked, "Where do you want to raise a child?" The bill describes the Legislative intent to work collaboratively with the Governor to improve child and family outcomes in Florida.

The bill creates the Cabinet in the Executive Office of the Governor (EOG) and directs it to ensure that Florida's public policy promotes interdepartmental collaboration and program implementation so that services for children and youth are planned, managed, and delivered in a holistic and integrated manner.

The bill specifies that the EOG will provide administrative support to the Cabinet. It requires the Cabinet to meet for its organizational session no later than October 1, 2007. After its organizational meeting, the Cabinet is to meet six times each year in different regions of the state. Each meeting must provide an opportunity for public comment.

The bill provides that the Cabinet shall have fifteen members as follows:

- The Governor (who shall serve as chair);
- The Secretary of Children and Family Services;
- The Secretary of Juvenile Justice;
- The Director of the Agency for Persons with Disabilities;
- The Director of the Agency for Workforce Innovation;

² Children's Cabinets have been established in Arizona, Kansas, Louisiana, Maryland, Maine, Michigan, Montana, New Jersey, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, and West Virginia.

³ Id.

⁴ Found at <http://www.childrens-week.org/summit/index.htm> (last visited March 15, 2007).

- The Secretary of Health;
- The Secretary of Health Care Administration;
- The Commissioner of Education;
- The Director of the Statewide Guardian ad Litem Office;
- The Director of the Office of Child Abuse Prevention; and
- Five members appointed by the Governor who are representatives of children and youth advocacy organizations, but who are not service providers.

The bill provides that the following or their designees shall serve as *ex officio* members of the Cabinet:

- The President of the Senate;
- The Speaker of the House;
- The Chief Justice of the Supreme Court; and
- The Chief Financial Officer.

The bill provides that nongovernmental Cabinet members shall serve without compensation, but may receive per diem travel expenses pursuant to s. 112.061, F.S.

The bill describes the duties and responsibilities of the Cabinet:

- Develop and implement a shared vision using integrated services to improve child, youth and family outcomes in Florida;
- By December 31, 2007, develop a strategic plan to achieve the goals of the shared vision;
- Develop and implement measurable outcomes, and regularly report on progress made toward the outcomes;
- Design and implement actions to promote collaboration, creativity, increased efficiency, information sharing, and improved service delivery between and within state governmental organizations, and develop long-range plans in accordance with s. 216.013, F.S.
- Foster public awareness of issues related to children and youth, and develop new partners;
- Create a children and youth impact statement evaluating proposed legislation, requested appropriations, and programs;
- Develop a budget through an estimating conference; and
- Engage in other activities.

The bill permits the Governor to appoint an advisory board to assist the Cabinet, and specifies that the board should include representatives of advocacy groups, as well as young people who have received services funded by the state.⁵

The bill requires the Cabinet to provide an annual report by February 1 of each year.

The act is to take effect on July 1, 2007.

⁵ Pursuant to s. 20.03 (7), F.S., an “advisory council” means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The formulation of public policy is the duty of the Legislature.⁶ This power cannot be exercised by another branch of government.⁷ Nevertheless, executive agencies do play an important part in the development of public policy through the development of administrative rules.

Executive agencies do not have inherent rulemaking authority.⁸ It is the prerogative of the Legislature to give agencies authority to adopt rules that implement, enforce, and interpret a statute.⁹ Such enabling statute may not provide unbridled authority to an administrative agency to decide what the law is.¹⁰ Pursuant to s. 120.54(1) (a), F.S., rulemaking is not a matter of agency discretion. Each agency statement defined as a rule must be adopted as a rule.

It may be appropriate to clarify that the Cabinet, in its annual report to the Legislature, shall include proposed legislation or rule recommendations.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

⁶ *Carter v. City of Stuart*, 468 So.2d 955, 957 (Fla. 1985).

⁷ *Smith v. State*, 537 So.2d 982, 985 (Fla. 1989).

⁸ *Grove Isle, Ltd. V. State Dep't of Env'tl. Reg.*, 454 So.2d 571, 573 (Fla. 1st DCA 1984).

⁹ *State v. Atlantic C.L.R. Co.*, 47 So. 969 (1909).

¹⁰ *State ex rel. Davis v. Fowler*, 114 So. 435, 437 (Fla. 1927).

C. Government Sector Impact:

The per diem travel expenses of up to five nongovernmental employees for six meetings per year around the state will be reimbursed. The EOG estimates fiscal impact of approximately \$20,000 per year for travel expenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not provide any rulemaking authority to the Children's Cabinet. Neither does the bill exempt the Cabinet from the requirements of ch. 120, F.S.

"Cabinet" has a specific meaning in the Florida Constitution, and the Children's Cabinet is not contemplated by that definition.¹¹ The Children's Cabinet may in fact be a "coordinating council" as that term is defined in s. 20.03 (9), F.S.¹²

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹¹ "There shall be a cabinet composed of an attorney general, a chief financial officer, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. . ." Fla. Const. art. IV, s. 4.

¹² Section 20.03(9), F.S., defines a Coordinating Council to be "an interdepartmental advisory body created by law to coordinate programs and activities for which one department has primary responsibility but in which one or more other departments have an interest."

VIII. Summary of Amendments:

Barcode 194148 by Children, Families, and Elder Affairs Committee:

The amendment provides that the annual report of the Children's Cabinet may include recommendations for needed legislation and rulemaking authority.

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