

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1143

Department of Children and Family Services

SPONSOR(S): Aubuchon

TIED BILLS:

IDEN./SIM. BILLS: SB 1980

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Health Care Services Policy Committee	6 Y, 0 N, As CS	Schoolfield	Schoolfield
2)	Health & Family Services Policy Council			
3)	Human Services Appropriations Committee			
4)	Full Appropriations Council on General Government & Health Care			
5)				

SUMMARY ANALYSIS

This bill amends ss. 20.04 and substantially rewords 20.19, F.S., to provide for the reorganization of the Department of Children and Families (DCF). The 2007 Legislature directed the department to begin the process of reorganization subject to further legislative review and approval (Chapter 2007-174 LOF). This legislation recognized the need for modifications to improve efficiency and effectiveness and specified that the modifications shall not impede and must be compatible with the scheduled sunset review process for the department. The bill places in statute the reorganization plans of DCF in response to the 2007 Legislative directive. The bill makes the following changes:

- Deletes the mission and purpose statement of DCF in statute.
- Integrates the substance abuse and mental health programs into DCF, by deleting statutory responsibilities of the directors for these programs and eliminating the director’s direct line authority over circuit program staff.
- Provides for the appointment of assistant secretaries as needed and retains the position of Assistant Secretary for Substance Abuse and Mental Health.
- Provides for certain program offices to be established and adds Homelessness as a program office.
- Changes the sub-state structure of DCF by eliminating service districts and providing that services will be delivered through operating units known as circuits which must be aligned with judicial circuits and an unspecified number of regional divisions.
- Provides the Department with discretion on the establishment of community alliances, partnerships and advisory groups. The alliance memberships must reflect the community and members are to be subject to ethics law and other restrictions.
- Retains current law requiring consultation with counties on mandated programs and allowing a competitive bidding exemption for health services.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

The Department of Department of Children and Family Services (DCF) is created in section 20.19, Florida Statutes. The statutory mission of the department is "to work in partnership with local communities to ensure the safety, well-being, and self-sufficiency of the people served." The head of DCF is the Secretary appointed by the Governor, subject to confirmation by the Senate. The Secretary is directed to appoint the following positions:

- Deputy Secretary,
- Assistant Secretary for Substance Abuse and Mental Health;
- Program Directors for Mental Health<sup>1</sup> and Program Director for Substance Abuse who have direct line authority over district mental health and substance abuse staff;
- Program directors for the management, policy, program, and fiscal functions of the department; and
- District administrators for each of the service districts.

DCF is authorized to establish program and support offices as follows:

- Adult Services;
- Child Care Services;
- Domestic Violence;
- Economic Self-Sufficiency Services;
- Family Safety;
- Mental Health;
- Refugee Services; and
- Substance Abuse.

Florida Statutes directs DCF to plan and administer programs through 15 service districts and specified sub-districts. In addition, the law provides DCF the authority to consolidate management of certain judicial circuits into a prototype region. In accordance, DCF created the Suncoast Region.

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<sup>1</sup> s.20.19, F.S., provides that mental health institutions shall report to the Program Director for Mental Health.

## Legislative Direction for Reorganization

The 2007 Legislature directed DCF to begin the process of reorganization subject to further legislative review and approval (Chapter 2007-174 LOF). This legislation recognized the need for modifications to improve efficiency and effectiveness and specified that the modifications shall not impede the scheduled sunset review process for DCF (see Sunset Review below). The 2007 legislation directed that the reorganization:

- Shall integrate substance abuse and mental health programs into the overall DCF structure and priorities.
- May plan for realignment of DCF districts to conform to judicial circuits.
- May phase in organizational changes to ensure children are not adversely affected.
- May establish community partnerships with DCF at the request of local communities.
- Provide the DCF Secretary with the discretion to establish advisory groups at the state level as necessary.

The community partnerships and advisory group members are to be subject to the code of ethics for Public Officers and Employees<sup>2</sup> and other specified meeting and travel requirements.

The Legislation also authorized the department to begin using the name Department of Children and Families instead of Department of Children and Family Services as specified in s. 20.19, F.S. Finally, the legislation directed DCF to prepare a detailed report concerning the reorganization. The report to the Legislation was completed on January 1, 2008. Chapter 2007-174, LOF which directed the DCF reorganization is set to expire on June 30, 2009.

### **Sunset Review**

The Florida Government Accountability Act in sections 11.901 to 11.920 Florida Statutes provides for the sunset review process of state agencies. The law requires a Joint Sunset Review Committee of the House and Senate to complete a review of DCF by July 1, 2010.<sup>3</sup> The Joint Committee began the process in July 2008 when DCF submitted the statutorily mandated sunset report. The Joint Committee is currently in the process of identifying issues in preparation for completing the sunset review. The Joint Committee is expected to make recommendations from their review by March 2010.

### **Effects of the bill:**

The bill would place in statute the reorganization plans already accomplished by DCF in response to direction given in Chapter 2007-174 Laws of Florida. The bill amends s. 20.04, F.S., and substantially rewords s. 20.19, F.S., as follows:

- Deletes the "Mission and Purpose" section of the statute
- Deletes the requirement for the Secretary to appoint Program Directors for Mental Health and Substance Abuse, and deletes their statutory responsibilities, including but not limited to line authority over district staff;
- Deletes the directive for the Assistant Secretary for Mental Health and Substance Abuse to have direct authority over Mental Health Institutions;
- Provides for the appointment of Assistant Secretary positions as necessary and requires the appointment of the Assistant Secretary for Substance Abuse and Mental Health;

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<sup>2</sup> Part III, chapter 112, Florida Statutes.

- Deletes the requirement for consultation with the Executive Office of the Governor before program offices may be consolidated, restructured, or rearranged;
- Provides that the department is authorized to establish certain program offices, each headed by a program director, and adds Homelessness to the list of program offices to be established;
- Amends the current law changing *service districts* to *operating units* and provides that DCF will administer programs through operating units which must conform to the geographic boundaries of judicial circuits prescribed in s. 26.021, F.S., and provides for the combining of judicial circuits among operating units;
- Provides for the establishment of an unspecified number of regions to oversee one or more circuits;
- Provides that the Secretary may appoint a circuit administrator for each circuit and may appoint a region director for each region;
- Deletes the prototype region structure in current law, s. 20.19(7), F.S.;
- Deletes the requirement each fiscal year to develop projections of the number of child abuse cases and include in the department's legislative budget request a specific appropriation for an adequate number of child protective investigators and caseworkers;
- Provides the Department with discretion on the establishment of community alliances/partnerships and provides for their duties;
- Deletes the specification of initial membership of a community alliance in s. 20.19(6)(d), F.S., and replaces it with a more general description of the organizations who should be included in the alliance and requires membership to reflect the diversity of the community;
- Deletes a prohibition for members who receive contractual payment for services from the department or a community-based care lead agency;
- Retains current law in s. 20.19(6)(g)-(k), F.S., providing for alliances and partnership members to be reimbursed for certain expenses, subject to ethics provisions, and financial disclosures and provides that meetings are open to the public and public records provisions in statute. Further, actions taken by alliance meetings must be consistent with DCF policies and state and federal laws;
- Retains current law, s. 20.19(8), F.S., requiring consultation with counties on mandated programs;
- Retains current law, s. 20.19(9), F.S., to keep an exemption from competitive bids for health services;
- The bill makes conforming references and requires the legislature to adopt conforming legislation during the 2010 regular session. The bill takes effect upon becoming law.

**B. SECTION DIRECTORY:**

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| Section 1 | Amends s. 20.04, F.S., relating to structure of executive branch.                                    |
| Section 2 | Amends s. 20.19, F.S., relating to the Department of Children and Families.                          |
| Section 3 | Amends s. 20.43, F.S., relating to the Department of Health.   |
| Section 4 | Amends s. 394.78, F.S., relating to operation and administration.                                    |
| Section 5 | Creates in unspecified section of statute a requirement to adopt legislation to conform to this act. |
| Section 6 | Provides an effective date upon becoming law.  |

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

None

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities

2. Other:

None

### B. RULE-MAKING AUTHORITY:

None

### C. DRAFTING ISSUES OR OTHER COMMENTS:

## IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

The Health Care Services Policy Committee adopted two amendments in their meeting on March 18, 2009.

The amendments deleted the words "at a minimum" from the original bill in s. 20.19(2)(b), F.S., which now limits DCF to the program which are listed in this section. In addition, Homelessness was added as a program office in this section.

The amendment also deleted confusing language on lines 78-81, which also conforms the bill to the Senate.

The bill was reported favorably and the bill analysis has been updated to reflect the committee substitute.