

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

BILL: CS/SB 1980

INTRODUCER: Committee on Children, Families, and Elder Affairs and Senator Storms

SUBJECT: Reorganization of the Department of Children and Families

DATE: March 11, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Walsh	CF	Fav/CS
2.	Wilson	Wilson	GO	Pre-Meeting
3.			HA	
4.			WPSC	
5.				
6.				

Please see Section VIII. for Additional Information:

- A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes
- B. AMENDMENTS..... Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

Senate Bill 1980 authorizes the Department of Children and Families (DCF or the department) to reorganize. The department was authorized by the Legislature in 2007 to begin the process of reorganization, so long as modifications were compatible with and did not impede the department's scheduled sunset review,¹ and subject to further legislative review and approval.² The bill amends ss. 20.04 and 20.19, F.S., to align the statutory organizational requirements for the department with the current organization of the department.

The bill makes permissive, rather than mandatory, the establishment of community alliances in each county, and allows the Secretary of the department to establish statewide advisory groups.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 20.04, 20.19, 20.43, 394.78.

¹ The sunset review of the department will take place during the 2010 regular legislative session

² Chapter 2007-174, L.O.F.

II. Present Situation:

Statutory Organizational Requirements

The department is created and organizationally structured pursuant to s. 20.19, F.S., with the express mission “to work in partnership with local communities to ensure the safety, well-being, and self-sufficiency of the people served.” Although the department name established in statute is the Department of Children and Family Services, the department is authorized to use the name Department of Children and Families.³

The department is headed by a Secretary appointed by the Governor, subject to confirmation by the Senate. The Secretary is directed by current law to appoint the following specified positions:

- Deputy Secretary who shall act in the absence of the Secretary;
- Assistant Secretary for Substance Abuse and Mental Health;
- Program Director for Mental Health and Program Director for Substance Abuse;
- Program directors to whom the Secretary may delegate responsibilities for the management, policy, program, and fiscal functions of the department; and
- District administrators for each of the service districts delineated in s. 20.19(5), F.S.

Section 20.19(7), F.S., provides for one prototype regional operational structure for the counties in the third, twelfth and thirteenth judicial circuits (Sun Coast Region). The service districts and the prototype region are statutorily responsible for all service delivery operations in their respective areas, with the exception of substance abuse and mental health services.⁴

Section 20.04(4), F.S., provides that within the department “there are organizational units called ‘program offices,’ headed by program directors.” Section 20.19(4)(b), F.S., establishes the following program offices for the department:

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

The Secretary is authorized to consolidate, restructure, or rearrange program and support offices, in consultation with the Executive Office of the Governor, provided that any such changes are capable of meeting the functions, activities, and outcomes delineated in law. The Secretary is likewise authorized to appoint additional managers and administrators at his or her discretion.

³ Chapter 2007-174, L.O.F.

⁴ Pursuant to section 20.19(2), F.S., the Program Director for Substance Abuse and the Program Director for Mental Health have direct line authority of all district substance abuse and mental health staff. Mental health institutions report to the Program Director for Mental Health.

However, DCF is one of three executive agencies for which any additional offices may only be established by statutory enactment.⁵

Section 20.19(6), F.S., directs the department to establish a community alliance of 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. According to the department, community alliances never developed in some areas, although they are vibrant in others.⁶

Departmental Organization Work Group

In 2007, the department established a Departmental Organization Work Group to examine the organizational structure of the department. The work group recommended a series of organizational modifications designed to enhance the department's organizational structure so that the department would be more efficient, responsive and innovative in providing services. The Workgroup made multiple recommendations, including:⁷

Regionalization of Services

- Adopt a regional structure for field operations.
- Implement a circuit-based model for the provision of community services and ensure a Departmental leadership presence in each of Florida's 20 judicial circuits.

Organizational Structure

- Adopt a standardized template for the provision of community and administrative services and support at the regional and community level.

Assistant Secretary for Operations

- Modify the table of organization for the Office of the Assistant Secretary for Operations to reflect the changes in field services delivery.

Assistant Secretary for Programs

- Realign the table of organization for the Office of the Assistant Secretary for Programs to parallel the three elements of the Department's formal Mission Statement.
- Expand the role of the existing Office of Provider Relations.
- Reassign Headquarters Substance Abuse and Mental Health (SAMH) staff and treatment facilities to the Office of the Assistant Secretary for Programs and SAMH field personnel to the appropriate regional reporting structure.⁸
- Establish an ombudsman position.

⁵ Section 20.04(7)(b), F.S. The Departments of Transportation and Corrections are also subject to this restriction.

⁶ DCF, *Staff Analysis and Economic Impact, Senate Bill Number 1980* (January 20, 2009).

⁷ *Organizational Review of the Department of Children and Families, Final Report of the Organizational Review Work Group (DRAFT)* i-iv (April 2, 2007).

⁸ In reviewing the organization of Substance Abuse and Mental Health, the Work Group concluded that "the creation of the position of Assistant Secretary for Substance Abuse and Mental Health (SAMH) with a separate chain of command for SAMH personnel in the field, albeit necessary at one time to assure proper attention to the issue, has created a silo which impedes both communication and effective management of Departmental field resources."

Office of Strategic Planning and Innovation

- Create and staff an Office of Strategic Planning and Innovation.

Quality Management

- Designate the Office of Strategic Planning and Innovation as the entity responsible for setting quality and training standards, identifying appropriate resources to support Headquarters and field activities, and maintaining centralized databases on techniques and training standards.
- Transfer the Contract Oversight Unit to the Assistant Secretary for Programs to assure integration of efforts and to maximize communication.
- Distribute quality functions within regions, rather than reporting to Central Office.
- Move responsibility for strategic planning at the regional level to performance and planning teams.
- Adopt a regional model for Quality Assurance and Quality Improvement.

Current Organizational Structure of DCF

In 2007, the Legislature authorized the department to reorganize its administrative structure.⁹ Pursuant to this authority, and consistent with the recommendations of the Workgroup, the department now plans, administers, and delivers most of its services to target groups through offices in six regions and 20 circuits aligned to match the state's 20 judicial circuits.¹⁰

According to the department, prior to reorganization, local district administrators had authority over:

- Child welfare;
- Economic self-sufficiency; and
- Adult services.

After reorganization, the circuit administrators (formerly known as district administrators) also have direct authority over:

- Substance abuse and mental health services;
- Homelessness;
- Domestic violence; and
- Refugee programs.¹¹

According to the department, the objective of moving decision-making to the circuit level is to allow the circuit administrators more opportunities for focusing resources as needed in the community:

In its reorganization, the Department has pushed decision-making to the lowest appropriate level. Circuit Administrators have more authority over the entire array of Department services than in previous years. . . . This

⁹ Chapter 2007-174, L.O.F.

¹⁰ DCF, *Reorganization of the Department of Children and Families, Report to the Legislature 4*; Appendix 1 (January 1, 2008), available at <http://www.dcf.state.fl.us/publications/docs/ReorgReport013108.pdf>. Circuits were made consistent with the geographic boundaries of judicial circuits, because of the department's on-going and regular interaction with the State's court system.

¹¹ *Id.* at 2.

allows Circuit Administrators the ability to focus resources as needed for direct services in their communities.¹²

To assure consistency and efficiency of operations throughout the state, the department has also adopted a standardized template for the provision of administrative services and support at the regional and circuit level.¹³

In order to integrate Substance Abuse and Mental Health (SAMH) into the department's overall approach to the delivery of services, and to further align substance abuse and mental health services with the specific needs of the community, the department has:

- Appointed an Assistant Secretary for SAMH who also serves as Director of the Governor's Office of Drug Control;
- Aligned the SAMH programs with the department's overall approach to circuit-based service delivery;
- Revised the organizational structure of the SAMH programs, so that SAMH activities in each circuit are being led by a SAMH Program Supervisor who reports to the circuit administrator;
- Taken action to more closely align SAMH programs statewide, by combining the SAMH Contract and Data Units in the central office; and
- Continued oversight for the State Mental Health Treatment Facilities, which report to the Assistance Secretary for SAMH with assistance from the Mental Health Chief of Facilities and the Director of Mental Health.¹⁴

The 2007 Legislature also permitted the department to establish (1) community partnerships at the request of local communities in order to improve the delivery of community-based services; and (2) state level advisory groups to ensure and enhance communication among stakeholders, community leaders, and clients.¹⁵ Pursuant to this authorization, the department has established the following groups "to garner community guidance and expertise:"

- Task Force on Child Protection;
- Select Advisory Panel for Adult Protective Services; and
- Office of Refugee Services Work Group.¹⁶

Sunset Review

Sections 11.901-.920, F.S, are known as the Florida Government Accountability Act. Under this act, the department is subject to a "sunset" review in 2010. A sunset review is accomplished in three stages:

¹² *Id.*

¹³ *Id.* at 4; Appendices 2, 3. Although the department reports that it has adopted a "standardized template" for regional and circuit management, there are two templates for circuit management. It is not clear why two different models are described and how it is determined which one is utilized in each circuit.

¹⁴ *Id.* at 4-5.

¹⁵ Chapter 2007-174, L.O.F.

¹⁶ DCF, *supra* note 10 at 7.

- Two years before the scheduled legislative review, the agency is required to provide the Legislature with a report as described in s. 11.906, F.S.
- Upon receipt of the report, the Joint Sunset Committee may, and the substantive legislative committees assigned to act as sunset review committees must, review the information submitted and may request reviews by the Office of Program Policy Analysis and Government Accountability (OPPAGA).
- Based upon the agency report, the OPPAGA reviews, and public input, the joint committee and the substantive legislative sunset review committees make recommendations to the Legislature, regarding the abolition, reorganization, or continuation of the department and its programs, as well as the consolidation, transfer, or reorganization of programs in other state agencies which duplicate functions performed by the department.

The review process for the department began July 1, 2008, after the department submitted the statutorily mandated sunset report. To assist the Joint Sunset Committee, Senate professional staff prepared an issue brief after reviewing the department's report as well as other relevant documents, reports, and studies.¹⁷ The issue brief (which was presented to the Senate Committee on Children, Families and Elder Affairs on March 4, 2009), made the following recommendations for further study, in anticipation of the sunset review by the Legislature during the 2010 regular session:

Recommendation #1

Review the continued provision of administrative functions at the Agency for Persons with Disabilities and determine whether there is any duplication and if efficiencies are being achieved.

Recommendation #2

Review the transfer of regulatory authority and responsibility for child care facilities to the county level.

Recommendation #3

Assess the advantages and disadvantages, including costs, of transferring the Child Care Services program to the Agency for Workforce Innovation versus leaving the program at DCF.

Recommendation #4

Review the Medicaid Waiver program and the ADA Waiver program.

Recommendation #5

Review the Commission on Marriage and Family Support Initiatives to determine if the program is duplicative of the department's child abuse prevention program.

Recommendation #6

Review the Department of Health, Children's Medical Services, Division of Prevention and Intervention, to determine if the program is duplicative of the department's child abuse prevention program.

¹⁷ Committee on Children, Families and Elder Affairs, *Agency Sunset Review of the Department of Children and Family Services, Issue Brief 2009-304* (January 2009).

Recommendation #7

Compare the child protective investigations conducted by the sheriffs' offices with those conducted by the department.

Recommendation #8

Review possible statutory changes with respect to the Family Builders programs.

Recommendation #9

Review the implementation and performance of the newly restructured Children's Legal Services.

Recommendation #10

Study whether the eligibility determinations made by the Department of Health for the Kidcare program, or by any other agency determining eligibility for health and human services, are duplicative of those made by the department's Economic Self-Sufficiency (ESS) program and if it would be more efficient and cost-effective to consolidate those determinations in the ESS program.

Recommendation #11

Review the issue of illegal immigrants in department facilities and make recommendations regarding mechanisms for deportation where feasible.

Recommendation #12

Review the Office of Adoption and Child Protection.

Recommendation #13

Review the Statewide Advocacy Council.

The Committee adopted the foregoing recommendations for further study.

III. Effect of Proposed Changes:

The bill amends s. 20.04, F.S., to codify the department's reorganized structure. Specifically, the bill provides that, in addition to programs, the department operates in geographical units called "circuits" and "regions" that are headed, respectively, by circuit administrators and region directors.

The bill substantially rewords s. 20.19, F.S., making the following significant amendments relating to the organization of the department:

- Deletes the requirement for the appointment of Program Directors for Mental Health and for Substance Abuse, and deletes their statutory responsibilities (s. 20.19(2)(c), F.S.);
- Deletes reference to the Secretary's authority and responsibility to carry out the department's mission, replacing it with language providing that the Secretary is responsible for "planning, coordinating and managing the delivery of all services that are the responsibility of the department." (s. 20.19(2)(d), F.S.);

- Deletes a repetitive provision requiring the Secretary to appoint “program directors” (s. 20.19(3), F.S.);
- Deletes the provision that program offices may be consolidated, restructured, or rearranged *in consultation with the Executive Office of the Governor*;
- Deletes the requirement that each fiscal year the Secretary 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 (s. 20.19(5)(c), F.S.);
- Permits the Secretary to establish Assistant Secretary positions as necessary, leaving the requirement that the Secretary *must* establish an Assistant Secretary for Substance Abuse and Mental Health;
- Provides that the department is authorized to establish program offices, each headed by a program director, and delineates the program offices that are established;
- Amends the current law relating to “Service Districts,” replacing the term “Service Districts” with “Operating Units” and providing that the department shall plan and administer its program services through operating units that conform to the geographic boundaries of the judicial circuits;
- Provides that the department may establish regional divisions consisting of one or more judicial circuit operating units;
- Provides that the Secretary may (rather than must) appoint a circuit (rather than district) administrator for each circuit and may appoint a region director for each region;
- Deletes the prototype region structure (s. 20.19(7), F.S.); and
- Deletes a requirement relating to consultation with counties on mandated programs.

The bill amends s. 20.19(4), F.S., making permissive rather than mandatory the use of community alliances, and also allows the establishment of “community partnerships” subject to the same parameters as community alliances. The bill provides that the community alliances and partnerships must reflect the diversity of the community, but deletes the requirements relating to membership and meetings of the community alliances. The bill also deletes the prohibition of members who receive contractual payment for services from the department or a community-based care lead agency.

The bill allows the Secretary to establish statewide advisory groups as necessary, and makes the members of those groups subject to the same rules that apply to community alliances under current law, relating to compensation, ethics, disclosure and public meetings.

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.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

With respect to the scheduled sunset review of the department, it is uncertain whether the recommendations for further study adopted by the Committee will impact the department's reorganization efforts and whether the reorganization proposed by this bill will be ultimately impacted by the Sunset review.

Although the bill allows for the creation of circuits and regions, it does not specify the structure of the circuits and regions, and does not explicitly describe the oversight responsibilities of and relationship among the program offices, circuits and regions.

The bill makes a general statement about the 2010 Legislature having to adopt conforming legislation. While it may appear that this statement is self-executing, such is not the case. Any subsequent legislation filed on implementing this reorganization proposal will have to make specific decisions as to what units of the reorganized department are responsible for named statutory activities.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on March 11, 2009

The CS for SB 1980 restores language prescribing the department's mission and purpose (current s. 20.19(1), F.S.), clarifies that the department's programs are as established by statute, and deletes unclear language.

- B. **Amendments:**

None.

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