

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 Children, Families, and Elder Affairs Committee

BILL: SB 2490

INTRODUCER: Senator Storms

SUBJECT: Department of Children and Family Services

DATE: March 17, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Walsh	Walsh	CF	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	HA	_____
4.	_____	_____	WPSC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 2490 authorizes the Department of Children and Family Services (DCF or the department) to reorganize. The bill amends ss. 20.04 and 20.19, F.S., to align the statutory organizational requirements for the department with its current organization.

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 ss. 20.04, 20.19, 394.78, and 420.622, F.S.

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.¹

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;

¹ Chapter 2007-174, L.O.F.

- 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.²

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. However, DCF is one of three executive agencies for which any additional offices may only be established by statutory enactment.³

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.⁴

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

² 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.

³ Section 20.04(7)(b), F.S. The Departments of Transportation and Corrections are also subject to this restriction.

⁴ DCF, *Staff Analysis and Economic Impact, Senate Bill Number 1980* (January 20, 2009).

that the department would be more efficient, responsive and innovative in providing services. The Workgroup made multiple recommendations, including:⁵

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.⁶
- Establish an ombudsman position.

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.

⁵ *Organizational Review of the Department of Children and Families, Final Report of the Organizational Review Work Group (DRAFT) i-iv (April 2, 2007).*

⁶ 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."

Current Organizational Structure of DCF

In 2007, the Legislature authorized the department to reorganize its administrative structure.⁷ 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.⁸

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.⁹

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 allows Circuit Administrators the ability to focus resources as needed for direct services in their communities.¹⁰

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.¹¹

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:

⁷ Chapter 2007-174, L.O.F.

⁸ 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>. (Last visited March 17, 2010). 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.

⁹ *Id.* at 2.

¹⁰ *Id.*

¹¹ *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.

- 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.¹²

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.¹³ 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.¹⁴

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:

- 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 committee¹⁵ 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

¹² *Id.* at 4-5.

¹³ Chapter 2007-174, L.O.F.

¹⁴ Department of Children and Families, Special Initiatives, available at <http://www.dcf.state.fl.us/initiatives> (last visited March 16, 2010).

¹⁵ The Joint Sunset Committee and issued its *Report of the Joint Legislative Sunset Committee*, March 2010, available at <http://www.floridasunsetreviews.gov/UserContent/docs/File/2010%20Sunset%20Report%20Final.pdf> (last visited March 16, 2010)

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. Senate professional staff prepared an issue brief after reviewing the department's report as well as other relevant documents, reports, and studies.¹⁶ The Senate Committee on Children, Families, and Elder Affairs requested additional information to be provided by OPPAGA, and at its February 18, 2010, meeting, the members directed staff to prepare a bill implementing their recommendations.¹⁷

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:

- Renames the "Department of Children and Family Services" to "Department of Children and Families;"
- 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)2., F.S.);
- Deletes a repetitive provision requiring the Secretary to appoint "program directors" (s. 20.19(3), F.S.);
- Deletes the requirement that the Secretary each fiscal year 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 adds Homelessness to 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;

¹⁶ Committee on Children, Families and Elder Affairs, *Agency Sunset Review of the Department of Children and Family Services, Issue Brief 2009-304* (January 2009).

¹⁷ See Senate Bill 724 (2010).

- 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.);
- Deletes a requirement relating to consultation with counties on mandated programs (s. 20.19(8), F.S.); and
- Deletes an admonition that competitive procurement of health services is not required by Chapter 287 (s. 20.19(9), F.S.).

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 deletes the prohibition against certain members of the alliance receiving 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 amends s. 394.78, F.S., to delete an obsolete provision relating to dispute resolution.

The bill amends s. 420.622, F.S., and deletes the requirement that the Governor appoint an executive director for the State Office on Homelessness, since the bill includes Homelessness as one of DCF’s program offices. The bill also amends the contents of the annual report to be presented to the legislature by the Council on Homelessness to conform with this change.

The bill makes conforming references and requires the Legislature to adopt conforming legislation during the 2011 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:

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.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.