

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 1412

INTRODUCER: Senator Storms

SUBJECT: Department of Children and Family Services

DATE: March 11, 2011 REVISED: _____

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

I. Summary:

This legislation reenacts and authorizes the Department of Children and Family Services (DCF or the department) to reorganize. The bill changes the name of the agency to “Department of Children and Families” and aligns the statutory organizational requirements for the department with its current organization. The establishment of community alliances or partnerships is made permissive and their membership is changed. The Secretary is authorized to establish statewide advisory groups.

This bill substantially amends ss. 20.04, 20.19, 20.43, 39.01, 394.78, and 420.622, and repeals s. 402.35, the of the Florida Statutes.

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:

¹ Chapter 2007-174 (1)(c), L.O.F.

- 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 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 thriving in others.⁴

² Pursuant to section 20.19(2)(c)1., F.S., the Program Director for Substance Abuse and the Program Director for Mental Health have direct line authority over 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 1412* (March 3, 2011).

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: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.

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."

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.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 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 transition of decision-making to the circuit level allows the circuit administrators more opportunities to focus 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

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 10, 2011). Circuits were made consistent with the geographic boundaries of judicial circuits, because of the department's ongoing and regular interaction with the State's court system.

⁹ *Id.* at 2.

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:

- Appointed an Assistant Secretary for SAMH;
- 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 Fostering Success; and
- Select Advisory Panel for Adult Protective Services.¹⁴

III. Effect of Proposed Changes:

The bill re-enacts the Department of Children and Family Services and places in statute the reorganization plans already accomplished by DCF in response to direction given in Chapter 2007-174, L.O.F. The bill amends s. 20.04, F.S., and substantially rewords s. 20.19, F.S., as follows:

¹⁰ *Id.*

¹¹ 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.

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 10, 2011).

Department Reorganization

- Renames the "Department of Children and Family Services" to "Department of Children and Families;"
- Deletes provisions relating to the mission and plan for the department;
- 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;
- Provides that DCF is authorized to establish certain program offices and adds Homelessness as a program office, each headed by a program director;
- 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;

Community Alliances or Partnerships

- Allows DCF to establish community alliances/partnerships, in consultation with local communities;
- Provides for the duties of community alliances/partnerships;
- 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 the prohibition against certain members of the alliance receiving contractual payment for services from the department or a community-based care lead agency;
- Retains current law, 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, provides that meetings are open to the public and public records provisions in statute, and requires that 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; and

- Deletes obsolete language in s. 20.19(9) F.S., which exempts from competitive bids health services involving examination, diagnosis, or treatment.

The bill also amends ss. 20.43, F.S., relating to the Department of Health, s. 39.01, F.S., relating to definitions, and s. 394.78, F.S., relating to operation and administration, to conform cross-references. The bill repeals s. 402.35, F.S., relating to the application of the Department of Management Services on DCF employees because it is obsolete, and amends s. 420.622, relating to the State Office on Homelessness, to delete the requirement for the Governor to appoint an executive director of the office.

The bill provides for legislation during the 2012 regular legislative session to conform the Florida Statutes to changes made by the bill.

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:

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:

In 2000, the Legislature enacted a provision in an effort to keep caseloads for child protective investigators and case workers at levels recommended as best practice by the Child Welfare League of America.¹⁵ The law requires:

- Each fiscal year the secretary shall, in consultation with the relevant employee representatives, develop projections of the number of child abuse and neglect cases and shall include in the department's legislative budget request a specific appropriation for funds and positions for the next fiscal year in order to provide an adequate number of full-time equivalent:
 - Child protection investigation workers so that caseloads do not exceed the Child Welfare League Standards by more than two cases; and
 - Child protection case workers so that caseloads do not exceed the Child Welfare League Standards by more than two cases.^{16,17}

The bill deletes this requirement from current law, which may adversely affect the caseloads of child protective investigators and case managers.

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.

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

¹⁵ Chapter 2000-139, L.O.F.

¹⁶ See s. 20.19(5)(c), F.S.

¹⁷ The caseload recommendations from the Child Welfare League of America's Standards of Excellence for Services for Abused or Neglected Children and Their Families are:
Initial assessment/investigation: 12 active families a month per worker;
Ongoing services: 17 active families per worker and no more than 1 new case for every 6 open cases; and
Combined assessment/investigation and ongoing services: 10 active ongoing families and 4 active investigations per worker
Supervision: 5 social workers per supervisor. Available at:
<http://www.childwelfare.gov/management/workforce/compendium/cwla.cfm>. (Last visited March 10, 2011).