

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1229 Reorganization of the Department of Children and Family Services

SPONSOR(S): Health & Human Services Committee; Health & Human Services Access Subcommittee; Drake

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Access Subcommittee	9 Y, 4 N, As CS	Batchelor	Schoolfield
2) Health & Human Services Committee	16 Y, 2 N, As CS	Batchelor	Gormley

SUMMARY ANALYSIS

CS/CS/HB 1229 amends s. 20.04, F.S. and substantially rewords s. 20.19, F.S., to provide for the reorganization of the Department of Children and Families (department). The 2007 Legislature directed the department to begin the process of reorganization subject to further legislative review and approval. The bill places in statute the reorganization plans of the department. The bill makes the following changes:

- Replaces the title “Department of Children and Family Services” with the “Department of Children and Families” in ss. 20.04, 20.19, and 420.622, F.S.
- Amends the statutory mission statement of the department to align with the mission statement the department currently operates under.
- Integrates the substance abuse and mental health programs into the department, by deleting statutory responsibilities of the directors for these programs and eliminating the director’s direct line authority over circuit program staff.
- Retains the appointment of assistant secretaries as needed.
- Deletes a mandate for the appointment of an Assistant Secretary for Substance Abuse and Mental Health and a Director for Substance Abuse and Mental Health. Retains flexibility and authority for the Department Secretary to appoint managers and administrators as needed for operating the department.
- Deletes the establishment of 8 program offices and provides for certain services to be provided by the department.
- Changes the sub-state structure of the department by eliminating service districts and providing that services will be delivered through organizational units known as circuits, which must be aligned with judicial circuits.
- Establishes an unspecified number of regions which are comprised of multiple circuits which are in geographical proximity to each other.
- Provides the department with discretion on the establishment of community alliances, partnerships and advisory groups.
- Deletes provisions relating to the establishment of a prototype region.
- Deletes a duplicative competitive bidding exemption for health services.
- Deletes the requirement that the Executive Director of the state Office of Homelessness be appointed by the Governor.

The bill does not appear to have a fiscal impact on state or local governments.

This bill provides an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Department of Children and Families

The Department of Children and Family Services (department) is created and its organizational structure established in section 20.19, Florida Statutes. In 2007, the Legislature authorized the department through Chapter 2007-174 Laws of Florida, to begin a process of reorganization and change the organizational structure in specific areas subject to further Legislative review.

Legislative Direction for Reorganization

The 2007 Legislature directed the department to begin the process of reorganization to improve efficiency and effectiveness.¹ The legislation in Chapter 2007-174, Laws of Florida directed that the reorganization:

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

The 2007 legislation also authorized the department to begin using the name Department of Children and Families instead of Department of Children and Family Services. The changes to the department structure which were authorized in Laws of Florida have yet to be codified into statute.²

*Current Organizational Structure:*³

The Secretary of the department is appointed by the Governor. The staff offices under the Secretary include: General Counsel, Inspector General, Chief of Staff and the Executive Offices of the Secretary (Communications, Executive Communications, Legislative Affairs, and External Affairs), and Children's Legal Services.

The Deputy Secretary which is required by statute⁴, oversees all operational and business units. The Deputy Secretary position supervises three Assistant Secretaries:

- The Assistant Secretary for Administration, which oversees all business functions, including Information Technology, General Services, Human Resources, Finance, Accounting and Budget, and Contract Administration.
- The Assistant Secretary for Substance Abuse and Mental Health oversees staff offices with expertise in these program areas, as well as exercising line authority over all state mental health hospitals, both directly operated and contracted. This position is required by statute to be appointed by the Secretary.⁵

¹Chapter 2007-174, L.O.F .

²The authority for reorganization has been reauthorized each year since 2007 by resetting the expiration dates in Chapters 2009-82, 2010-153, 2011-47, L.O.F.

³ Email from Amanda Prater, DCF dated January 26, 2012, on file with committee.

⁴ S.20.19(2)(b),F.S.

⁵ s.20.19(2)(c)1., F.S.

- The Assistant Secretary for Operations oversees all programmatic staff offices: Family and Community Services (encompassing the Hotline, Interstate Compact for Children, Domestic Violence, Child Care, Adult Protective Services, Homelessness, and Child Welfare), Economic Self-Sufficiency (ACCESS), and Refugee Services. Each of these offices are currently named in statute and are required to have a Director who is appointed by the Secretary.

*Service Regions*⁶

The department administers programs and services through 20 circuit offices (aligned with judicial circuits) which operate within six larger service regions⁷. The Assistant Secretary for Operations also has direct line authority to the field, overseeing six Regional Managing Directors, corresponding to the six service regions of the department. Within each Region, the Regional Managing Directors oversee a small staff complement, which includes a Client Relations Coordinator, and a Regional Community Development Administrator which interfaces with the community and stakeholders on key department initiatives, as well as Program Administrators in Family and Community Services and Economic Self Sufficiency, and associated field managers, supervisors and direct service employees.

Effect of Proposed Changes

The bill changes the name of the “Department of Children and Family Services” to the “Department of Children and Families” in ss. 20.04, 20.19, and 420.622, F.S.

The bill amends current law by changing service districts to organizational units and provides that the department will administer programs through organizational units, known as circuits, which conform to the geographic boundaries of judicial circuits prescribed in s. 26.021, F.S. There are currently 20 circuit offices.

The bill provides for the creation of an unspecified number of regions, consisting of multiple circuits in the same geographic area. The bill language provides the department with unlimited flexibility as to the number of region offices to establish. The department currently operates with 6 regions. Region offices provide management oversight to circuits and consolidate administrative activities.

The bill deletes a mandate to appoint an Assistant Secretary for Substance Abuse and Mental Health. The Assistant Secretary for Substance Abuse and Mental Health is one of three assistant secretary positions currently established and the only one specifically required in the department structure. The bill also deletes a mandate to appoint a Director for Substance Abuse and Mental Health. The Director for Substance Abuse and Mental Health is also the only director position that is specifically mentioned in statute as it relates to the department. Deleting these mandates does not prohibit the Secretary from appointing these positions and places them on the same level in statute as the other Assistant Secretary and Director positions.

The bill integrates the substance abuse and mental health programs into the department; by deleting statutory responsibilities of the directors of the programs and eliminating the directors direct line authority over circuit program staff. This will codify in statute actions already taken by the department to integrate these programs under the authority of Chapter 2007-174, L.O.F.

The bill deletes the requirement that the Executive Director of the Office on Homelessness be appointed by the Governor. The Executive Director will be appointed by the Secretary of the department.

The bill requires the department to provide the following services, through offices, and changes the family safety service to the name child welfare.

⁶ Email from Amanda Prater, DCF dated January 26, 2012, on file with committee.

⁷ S.20.19 (5), F.S. directs the department to administer programs through 15 service districts and specified sub-districts. This was modified into the current circuit regions structure under the authority of Chapter 2007-174, L.O.F. The region structure began as a prototype authorized in s. 20.19(7), F.S. which became known as the Suncoast region, headquartered in Tampa.

- Adult Protection;
- Child Care Regulation;
- Child Welfare;
- Domestic Violence;
- Economic Self-Sufficiency;
- Homelessness;
- Mental Health;
- Refugees;
- Substance Abuse.

The department also provides services to the homeless under the Office on Homelessness. Homeless services may need to be added to the above list to clarify that these services are authorized.

The bill provides the department with discretion on the establishment of community alliances/partnerships and provides for their duties. The department reports that community alliances never developed as intended in some locations while in other locations strong alliances were created.⁸ The bill 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.

The bill deletes authority for a prototype region structure in current law, s. 20.19(7), F.S. The region structure prototype was established and has evolved into the current six region structure of the department.

The bill also deletes exemption language for competitive bids for health services involving examination, diagnosis and treatment. This is duplicative language since the exemption already exists in s. 287.057(3)(f), F.S.

The bill makes conforming changes to certain sections of statute and directs the legislature to adopt conforming legislation during the 2013 regular session.

B. SECTION DIRECTORY:

Section 1: Amends s. 20.04, F.S., relating to Structure of the Executive Branch.

Section 2: Amends s. 20.19, F.S., relating to Department of Children and Family Services.

Section 3: Amends s. 20.43, F.S., relating to the Department of Health.

Section 4: Amends s. 420.622, F.S., relating to State Office on Homelessness; Council on Homelessness.

Section 5: Amends s. 394.78, F.S., relating to Operation and administration; personnel standards; procedures for audit and monitoring of service providers; resolution of disputes.

Section 6: Creates an unnumbered section of law relating to adopting legislation to conform to the provisions of this act.

Section 7: Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

⁸ Department of Children and Families analysis of HB 1229, December 28, 2011.

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:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 30, 2012, the Health and Human Services Access Subcommittee adopted a strike all amendment to House Bill 1229. The strike all amendment does the following:

- Retains current statute relating to the Mission and Purpose of DCF.
- Deletes a mandate to appoint an Assistant Secretary for Substance Abuse and Mental Health.
- Deletes a mandate to appointment a Director of Substance Abuse and Mental Health.
- Adds Homelessness to the services provided by DCF.
- Retains current law providing that each fiscal year DCF is to develop projections for the number of child abuse cases and include in DCF's legislative budget request a specific appropriation for the number of child protective investigators and caseworkers.

- Retains current law providing that the state attorney for each judicial circuit, the public defender of each judicial circuit, or their designees, may be appointed to the community alliance.

The bill was reportedly favorably as a Committee Substitute. This analysis reflects the Committee Substitute.

On February 16, 2012, the Health and Human Services Committee adopted two amendments to CS/House Bill 1229. The amendments do the following:

- Amends the statutory mission statement of the department to align with the mission statement the department currently operates under.
- Clarifies that the department will provide services through offices.

The bill was reportedly favorably as a Committee Substitute. This analysis reflects the Committee Substitute.