

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 Budget Committee

BILL: SB 2108 (SPB 7102)

INTRODUCER: Budget Committee

SUBJECT: Welfare of Children

DATE: April 1, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hawkins	Meyer, C.		SPB 7102 Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill disestablishes the Office of Adoption and Child Protection (office) and relocates the Children’s Cabinet (cabinet) from the Executive Office of the Governor to the Department of Children and Family Services (DCF).

This bill substantially amends the following sections of the Florida Statutes: 39.0014, 39.302, and 402.56.

The bill repeals the following sections of the Florida Statutes: 39.001(6), (7), (8), (9) and (12) and 39.01(46).

II. Present Situation:¹

In 2006, the Legislature established a centralized office to examine, oversee, and implement abuse prevention services by creating the Office of Child Abuse Prevention within the Executive Office of the Governor.² The entity’s name was changed in 2007 to the Office of Adoption and Child Protection to reflect its emphasis on finding children permanent placements in adoptive

¹ Much of the narrative in this section comes from OPPAGA Research Memorandum *The Office of Adoption and Child Protection Overlaps with the Department of Children and Families in Promoting Public Awareness, but Their Activities Differ in Other Areas*, September 15, 2009. Appendix D to Florida Senate Interim Report 2010-105, February 2010, *Agency Sunset Review Of The Department Of Children And Family Services*. Available at http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-205cf.pdf (last visited March 24, 2011).

² Chapter 2006-194, L.O.F.

homes.³ The office is charged with developing public awareness campaigns, developing a state plan, and conducting training to prevent child abuse and promote adoption. The office also is responsible for monitoring local planning teams; assisting in developing rules relating to child abuse prevention, adoption, and support of adoptive families; and acting as a liaison for the Governor to the state's agencies. The office is authorized to establish a direct support organization to secure additional funding for these activities. In addition, the Executive Office of the Governor has given the office responsibility for supporting the Children and Youth Cabinet.

Both the office and DCF, including its contracted lead agencies, are responsible for promoting public awareness of adoption and child abuse prevention. However, the entities differ in how they conduct planning and training activities:⁴

- *The two entities use different approaches to develop plans to address child abuse prevention, promote adoption, and support adoptive families.* The office approaches planning from a multi-agency perspective and includes state agencies, local entities, and stakeholders in its planning process. In contrast, the department's approach to planning is for its staff to develop plans as needed to administer internal programs and fulfill federal funding requirements.
- *The office has a wider audience for its child abuse prevention training and education than the department, and the two entities work together on some training.* The office focuses on making continuing education available for a broad range of professionals, including those involved in child welfare-related programs, education programs, and law enforcement. DCF's focus is to provide training and education on its programs and services, primarily targeting individuals within the child welfare community.

The Legislature created the Children and Youth Cabinet in 2007⁵ as a coordinating council to foster public awareness of children's issues and promote children's issues to the Legislature. The cabinet is assigned to the Executive Office of the Governor. The cabinet's membership includes the Governor, the chief child advocate, representatives of various state agencies that administer programs serving children, and representatives of children and youth advocacy organizations.

III. Effect of Proposed Changes:

This bill disestablishes the Office of Adoption and Child Protection by repeal of ss. 39.001(6), (7), (8), (9) and (12), F.S. The bill amends ss. 39.0014, 39.302, and 402.56, F.S., to conform the statutes to changes occasioned by the repeals.

The bill amends s. 402.56, F.S., to relocate the Children and Youth Cabinet from the Executive Office of the Governor to DCF. To conform the statutes to that change, membership of the cabinet is decreased by one member, to 14 total, and the secretary of DCF is to serve as chair. Mandatory meetings are decrease from six to four per year.

The act is effective July 1, 2011.

³ Chapter 2007-124, L.O.F.

⁴ The entities also perform various differing administrative functions.

⁵ Chapter 2007-151, L.O.F.

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:

Changes in the bill support a reduction of \$222,430 in General Revenue from the Executive Office of the Governor. This reduction was also included in the Governor's Recommended Budget.

VI. Technical Deficiencies:

Subsection 39.001(11), F.S., provides authority for the Executive Office of the Governor to adopt rules relating to the Office of Adoption and Child Protection. As this bill disestablishes the office, that subsection should also be repealed.

VII. Related Issues:

Section 39.0011, F.S., establishes a direct support organization for the office. The Trust for Florida's Children, Inc., was incorporated pursuant to this statute to raise money; submit requests for and receive grants from the federal government, the state or its political subdivisions, private foundations, and individuals; and make expenditures to or for the benefit of the Governor's Office of Adoption and Child Protection.⁶

The Legislature may wish to review the necessity of maintaining the organization upon disestablishment of the office.

⁶ Articles of Incorporation, The Trust for Florida's Children, Inc., filed March 19, 2010, Florida Secretary of State.

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.
