

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/ SB 1116

SPONSOR: Committee on Appropriations and Senator Silver

SUBJECT: Department of Children and Family Services

DATE: February 28, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	_____	Whiddon	CF	Withdrawn
2.	_____	_____	JU	Withdrawn
3.	_____	_____	AHS	Withdrawn
4.	Peters	Revell	AP	Favorable/CS
5.	_____	_____	RC	Withdrawn
6.	_____	_____	_____	_____

I. Summary:

The bill makes a number of changes to the Department of Children and Family Services that are required in order to implement the proposed General Appropriations Act for FY 2002-03. Specifically, the bill:

- Authorizes the Department of Children and Family Services and the Department of Health to advance money to contract providers that were approved for advancement by the Comptroller in fiscal year 1993-94.
- Requires substance abuse and mental health services contracts to include a provision that client demographic, services, and outcome information must be submitted to the Department of Children and Family Services for inclusion in the department's Mental Health and Substance Abuse Data System and prohibits payment to the provider unless the information has been submitted by the specified date.
- Requires all new funds received in FY 2002-03 for substance abuse and mental health services in excess of FY 2001-02 recurring appropriations to be allocated in accordance with the General Appropriations Act and prohibits a district from receiving an allocation of recurring funds that is less than the FY 2001-02 appropriation.
- Clarifies and expands the duties of the Department of Children and Family Services related to the domestic violence program and provides for a new formula for distributing the funds deposited into the Additional Court Cost Clearing Trust Fund, which includes a designated portion to the department for the domestic violence program.

- Provides that state funds determined to meet the maintenance-of-effort requirement for the Temporary Assistance for Needy Families block grant must be spent in accordance with Part A of Title IV of the Social Security Act.
- Removes the July 1, 2002 expiration date related to the community partnership matching grant program operated by the Department of Children and Families.
- Provides for the sale, subject to certain approvals, of the former W.T. Edwards Hospital complex located in Hillsborough County that is currently under lease to the Department of Children and Families and provides that the proceeds of the sale must be deposited into the DCF Administrative Trust Fund and, subject to legislative appropriation, must be used to construct, renovate, equip, maintain, and improve the Department of Children and Family Services and the Department of Health facilities.

This bill amends ss. 216.181; 394.74; 394.908; 39.903; 938.01; 414.035; and 409.16745, Florida Statutes

This bill repeals s. 741.466, Florida Statutes.

II. Present Situation:

Approved Budgets

Section 216.181, relates to approved budgets for operations and fixed capital outlay. The General Appropriations Act (GAA) is considered the original approved operating budget. Funds provided in the GAA may be advanced if the Act specifically provides for that. For FY 2001-2002 only, funds appropriated to the Department of Children and Family Services in Specific Appropriations 302-466 and the Department of Health in Specific Appropriations 503-637 of the 2001-2002 General Appropriations Act may be advanced, unless specifically prohibited in the General Appropriations Act, for those contracted services that were approved for advancement by the Comptroller in fiscal year 1993-1994, including those services contracted on a fixed-price or unit-cost basis. This paragraph expires July 1, 2002.

Substance Abuse and Mental Health Contracts

Section 394.74, F.S., authorizes the department to contract for the establishment and operation of local mental health and substance abuse services with hospitals, clinics, laboratories, institutions or other appropriate service providers. The law specifies various provisions that contracts are to include such as availability of services to individuals residing or employed within the service area, a provision for priority of services to persons with symptoms of chronic or acute substance abuse who are unable to pay, a provision to make every reasonable effort to collect appropriate reimbursement from persons able to pay for services, and a program description and line-item operating budget.

Substance Abuse and Mental Health Funding

Section 394.908, F.S., relates to funding equity and distribution of appropriation for substance abuse and mental health funding. Current law requires all new funds received in excess of fiscal year 1998-99 are to be allocated to G. Pierce Wood Memorial Hospital catchment area or other districts or counties identified in the 2001-2002 General Appropriations Act. The Department of Children and Family Services is authorized to develop an alternative allocation methodology based on national prevalence data for persons with severe and persistent mental illness for use in the distribution of new funds to the G. Pierce Wood Memorial Hospital catchment area. No district is to receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations, for fiscal year 1998-1999, except for adjustments needed to implement the SunCoast Region. This subsection expires July 1, 2002.

Domestic Violence

Effective FY 2000-2001, the Legislature transferred the domestic violence related programs being administered by the Department of Community Affairs to the Department of Children and Families. The funding the Department of Community Affairs was using to administer these programs from the Additional Court Cost Clearing Trust Fund was, in turn, transferred. However, the level of funding to be available through this source was not specifically established but was to be determined on a yearly basis, providing for an inconstant funding source for the transferred administrative functions. In addition, the Department of Children and Families did not possess clear authorization for expenditure of these trust fund dollars.

Part XIII of ch. 39, F.S., sets forth the duties of the Department of Children and Families (DCF) with respect to domestic violence, including, in particular, the domestic violence centers, which offer a wide range of services to and on behalf of victims of domestic violence. The duties of the department articulated in this part include certifying and funding domestic violence centers, managing the domestic violence center capital improvement grant program, serving as a clearinghouse for information relating to domestic violence, preparing an annual report on the status of domestic violence in this state, and conducting or assisting other agencies in conducting research on domestic violence.

Two other domestic violence related initiatives had concurrently been operated by the Department of Community Affairs (DCA) through its Prevention of Domestic and Sexual Violence Program: the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program. The Governor's Task Force on Domestic Violence was created by Executive Order 93-269 with the mission to end domestic violence. The last executive order updating the activities of the task force and providing for its transfer to DCF expired June 30, 2001. However, it is anticipated that a new executive order will be issued continuing the task force and its functions. The Violence Against Women Program includes the STOP (Services, Training, Officers and Prosecutors) Violence Against Women Formula Grant, the Grants to Encourage Arrest Policies and Enforcement of Protection Orders, and the Rural Domestic Violence and Child Victimization Enforcement Grants that Florida receives as part of the federal Violence Against Women Act. These federal grants are used to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims, to encourage government entities and courts to treat domestic violence as a

serious violation of criminal law and provide a coordinated response and to enhance services available to rural victims of domestic violence and children.

Effective July 1, 2000, these initiatives were transferred by type two transfer from DCA to DCF. Authorization was also provided to transfer funding from the Additional Court Cost Clearing Trust Fund that had been used by DCA for these initiatives. The substantive law changes necessary to effect these transfers were placed in the appropriations implementing bill (ch. 2000-171, L.O.F.) and applied only to FY 2000-2001.

The Additional Court Cost Clearing Trust Fund (s. 938.01, F.S.), as it appeared in Florida Statutes in 1999, provided for the distribution of the following funds: \$3.00 assessment against each person convicted of a state penal or criminal statute or a municipal or county ordinance (excluding parking violations), or for whom adjudication is withheld pursuant to s. 318.14(9) or (10), F.S., (i.e., certain exceptions to noncriminal traffic violations) and funds collected pursuant to s. 318.21, F.S., which is five and one-tenth percent of all civil penalties collected by the county court (with the exception of an initial \$2 per penalty) to be used for criminal justice purposes. The funds were distributed to the Department of Law Enforcement (FDLE) and DCA as follows: \$2.75 of each \$3 assessment and 92 percent of the funds collected under s. 318.21, F.S., were disbursed to FDLE for the Criminal Justice Standards and Training Trust Fund; and \$.25 of the \$3 assessment and 8 percent of the funds collected under s. 318.21, F.S., were disbursed to DCA. The funds distributed to DCA were used to administer its criminal justice program.

Chapter 2000-171, L.O.F., also transferred the criminal justice program from DCA to FDLE and amended s. 938.01, F.S., to provide for the funding that had been disbursed to DCA to instead be provided to FDLE. As with the Prevention of Domestic Violence and Sexual Violence Programs, the amendments to s. 938.01, F.S., and transfer of the criminal justice program were only in effect until July 1, 2001.

During the 2001 legislative session, four different bills were adopted which continued the amendments to s. 938.01, F.S., and the transfer language for both the criminal justice program and the Prevention of Domestic and Sexual Violence Program (chapters 2001-122, 2001-184, 2001-232, and 2001-254, L.O.F.). While ch. 2001-254, L.O.F., repealed these actions effective July 1, 2002, it also provided for any other legislative acts to be preserved and continue without the repeal. Chapters 2001-184 and 2001-232, L.O.F., provided such actions, continuing the effects of these amendments and transfers. Chapters 2001-254, 2001-232, and 2001-184 L.O.F., provided for FDLE to transfer funds to DCF for the administration of the Prevention of Domestic and Sexual Violence Program. The amount of the transfer for FY 2001-2002 was to be based on the need of the program and historic use of the funds and to be determined by the Governor's Office of Planning and Budgeting, in consultation with FDLE, DCA and DCF. Chapters 2001-232 and 2001-184, L.O.F., further provided that in subsequent years, the transfer of funds is to be based on the amount appropriated in the General Appropriation Act. The Prevention of Domestic Violence and Sexual Violence Program and funding transfer provisions of ch. 2001-232, L.O.F., were placed in statute as s. 741.466, F.S.

For FY 1999-2000, the last year that the Prevention of Domestic and Sexual Violence Program was housed in DCA, the department reports that \$194,456 of the funds from the Additional

Court Cost Clearing Trust Fund were expended on the domestic violence programs. FDLE reports that \$217,730 were committed to DCF for the domestic violence programs for both FY 2000-2001 and FY 2001-2002. DCF reports that these funds have been used to provide for the administration of the domestic violence initiatives that were transferred from DCA, including, but not limited to, supporting the Governor's Task Force on Domestic Violence and required activities (such as training and technical assistance to the Domestic Violence Fatality Review Teams) and managing the federal Violence Against Women Act grant funds.

Temporary Assistance for Needy Families

In 1996, the United States Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act (act). The act created block grants for Temporary Assistance for Needy Families (TANF) and replaced the former Aid to Families with Dependent Children (AFDC) Program. The TANF block grant may only be expended under a state plan approved by the United States Department of Health and Human Services. In Florida, traditional welfare programs are administered by the Department of Children and Family Services. These programs include the cash assistance program and the federal Food Stamp Program. The Department of Children and Family Services is designated as the state agency responsible for the administration of social service funds ⁴ and for submitting the state's TANF plan to the Federal Government.

Section 414.035, F.S., authorizes expenditures from the TANF block grant. Expenditures are to be made in accordance with Part A of Title IV of the Social Security Act, as amended. Prior to the expenditure of funds, the secretary of Children and Family Services, or designee, is to certify that controls are in place to ensure that funds are spent in accordance with the federal law. It is the responsibility of any entity who which funds are appropriated to obtain the required certification prior to any expenditure of funds.

Community Partnership Matching Grant

The community partnership matching grant program is established in the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. Any children's services council or other local government entity that makes a financial commitment to a community-based care lead agency is eligible for a grant upon proof that the children's services council or local government entity has provided the selected lead agency at least \$825,000 in start up funds, from any local resources otherwise available to it. The total amount of local contribution may be matched on a two-for-one basis up to a maximum amount of \$2 million per council. Awarded matching grant funds may be used for any prevention or in-home services provided by the children's services council or other local government entity that meets temporary-assistance-for-needy-families' eligibility requirements and can be reasonably expected to reduce the number of children entering the child welfare system. Funding available for the matching grant program is subject to legislative appropriation of nonrecurring temporary-assistance-for-needy-families funds. This section expires July 1, 2002.

III. Effect of Proposed Changes:

Section 1. Amends s. 216.181, F.S., to authorize the Department of Children and Family Services and the Department of Health to advance money to contract providers that were

approved for advancement by the Comptroller in fiscal year 1993-94. Similar provisions were included in the Appropriations Implementing Bill that became law in the 2001 legislative session (Chapter 2001-254, Laws of Florida). The bill makes permanent this authority to advance funds.

Section 2. Amends s. 394.74, F.S., to require substance abuse and mental health services contracts to include a provision that client demographic, services, and outcome information be submitted to the Department of Children and Family Services for inclusion in the department's Mental Health and Substance Abuse Data System. The department is prohibited from paying the provider unless the information has been submitted by the specified date.

Section 3. Amends s. 394.908, F.S., to require all new funds received in FY 2002-03 for substance abuse and mental health services in excess of FY 2001-2002 recurring appropriations to be allocated in accordance with the General Appropriations Act. No district is to receive an allocation of recurring funds that is less than FY 2001-02. Similar provisions were addressed and included in the Appropriations Implementing Bill that became law in the 2001 legislative session (Chapter 2001-254, Laws of Florida). This subsection expires July 1, 2003.

Section 4. Amends s. 39.903, F.S., to expand the duties of the Department of Children and Family Services to include the operation of the domestic violence program that includes providing supervision, direction, coordination, and administration of statewide activities related to the prevention of domestic violence. This provision sets forth clear authority for DCF to administer and receive trust fund dollars for the new domestic violence programs transferred from DCA.

Section 5. Repeals s. 741.466, F.S., which provided for the initial transfer of the Prevention of Domestic Violence and Sexual Violence Program from DCA to DCF and stipulates that the amount of funds to be distributed from the Additional Court Cost Clearing Trust Fund is to be based on historic use and current need, as determined by the Governor's Office of Planning and Budgeting. With the completion of the transfer of the domestic violence programs to DCF, the program transfer language is no longer necessary in statute. The new formula for distributing trust fund dollars in the amended s. 938.01, F.S., replaces the method articulated in this section.

Section 6. Amends s. 938.01, F.S., to establish a new formula for distributing the funds deposited into the Additional Court Cost Clearing Trust Fund, which includes a designated portion to DCF for the domestic violence program. The new formula provides for all trust fund dollars collected to be distributed as follows: 92 percent to the FDLE Criminal Justice Standards and Training Trust Fund, six and three-tenths percent to the FDLE Operating Trust Fund for the criminal justice program, and one and seven-tenths percent to the DCF Domestic Violence Trust Fund for the domestic violence program as provided for under s. 39.903(3), F.S., which simplifies and closely mirrors the historic allocation of funds. This revision will provide a predefined recurring funding source for the domestic violence programs which are now at DCF and replace the method used for FY 2000-2001 and FY 2001-2002 for determining the amount of funding to be disbursed for the transferred programs.

Section 7. Repeals the subsections of chapters 2001-184 and 2001-232, L.O.F., which stipulate the distribution of funds from the Additional Court Cost Clearing Trust Funds to DCF for the Prevention of Domestic Violence and Sexual Violence Program and the determination of the

amount of funds to be disbursed. These provisions would conflict with the amended s. 938.01, F.S., which sets forth a new methodology for distributing the funds.

Section 8. Amends s. 414.035, F.S., to include state funds determined to meet the maintenance-of-effort requirement for the Temporary Assistance for Needy Families block grant must be spent in accordance with Part A of Title IV of the Social Security Act.

Section 9. Amends s. 409.16745, F.S., to remove the July 1, 2002 expiration date related to the community partnership matching grant program operated by the Department of Children and Families.

Section 10. Provides that the Division of State Lands of the Department of Environmental Protection, subject to approval of the Board of Trustees of the Internal Improvement Trust Fund, may sell the former W.T. Edwards Hospital complex located in Hillsborough County, currently under lease to the Department of Children and Families. This section notwithstanding chapter 253, Florida Statutes, and provides that the proceeds of the sale must be deposited into the DCF Administrative Trust Fund and, subject to legislative appropriation, must be used to construct, renovate, equip, maintain, and improve the Department of Children and Family Services and the Department of Health facilities.

Section 11. The bill is effective July 1, 2002.

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:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

The FDLE reports that, with the correction in referencing the s. 318.21, F.S., funds, the effect of the new formula would be as follows:

	FY 2000-2001 Funds: Current s. 938.01, F.S., Distribution of Funds	FY 2001-2002 Funds: Proposed s. 938.01, F.S., Distribution Formula
FDLE Criminal Justice Standards and Training Trust Fund	\$12,899,233	\$12,906,647
FDLE Operating Trust Fund for the Criminal Justice Programs	\$ 912,001	\$ 883,824
DCF for the Domestic Violence Programs	\$ 217,730	\$ 238,492

The new formula reduces the percentage of funds distributed to the FDLE Operating Trust Fund for the criminal justice program from 8 percent to six and three-tenths percent, or an estimated \$38,000. However, FDLE reports this is of no consequence to the department since some portion of the designated funds for the criminal justice program had already been provided to DCF.

The Department of Children and Families reports that this bill will not have a negative fiscal impact on the department.

VI. Technical Deficiencies:

None..

VII. Related Issues:

None.

VIII. Amendments:

None.