

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 Health and Human Services Appropriations Committee

BILL: CS/SB 2116

INTRODUCER: Health and Human Services Appropriations and Senator Peaden

SUBJECT: Trust Funds/DCFS

DATE: March 13, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hardy	Peters	HA	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill terminates the Child Advocacy Trust Fund and the Refugee Assistance Trust Fund within the Department of Children and Family Services, re-directs the cash balances in the funds to the Grants and Donations Trust Fund and the Federal Grants Trust Fund, respectively, and prescribes procedures for termination of the trust funds.

This bill codifies into section 20.195, Florida Statutes, the administration of the Administrative Trust Fund, the Alcohol, Drug Abuse and Mental Health Trust Fund, the Child Welfare Training Trust Fund, the Domestic Violence Trust Fund, the Federal Grants Trust fund, the Grants and Donations Trust Fund, the Operations and Maintenance Trust Fund, the Social Services Block Grant Trust Fund, the Welfare Transition Trust Fund and the Working Capital Trust Fund by the Department of Children and Family Services. The bill specifies the funding source for each of these trust funds and provides for the annual carry forward of cash balances in these trust funds.

This bill amends s. 20.195, F.S., to revise the date for annual reversion of fund balances in the Tobacco Settlement Trust Fund from December 31 to September 30, in accordance with chapter 216, F.S..

This bill repeals s. 39.30351, F.S., providing for the appropriation of revenues from certain court costs to the Department of Children and Family Services for disbursement to the Florida Network of Children's Advocacy Centers, Inc., to provide community-based services, and amends the provisions in this section to section 39.3035, F.S.. The bill also amends section 938.10, F.S., to re-direct court fees designated for children's advocacy centers from the Child Advocacy Trust Fund to the Grants and Donations Trust Fund and maintains the exemption of these fees from the general revenue service charge.

This bill redirects a portion of the funds obtained from forfeiture proceedings from the Substance Abuse Trust Fund to the General Revenue Fund, and deletes a provision directing the Department of Children and Family Services to distribute the funds received into the trust fund.

This bill amends ss. 17.61, 20.195, 39.3035, 39.30351, 215.22, 895.09 and 938.10, F.S.; and repeals s.39.30351, F.S.

II. Present Situation:

To implement section 19(f), Article III of the State Constitution, section 215.3208(1), F.S., specifies that a schedule for review of trust funds be included in the legislative budget instructions developed pursuant to section 216.023, F.S. The trust funds in the Department of Children and Family Services are scheduled for review in 2008.

The Child Advocacy Trust Fund was created effective July 1, 2004, by chapter 2004-302, Laws of Florida, to receive funds collected from the additional court fees imposed in cases of certain crimes against minors under section 938.10, F.S., to be used for the specific purpose of funding children's advocacy centers.

The Refugee Assistance Trust Fund was re-created effective November 4, 2004, by chapter 2004-164, Laws of Florida, to administer the refugee assistance program in accordance with 45 Code of Federal Regulations, parts 400 and 401. Funds credited to the trust fund support the refugee assistance program, which provides temporary public assistance to refugees. This trust fund is no longer associated with this program. The Legislature re-directed the appropriation of funds from the Refugee Assistance Trust Fund to the Federal Grants Trust Fund in the General Appropriations Act for Fiscal Year 2006-2007. The department transferred the cash balances in the Refugee Assistance Trust Fund to the Federal Grants Trust Fund.

The Tobacco Settlement Trust Fund was created in the Department of Children and Family Services in 1999 by chapter 99-199, Laws of Florida. The Administrative Trust Fund, the Alcohol, Drug Abuse and Mental Health Trust Fund, the Child Welfare Training Trust Fund, the Domestic Violence Trust Fund, the Federal Grants Trust fund, the Grants and Donations Trust Fund, the Operations and Maintenance Trust Fund, the Social Services Block Grant Trust Fund, the Welfare Transition Trust Fund and the Working Capital Trust Fund were re-created in the 2004 Legislative Session.

The Substance Abuse Trust Fund was terminated by chapter 2006-162, Laws of Florida. This trust fund was the recipient of two revenue sources: the surcharge on the sale of alcoholic beverages as authorized in section 501.501, F.S., and certain funds obtained through forfeiture

proceedings as authorized in section 895.09, F.S. Chapter 2006-162, Laws of Florida, repealed the surcharge on sales of alcoholic beverages and redirected the cash balances in the Substance Abuse Trust Fund to the General Revenue Fund, but the legislation did not amend section 895.09, F.S., to provide similar redirection of the revenues generated from forfeiture proceedings.

III. Effect of Proposed Changes:

Section 1. Terminates the Child Advocacy Trust Fund within the Department of Children and Family Services, re-directs the cash balances in the fund to the Grants and Donations Trust Fund, and prescribes procedures for termination of the trust fund.

Section 2. Terminates the Refugee Assistance Trust Fund within the Department of Children and Family Services, re-directs the cash balances in the fund to the Federal Grants Trust Fund, and prescribes procedures for termination of the trust fund.

Section 3. Deletes the Refugee Assistance Trust Fund from the list of trust funds authorized in section 17.61, F.S., to conform to section 2 of this bill.

Section 4. Codifies into section 20.195, F.S., the administration of the Administrative Trust Fund, the Alcohol, Drug Abuse and Mental Health Trust Fund, the Child Welfare Training Trust Fund, the Domestic Violence Trust Fund, the Federal Grants Trust fund, the Grants and Donations Trust Fund, the Operations and Maintenance Trust Fund, the Social Services Block Grant Trust Fund, the Welfare Transition Trust Fund and the Working Capital Trust Fund by the Department of Children and Family Services. This section also revises the date for annual reversion of fund balances in the Tobacco Settlement Trust Fund from December 31 to September 30, in accordance with chapter 216, F.S.

Section 5. Amends section 39.3035, F.S., to incorporate the provisions of section 39.30351, F.S., appropriating revenues from certain court costs to the Department of Children and Family Services for disbursement to the Florida Network of Children's Advocacy Centers, Inc., for community-based services.

Section 6. Repeals section 39.30351, F.S., relating to the Child Advocacy Trust Fund, to conform.

Section 7. Amends section 215.22, F.S., to exempt revenues from court fees designated for children's advocacy, from the General Revenue Fund service charge mandated in section 215.20 F.S..

Section 8. Amends section 938.10, F.S., to re-direct court fees designated for children's advocacy centers from the Child Advocacy Trust Fund to the Grants and Donations Trust Fund to conform.

Section 9. Amends section 895.09, F.S., to redirect a portion of the funds obtained from forfeiture proceedings from the Substance Abuse Trust Fund to the General Revenue Fund, and

deletes a provision directing the Department of Children and Family Services to distribute the funds.

Section 10. Provides an effective date of July 1, 2008.

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:

There is a cash balance of \$5,573,572 in the Children and Adolescents Substance Abuse Trust Fund that was generated from forfeiture proceedings. These funds have accumulated in the trust fund since it was terminated in 2006. This bill authorizes the transfer of these funds to the General Revenue Fund.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health and Human Services Appropriations on March 13, 2008: Redirects a portion of the funds obtained from forfeiture proceedings from the Substance Abuse Trust Fund to the General Revenue Fund, and deletes a provision directing the Department of Children and Family Services to distribute the forfeiture funds received into the fund.

- B. **Amendments:**

None.

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