

STORAGE NAME: h1579z.flc
DATE: May 19, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
FINAL ANALYSIS**

BILL #: HB 1579
RELATING TO: Certified Domestic Violence Centers
SPONSOR(S): Representative Littlefield
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) FAMILY LAW AND CHILDREN YEAS 7 NAYS 0
 - (2) GOVERNMENTAL RULES AND REGULATIONS
 - (3) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (4)
 - (5)
-

I.

The bill creates a certified domestic violence capital improvement grant program. The bill provides a mechanism for the disbursement of funds to certified domestic violence centers, provides application requirements, and prescribes the allowable uses of the funds. The Department of Children and Family Services and the Florida Coalition Against Domestic Violence are required to develop a needs assessment. The department is required to perform the needs assessment annually and to rank, in order of need, those centers applying for funds. In addition, the department is required to establish a criteria for awarding remaining funds. The bill provides that the department must ensure that the funds are used solely for the purposes specified in this bill and that the total grants awarded must not exceed the amount appropriated for this program. The bill will take effect on July 1, 2000.

The bill will have a fiscal impact.

The substance of the bill passed in CS/HB 1039.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Certified Domestic Violence Centers

A domestic violence center is defined as an agency that provides services to victims of domestic violence, as its primary mission. s. 39.902(2), F.S. In Florida, these services are provided by locally-based, certified domestic violence centers. There are currently 38 centers which the Department of Children and Family Service certifies, evaluates, and finances in part. Pursuant to ch. 39, F.S., the department is responsible for: the promulgation of rules to establish certification standards relevant to the health and safety of the victim and the victim's family; receipt and approval of applications for certification and funding; evaluation of each certified domestic violence shelter annually to ensure compliance with the minimum standards; and, through contract, operation of a statewide toll-free hotline that automatically directs the caller to the certified domestic violence shelter in the caller's area.

All centers certified by the department are required to offer a wide range of services to and on behalf of victims of domestic violence, minor children and other dependents of victims of domestic violence. The centers are mandated to provide minimum services which include emergency shelter for more than a 24 hour period; counseling; a 24-hour hotline; assessment and referral of resident children; information and referral; case management; community education; and professional training. s. 39.905(1)(c), F.S.

The department reported that for fiscal year 1997-98, certified domestic violence centers served 14,143 unduplicated clients, responded to 175,748 crisis calls, and served 42,784 clients face to face (not by telephone) on an outreach basis. The Florida Coalition Against Domestic Violence reports that in 1999, over 1400 victims were unable to be provided with immediate emergency shelter due to lack of beds. Hundreds of others were sheltered in facilities already over capacity, or in hotels. It is estimated that 10 centers are in need of new facilities and 20 centers are in need of renovation and repair.

For fiscal year 1998-99, the Legislature appropriated \$12.1 million state and federal trust fund dollars and general revenue to provide services to victims of domestic violence. For fiscal year 1999-2000, the total appropriation rose to \$16.9 million. Trust fund dollars originate from fees associated with various legal matters, such as the fee added for the issuance of a marriage license (\$30) or the filing of a petition for dissolution of marriage

(\$18). See ss. 741.01(2) and 28.101(1), F.S., respectfully. Some revenue is also derived from fines associated with a defendant's violation of an injunction. See *generally*, s. 741.31, F.S.

Once received, the department allocates virtually all money to the department's 15 districts to support the operation of the certified domestic violence centers; a small portion of one federal grant is maintained for administrative purposes. The amount allocated to each district is based on a formula which takes into account the proportion of females aged 18 or older in the population (50%), the proportion of marriage license sales (40%), and a land area index (10%). To be eligible to receive state funding, the certified domestic violence centers are required to raise at least 25% of their funding from local sources, public or private. A 20% shelter match is required for federal funding. According to the department, existing funding for these programs supports mandated services, but does not cover capital improvements to the emergency shelter facilities, some of which are more than 15 years old.

The Florida Coalition Against Domestic Violence

The Florida Coalition Against Domestic Violence (FCADV), created in 1977, is an association of certified domestic violence centers in Florida. Among its duties, FCADV serves as a forum for information-sharing among its members; provides technical assistance to members; serves as a clearinghouse and resource for members and the public; maintains a library on domestic violence materials; provides training to professionals and advocates; conducts public awareness activities to promote the understanding of domestic violence and its impact on society; and holds annual two-day conferences, as well as seminars and presentations for advocates, shelter workers, victims and professionals.

In conjunction with the Department of Law Enforcement, FCADV developed a law enforcement training curriculum used throughout Florida for the training of police officers in issues of domestic violence. See s. 943.1701, F.S. FCADV provides liaisons between its members and public agencies, including the Governor's Task Force on Domestic Violence, the Department of Children and Family Services, and the Attorney General's Office. Pursuant to s. 39.903(6), F.S., the department contracts with FCADV, to represent and provide technical assistance to certified domestic violence centers. FCADV receives 2% of the Domestic Violence Trust Fund for this purpose. *Id.* FCADV is also the contract entity for the statewide hotline.

C. EFFECT OF PROPOSED CHANGES:

This bill would allow domestic violence centers that have been certified pursuant to s. 39.905, F.S., to apply for a capital improvement grant, based on need. The application would require a statement indicating the capital improvement the center proposes to make with the grant funds; the strategy proposed to make the capital improvement; the organizational structure that will carry out the capital improvement; evidence that the center has difficulty in obtaining funding or that funds available for the proposed solution are inadequate; evidence that the funds will assist in meeting the needs of domestic violence victims and their children in the center service area; evidence of a satisfactory record keeping system to account for fund expenditures; and evidence of ability to generate a local match. The funds received must be used to construct, acquire, repair, improve, or upgrade systems, facilities, or equipment.

The Florida Coalition Against Domestic Violence and the Department of Children and Family Services would be required to develop a needs assessment for determining who may be awarded funds. The department would be required to do annual needs assessments and to rank those centers requesting capital improvement funding in order of need.

The department would be required to establish criteria for awarding any remaining funds. Those remaining funds must be used exclusively for the support and assistance of certified domestic violence centers.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates s. 39.907, F.S., relating to certified domestic violence center capital improvement. This section establishes a certified domestic violence center capital improvement grant program. A certified domestic violence center, as defined in s. 39.905, may apply to the Department of Children and Family Services for a capital improvement grant. The application must provide a statement indicating the capital improvement the certified domestic violence center proposes to make with the grant funds; the strategy proposed to make the capital improvement; the organizational structure that will carry out the capital improvement; evidence that the certified domestic violence center has difficulty in obtaining funding or that the funds available are inadequate; evidence that the funds will assist in meeting the needs of domestic violence victims and their children in the service area of the certified domestic violence center; evidence of a satisfactory record keeping system to account for fund expenditures; and evidence of the ability to generate a local match.

Funding must be used for projects to construct, acquire, repair, improve, or upgrade systems, facilities, or equipment. An award of funds must be based on a needs assessment developed by the Florida Coalition Against Domestic Violence and the Department of Children and Family Services. The needs assessment must be done annually by the department and must rank, in order of need, those centers that are requesting funding.

This section also provides that the Department of Children and Family Services must establish criteria for awarding any remaining funds, which must be used exclusively for the support and assistance of certified domestic violence centers. The department must ensure that the funds are used solely for the purposes specified in this section. The total grants awarded must not exceed the amount appropriated for this program.

Section 2. Provides for an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments" Section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Department of Children and Family Services

This bill would require the funding of one-half a position or its contracted equivalent in OPS for initiation of the grant program and one-quarter of a position or its contracted equivalent in OPS for its annual maintenance and administration of the program.

First Year

Salaries (½ FTE year one)	\$20,796
Expense	\$14,488
Operating Capital Outlay	<u>\$2,000</u>
TOTAL	<u>\$37,283</u>

Recurring Costs Thereafter

Salaries (1/4 FTE)	\$14,936
Expense	\$11,927
Operating Capital Outlay	<u>\$0</u>
TOTAL	<u>\$26,863</u>

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take an action requiring expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state sales tax shared with municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON FAMILY LAW AND CHILDREN:

Prepared by:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON FAMILY LAW AND CHILDREN:

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