

STORAGE NAME: h4039.cf

DATE: February 23, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CHILDREN & FAMILIES
ANALYSIS**

BILL #: HB 4039

RELATING TO: Sections of Florida Statutes to Repeal or Amend

SPONSOR(S): Committee on Rules & Calendar and Rep. Arnall

TIED BILL(S):

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

(1) Children & Families

(2)

(3)

(4)

(5)

I. SUMMARY:

A review was conducted of Florida Statutes using a criteria to identify provisions that have expired (a certain due date or implementation date that has passed), or obsolete because it has outlived its operational usefulness, the program is no longer funded or another statute has superseded it.

This bill repeals or amends provisions of Florida Statutes and Laws of Florida relating to services and programs under the jurisdiction of the Department of Children and Families that were identified as meeting the above criteria.

The bill provides the act shall take effect upon becoming law.

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:

See section-by-section analysis.

C. EFFECT OF PROPOSED CHANGES:

The changes in this bill delete or amend sections and subsections of statutes relating to children and family services that are obsolete because they are time dated or have outlived their usefulness because a program is no longer funded, or another statute has superseded it.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Section 397.821, F.S., relating to juvenile substance abuse prevention and early intervention councils.

This section allows each Judicial Circuit and Department of Children and Families (DCF) to establish a juvenile substance abuse impairment prevention and early intervention council composed of at least 12 members appointed by the chief judge of the circuit court and the district administrator. Members of the council include representatives from law enforcement, the department, school districts, state attorney and public defender offices, the circuit court, the religious community, substance abuse impairment professionals, child advocates from the community, business leaders, parents, and high school students. The purpose of each council is to identify the needs of its community in the area of juvenile substance abuse impairment prevention and early intervention.

This section is superseded by:

Section 397.99 School substance abuse prevention partnership grants

This provision, created in 1999, allows schools, or community-based organizations in partnership with schools, to submit a grant proposal for funding to develop substance abuse prevention and early intervention strategies for school-age populations.

Section 397.997 Prevention resources internet website

This provision, created in 1999, requires the department to develop a publicly available substance abuse prevention internet website to target youth and their parents, teachers, and other stakeholders.

Section 397.998 Drug-free communities support match grants

This provision, created in 1999, allows grants to provide drug-free communities match grants to assist community coalitions in an effort to secure federal drug-free communities support program grants.

Section 2. Subsections 397.94 (2) & (3)(a), relating to implementation of children's substance abuse information & referral network and its integration with children's mental health information & referral network.

These provisions, created in 1999, require DCF districts to submit a plan to the secretary of the department regarding the integration of the substance abuse services information and referral network with the child and adolescent mental health information and referral network no later than December 1, 1999. This section is outdated.

Section 3. Section 402.175, relating to umbrella trust fund for developmentally disabled and mentally ill persons.

This section, created in 1985 and amended subsequently, allows families to deposit funds in a state created trust fund to provide income derived from the funds to meet the needs of the developmentally disabled or mentally ill person. There is no money in the trust and there has been no activity in the account in years. This section is considered obsolete.

Section 4. Section 402.3058, relating to exemption from finger printing requirements for summer camp personnel.

This section, created in 1987, exempts summer camp personnel from the fingerprinting requirements of chapter 402 or chapter 409, but requires compliance with all other screening requirements.

This section is being repealed because it is also published under s. 409.1758. Section 402.3058 is considered duplicative.

Section 5. Subsection 402.33 (10)(a), relating to DCF & Department of Health review of services provided to clients to ensure that fees assessed them conform to law.

This section, created in 1975 and amended subsequently, required HRS (now DCF) to begin an orderly review of all services provided to clients to assure that fees assessed conform to provisions of law by August 12, 1983. This provision is outdated.

Section 6. Subsection 402.72 (3), relating to evaluation of contracting functions in DCF service districts, and reporting to Legislature.

This provision, created in 1998, requires DCF to evaluate the effectiveness and efficiency of contracting functions in each service district and report to the Legislature by December 15, 1999. This provision is outdated.

Section 7. Subsection 409.152 (7), relating to annual reporting on plans and programs relating to service integration and family preservation.

This provision, created in 1992, requires DCF submit family integration plans by September 1, 1993, and annually. This provision is considered outdated.

Section 8. Sections 409.501-409.506, relating to the Florida Financial Assistance for Community Services Act of 1974 (FACCS).

These sections, created in 1974, provided procedures for development, establishment, and administration of community service programs to meet the unmet needs of citizens in essential and necessary human resource development programs and activities. These sections have been superseded by chapter 414 (WAGES), Medicaid, and other more current cash assistance and economic support programs. These sections are obsolete.

Section 9. Subsection 430.204 (6), relating to community care for the elderly core services. This deletes a reference to FACCS Act to conform.

Section 10. Subsections 409.942 (2) & (3), relating to provisions for pilot of the electronic benefit transfer program.

Created in 1995 and amended subsequently, a provision in this section requires a pilot program in place by July 1, 1996. This provision is outdated.

Section 11. Section 411.204, relating to independent evaluation of handicap prevention and early childhood assistance program.

Created in 1989 and amended subsequently, this section requires evaluation performed by internal evaluators within the Offices of Prevention, Early Assistance, and Child Development of the Department of Education and the Department of Health and Rehabilitative Services. The offices no longer exist as a result of budget cuts circa 1996/1997. This section is considered obsolete.

Section 12. Subsection 397.901 (2)(c), relating to prototype juvenile addiction receiving facilities.

Created in 1993, a provision in this section requires an evaluation 1 year after startup and a 5-year retrospective report. This provision is obsolete.

Section 13. Subsection 411.01 (5)(d), relating to school readiness coalitions. This deletes a reference to 411.204 to conform.

Section 14. Section 411.222, relating to intra agency & interagency coordination and responsibilities.

Created in 1989 and amended subsequently, this section requires intra agency & interagency coordination between the Offices of Prevention, Early Assistance, and Child Development of the Department of Education and the Department of Health and Rehabilitative Services. The offices no longer exist as a result of budget cuts circa 1996. This section is considered obsolete.

Section 15. Subsection 230.2303 (8)(a), relating to Florida First Start program. This deletes a reference to 411.222 to conform.

Section 16. Subsections 383.14 (1)(b) & (2), relating to health screening. Corrects an outdated reference to State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs to conform.

Section 17. Subsection 391.304 (1)(a), relating to Department of Health. Corrects an outdated reference to State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs to conform.

Section 18. Subsection 402.281 (3), relating to Gold Seal quality child care program. Corrects an outdated reference to State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs to conform.

Section 19. Subsections 402.305 (2)(d) & (18), relating to child care licensure standards & child care technical review panel. Corrects an outdated reference to State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs to conform.

Section 20. Subsection 402.3052 (1)(b), relating to child development associate training grants. Corrects an outdated reference to State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs to conform.

Section 21. Subsections 402.45 (6) & (8), relating to community resource mother or father program. Corrects an outdated reference to State Coordinating Council for Early Childhood Services and replaced by School Readiness Programs to conform.

Section 22. Subsection 402.47 (2)(d), relating to foster grandparent & retired senior volunteer services. Removes an outdated reference to Office of Prevention, Early Assistance & Child Development that no longer exists to conform.

Section 23. Section 411.221, relating to strategic plan for prevention and early assistance. Removes an outdated reference to Office of Prevention, Early Assistance & Child Development that no longer exists to conform.

Section 24. Subsections 411.232 (4) & (5), relating to implementation and evaluation of the Children's Early Investment program.

Created in 1989 and amended subsequently, these provisions require HRS (DCF) to award initial contract for this program by January 15, 1990. In addition, it required an evaluation January 1, 1991, and biennially thereafter and a longitudinal report by January 1, 1995, or 5 years after the startup of the prototypes. This provision is outdated.

Section 25. Section 414.35, relating to DCF adoption of rules to administer emergency assistance programs delegated to DCF.

Created in 1978 and amended subsequently, this section requires DCF to adopt rules for emergency assistance program by October 1, 1976. This provision is outdated.

Section 26. Subsection 414.38 (10), relating to evaluation of local work experience and job training pilot for noncustodial parents.

Created in 1995 and amended subsequently, this provision requires DCF to conduct an evaluation of the pilot program by June 30, 1999. This provision is considered outdated.

Section 27. Amends subsection 414.70 (5)(a), relating to evaluation of certain drug-testing & drug screening demonstration projects.

Created in 1998 and amended subsequently, this provision requires DCF to conduct an evaluation of the demonstration projects by January 1, 2000.

Section 28. Chapter 96-403 (28), relating to established Board of Regents taskforce to review optimal organizational structure for delivery of social services. Taskforce completed work on January 1997.

Section 29. Provides act shall take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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 to take an action requiring the expenditure 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.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON CHILDREN & FAMILIES:

Prepared by:

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