

STORAGE NAME: h4039s1.cf

DATE: March 14, 2000

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

BILL #: CS/HB 4039

RELATING TO: Sections of Florida Statutes to Repeal or Amend

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

TIED BILL(S):

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

- (1) Children & Families YEAS 11 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

A review of Florida Statutes was conducted using criteria to identify provisions that have expired or are obsolete. The criteria relating to expired provisions include a due date or implementation date that has passed. The criteria relating to obsolete provisions include whether a provision has outlived its operational usefulness because the program is no longer funded or another statute has superseded it. Obsolete provisions, include names changed by other statutes.

Committee Substitute for HB 4039 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:

Committee Substitute for HB 4039 deletes or amends sections and subsections of statutes relating to children and family services that are obsolete as a result of being time dated or having outlived their usefulness because a program is no longer funded, or another statute has superseded it, including name changes.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Repeals subsection (2) and paragraph (a) of subsection (3) of s. 397.94, F.S., 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. These sections relating to a plan and report date are repealed because they are outdated.

Section 2. Repeals s. 402.175, F.S., relating to umbrella trust funds 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 because families have not deposited funds in the state trust fund. This section is repealed because it is considered obsolete.

Section 3. Repeals s. 402.3058, F.S., 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, F.S., relating to licensure and child caring facilities. Section 402.3058, F.S., is repealed because it is considered duplicative.

Section 4. Repeals paragraph (a) of subsection (10) of s. 402.33, F.S., 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 repealed because it is outdated.

Section 5. Repeals subsection (3) of s. 402.72, F.S., 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 repealed because it is outdated.

Section 6. Repeals s. 409.501-409.506, F.S., 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 ch. 414 (WAGES), Medicaid, and other more current cash assistance and economic support programs. These sections were repealed because they are obsolete.

Section 7. Amends subsection (6) of s. 430.204, F.S., relating to community care for the elderly core services. This deletes a reference to Florida Financial Assistance for Community Services Act of 1974 (FACCS) to conform to the repeal of the act.

Section 8. Amends subsections (2) & (3) of s. 409.942, F.S., 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 bill deletes provisions related to the pilot program because they are outdated.

Section 9. Repeals s. 411.204, F.S., 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 repealed because it is considered obsolete.

Section 10. Amends paragraph (c) of subsection (2) of s. 397.901, F.S., relating to prototype juvenile addiction receiving facilities.

Created in 1993, a provision in this section requires an evaluation 1 year after startup and annually for 5 years. The subsection requiring the evaluation is deleted because it is outdated and obsolete.

Section 11. Amends paragraph (d) of subsection (5) of s. 411.01, F.S., relating to school readiness coalitions. This deletes a reference to a deleted section, 411.204, F.S., relating to evaluation by the offices that no longer exist.

Section 12. Amends s. 411.222, F.S., 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 amended to delete interagency responsibilities for offices that no longer exist and are obsolete.

Section 13. Amends paragraph (a) of subsection (8) of s. 230.2303, F.S., relating to Florida First Start program. This amendment corrects an outdated reference to State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 14. Amends paragraph (b) of subsection (1) and subsection (2) of s. 383.14, F.S., relating to health screening. This amendment corrects outdated references to State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 15. Amends paragraph (a) of subsection (1) of s. 391.304, F.S., relating to the Department of Health. This amendment corrects an outdated reference to State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 16. Amends subsection (3) of s. 402.281, F.S., relating to Gold Seal quality child care program. This amendment corrects an outdated reference to the State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 17. Amends paragraph (d) of subsection (2) and subsection (18) of s. 402.305, F.S., relating to child care licensure standards and child care technical review panel. This amendment corrects outdated references to the State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 18. Amends paragraph (b) of subsection (1) s. 402.3052, F.S., relating to child development associate training grants. This amendment corrects an outdated reference to the State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 19. Amends subsection (6) & (8) of s 402.45, F.S., relating to community resource mother or father program. This amendment corrects outdated references to the State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 20. Amends paragraph (d) of subsection (2) s. 402.47, F.S., relating to foster grandparent and retired senior volunteer services. Removes an outdated reference to the Office of Prevention, Early Assistance & Child Development that no longer exists, to conform.

Section 21. Amends s. 411.221, F.S., 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. It also corrects an outdated reference to the State Coordinating Council for Early Childhood Services that was replaced by the State Coordinating Council for School Readiness Programs, to conform.

Section 22. Repeals subsections (4) & (5) of s. 411.232, F.S., 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 the initial contract for the Children's Early Investment program by January 15, 1990. In addition, it required an evaluation by January 1, 1991, and biennially thereafter and a longitudinal report by January 1, 1995, or 5 years after the startup of the prototypes. The Children's Early Investment programs were implemented and tested. Many aspects of the program were incorporated into the Healthy Families of Florida program. The program no longer exists. This provision is deleted because it is obsolete and outdated.

Section 23. Repeals s. 414.35, F.S., 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 an emergency assistance program by October 1, 1976. This section is repealed because it is outdated.

Section 24. Repeals subsection (10) of s. 414.38, F.S., relating to evaluation of local work experience and job training pilot for noncustodial parents is repealed.

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 deleted because it is considered outdated.

Section 25. Amends subsection (5) of s. 414.70, F.S., relating to evaluation of certain drug-testing and drug screening demonstration projects.

Created in 1998 and amended subsequently, this provision requires DCF to report by January 1, 2000, the problems encountered and funds expended by the first year of the drug-testing & drug-screening demonstration projects in WAGES service areas 3 and 8. Provision for this report is deleted because it is considered outdated. Provisions for an evaluation of the effectiveness of the pilots and cost-benefit recommendations required by January 1, 2001 are retained in subsection 414.70 (5)(b), F.S.

Section 26. Repeals Section 28 of chapter 96-403, F.S., relating to established Board of Regents taskforce to review optimal organizational structure for delivery of social services.

Taskforce completed work on January 1997. This provision is repealed because it is obsolete.

Section 27. 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.

STORAGE NAME: h4039s1.cf

DATE: March 14, 2000

PAGE 7

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:

The committee adopted two amendments.

Amendment 1, removed section 1 from the bill that repealed s. 397.821, F.S., relating to juvenile substance abuse prevention and early intervention councils under the jurisdiction of the Department of Juvenile Justice and the Courts.

Amendment 2, removed section 7 from the bill that repealed subsection (7) of s. 409.152, F.S., relating to ongoing annual reporting of plans and programs for service integration and family preservation.

House Bill 4039 as amended was adopted as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON CHILDREN & FAMILIES:

Prepared by:

Staff Director:

Bob Barrios & Glenn A. Mitchell

Bob Barrios