

1 A bill to be entitled
2 An act relating to children and family services
3 and to criminal justice programs; amending s.
4 414.045, F.S.; adding another category of
5 families eligible for cash assistance, for
6 federal reporting purposes; creating s.
7 409.1674, F.S.; providing legislative intent;
8 establishing the community partnership matching
9 grant program to be operated by the Department
10 of Children and Family Services to encourage
11 local participation in community-based care for
12 child welfare; providing conditions for
13 obtaining grants; providing that funding is
14 subject to legislative appropriation of
15 nonrecurring
16 temporary-assistance-for-needy-families funds;
17 amending ss. 938.01, 943.25, F.S.; providing
18 for deposit of certain court-cost proceeds into
19 the Department of Law Enforcement Operating
20 Trust Fund; prescribing authorized uses of
21 assets in such fund; transferring the criminal
22 justice program of the Department of Community
23 Affairs to the Department of Law Enforcement;
24 providing for the latter department to adopt
25 rules relating to the program; transferring the
26 Prevention of Domestic and Sexual Violence
27 Program from the Department of Community
28 Affairs to the Department of Children and
29 Family Services; providing for funding the
30 program; providing an effective date.
31

1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsection (1) of section 414.045, Florida
4 Statutes, is amended to read:

5 414.045 Cash assistance program.--Cash assistance
6 families include any families receiving cash assistance
7 payments from the state program for temporary assistance for
8 needy families as defined in federal law, whether such funds
9 are from federal funds, state funds, or commingled federal and
10 state funds. Cash assistance families may also include
11 families receiving cash assistance through a program defined
12 as a separate state program.

13 (1) For reporting purposes, families receiving cash
14 assistance shall be grouped into ~~in~~ the following categories.
15 The department may develop additional groupings in order to
16 comply with federal reporting requirements, to comply with the
17 data-reporting needs of the board of directors of Workforce
18 Florida, Inc., or to better inform the public of program
19 progress. ~~Program reporting data shall include, but not~~
20 ~~necessarily be limited to, the following groupings:~~

21 (a) Work-eligible cases.--Work-eligible cases shall
22 include:

23 1. Families containing an adult or a teen head of
24 household, as defined by federal law. These cases are
25 generally subject to the work activity requirements provided
26 in s. 445.024 and the time limitations on benefits provided in
27 s. 414.105.

28 2. Families with a parent where the parent's needs
29 have been removed from the case due to sanction or
30 disqualification shall be considered work-eligible cases to
31 the extent that such cases are considered in the calculation

1 of federal participation rates or would be counted in such
2 calculation in future months.

3 3. Families participating in transition assistance
4 programs.

5 4. Families otherwise eligible for temporary cash
6 assistance that receive diversion services, a severance
7 payment, or participate in the relocation program.

8 (b) Child-only cases.--Child-only cases include cases
9 that do not have an adult or teen head of household as defined
10 in federal law. Such cases include:

11 1. ~~Child-only families with~~ Children in the care of
12 caretaker relatives where the caretaker relatives choose to
13 have their needs excluded in the calculation of the amount of
14 cash assistance.

15 2. Families in the Relative Caregiver Program as
16 provided in s. 39.5085.

17 3. Families in which the only parent in a
18 single-parent family or both parents in a two-parent family
19 receive supplemental security income (SSI) benefits under
20 Title XVI of the Social Security Act, as amended. To the
21 extent permitted by federal law, individuals receiving SSI
22 shall be excluded as household members in determining the
23 amount of cash assistance, and such cases shall not be
24 considered families containing an adult. Parents or caretaker
25 relatives who are excluded from the cash assistance group due
26 to receipt of SSI may choose to participate in work
27 activities. An individual who volunteers to participate in
28 work activity but whose ability to participate in work
29 activities is limited shall be assigned to work activities
30 consistent with such limitations. An individual who volunteers
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1 to participate in a work activity may receive child care or
2 support services consistent with such participation.

3 4. Families where the only parent in a single-parent
4 family or both parents in a two-parent family are not eligible
5 for cash assistance due to immigration status or other
6 limitation ~~requirements~~ of federal law. To the extent required
7 by federal law, such cases shall not be considered families
8 containing an adult.

9 5. To the extent permitted by federal law and subject
10 to appropriations, special needs children who have been
11 adopted pursuant to s. 409.166 and whose adopting family
12 qualifies as a needy family under the state program for
13 temporary assistance for needy families. Notwithstanding any
14 provision to the contrary in s. 414.075, s. 414.085, or s.
15 414.095, a family shall be considered a needy family if:

16 a. The family is determined by the department to have
17 an income below 200 percent of the federal poverty level;

18 b. The family meets the requirements of s. 414.095(2)
19 and (3) related to residence, citizenship, or eligible
20 noncitizen status; and

21 c. The family provides any information that may be
22 necessary to meet federal reporting requirements specified
23 under Part A of Title IV of the Social Security Act.

24
25 Families described in subparagraph 1., subparagraph 2., or
26 subparagraph 3. may receive child care assistance or other
27 supports or services so that the children may continue to be
28 cared for in their own homes or the homes of relatives. Such
29 assistance or services may be funded from the temporary
30 assistance for needy families block grant to the extent
31 permitted under federal law and to the extent funds have been

1 provided in the General Appropriations Act ~~permitted by~~
2 ~~appropriation of funds.~~

3 Section 2. Section 409.1674, Florida Statutes, is
4 created to read:

5 409.1674 It is the intent of the Legislature to
6 improve services and local participation in community-based
7 care initiatives by fostering community support and providing
8 enhanced prevention and in-home services, thereby reducing the
9 risk otherwise faced by lead agencies. There is established a
10 community partnership matching grant program to be operated by
11 the Department of Children and Family Services for the purpose
12 of encouraging local participation in community-based care for
13 child welfare. Any children's services council or other local
14 government entity that makes a financial commitment to a
15 community-based care lead agency is eligible for a grant upon
16 proof that the children's services council or local government
17 entity has provided the selected lead agency at least \$825,000
18 in start-up funds, from any local resources otherwise
19 available to it. The total amount of local contribution may be
20 matched on a two-for-one basis up to a maximum amount of \$2
21 million per council. Awarded matching grant funds may be used
22 for any prevention or in-home services provided by the
23 children's services council or other local government entity
24 that meets temporary-assistance-for-needy-families'
25 eligibility requirements and can be reasonably expected to
26 reduce the number of children entering the child welfare
27 system. To ensure necessary flexibility for the development,
28 start-up, and ongoing operation of community-based care
29 initiatives, the notice period required for any budget action
30 authorized by the provisions of s. 20.19(5)(b), is waived for
31 the family safety program; however, the Department of Children

1 and Family Services must provide copies of all such actions to
2 the Executive Office of the Governor and Legislature within 72
3 hours of their occurrence. Funding available for the matching
4 grant program is subject to legislative appropriation of
5 nonrecurring temporary-assistance-for-needy-families funds
6 provided for the purpose. This sections expires July 1, 2002.

7 Section 3. Subsection (1) of section 938.01, Florida
8 Statutes, is amended to read:

9 938.01 Additional Court Cost Clearing Trust Fund.--

10 (1) All courts created by Art. V of the State
11 Constitution shall, in addition to any fine or other penalty,
12 assess \$3 as a court cost against every person convicted for
13 violation of a state penal or criminal statute or convicted
14 for violation of a municipal or county ordinance. Any person
15 whose adjudication is withheld pursuant to the provisions of
16 s. 318.14(9) or (10) shall also be assessed such cost. In
17 addition, \$3 from every bond estreature or forfeited bail bond
18 related to such penal statutes or penal ordinances shall be
19 forwarded to the Treasurer as described in this subsection.
20 However, no such assessment may be made against any person
21 convicted for violation of any state statute, municipal
22 ordinance, or county ordinance relating to the parking of
23 vehicles.

24 (a) All such costs collected by the courts shall be
25 remitted to the Department of Revenue, in accordance with
26 administrative rules adopted by the executive director of the
27 Department of Revenue, for deposit in the Additional Court
28 Cost Clearing Trust Fund and shall be earmarked to the
29 Department of Law Enforcement ~~and the Department of Community~~
30 ~~Affairs~~ for distribution as follows:

1 1. Two dollars and seventy-five cents of each \$3
2 assessment shall be deposited in the Criminal Justice
3 Standards and Training Trust Fund, and the remaining 25 cents
4 of each such assessment shall be deposited into the Department
5 of Law Enforcement Operating Trust Fund and shall be disbursed
6 to the ~~Bureau of Public Safety Management of the~~ Department of
7 Law Enforcement ~~Community Affairs~~.

8 2. Ninety-two percent of the money distributed to the
9 Additional Court Cost Clearing Trust Fund pursuant to s.
10 318.21 shall be earmarked to the Department of Law Enforcement
11 for deposit in the Criminal Justice Standards and Training
12 Trust Fund, and 8 percent of such money shall be deposited
13 into the Department of Law Enforcement Operating Trust Fund
14 and shall be disbursed to the ~~Bureau of Public Safety~~
15 ~~Management of the~~ Department of Law Enforcement ~~Community~~
16 ~~Affairs~~.

17 (b) The funds deposited in the Criminal Justice
18 Standards and Training Trust Fund and the Department of Law
19 Enforcement Operating Trust Fund may be invested. Any interest
20 earned from investing such funds and any unencumbered funds
21 remaining at the end of the budget cycle shall remain in the
22 respective trust fund until the following year.

23 (c) All funds in the Criminal Justice Standards and
24 Training Trust Fund earmarked to the Department of Law
25 Enforcement shall be disbursed only in compliance with s.
26 943.25(9).

27 Section 4. Subsection (1) of section 943.25, Florida
28 Statutes, is amended to read:

29 943.25 Criminal justice trust funds; source of funds;
30 use of funds.--

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1 (1) The Department of Law Enforcement ~~Community~~
2 ~~Affairs~~ may approve, for disbursement from the Department of
3 Law Enforcement ~~its~~ Operating Trust Fund, those appropriated
4 sums necessary and required by the state for grant matching,
5 implementing, administering, evaluating, and qualifying for
6 such federal funds. Disbursements from the trust fund for the
7 purpose of supplanting state general revenue funds may not be
8 made without specific legislative appropriation.

9 Section 5. The criminal justice program of the
10 Department of Community Affairs is transferred to the
11 Department of Law Enforcement by a type two transfer, as
12 defined in section 20.06, Florida Statutes. The criminal
13 justice program so transferred is composed of the Byrne State
14 and Local Law Enforcement Assistance Program, local law
15 enforcement block grants, the Drug-Free Communities Program,
16 residential substance-abuse treatment of state prisoners, the
17 bulletproof vest program, the Guantanamo Bay Refugee and
18 Entrant Assistance Program, the national criminal history
19 improvement program, and the Violent Offender Incarceration
20 and Truth-in-Sentencing Program.

21 Section 6. The Department of Law Enforcement may adopt
22 rules necessary for the operation of the criminal justice
23 program.

24 Section 7. (1) The Prevention of Domestic and Sexual
25 Violence Program is transferred from the Department of
26 Community Affairs to the Department of Children and Family
27 Services by a type two transfer, as defined in section 20.06,
28 Florida Statutes. The Domestic and Sexual Violence Program so
29 transferred is composed of the Governor's Task Force on
30 Domestic and Sexual Violence and the Violence Against Women
31 Program.

1 (2) From the funds deposited into the Department of
2 Law Enforcement Operating Trust Fund pursuant to section
3 938.01(1)(a)1. and 2., Florida Statutes, the Department of Law
4 Enforcement shall transfer funds to the Department of Children
5 and Family Services to be used as matching funds for the
6 administration of the Prevention of Domestic and Sexual
7 Violence Program transferred from the Department of Community
8 Affairs. The amount of the transfer for fiscal year 2001-2002
9 shall be determined by the Governor's Office of Planning and
10 Budgeting in consultation with the Department of Community
11 Affairs, the Department of Law Enforcement, and the Department
12 of Children and Family Services and shall be based on the
13 historic use of these funds and current needs of the
14 Prevention of Domestic and Sexual Violence Program. In
15 subsequent years, the transfer of funds shall be based on the
16 amount appropriated.

17 Section 8. This act shall take effect July 1, 2001.