

By the Committee on Appropriations; and Senator Silver

309-1907B-02

1                                   A bill to be entitled  
2           An act relating to the Department of Children  
3           and Family Services; amending s. 216.181, F.S.;  
4           providing for the use of funds by the  
5           department; amending s. 394.74, F.S.;  
6           prescribing a specified contract requirement;  
7           amending s. 394.908, F.S.; revising provisions  
8           governing substance abuse and mental health  
9           funding equity; amending s. 39.903, F.S.;  
10          requiring the Department of Children and Family  
11          Services to operate the domestic violence  
12          program; specifying program purposes; repealing  
13          s. 741.466, F.S., relating to the "Prevention  
14          of Domestic and Sexual Violence Program";  
15          amending s. 938.01, F.S.; specifying the amount  
16          of funds available for use by the Department of  
17          Children and Family Services and the Department  
18          of Law Enforcement; repealing s. 4(2) of ch.  
19          2001-184, Laws of Florida, and s. 7(2) of ch.  
20          2001-232, Laws of Florida, relating to funding  
21          for the Prevention of Domestic and Sexual  
22          Violence Program; amending s. 414.035, F.S.;  
23          revising provisions authorizing expenditures by  
24          the department; amending s. 409.16745, F.S.;  
25          abrogating the repeal of the community  
26          partnership matching grant program; authorizing  
27          the sale of a hospital and providing for the  
28          use of the proceeds; providing an effective  
29          date.

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

1           Section 1. Paragraph (c) of subsection (16) of section  
2 216.181, Florida Statutes, is amended to read:

3           216.181 Approved budgets for operations and fixed  
4 capital outlay.--

5           (16)

6           (c) Unless specifically prohibited in the General  
7 Appropriations Act, funds appropriated to the Department of  
8 Children and Family Services and the Department of Health may  
9 be advanced for those contracted services that were approved  
10 for advancement by the Comptroller in fiscal year 1993-1994,  
11 including those services contracted on a fixed-price or  
12 unit-cost basis.~~For the 2001-2002 fiscal year only, funds~~  
13 ~~appropriated to the Department of Children and Family Services~~  
14 ~~in Specific Appropriations 302-466 and the Department of~~  
15 ~~Health in Specific Appropriations 503-637 of the 2001-2002~~  
16 ~~General Appropriations Act may be advanced, unless~~  
17 ~~specifically prohibited in such General Appropriations Act,~~  
18 ~~for those contracted services that were approved for~~  
19 ~~advancement by the Comptroller in fiscal year 1993-1994,~~  
20 ~~including those services contracted on a fixed-price or~~  
21 ~~unit-cost basis. This paragraph expires July 1, 2002.~~

22           Section 2. Subsection (3) of section 394.74, Florida  
23 Statutes, is amended to read:

24           394.74 Contracts for provision of local substance  
25 abuse and mental health programs.--

26           (3) Contracts shall include, but are not limited to:

27           (a) A provision that, within the limits of available  
28 resources, substance abuse and mental health crisis services,  
29 as defined in s. 394.67(4), shall be available to any  
30 individual residing or employed within the service area,  
31

1 regardless of ability to pay for such services, current or  
2 past health condition, or any other factor;

3 (b) A provision that such services be available with  
4 priority of attention being given to individuals who exhibit  
5 symptoms of chronic or acute substance abuse or mental illness  
6 and who are unable to pay the cost of receiving such services;

7 (c) A provision that every reasonable effort to  
8 collect appropriate reimbursement for the cost of providing  
9 substance abuse and mental health services to persons able to  
10 pay for services, including first-party payments and  
11 third-party payments, shall be made by facilities providing  
12 services pursuant to this act;

13 (d) A program description and line-item operating  
14 budget by program service component for substance abuse and  
15 mental health services, provided the entire proposed operating  
16 budget for the service provider will be displayed; and

17 (e) A provision that client demographic, service, and  
18 outcome information required for the department's Mental  
19 Health and Substance Abuse Data System be submitted to the  
20 department by a date specified in the contract. The department  
21 may not pay the provider unless the required information has  
22 been submitted by the specified date; and

23 (f)~~(e)~~ A requirement that the contractor must conform  
24 to department rules and the priorities established thereunder.

25 Section 3. Subsection (8) of section 394.908, Florida  
26 Statutes, is amended to read:

27 394.908 Substance abuse and mental health funding  
28 equity; distribution of appropriations.--In recognition of the  
29 historical inequity among service districts of the former  
30 Department of Health and Rehabilitative Services in the  
31 funding of substance abuse and mental health services, and in

1 order to rectify this inequity and provide for equitable  
2 funding in the future throughout the state, the following  
3 funding process shall be adhered to:

4 (8) For fiscal year 2002-2003 ~~2001-2002~~ only, and  
5 notwithstanding the provisions of this section, all new funds  
6 received in excess of fiscal year 2001-2002 recurring  
7 ~~1998-1999~~ appropriations shall be allocated in accordance with  
8 the provisions of the General Appropriations Act; however,  
9 ~~except as specified in this subsection, to the G. Pierce Wood~~  
10 ~~Memorial Hospital catchment area or other districts or~~  
11 ~~counties identified in the 2001-2002 General Appropriations~~  
12 ~~Act. The Department of Children and Family Services is~~  
13 ~~authorized to develop an alternative allocation methodology~~  
14 ~~based on national prevalence data for persons with severe and~~  
15 ~~persistent mental illness for use in the distribution of new~~  
16 ~~funds to the G. Pierce Wood Memorial Hospital catchment area.~~  
17 no district shall receive an allocation of recurring funds  
18 less than its initial approved operating budget, plus any  
19 distributions of lump sum appropriations, for fiscal year  
20 2001-2002 ~~1998-1999~~, ~~except for adjustments needed to~~  
21 ~~implement the SunCoast Region.~~ This subsection expires July 1,  
22 2003 ~~2002~~.

23 Section 4. Section 39.903, Florida Statutes, is  
24 amended to read:

25 39.903 Duties and functions of the department with  
26 respect to domestic violence.--

27 (1) The department shall:

28 (a) Develop by rule criteria for the approval or  
29 rejection of certification or funding of domestic violence  
30 centers.

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1           (b) Develop by rule minimum standards for domestic  
2 violence centers to ensure the health and safety of the  
3 clients in the centers.

4           (c) Receive and approve or reject applications for  
5 certification of domestic violence centers, and receive and  
6 approve or reject applications for funding of domestic  
7 violence centers. When approving funding for a newly certified  
8 domestic violence center, the department shall make every  
9 effort to minimize any adverse economic impact on existing  
10 certified centers or services provided within the same  
11 district. In order to minimize duplication of services, the  
12 department shall make every effort to encourage subcontracting  
13 relationships with existing centers within the district. If  
14 any of the required services are exempted by the department  
15 under s. 39.905(1)(c), the center shall not receive funding  
16 for those services.

17           (d) Evaluate each certified domestic violence center  
18 annually to ensure compliance with the minimum standards. The  
19 department has the right to enter and inspect the premises of  
20 certified domestic violence centers at any reasonable hour in  
21 order to effectively evaluate the state of compliance of these  
22 centers with this part and rules relating to this part.

23           (e) Adopt rules to implement this part.

24           (f) Promote the involvement of certified domestic  
25 violence centers in the coordination, development, and  
26 planning of domestic violence programming in the districts and  
27 the state.

28           (2) The department shall serve as a clearinghouse for  
29 information relating to domestic violence.

30           (3) The department shall operate the domestic violence  
31 program, which provides supervision, direction, coordination,

1 and administration of statewide activities related to the  
2 prevention of domestic violence.

3 (4)~~(3)~~ The department shall enlist the assistance of  
4 public and voluntary health, education, welfare, and  
5 rehabilitation agencies in a concerted effort to prevent  
6 domestic violence and to treat persons engaged in or subject  
7 to domestic violence. With the assistance of these agencies,  
8 the department, within existing resources, shall formulate and  
9 conduct a research and evaluation program on domestic  
10 violence. Efforts on the part of these agencies to obtain  
11 relevant grants to fund this research and evaluation program  
12 must be supported by the department.

13 (5)~~(4)~~ The department shall develop and provide  
14 educational programs on domestic violence for the benefit of  
15 the general public, persons engaged in or subject to domestic  
16 violence, professional persons, or others who care for or may  
17 be engaged in the care and treatment of persons engaged in or  
18 subject to domestic violence.

19 (6)~~(5)~~ The department shall cooperate with, assist in,  
20 and participate in, programs of other properly qualified  
21 agencies, including any agency of the Federal Government,  
22 schools of medicine, hospitals, and clinics, in planning and  
23 conducting research on the prevention, care, treatment, and  
24 rehabilitation of persons engaged in or subject to domestic  
25 violence.

26 (7)~~(6)~~ The department shall contract with a statewide  
27 association whose primary purpose is to represent and provide  
28 technical assistance to domestic violence centers. This  
29 association shall receive 2 percent of the Domestic Violence  
30 Trust Fund for this purpose.

31

1           Section 5. Section 741.466, Florida Statutes, is  
2 repealed.

3           Section 6. Subsection (1) of section 938.01, Florida  
4 Statutes, as amended by section 29 of chapter 2001-254, Laws  
5 of Florida, section 19 of chapter 2001-122, Laws of Florida,  
6 section 1 of chapter 2001-184, Laws of Florida, section 3 of  
7 chapter 2001-232, Laws of Florida, and section 30 of chapter  
8 2001-254, Laws of Florida, is amended to read:

9           938.01 Additional Court Cost Clearing Trust Fund.--  
10           (Substantial rewording of subsection. See  
11           s. 938.01(1), F.S., for present text.)

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

26           (a) All costs collected by the courts pursuant to  
27 subsection (1) shall be remitted to the Department of Revenue  
28 in accordance with administrative rules adopted by the  
29 executive director of the Department of Revenue for deposit in  
30 the Additional Court Cost Clearing Trust Fund. These funds and  
31 the funds deposited in the Additional Court Cost Clearing

1 Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as  
2 follows:

3       1. Ninety-two percent to the Department of Law  
4 Enforcement Criminal Justice Standards and Training Trust  
5 Fund.

6       2. Six and three-tenths percent to the Department of  
7 Law Enforcement Operating Trust Fund for the Criminal Justice  
8 Grant Program.

9       3. One and seven-tenths percent to the Department of  
10 Children and Family Services Domestic Violence Trust Fund for  
11 the domestic violence program pursuant to s. 39.903(3).

12       **(b)** The funds deposited in the Department of Law  
13 Enforcement Criminal Justice Standards and Training Trust  
14 Fund, the Department of Law Enforcement Operating Trust Fund,  
15 and the Department of Children and Family Services Domestic  
16 Violence Trust Fund may be invested. Any interest earned from  
17 investing such funds and any unencumbered funds remaining at  
18 the end of the budget cycle shall remain in the respective  
19 trust fund.

20       **(c)** All funds in the Department of Law Enforcement  
21 Criminal Justice Standards and Training Trust Fund shall be  
22 disbursed only in compliance with s. 943.25(9).

23       Section 7. Subsection (2) of section 4 of chapter  
24 2001-184, Laws of Florida, and subsection (2) of section 7 of  
25 chapter 2001-232, Laws of Florida, are repealed.

26       Section 8. Section 414.035, Florida Statutes, is  
27 amended to read:

28       414.035 Authorized expenditures.--Any expenditures  
29 from the Temporary Assistance for Needy Families block grant,  
30 or from other state funds that the secretary or his or her  
31 designee determines meets the maintenance-of-effort



1 requirement for the block grant, must ~~shall~~ be expended in  
2 accordance with the requirements and limitations of part A of  
3 Title IV of the Social Security Act, as amended, or any other  
4 applicable federal requirement or limitation. Prior to any  
5 expenditure of such funds, the secretary ~~of Children and~~  
6 ~~Family Services~~, or his or her designee, shall certify that  
7 controls are in place to ensure such funds are expended in  
8 accordance with the requirements and limitations of federal  
9 law and that any reporting requirements of federal law are  
10 met. It shall be the responsibility of any entity to which  
11 such funds are appropriated to obtain the required  
12 certification prior to any expenditure of funds.

13 Section 9. Section 409.16745, Florida Statutes, is  
14 amended to read:

15 409.16745 Community partnership matching grant  
16 program.--It is the intent of the Legislature to improve  
17 services and local participation in community-based care  
18 initiatives by fostering community support and providing  
19 enhanced prevention and in-home services, thereby reducing the  
20 risk otherwise faced by lead agencies. There is established a  
21 community partnership matching grant program to be operated by  
22 the Department of Children and Family Services for the purpose  
23 of encouraging local participation in community-based care for  
24 child welfare. Any children's services council or other local  
25 government entity that makes a financial commitment to a  
26 community-based care lead agency is eligible for a grant upon  
27 proof that the children's services council or local government  
28 entity has provided the selected lead agency at least \$825,000  
29 in start up funds, from any local resources otherwise  
30 available to it. The total amount of local contribution may be  
31 matched on a two-for-one basis up to a maximum amount of \$2

1 million per council. Awarded matching grant funds may be used  
2 for any prevention or in-home services provided by the  
3 children's services council or other local government entity  
4 that meets temporary-assistance-for-needy-families'  
5 eligibility requirements and can be reasonably expected to  
6 reduce the number of children entering the child welfare  
7 system. To ensure necessary flexibility for the development,  
8 start up, and ongoing operation of community-based care  
9 initiatives, the notice period required for any budget action  
10 authorized by the provisions of s. 20.19(5)(b), is waived for  
11 the family safety program; however, the Department of Children  
12 and Family Services must provide copies of all such actions to  
13 the Executive Office of the Governor and Legislature within 72  
14 hours of their occurrence. Funding available for the matching  
15 grant program is subject to legislative appropriation of  
16 nonrecurring temporary-assistance-for-needy-families funds  
17 provided for the purpose. ~~This section expires July 1, 2002.~~

18       Section 10. Upon approval of the Board of Trustees of  
19 the Internal Improvement Trust Fund, the Division of State  
20 Lands of the Department of Environmental Protection may sell  
21 the former W.T. Edwards Hospital complex located in  
22 Hillsborough County, currently under lease to the Department  
23 of Children and Family Services. Notwithstanding chapter 253,  
24 Florida Statutes, the proceeds from the sale must be deposited  
25 into the Department of Children and Family Services'  
26 Administrative Trust Fund and, subject to legislative  
27 appropriation, must be used to construct, renovate, equip,  
28 maintain, and improve the Department of Children and Family  
29 Services and the Department of Health facilities.

30       Section 11. This act shall take effect July 1, 2002.  
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 1116

4 The committee substitute makes a number of changes to the  
5 Department of Children and Family Services that are required  
6 in order to implement the proposed General Appropriations Act  
7 for FY 2002-03. Specifically, the bill:

- 8 . Authorizes the Department of Children and Family  
9 Services and the Department of Health to advance money  
10 to contract providers that were approved for advancement  
11 by the Comptroller in fiscal year 1993-94.
- 12 . Requires substance abuse and mental health services  
13 contracts to include a provision that client  
14 demographic, services, and outcome information must be  
15 submitted to the Department for inclusion in the Mental  
16 Health and Substance Abuse Data System and prohibits  
17 payment to the provider unless the information has been  
18 submitted.
- 19 . Requires all new funds received in FY 2002-03 for  
20 substance abuse and mental health services in excess of  
21 FY 2001-02 recurring appropriations to be allocated in  
22 accordance with the General Appropriations Act and  
23 prohibits a district from receiving an allocation of  
24 recurring funds that is less than the FY 2001-02  
25 appropriation.
- 26 . Clarifies and expands the duties of the department  
27 related to the domestic violence program and provides  
28 for a new formula for distributing the funds deposited  
29 into the Additional Court Cost Clearing Trust Fund,  
30 which includes a designated portion to the department  
31 for the domestic violence program.
- . Provides that state funds determined to meet the  
maintenance-of-effort requirement for the Temporary  
Assistance for Needy Families (TANF) block grant must be  
spent in accordance with Part A of Title IV of the  
Social Security Act.
- . Removes the July 1, 2002 expiration date related to the  
community partnership matching grant program operated by  
the department.
- . Provides for the sale of the former W.T. Edwards  
Hospital complex located in Hillsborough County  
(currently under lease to the department) and requires  
the proceeds of the sale to be deposited into the DCF  
Administrative Trust Fund; and requires any appropriated  
funds to be used to construct, renovate, equip,  
maintain, and improve the Department of Children and  
Family Services and the Department of Health facilities.