

By Senator Silver

309-2381A-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. 414.035, F.S.;
10 revising provisions authorizing expenditures by
11 the department; amending s. 409.16745, F.S.;
12 abrogating the repeal of the community
13 partnership matching grant program; authorizing
14 the sale of certain facilities and providing
15 for the use of the proceeds; providing an
16 effective date.

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

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20 Section 1. Paragraph (c) of subsection (16) of section
21 216.181, Florida Statutes, is amended to read:

22 216.181 Approved budgets for operations and fixed
23 capital outlay.--

24 (16)

25 (c) Unless specifically prohibited in the General
26 Appropriations Act, funds appropriated to the Department of
27 Children and Family Services and the Department of Health may
28 be advanced for those contracted services that were approved
29 for advancement by the Comptroller in fiscal year 1993-1994,
30 including those services contracted on a fixed-price or
31 unit-cost basis. ~~For the 2001-2002 fiscal year only, funds~~

1 ~~appropriated to the Department of Children and Family Services~~
2 ~~in Specific Appropriations 302-466 and the Department of~~
3 ~~Health in Specific Appropriations 503-637 of the 2001-2002~~
4 ~~General Appropriations Act may be advanced, unless~~
5 ~~specifically prohibited in such General Appropriations Act,~~
6 ~~for those contracted services that were approved for~~
7 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
8 ~~including those services contracted on a fixed-price or~~
9 ~~unit-cost basis. This paragraph expires July 1, 2002.~~

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

12 394.74 Contracts for provision of local substance
13 abuse and mental health programs.--

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

15 (a) A provision that, within the limits of available
16 resources, substance abuse and mental health crisis services,
17 as defined in s. 394.67(4), shall be available to any
18 individual residing or employed within the service area,
19 regardless of ability to pay for such services, current or
20 past health condition, or any other factor;

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

25 (c) A provision that every reasonable effort to
26 collect appropriate reimbursement for the cost of providing
27 substance abuse and mental health services to persons able to
28 pay for services, including first-party payments and
29 third-party payments, shall be made by facilities providing
30 services pursuant to this act;

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1 (d) A program description and line-item operating
2 budget by program service component for substance abuse and
3 mental health services, provided the entire proposed operating
4 budget for the service provider will be displayed; ~~and~~

5 (e) A provision that client demographic, service, and
6 outcome information required for the department's Mental
7 Health and Substance Abuse Data System be submitted to the
8 department by a date specified in the contract. The department
9 may not pay the provider unless the required information has
10 been submitted by the specified date; and

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

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

15 394.908 Substance abuse and mental health funding
16 equity; distribution of appropriations.--In recognition of the
17 historical inequity among service districts of the former
18 Department of Health and Rehabilitative Services in the
19 funding of substance abuse and mental health services, and in
20 order to rectify this inequity and provide for equitable
21 funding in the future throughout the state, the following
22 funding process shall be adhered to:

23 (8) For fiscal year 2002-2003 ~~2001-2002~~ only, and
24 notwithstanding the provisions of this section, all new funds
25 received in excess of fiscal year 2001-2002 recurring
26 ~~1998-1999~~ appropriations shall be allocated in accordance with
27 the provisions of the General Appropriations Act; however,
28 ~~except as specified in this subsection, to the G. Pierce Wood~~
29 ~~Memorial Hospital catchment area or other districts or~~
30 ~~counties identified in the 2001-2002 General Appropriations~~
31 ~~Act. The Department of Children and Family Services is~~

1 ~~authorized to develop an alternative allocation methodology~~
2 ~~based on national prevalence data for persons with severe and~~
3 ~~persistent mental illness for use in the distribution of new~~
4 ~~funds to the G. Pierce Wood Memorial Hospital catchment area.~~
5 no district shall receive an allocation of recurring funds
6 less than its initial approved operating budget, plus any
7 distributions of lump sum appropriations, for fiscal year
8 2001-2002 ~~1998-1999~~, except for adjustments needed to
9 ~~implement the SunCoast Region~~. This subsection expires July 1,
10 2003 ~~2002~~.

11 Section 4. Section 414.035, Florida Statutes, is
12 amended to read:

13 414.035 Authorized expenditures.--Any expenditures
14 from the Temporary Assistance for Needy Families block grant,
15 or from other state funds that the secretary or his or her
16 designee determines meets the maintenance-of-effort
17 requirement for the block grant, must ~~shall~~ be expended in
18 accordance with the requirements and limitations of part A of
19 Title IV of the Social Security Act, as amended, or any other
20 applicable federal requirement or limitation. Prior to any
21 expenditure of such funds, the secretary ~~of Children and~~
22 ~~Family Services~~, or his or her designee, shall certify that
23 controls are in place to ensure such funds are expended in
24 accordance with the requirements and limitations of federal
25 law and that any reporting requirements of federal law are
26 met. It shall be the responsibility of any entity to which
27 such funds are appropriated to obtain the required
28 certification prior to any expenditure of funds.

29 Section 5. Section 409.16745, Florida Statutes, is
30 amended to read:

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1 409.16745 Community partnership matching grant
2 program.--It is the intent of the Legislature to improve
3 services and local participation in community-based care
4 initiatives by fostering community support and providing
5 enhanced prevention and in-home services, thereby reducing the
6 risk otherwise faced by lead agencies. There is established a
7 community partnership matching grant program to be operated by
8 the Department of Children and Family Services for the purpose
9 of encouraging local participation in community-based care for
10 child welfare. Any children's services council or other local
11 government entity that makes a financial commitment to a
12 community-based care lead agency is eligible for a grant upon
13 proof that the children's services council or local government
14 entity has provided the selected lead agency at least \$825,000
15 in start up funds, from any local resources otherwise
16 available to it. The total amount of local contribution may be
17 matched on a two-for-one basis up to a maximum amount of \$2
18 million per council. Awarded matching grant funds may be used
19 for any prevention or in-home services provided by the
20 children's services council or other local government entity
21 that meets temporary-assistance-for-needy-families'
22 eligibility requirements and can be reasonably expected to
23 reduce the number of children entering the child welfare
24 system. To ensure necessary flexibility for the development,
25 start up, and ongoing operation of community-based care
26 initiatives, the notice period required for any budget action
27 authorized by the provisions of s. 20.19(5)(b), is waived for
28 the family safety program; however, the Department of Children
29 and Family Services must provide copies of all such actions to
30 the Executive Office of the Governor and Legislature within 72
31 hours of their occurrence. Funding available for the matching

1 grant program is subject to legislative appropriation of
2 nonrecurring temporary-assistance-for-needy-families funds
3 provided for the purpose. ~~This section expires July 1, 2002.~~

4 Section 6. Upon approval of the Board of Trustees of
5 the Internal Improvement Trust Fund, the Division of State
6 Lands of the Department of Environmental Protection may sell
7 the former W.T. Edwards Hospital complex located in
8 Hillsborough County and the remaining Sunland complex located
9 in Leon County, currently under lease to the Department of
10 Children and Family Services. Notwithstanding chapter 253,
11 Florida Statutes, the proceeds from the sale must be deposited
12 into the Department of Children and Family Services'
13 Administrative Trust Fund and, subject to legislative
14 appropriation, must be used to construct, renovate, equip,
15 maintain, and improve the department's facilities.

16 Section 7. This act shall take effect July 1, 2002.

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19 SENATE SUMMARY

20 Provides guidelines for the expenditure of funding for
21 specified programs by the Department of Children and
22 Family Services. Requires certain information related to
23 contracts for local substance abuse and mental health
24 programs to be submitted to the department. Authorizes
25 the sale of the former W.T. Edwards Hospital complex and
26 the remaining Sunland complex, with the proceeds to be
27 disbursed to the department for specified purposes. (See
28 bill for details.)
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