

By the Fiscal Responsibility Council and Representative Murman

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 for local substance abuse and mental health
 8 programs; amending s. 394.908, F.S.; revising
 9 provisions governing substance abuse and mental
 10 health funding equity; amending s. 414.035,
 11 F.S.; revising provisions authorizing
 12 expenditures by the department for assistance
 13 for needy families; amending s. 409.16745,
 14 F.S.; abrogating the repeal of the community
 15 partnership matching grant program; authorizing
 16 the sale of specified hospital complexes and
 17 providing for the use of the proceeds;
 18 providing an effective date.

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

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 22 Section 1. Paragraph (c) of subsection (16) of section
 23 216.181, Florida Statutes, is amended to read:

24 216.181 Approved budgets for operations and fixed
 25 capital outlay.--

26 (16)

27 (c) Unless specifically prohibited in the General
 28 Appropriations Act, funds appropriated to the Department of
 29 Children and Family Services and the Department of Health may
 30 be advanced for those contracted services that were approved
 31 for advancement by the Comptroller in fiscal year 1993-1994,

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

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

14 394.74 Contracts for provision of local substance
15 abuse and mental health programs.--

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

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

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

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

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

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

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

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

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

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

1 ~~counties identified in the 2001-2002 General Appropriations~~
2 ~~Act. The Department of Children and Family Services is~~
3 ~~authorized to develop an alternative allocation methodology~~
4 ~~based on national prevalence data for persons with severe and~~
5 ~~persistent mental illness for use in the distribution of new~~
6 ~~funds to the G. Pierce Wood Memorial Hospital catchment area.~~
7 no district shall receive an allocation of recurring funds
8 less than its initial approved operating budget, plus any
9 distributions of lump sum appropriations, for fiscal year
10 2001-2002 ~~1998-1999~~, except for adjustments needed to
11 ~~implement the SunCoast Region.~~ This subsection expires July 1,
12 2003 ~~2002~~.

13 Section 4. Section 414.035, Florida Statutes, is
14 amended to read:

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

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

1 the Executive Office of the Governor and Legislature within 72
2 hours of their occurrence. Funding available for the matching
3 grant program is subject to legislative appropriation of
4 nonrecurring temporary-assistance-for-needy-families funds
5 provided for the purpose. ~~This section expires July 1, 2002.~~

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

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

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21 LEGISLATIVE SUMMARY

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