

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1099 w/CS Relating to Domestic Violence Centers/Funding
SPONSOR(S): Littlefield
TIED BILLS: **IDEN./SIM. BILLS:** SB 1216

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Children's Services (Sub)	6 Y, 0 N	Walsh	Liem
2) Future of Florida's Families	14 Y, 0 N w/CS	Walsh	Liem
3) Human Services Appropriations (Sub)		Ekholm	Ekholm
4) Appropriations			
5)			

SUMMARY ANALYSIS

CS for HB 1099 transfers the responsibility for the administration of state and federal funds for certified domestic violence centers from the Department of Children and Families (DCF) to a statewide association whose primary purpose is to represent certified centers. It deletes the requirement that the statewide association receive two percent of the Domestic Violence Trust Fund for that purpose.

The CS requires that the statewide association perform an evaluation of the services provided by the certified domestic violence centers.

The CS modifies existing law by deleting the requirement that DCF receive and approve or reject applications for certification of domestic violence centers, while requiring that the statewide association receive and approve or reject applications for funding of certified centers. The statewide association is required to make efforts to ensure that adverse economic impacts are minimized on existing centers within the same service area. To avoid duplication of services within the same service area, the statewide association is to encourage subcontracting relationships among the existing centers. The statewide association is to use an allocation formula approved by DCF when distributing funds.

The CS becomes effective on January 1, 2004.

It is estimated that the contemplated arrangement of existing and additional services will cost approximately \$500,000. No appropriation is contained in this bill, and existing department budget will be used to implement the provisions of the bill.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1099b.ap.doc
DATE: April 8, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

The Department of Children and Families (DCF) currently maintains responsibility for the allocation of funds appropriated by the Legislature for certified domestic violence centers. Funding is allocated to the centers based on an allocation formula developed by DCF. Once the funds are allocated across DCF's districts, the districts enter into contracts directly with the certified centers for service delivery. Section 39.903(1)(d), F.S., requires the department to evaluate the centers annually to ensure that they meet minimum standards for certification.

As a result of the growing awareness of and need for domestic violence services, the number of centers has increased statewide from 12 in 1979 to 38 today. The scope of services required to be provided to and on behalf of victims of domestic violence, their minor children, and other dependents of victims of domestic violence include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness.¹ During fiscal year 2001-2002, 13,925 victims of domestic violence and their children were provided emergency shelter, 27,344 victims were provided one-to-one case management, and 215,582 individuals were provided telephone or face-to-face counseling by domestic violence centers.²

In order for a domestic violence center to receive state funding, it must be certified.³ One source of funding for domestic violence centers is the Domestic Violence Trust Fund. Section 741.01(2), F.S., establishes the Domestic Violence Trust Fund and provides that the funds generated are to be used for the specific purpose of funding domestic violence centers. Funds deposited into the Domestic Violence Trust Fund come from various sources.⁴ In FY 2001-2002, \$7,153,349 was deposited into the Domestic Violence Trust Fund.⁵ Previously, this source funded only the domestic violence centers. Now, however, domestic violence funding is broader,⁶ and the Domestic Violence Trust Fund includes

¹Section 39.905(1), F.S.

²Domestic Violence Report Fiscal Year 2001-2002, prepared by Family Safety Program Office, Department of Children and Families. See http://www5.myflorida.com/cf_web/myflorida2/healthhuman/domesticviolence/publications/dv0102.pdf

³ See ss. 39.901 through 39.908, F.S.

⁴ Sources used to fund the domestic violence centers include a \$30 fee charged for each marriage license issued [s. 741.01(2), F.S.], an \$18 charge on each petition for a dissolution of marriage [s. 28.101(1)(c), F.S.]; fines assessed in response to violations of an injunction for protection against domestic violence [s. 741.30(9)(a), F.S.]; one and seven-tenths percent of the \$3 court cost assessed against every person convicted for violation of a penal or criminal statute [s. 938.01(1)(a), F.S.]; \$85 of the \$201 surcharge for various violent offenses [s. 938.08, F.S.]

⁵Schedule I Trust Funds Available. 3/27/2003

⁶The Domestic Violence Trust Fund funds the cost of certifying and monitoring batterers' intervention programs from fees collected pursuant to s. 741.327, F.S.

funding for other initiatives such as the Batterers Intervention Program.⁷ The amount of funds available in FY 2001-2002 for domestic violence centers was \$6,217,503.⁸

The Florida Coalition Against Domestic Violence (the Coalition) serves as the professional association for the state's 38 certified domestic violence centers and is the primary representative of battered women and their children in the public policy arena. Funding sources for the coalition have included the federal Family Violence Prevention Services Act, the federal Violence Against Women Act, membership fees, private donations, and funds from the Domestic Violence Trust Fund. Section 39.903(7), F.S., specifically provides for the coalition (referred to in statute as a statewide association whose primary purpose is to represent and provide technical assistance to domestic violence centers) to receive two percent of the Domestic Violence Trust Fund dollars.⁹ The CS deletes that requirement.

The Coalition has been in discussions with DCF to assume the responsibility of managing the state's 38 domestic violence center contracts. The Coalition has developed model program standards for the domestic violence centers. The standards currently imposed on the centers by DCF are operational in nature. The model program standards developed by the coalition focus on the quality of service provision and will be requirements for the centers in addition to the current requirements imposed by the department contracts. The current contracts with the domestic violence centers are managed by DCF district staff within the Family Safety program.

The CS establishes a contractual relationship between DCF and the statewide association. The department would contract with the Coalition, which would then subcontract with the certified centers for service delivery.

The CS modifies existing law by deleting the requirement that DCF receive and approve or reject applications for certification of domestic violence centers, while requiring that the statewide association receive and approve or reject applications for funding of certified centers. The statewide association is required to make efforts to ensure that adverse economic impacts are minimized on existing centers within the same service area. To avoid duplication of services within the same service area, the statewide association is to encourage subcontracting relationships among the existing centers. Funding for the certified centers will continue to be allocated to the individual centers according to a formula approved by DCF.

It should be noted that the certified domestic violence centers, along with the Coalition Against Domestic Violence (the statewide association) will assist DCF in development of the allocation formula. It should also be noted that the Coalition is comprised of all certified domestic violence centers, which are the entities who will be seeking funding from the Coalition.

Additionally, the CS requires that the Coalition evaluate services provided by the individual centers. While DCF is now, and will continue to be, required to do an evaluation for certification purposes, it is limited to ensuring that the centers comply with minimum standards set by DCF rule.¹⁰ The Coalition will be required to evaluate all services provided by the certified centers, which is expected to result in improved accountability and service delivery for center clients.

C. SECTION DIRECTORY:

Section 1: Amends s. 39.903, F.S.; requires that DCF contract with a statewide association to provide technical assistance to certified domestic violence centers; deletes the requirement that the statewide

⁷ For example, pursuant to s. 741.01(2), F.S., \$500,000 of the funds from the marriage license surcharge are allocated to the Office of the Governor for the purpose of administering a statewide public-awareness campaign regarding domestic violence.

⁸ See Schedule I, *id.* (Line B – items 05 and 09)

⁹ According to Ms. Trula Motta, DCF Domestic Violence Program Director, in FY 2002-2003 the statutory two percent to be received by the coalition is \$344,654.

¹⁰ Rule 65C-6, F.A.C.

association receive 2 percent of the Domestic Violence Trust Fund for that purpose; requires that the association implement, administer, and evaluate all services provided by the centers; requires that the statewide association receive, approve, reject applications for funding of the centers, and distribute funds; requires that all funds for certified domestic violence centers be distributed according to allocation formula approved by DCF

Section 2: Amends s. 39.905, F.S.; requires DCF to consider certain factors in developing formula; requires certain provisions in contract between statewide association and certified domestic violence center.

Section 3: Provides for an effective date of the bill of January 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

It is estimated that the contemplated arrangement of existing and additional services will cost approximately slightly over \$500,000 in Fiscal Year 2003-2004. This figure is comprised of the Fiscal Year 2002-2003 contract amount with Florida Coalition for Domestic Violence (\$344,654) from the Domestic Violence Trust Fund for technical assistance and an estimated cost associated with the additional functions to be performed by the statewide association of approximately \$200,000. According to the Department of Children and Families, the estimated amount for the statewide association to implement, administer, and evaluate services provided by the domestic violence centers is approximately \$200,000.

Presently, the contract management function is handled by DCF district staff in the Family Safety program. These duties are handled along with their other functions, and there is no dollar figure available associated with the current level of support of this contract management function presently conducted by the department.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

To the extent that additional costs are incurred for the contract management function outlined in the bill, where a statewide association shall implement, administer, and evaluate all services provided by the certified domestic violence centers, these funds would not be available for other services.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

No appropriation of funds is provided in this bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES