

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1216

SPONSOR: Children and Families Committee and Senator Bennett

SUBJECT: Domestic Violence Centers

DATE: March 11, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dowds</u>	<u>Whiddon</u>	<u>CF</u>	<u>Favorable/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>CJ</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AHS</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

## I. Summary:

Committee Substitute for Senate Bill 1216 shifts the direct responsibility for managing the domestic violence center contracts from the Department of Children and Families to the Florida Coalition Against Domestic Violence. With this bill, the coalition will be responsible for administering the department's contracts for the domestic violence funding collected and allocated for the domestic violence centers. The bill requires that the distribution of the funds by the coalition to the centers be based on an allocation formula approved by the department. The current stipulated percentage of the domestic violence trust fund dollars that is to be provided to the coalition is deleted.

This bill substantially amends sections 39.903 and 39.905 of the Florida Statutes.

## II. Present Situation:

Funding has been provided by the state of Florida for services for victims of domestic violence and their dependent children since 1979 when the Department of Health and Rehabilitative Services entered into contract with 12 programs to provide domestic violence services in 67 counties. Since 1979, the public's awareness of domestic violence and victims' services has increased. As a result of the growing need for domestic violence services, the number of centers has increased significantly from 12 to 38.

Currently, a statutory framework exists to guide domestic violence centers' provision of services and receipt of state funds (ss. 39.901 through 39.908, F.S.). In order for a domestic violence center to receive state funding, it must be certified. 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 [39.905(1), F.S.]. 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.

The Department of Children and Families is charged with certifying domestic violence centers using the minimum requirements for certification as set forth in s. 39.905, F.S.

Section 39.903, F.S., requires the department to develop criteria for approving and rejecting certification, as well as minimum standards for the health and safety of the clients in the domestic violence centers. These criteria and standards are promulgated in Rule 65C-6 (F.A.C.) on domestic violence. Each domestic violence center is evaluated annually to ensure compliance with the minimum standards.

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 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.], and fines assessed in response to violations of an injunction for protection against domestic violence [s. 741.30(8)(a), F.S.]. Chapter 2001-50, L.O.F., established a new surcharge for various violent offenses, of which \$85 is to be deposited into the Domestic Violence Trust Fund for the domestic violence centers. However, \$500,000 of the funds from this surcharge are allocated to the Office of the Governor for the purpose of administering a statewide public-awareness campaign regarding domestic violence. For FY 2001-2002, the revenue from these sources deposited into the Domestic Violence Trust Fund totaled \$5,451,412. It should be noted that at one time, the only domestic violence funding provided to the department in this trust fund was the funding for the domestic violence centers. However, the domestic violence funding is now broader and includes funding for other initiatives such as the Batterers Intervention Program.

The Department of Children and Families is responsible for distributing this Domestic Violence Trust Fund funding to domestic violence centers. Section 39.903(1)(c), F.S., sets forth the department's responsibility for receiving and approving or rejecting applications for funding from the centers, including considering the funding of newly certified centers. Funds are distributed to each of the department's districts or region using an allocation formula developed by the department. The districts or region then contract directly with the certified centers for services. Section 39.905(7), F.S., delineates the factors to be considered in developing the allocation formula and some of the provisions required in the contract with the centers. Rule 65C-6, (F.A.C.), sets forth the procedures and requirements for funding.

The Florida Coalition Against Domestic Violence 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. The coalition was formed in 1977 when 12 domestic violence centers formed a network of battered women's advocates known as the Refuge Information Network. Funding sources for the coalition have included 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 2 percent of the Domestic Violence Trust Fund dollars.

The Florida Coalition Against Domestic Violence has been negotiating with the Department of Children and Families to assume the responsibility of managing the state's 38 domestic violence center contracts. Of particular interest, the Coalition has developed model program standards for the domestic violence centers. The standards currently imposed by the Department of Children and Families on the centers 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.

### III. Effect of Proposed Changes:

CS/SB 1216 shifts the direct responsibility for managing the domestic violence center contracts from the Department of Children and Families to the Florida Coalition Against Domestic Violence. With this bill, the coalition will be responsible for administering the department's contracts for the domestic violence funding collected and allocated for the domestic violence centers. The bill requires that the distribution of the funds by the coalition to the centers be based on an allocation formula approved by the department. The current stipulated percentage of the domestic violence trust fund dollars that is to be provided to the coalition is deleted.

Specifically, the bill requires the department to contract with a statewide association which has the primary purpose of representing and providing technical assistance to certified domestic violence centers, i.e., the Florida Coalition Against Domestic Violence, to implement, administer and evaluate the services provided by the centers. The evaluation of the services required by the bill will add a new level of evaluation to the contracts with the centers that is intended to focus on program effectiveness. While an allocation formula has been used to distribute the domestic violence funds to the districts, it has been one that was *developed* by the department. The bill allows for an allocation formula that is *approved* by the department which reflects the department's efforts to develop a formula in collaboration with its partners in the domestic violence arena. The coalition is specifically required by the bill to use the allocation formula approved by the department in distributing the funding to the domestic violence centers. The responsibility of the coalition to receive and approve or reject applications for funding from the centers, including the funding of newly created certified centers, is set forth in the bill. The bill also changes references to the department's role in contracting to that of the coalition.

A specific distinction is made that not all the funds collected and appropriated to the department's domestic violence program are not intended for the certified domestic violence centers, which recognizes the other domestic violence funds received by the department. The bill stipulates that the funds to be distributed using the allocation formula are those designated for the certified domestic violence centers. The specific two percent of the Domestic Violence Trust Fund dollars earmarked to the Coalition (or "association") to represent and provide technical

assistance to the centers is deleted. The Department reports the percent of the trust fund dollars to be provided to the Coalition would be negotiated.

The bill provides an effective date of January 1, 2004.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Families has not identified a fiscal impact for this bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The department reports that with the passage of this bill a contractual relationship would be established between the Department of Children and Families and the Florida Coalition Against Domestic Violence similar to the department's community-based care model in the Family Safety Program. The department would contract with the coalition which would then sub-contract with the certified domestic violence centers for service delivery.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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