

By Senator Peaden

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1 A bill to be entitled
2 An act relating to trust funds of the Department of
3 Children and Family Services; terminating the Child
4 Advocacy Trust Fund and the Refugee Assistance Trust Fund;
5 providing for the disposition of balances in and revenues
6 of the trust funds; prescribing procedures for the
7 termination of the trust funds; amending s. 17.61, F.S.,
8 to conform; amending s. 20.195, F.S.; providing for the
9 administration of the Administrative Trust Fund, the
10 Alcohol, Drug Abuse, and Mental Health Trust Fund, the
11 Child Welfare Training Trust Fund, the Domestic Violence
12 Trust Fund, the Federal Grants Trust Fund, the Grants and
13 Donations Trust Fund, the Operations and Maintenance Trust
14 Fund, the Social Services Block Grant Trust Fund, the
15 Welfare Transition Trust Fund, and the Working Capital
16 Trust Fund by the Department of Children and Family
17 Services; providing for sources of funds and purposes;
18 providing for annual carryforward of funds; revising the
19 date for reversion of specified balances in the Tobacco
20 Settlement Trust Fund; amending s. 39.3035, F.S.;
21 providing for the appropriation of funds to the Department
22 of Children and Family Services for the specific purpose
23 of funding children's advocacy centers; providing for
24 sources of funds and purposes thereof; specifying the use
25 of collected funds; requiring the development of funding
26 criteria and an allocation methodology for distributing
27 such funds; requiring annual reports; requiring an annual
28 report to the Legislature; repealing s. 39.30351, F.S.;
29 eliminating the Child Advocacy Trust Fund to conform to

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30 the termination of the fund by this act; amending s.
31 215.22, F.S.; exempting specified funds disbursed to the
32 Florida Network of Children's Advocacy Centers, Inc., from
33 the service charge imposed on income of a revenue nature
34 deposited in trust funds; amending s. 938.10, F.S.;

35 providing for deposit of proceeds derived from additional
36 court costs imposed in cases of certain crimes against
37 minors into the Grants and Donations Trust Fund of the
38 department for the purpose of funding children's advocacy
39 centers; removing obsolete language; removing reporting
40 requirements; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. (1) The Child Advocacy Trust Fund within the
45 Department of Children and Family Services, FLAIR number 60-2-
46 128, is terminated.

47 (2) All current balances remaining in, and all revenues of,
48 the trust fund shall be transferred to the Grants and Donations
49 Trust Fund within the Department of Children and Family Services,
50 FLAIR number 60-2-339.

51 (3) The Department of Children and Family Services shall
52 pay any outstanding debts and obligations of the terminated fund
53 as soon as practicable, and the Chief Financial Officer shall
54 close out and remove the terminated fund from the various state
55 accounting systems using generally accepted accounting principles
56 concerning warrants outstanding, assets, and liabilities.

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57 Section 2. (1) The Refugee Assistance Trust Fund within
58 the Department of Children and Family Services, FLAIR number 60-
59 2-579, is terminated.

60 (2) All current balances remaining in, and all revenues of,
61 the trust fund shall be transferred to the Federal Grants Trust
62 Fund within the Department of Children and Family Services, FLAIR
63 number 60-2-261.

64 (3) The Department of Children and Family Services shall
65 pay any outstanding debts and obligations of the terminated fund
66 as soon as practicable, and the Chief Financial Officer shall
67 close out and remove the terminated fund from the various state
68 accounting systems using generally accepted accounting principles
69 concerning warrants outstanding, assets, and liabilities.

70 Section 3. Paragraph (c) of subsection (3) of section
71 17.61, Florida Statutes, is amended to read:

72 17.61 Chief Financial Officer; powers and duties in the
73 investment of certain funds.--

74 (3)

75 (c) Except as provided in this paragraph and except for
76 moneys described in paragraph (d), the following agencies shall
77 not invest trust fund moneys as provided in this section, but
78 shall retain such moneys in their respective trust funds for
79 investment, with interest appropriated to the General Revenue
80 Fund, pursuant to s. 17.57:

81 1. The Agency for Health Care Administration, except for
82 the Tobacco Settlement Trust Fund.

83 2. The Agency for Persons with Disabilities, except for:

84 a. The Federal Grants Trust Fund.

85 b. The Tobacco Settlement Trust Fund.

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- 86 3. The Department of Children and Family Services, except
87 for:
- 88 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
89 ~~b. The Refugee Assistance Trust Fund.~~
90 b.e. The Social Services Block Grant Trust Fund.
91 c.d. The Tobacco Settlement Trust Fund.
92 d.e. The Working Capital Trust Fund.
- 93 4. The Department of Community Affairs, only for the
94 Operating Trust Fund.
- 95 5. The Department of Corrections.
- 96 6. The Department of Elderly Affairs, except for:
- 97 a. The Federal Grants Trust Fund.
98 b. The Tobacco Settlement Trust Fund.
- 99 7. The Department of Health, except for:
- 100 a. The Federal Grants Trust Fund.
101 b. The Grants and Donations Trust Fund.
102 c. The Maternal and Child Health Block Grant Trust Fund.
103 d. The Tobacco Settlement Trust Fund.
- 104 8. The Department of Highway Safety and Motor Vehicles,
105 only for:
- 106 a. The DUI Programs Coordination Trust Fund.
107 b. The Security Deposits Trust Fund.
- 108 9. The Department of Juvenile Justice.
- 109 10. The Department of Law Enforcement.
- 110 11. The Department of Legal Affairs.
- 111 12. The Department of State, only for:
- 112 a. The Grants and Donations Trust Fund.
113 b. The Records Management Trust Fund.
- 114 13. The Executive Office of the Governor, only for:

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115 a. The Economic Development Transportation Trust Fund.

116 b. The Economic Development Trust Fund.

117 14. The Florida Public Service Commission, only for the
118 Florida Public Service Regulatory Trust Fund.

119 15. The Justice Administrative Commission.

120 16. The state courts system.

121 Section 4. Section 20.195, Florida Statutes, is amended to
122 read:

123 20.195 Department of Children and Family Services; trust
124 funds ~~Tobacco Settlement Trust Fund.~~--The following trust funds
125 shall be administered by the Department of Children and Family
126 Services:

127 (1) Administrative Trust Fund.

128 (a) Funds to be credited to and uses of the trust fund
129 shall be administered in accordance with the provisions of s.
130 215.32.

131 (b) Notwithstanding the provisions of s. 216.301 and
132 pursuant to s. 216.351, any balance in the trust fund at the end
133 of any fiscal year shall remain in the trust fund at the end of
134 the year and shall be available for carrying out the purposes of
135 the trust fund.

136 (2) Alcohol, Drug Abuse, and Mental Health Trust Fund.

137 (a) Funds to be credited to the trust fund shall consist of
138 federal mental health or substance abuse block grant funds, and
139 shall be used for the purpose of providing mental health or
140 substance abuse treatment and support services to department
141 clients and for other such purposes as may be appropriate.

142 (b) Notwithstanding the provisions of s. 216.301 and
143 pursuant to s. 216.351, any balance in the trust fund at the end

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144 of any fiscal year shall remain in the trust fund at the end of
145 the year and shall be available for carrying out the purposes of
146 the trust fund.

147 (3) Child Welfare Training Trust Fund.

148 (a) Funds to be credited to and uses of the trust fund
149 shall be administered in accordance with the provisions of s.
150 402.40.

151 (b) Notwithstanding the provisions of s. 216.301 and
152 pursuant to s. 216.351, any balance in the trust fund at the end
153 of any fiscal year shall remain in the trust fund at the end of
154 the year and shall be available for carrying out the purposes of
155 the trust fund.

156 (4) Domestic Violence Trust Fund.

157 (a) Funds to be credited to and uses of the trust fund
158 shall be administered in accordance with the provisions of s.
159 28.101, part XIII of chapter 39, and chapter 741.

160 (b) Notwithstanding the provisions of s. 216.301 and
161 pursuant to s. 216.351, any balance in the trust fund at the end
162 of any fiscal year shall remain in the trust fund at the end of
163 the year and shall be available for carrying out the purposes of
164 the trust fund.

165 (5) Federal Grants Trust Fund.

166 (a) Funds to be credited to and uses of the trust fund
167 shall be administered in accordance with the provisions of s.
168 215.32.

169 (b) Notwithstanding the provisions of s. 216.301 and
170 pursuant to s. 216.351, any balance in the trust fund at the end
171 of any fiscal year shall remain in the trust fund at the end of

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172 the year and shall be available for carrying out the purposes of
173 the trust fund.

174 (6) Grants and Donations Trust Fund.

175 (a) Funds to be credited to and uses of the trust fund
176 shall be administered in accordance with the provisions of s.
177 215.32.

178 (b) Notwithstanding the provisions of s. 216.301 and
179 pursuant to s. 216.351, any balance in the trust fund at the end
180 of any fiscal year shall remain in the trust fund at the end of
181 the year and shall be available for carrying out the purposes of
182 the trust fund.

183 (7) Operations and Maintenance Trust Fund.

184 (a) Funds to be credited to and uses of the trust fund
185 shall be administered in accordance with the provisions of s.
186 215.32.

187 (b) Notwithstanding the provisions of s. 216.301 and
188 pursuant to s. 216.351, any balance in the trust fund at the end
189 of any fiscal year shall remain in the trust fund at the end of
190 the year and shall be available for carrying out the purposes of
191 the trust fund.

192 (8) Social Services Block Grant Trust Fund.

193 (a) Funds to be credited to the trust fund shall consist of
194 federal social services block grant funds, and shall be used for
195 the purpose of providing health care and support services to
196 department clients and for other such purposes as may be
197 appropriate.

198 (b) Notwithstanding the provisions of s. 216.301 and
199 pursuant to s. 216.351, any balance in the trust fund at the end
200 of any fiscal year shall remain in the trust fund at the end of

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201 the year and shall be available for carrying out the purposes of
202 the trust fund.

203 (9) Tobacco Settlement Trust Fund.

204 (a) ~~The Department of Children and Family Services Tobacco~~
205 ~~Settlement Trust Fund is created within that department.~~ Funds to
206 be credited to the trust fund shall consist of funds disbursed,
207 by nonoperating transfer, from the Department of Financial
208 Services Tobacco Settlement Clearing Trust Fund in amounts equal
209 to the annual appropriations made from this trust fund.

210 (b) ~~(2)~~ Notwithstanding the provisions of s. 216.301 and
211 pursuant to s. 216.351, any unencumbered balance in the trust
212 fund at the end of any fiscal year and any encumbered balance
213 remaining undisbursed on September 30 ~~December 31~~ of the same
214 calendar year shall revert to the Department of Financial
215 Services Tobacco Settlement Clearing Trust Fund.

216 (10) Welfare Transition Trust Fund.

217 (a) Funds to be credited to and uses of the trust funds
218 shall be administered in accordance with the provisions of s.
219 20.506.

220 (b) Notwithstanding the provisions of s. 216.301 and
221 pursuant to s. 216.351, any balance in the trust fund at the end
222 of any fiscal year shall remain in the trust fund at the end of
223 the year and shall be available for carrying out the purposes of
224 the trust fund.

225 (11) Working Capital Trust Fund.

226 (a) Funds to be credited to and uses of the trust fund
227 shall be administered in accordance with the provisions of s.
228 215.32.

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229 (b) Notwithstanding the provisions of s. 216.301 and
230 pursuant to s. 216.351, any balance in the trust fund at the end
231 of any fiscal year shall remain in the trust fund at the end of
232 the year and shall be available for carrying out the purposes of
233 the trust fund.

234 Section 5. Subsection (3) of section 39.3035, Florida
235 Statutes, is amended to read:

236 39.3035 Child advocacy centers; standards; state funding.--

237 (3) A child advocacy center within this state may not
238 receive the funds generated pursuant to s. 938.10, state or
239 federal funds administered by a state agency, or any other funds
240 appropriated by the Legislature unless all of the standards of
241 subsection (1) are met and the screening requirement of
242 subsection (2) is met. The Florida Network of Children's Advocacy
243 Centers, Inc., shall be responsible for tracking and documenting
244 compliance with subsections (1) and (2) for any of the funds it
245 administers to member child advocacy centers.

246 (a) Funds for the specific purpose of funding children's
247 advocacy centers shall be appropriated to the Department of
248 Children and Family Services from funds collected from the
249 additional court cost imposed in cases of certain crimes against
250 minors under s. 938.10. Funds shall be disbursed to the Florida
251 Network of Children's Advocacy Centers, Inc., as established
252 under this section, for the purpose of providing community-based
253 services that augment, but do not duplicate, services provided by
254 state agencies.

255 (b) The board of directors of the Florida Network of
256 Children's Advocacy Centers, Inc., shall retain 10 percent of all
257 revenues collected to be used to match local contributions, at a

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258 rate not to exceed an equal match, in communities establishing
259 children's advocacy centers. The board of directors may use up to
260 5 percent of the remaining funds to support the activities of the
261 network office and must develop funding criteria and an
262 allocation methodology that ensures an equitable distribution of
263 remaining funds among network participants. The criteria and
264 methodologies must take into account factors that include, but
265 need not be limited to, the center's accreditation status with
266 respect to the National Children's Alliance, the number of
267 clients served, and the population of the area being served by
268 the children's advocacy center.

269 (c) At the end of each fiscal year, each children's
270 advocacy center receiving revenue as provided in this section
271 must provide a report to the board of directors of the Florida
272 Network of Children's Advocacy Centers, Inc., which reflects
273 center expenditures, all sources of revenue received, and outputs
274 that have been standardized and agreed upon by network members
275 and the board of directors, such as the number of clients served,
276 client demographic information, and number and types of services
277 provided. The Florida Network of Children's Advocacy Centers,
278 Inc., must compile reports from the centers and provide a report
279 to the President of the Senate and the Speaker of the House of
280 Representatives in August of each year beginning in 2005.

281 Section 6. Section 39.30351, Florida Statutes, is repealed.

282 Section 7. Paragraph (w) is added to subsection (1) of
283 section 215.22, Florida Statutes, to read:

284 215.22 Certain income and certain trust funds exempt.--

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285 (1) The following income of a revenue nature or the
286 following trust funds shall be exempt from the appropriation
287 required by s. 215.20(1):

288 (w) That portion of the fines to be disbursed to the
289 Florida Network of Children's Advocacy Centers, Inc., collected
290 pursuant to s. 938.10.

291 Section 8. Subsections (2) and (3) of section 938.10,
292 Florida Statutes, are amended to read:

293 938.10 Additional court cost imposed in cases of certain
294 crimes against minors.--

295 (2) Each month the clerk of the court shall transfer the
296 proceeds of the court cost, less \$1 from each sum collected which
297 the clerk shall retain as a service charge, to the Department of
298 Revenue for deposit into the Department of Children and Family
299 Services' Grants and Donations ~~Child Advocacy~~ Trust Fund for
300 disbursement to the Florida Network of Children's Advocacy
301 Centers, Inc., for the purpose of funding children's advocacy
302 centers that are members of the network. ~~If the Child Advocacy~~
303 ~~Trust Fund is not created by law within the Department of~~
304 ~~Children and Family Services, the clerk of the court shall~~
305 ~~transfer the proceeds to the Department of Revenue for deposit~~
306 ~~into the Department of Children and Family Services' Grants and~~
307 ~~Donations Trust Fund for disbursement to the Florida Network of~~
308 ~~Children's Advocacy Centers, Inc., for the purpose of funding~~
309 ~~children's advocacy centers that are members of the network.~~

310 ~~(3) At the end of each fiscal year, each children's~~
311 ~~advocacy center receiving revenue as provided in this section~~
312 ~~must provide a report to the board of directors of the Florida~~
313 ~~Network of Children's Advocacy Centers, Inc., which reflects~~

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314 ~~center expenditures, all sources of revenue received, and outputs~~
315 ~~that have been standardized and agreed upon by network members~~
316 ~~and the board of directors, such as the number of clients served,~~
317 ~~client demographic information, and number and types of services~~
318 ~~provided. The Florida Network of Children's Advocacy Centers,~~
319 ~~Inc., must compile reports from the centers and provide a report~~
320 ~~to the President of the Senate and the Speaker of the House of~~
321 ~~Representatives in August of each year beginning in 2005.~~

322 Section 9. This act shall take effect July 1, 2008.