

By the Committee on Health and Human Services Appropriations;  
and Senator Peadar

603-04982-08

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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; amending s. 895.09, F.S.; redirecting a  
41 portion of the funds obtained from a forfeiture proceeding  
42 from the Substance Abuse Trust Fund to the General Revenue  
43 Fund; deleting a provision directing the Department of  
44 Children and Family Services to distribute forfeiture  
45 funds received; providing an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. (1) The Child Advocacy Trust Fund within the  
50 Department of Children and Family Services, FLAIR number 60-2-  
51 128, is terminated.

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

56 (3) The Department of Children and Family Services shall  
57 pay any outstanding debts and obligations of the terminated fund  
58 as soon as practicable, and the Chief Financial Officer shall

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59 close out and remove the terminated fund from the various state  
60 accounting systems using generally accepted accounting principles  
61 concerning warrants outstanding, assets, and liabilities.

62 Section 2. (1) The Refugee Assistance Trust Fund within  
63 the Department of Children and Family Services, FLAIR number 60-  
64 2-579, is terminated.

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

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

75 Section 3. Paragraph (c) of subsection (3) of section  
76 17.61, Florida Statutes, is amended to read:

77 17.61 Chief Financial Officer; powers and duties in the  
78 investment of certain funds.--

79 (3)

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

86 1. The Agency for Health Care Administration, except for  
87 the Tobacco Settlement Trust Fund.

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

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- 117 a. The Grants and Donations Trust Fund.  
118 b. The Records Management Trust Fund.  
119 13. The Executive Office of the Governor, only for:  
120 a. The Economic Development Transportation Trust Fund.  
121 b. The Economic Development Trust Fund.  
122 14. The Florida Public Service Commission, only for the  
123 Florida Public Service Regulatory Trust Fund.  
124 15. The Justice Administrative Commission.  
125 16. The state courts system.

126 Section 4. Section 20.195, Florida Statutes, is amended to  
127 read:

128 20.195 Department of Children and Family Services; trust  
129 funds ~~Tobacco Settlement Trust Fund.~~--The following trust funds  
130 shall be administered by the Department of Children and Family  
131 Services:

132 (1) Administrative Trust Fund.

133 (a) Funds to be credited to and uses of the trust fund  
134 shall be administered in accordance with the provisions of s.  
135 215.32.

136 (b) Notwithstanding the provisions of s. 216.301 and  
137 pursuant to s. 216.351, any balance in the trust fund at the end  
138 of any fiscal year shall remain in the trust fund at the end of  
139 the year and shall be available for carrying out the purposes of  
140 the trust fund.

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

142 (a) Funds to be credited to the trust fund shall consist of  
143 federal mental health or substance abuse block grant funds, and  
144 shall be used for the purpose of providing mental health or

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145 substance abuse treatment and support services to department  
146 clients and for other such purposes as may be appropriate.

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

152 (3) Child Welfare Training Trust Fund.

153 (a) Funds to be credited to and uses of the trust fund  
154 shall be administered in accordance with the provisions of s.  
155 402.40.

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

161 (4) Domestic Violence Trust Fund.

162 (a) Funds to be credited to and uses of the trust fund  
163 shall be administered in accordance with the provisions of s.  
164 28.101, part XIII of chapter 39, and chapter 741.

165 (b) Notwithstanding the provisions of s. 216.301 and  
166 pursuant to s. 216.351, any balance in the trust fund at the end  
167 of any fiscal year shall remain in the trust fund at the end of  
168 the year and shall be available for carrying out the purposes of  
169 the trust fund.

170 (5) Federal Grants Trust Fund.

171 (a) Funds to be credited to and uses of the trust fund  
172 shall be administered in accordance with the provisions of s.  
173 215.32.

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

179        (6) Grants and Donations Trust Fund.

180        (a) Funds to be credited to and uses of the trust fund  
181 shall be administered in accordance with the provisions of s.  
182 215.32.

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

188        (7) Operations and Maintenance Trust Fund.

189        (a) Funds to be credited to and uses of the trust fund  
190 shall be administered in accordance with the provisions of s.  
191 215.32.

192        (b) Notwithstanding the provisions of s. 216.301 and  
193 pursuant to s. 216.351, any balance in the trust fund at the end  
194 of any fiscal year shall remain in the trust fund at the end of  
195 the year and shall be available for carrying out the purposes of  
196 the trust fund.

197        (8) Social Services Block Grant Trust Fund.

198        (a) Funds to be credited to the trust fund shall consist of  
199 federal social services block grant funds, and shall be used for  
200 the purpose of providing health care and support services to  
201 department clients and for other such purposes as may be  
202 appropriate.

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203        (b) Notwithstanding the provisions of s. 216.301 and  
204 pursuant to s. 216.351, any balance in the trust fund at the end  
205 of any fiscal year shall remain in the trust fund at the end of  
206 the year and shall be available for carrying out the purposes of  
207 the trust fund.

208        (9) Tobacco Settlement Trust Fund.

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

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

221        (10) Welfare Transition Trust Fund.

222        (a) Funds to be credited to and uses of the trust funds  
223 shall be administered in accordance with the provisions of s.  
224 20.506.

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

230        (11) Working Capital Trust Fund.

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231        (a) Funds to be credited to and uses of the trust fund  
232 shall be administered in accordance with the provisions of s.  
233 215.32.

234        (b) Notwithstanding the provisions of s. 216.301 and  
235 pursuant to s. 216.351, any balance in the trust fund at the end  
236 of any fiscal year shall remain in the trust fund at the end of  
237 the year and shall be available for carrying out the purposes of  
238 the trust fund.

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

241        39.3035 Child advocacy centers; standards; state funding.--

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

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

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260        (b) The board of directors of the Florida Network of  
261 Children's Advocacy Centers, Inc., shall retain 10 percent of all  
262 revenues collected to be used to match local contributions, at a  
263 rate not to exceed an equal match, in communities establishing  
264 children's advocacy centers. The board of directors may use up to  
265 5 percent of the remaining funds to support the activities of the  
266 network office and must develop funding criteria and an  
267 allocation methodology that ensures an equitable distribution of  
268 remaining funds among network participants. The criteria and  
269 methodologies must take into account factors that include, but  
270 need not be limited to, the center's accreditation status with  
271 respect to the National Children's Alliance, the number of  
272 clients served, and the population of the area being served by  
273 the children's advocacy center.

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

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

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

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289 215.22 Certain income and certain trust funds exempt.--

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

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

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

298 938.10 Additional court cost imposed in cases of certain  
299 crimes against minors.--

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

315 ~~(3) At the end of each fiscal year, each children's~~  
316 ~~advocacy center receiving revenue as provided in this section~~  
317 ~~must provide a report to the board of directors of the Florida~~

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

327 Section 9. Paragraphs (a), (d), and (e) of subsection (2)  
328 of section 895.09, Florida Statutes, are amended to read:

329 895.09 Disposition of funds obtained through forfeiture  
330 proceedings.--

331 (2) (a) Following satisfaction of all valid claims under  
332 subsection (1), 25 percent of the remainder of the funds obtained  
333 in the forfeiture proceedings pursuant to s. 895.05 shall be  
334 deposited as provided in paragraph (b) into the appropriate trust  
335 fund of the Department of Legal Affairs or state attorney's  
336 office which filed the civil forfeiture action; 25 percent shall  
337 be deposited as provided in paragraph (c) into the applicable law  
338 enforcement trust fund of the investigating law enforcement  
339 agency conducting the investigation which resulted in or  
340 significantly contributed to the forfeiture of the property; 25  
341 percent shall be deposited in the General Revenue Fund ~~as~~  
342 ~~provided in paragraph (d) in the Substance Abuse Trust Fund of~~  
343 ~~the Department of Children and Family Services;~~ and the remaining  
344 25 percent shall be deposited in the Internal Improvement Trust  
345 Fund of the Department of Environmental Protection. If ~~When~~ a  
346 forfeiture action is filed by the Department of Legal Affairs or

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347 a state attorney, the court entering the judgment of forfeiture  
348 shall, taking into account the overall effort and contribution to  
349 the investigation and forfeiture action by the agencies that  
350 filed the action, make a pro rata apportionment among such  
351 agencies of the funds available for distribution to the agencies  
352 filing the action as provided in this section. If multiple  
353 investigating law enforcement agencies have contributed to the  
354 forfeiture of the property, the court which entered the judgment  
355 of forfeiture shall, taking into account the overall effort and  
356 contribution of the agencies to the investigation and forfeiture  
357 action, make a pro rata apportionment among such investigating  
358 law enforcement agencies of the funds available for distribution  
359 to the investigating agencies as provided in this section.

360 ~~(d) The Department of Children and Family Services shall,~~  
361 ~~in accordance with chapter 397, distribute funds obtained by it~~  
362 ~~pursuant to paragraph (a) to public and private nonprofit~~  
363 ~~organizations licensed by the department to provide substance~~  
364 ~~abuse treatment and rehabilitation centers or substance abuse~~  
365 ~~prevention and youth orientation programs in the service district~~  
366 ~~in which the final order of forfeiture is entered by the court.~~

367 (d)(e) On a quarterly basis, any excess funds from  
368 forfeited property receipts, including interest, over \$1 million  
369 deposited in the Internal Improvement Trust Fund of the  
370 Department of Environmental Protection in accordance with  
371 paragraph (a) shall be deposited in the General Revenue Fund  
372 ~~Substance Abuse Trust Fund of the Department of Children and~~  
373 ~~Family Services.~~

374 Section 10. This act shall take effect July 1, 2008.