

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Committee

BILL: SB 2146 (SPB 7176)

INTRODUCER: Budget Committee

SUBJECT: Department of Children and Family Services

DATE: April 1, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carpenter	Meyer, C.	BC	SPB 7176 Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Proposed Bill 7176 shifts the following responsibilities from the Department of Children and Families to the Florida Coalition Against Domestic Violence: annual certification reviews of existing domestic violence centers, the annual report to Legislature on domestic violence, and the domestic violence fatality review teams.

In addition, the bill does the following:

- Removes responsibility from the department for certifying and monitoring Batterer’s Intervention Programs and repeals language authorizing the department to assess and collect annual certification fees from these programs;
- Specifies that the department shall contract with the Florida Coalition Against Domestic Violence as well as the Florida Council Against Sexual Violence relating to contracts and grants associated with the implement of the state’s STOP Violence Against Women Grant Program;
- Permits the Department of Children and Families to terminate contracts with mental health and substance abuse providers with 24 hour notice should the appropriations supporting such contracts be reduced or eliminated; and
- Requires that for Fiscal Year 2011-12, 25 percent of recurring funds and all new funds for community-based care lead agencies operating under contract with the department be allocated according to an equity model, delineates the factors included in the model with definitions and weights, and specifies the funds exempted from the equity model.

This bill has no direct fiscal impact but these statutory changes are needed in order to implement the budget changes contained in SPB 7084.

This bill substantially amends sections 39.903, 39.904, 39.905, 394.76, 397.321, 741.281, 741.316, 741.32, 741.325, 394.76, 397.321, creates section 409.16713, and repeals section 741.327 of the Florida Statutes:

II. Present Situation:

Domestic Violence Centers

The state of Florida has provided funding for services to 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. Because of the growing need for domestic violence services, the number of centers has increased from 12 to 42, serving nearly 15,000 women and children in Fiscal Year 2008-09. The Florida Coalition Against Domestic Violence serves as the professional association for the state's certified domestic violence centers and is the primary representative of battered women and their children in the public policy arena. The coalition formed in 1977, when 12 domestic violence centers formed a network of battered women's advocates. In 2003, the direct responsibility for managing the domestic violence center contracts shifted from the Department of Children and Families to the Florida Coalition Against Domestic Violence. The coalition became responsible for administering contracts for the domestic violence centers as well as for contract monitoring and program quality assurance.

Part XIII of ch. 39, F.S., specifies the responsibilities of the Department of Children and Family Services for the domestic violence program. These responsibilities include administration and oversight of state and federal funding for the program; regulation and certifying domestic violence centers; serving as a clearinghouse for domestic violence information, submitting an annual report to the Legislature on domestic violence, and contracting with a statewide association. The statewide association's primary purpose is to represent and provide technical assistance to certified domestic violence centers, administer, and evaluate all services provided by these, and approve or reject applications for funding of domestic violence centers.

Batterer's Intervention Program

The Legislature established a batterer's intervention program to protect the victims of domestic violence and their children and hold the perpetrators of domestic violence responsible for their acts. The Department of Children and Families is responsible for certifying and monitoring the batterer's intervention programs in Florida (s. 741.32, F.S.). The goals of the programs are to increase victim safety, eliminate violence in intimate relationships, and stop other forms of abusive behavior. Persons found guilty of an act of domestic violence or persons for whom an injunction or protection against domestic violence has been entered can be ordered to attend and participate in the batterer's intervention program

Domestic Violence Fatality Review Teams

In 2002, the Legislature established domestic violence fatality review teams for reviewing at the state, local, or regional level fatal and near fatal incidents of domestic violence, related domestic

violence matters, and suicides (section 741.316, F.S.). The membership of a domestic violence review team includes representatives from such organizations as law enforcement, state attorney, medical examiner, certified domestic violence center, child protection services, child death review team, county probation or corrections, or any other person with knowledge regarding domestic violence fatalities, nonlethal incidents of domestic violence, or suicide (s. 741.316(1), F.S.) Domestic violence fatality review teams are administratively placed in the Department of Children and Family Services. The Department of Law Enforcement is charged with using the data provided by the teams to prepare an annual report on domestic violence fatalities operation.

Mental Health and Substance Abuse Contracts

Section 394.74(1), F.S., authorizes the Department of Children and Families to contract for the establishment and operation of local substance abuse and mental health programs with any appropriate service providers when funds are available. Department contracts currently contain termination clauses addressing termination by mutual agreement, termination due to funds becoming unavailable, and termination for non-performance. Contract termination in the event funds for contract payment become unavailable must be made in writing to the provider within 24 hours. However, the department does not have specific statutory authority to terminate contracts due to reductions or eliminations in appropriations.

Community-Base Care Lead Agency Equity Funding

Florida Statutes currently does not require the Department of Children and Families to allocate recurring or new funds to community-base care lead agencies based upon an equity model. Section 409.1671, F.S., which directs the outsourcing of foster care and related services, does not specifically address the equitable distribution of state and federal funds to community-based care lead agencies. Section 409.1671(7), F.S., allows the development and implementation of a risk pool to mitigate financial risk to lead agencies due to changes in the number of clients eligible to receive services; changes in the services that are eligible for reimbursement; the failure, discontinuance of service, or financial misconduct by a lead agency; or changes in the mix of available funds. In the past, the allocation of new state or federal funds to lead agencies was based primarily on the number of children in care with direction to the department through proviso language in the General Appropriations Act. For Fiscal Year 2010-11, the allocation was based on four weighted factors: number of children in poverty (30 percent); number of reports to the Abuse Hotline that are either referred for investigation or whose findings have been verified (30 percent); number of children in out-of-home care (30 percent); and contribution to a safe reduction in out-of-home care (10 percent).

III. Effect of Proposed Changes:

The Florida Coalition Against Domestic Violence will assume the following additional management responsibilities from the Department of Children and Families:

- Annual certification reviews of existing domestic violence centers, with responsibility for approving or rejecting initial certification and issuing recertification of domestic violence centers remaining with the department.
- An annual report to Legislature on the status of domestic violence in the state.

- Domestic violence fatality review teams.
- Management of service delivery of the state's domestic violence program, including administration of contracts and grants associated with the STOP Violence Against Women Grant Program implementation plan, and the implantation of other federal grants as directed by the department.

The department is required to contract with the Florida Coalition Against Domestic Violence as well as the Florida Council Against Sexual Violence relating to contracts and grants associated with the implement of the state's STOP Violence Against Women Grant Program. The department remains responsible for coordinating the state STOP Violence Against Women Grant Program implementation plan and applying for relevant federal grants. Responsibility for certifying and monitoring the Batterer's Intervention Programs is removed from the Department of Children and Families, and language authorizing the department to assess and collect annual certification fees from these programs is repealed.

The bill strengthens the Department of Children and Families ability to terminate contracts with community substance abuse and mental health providers by amending s. 394.76(2) and 397.321(4). These amendments include language specifying that the department may terminate contracts after a minimum of 24 hours' written notice to the providers if funds for contracts become unavailable due to the reduction or elimination of appropriations supporting such contracts.

Other Potential Implications:

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution

D. Other Constitutional Issues:

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

This bill has no direct fiscal impact but these statutory changes are needed in order to implement the budget changes contained in SPB 7084. Specifically, SPB 7084 eliminates funding for 8 of the 11 FTEs in the Domestic Violence Program currently managing and administering the program necessitating the transfer responsibility for major functions and funding to the Florida Coalition Against Domestic Violence. Funding is also reduced or eliminated for substance abuse and mental health services; therefore, the Department of Children and Families needs the statutory authority to cancel contracts with providers within 24 hours with written notice. To ensure that community-based lead agencies under contract with the Department of Children and Families receive a fair share of new or recurring funding, the bill places in statute an equity model that realigns funding for these agencies over time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.