

STORAGE NAME: h1741.frc
DATE: March 22, 2001

HOUSE OF REPRESENTATIVES
FISCAL RESPONSIBILITY COUNCIL
ANALYSIS

BILL #: HB 1741
RELATING TO: Department of Children & Family Services
SPONSOR(S): Fiscal Responsibility Council and Representative Maygarden
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) FISCAL RESPONSIBILITY COUNCIL YEAS 21 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This legislation revises various provisions relating to the Department of Children and Family Services (DCF). The bill does the following:

- Permits the use of a “support coordinator” for developmentally disabled clients to be discretionary rather than mandatory.
- Establishes requirements necessary to permit the use of Temporary Assistance For Needy Family (TANF) funds to be used to help pay for the care of special needs children who have been adopted.
- Repeals a provision permitting DCF to use unobligated funds for purchase of productivity-enhancing technology.
- Directs that a portion of court fines used for domestic violence programs be deposited to the Department of Law Enforcement, which is in turn transferred to DCF to reflect transfer of program from Department of Community Affairs to DCF.
- Adds “Seminole County” to the list of county sheriffs providing child protective investigation services.

Effective July 1, 2001, the Health and Human Services Appropriations Committee has reduced funding associated with developmental services support coordination by \$907,200 and replaced \$5,171,157 in General Revenue with Temporary Assistance for Needy Families (TANF) funds in the Maintenance Adoption Subsidy Program, which helps defray the cost of care for special needs children who have been adopted.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Sections 393.063 and 393.0651, F.S., require that each person with a developmental disability shall involve a third-party support coordinator in identifying, coordinating, advocating and monitoring services to the person. The person and his or her guardian or family may not choose to act independently of the support coordinator regardless of their needs or desires.

Under current Florida law, Temporary Assistance For Needy Family (TANF) funds cannot be used to help pay for the care of special needs children who have been adopted.

Section 402.185, F.S., allows DCF to utilize 20 percent of the unobligated General Revenue Fund or trust fund appropriations of salaries and benefits, expenses, other personal services, operating capital outlay, and special categories remaining at the end of the state fiscal year for productivity-enhancing technology.

The General Appropriations Act and Implementing Bill for FY 2000-2001 transferred domestic violence programs from Department of Community Affairs to the Department of Law Enforcement (FDLE) and DCF. FDLE collects court fines that are shared with DCF to help support the cost of the domestic violence programs, which were transferred from DCA. The implementing bill, which authorizes the transfer of funds to DCF, is only valid through the end of the current fiscal year.

Section 39.3065(3), F.S., directs DCF to transfer all responsibility for child protective investigations to the sheriffs in Pasco, Pinellas, Manatee, and Broward counties. The FY 2000-2001 General Appropriations Act and Implementing Bill transferred funding and responsibility for child protective investigations in Seminole County to the sheriff of Seminole County. The authority to transfer responsibility to the sheriff of Seminole County was included in the implementing bill, which is only valid through the end of the current fiscal year.

C. EFFECT OF PROPOSED CHANGES:

This bill provides more personal freedom for developmentally disabled clients regarding the development of their care service plan.

Enhances Florida's ability to maximize Federal Temporary Assistance For Needy Family (TANF) funds, as well as provides greater flexibility in funding programs within the Department of Children and Families.

Increases the level of resources that will be available to the Legislature for appropriation in future years.

Continues the policies established by the 2000 Legislature regarding the domestic violence and protective investigations.

D. SECTION-BY-SECTION ANALYSIS:

(See Effect of Proposed Changes).

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

FY 01-02

Department of Children and Family Services

Home and Community Based Services	
General Revenue	(\$394,451)
Operations & Maintenance Trust Fund	(\$512,749)
Total	(\$907,200)
Adoption Services and Subsidy	
General Revenue	(\$5,171,157)
Federal Grants Trust Fund (TANF)	\$ 5,171,157
Total	-0-

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B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The repeal of section 402.185, F.S., will allow all of DCF's unobligated funds at June 30 of each year to revert. The funds that revert would then be available for reappropriation by the Legislature. The Health and Human Services Appropriations Committee has assumed the language contained in the current year implement bill authorizing the transfer of funds from FDLE to DCF for domestic violence and the transfer of protective investigations in Seminole County to the sheriff in that county will be re-authorized for FY 2001-2002.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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None

VII. SIGNATURES:

FISCAL RESPONSIBILITY COUNCIL:

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