

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: **HB 1741**

SPONSOR: **Fiscal Responsibility Council; Maygarden**

SUBJECT: **Children & Family Services**

DATE: **April 20, 2001** REVISED: 04/24/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	_____	_____	CF	Withdrawn
2.	<u>Peters</u>	<u>Belcher</u>	<u>AHS</u>	<u>Fav/1 amendment</u>
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes:

II. 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.

III. 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.

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:

The Department of Children and Family Services transferred responsibility to the sheriff of Seminole County for child protective investigations.

C. Government Sector Impact:

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-

VI. Technical Deficiencies:

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.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Appropriations Subcommittee on Health and Human Services:

A strike everything amendment was adopted with the following major provisions:

- 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.
- Establishes the Community Partnership matching grant program to be operated by the Department of Children and Family Services for the purpose of encouraging local participation in community-based care for child welfare. A minimum local contribution of \$825,000 may be matched on a two-for-one basis up to a maximum amount of \$2 million per council.
- Earmarks funds from the Additional Court Cost Clearing Trust Fund to the Operating Trust Fund in the Department of Law Enforcement. Also designates the Department of Law Enforcement as approval authority for funds necessary and required by the State for grant matching, implementing, administering, evaluating, and qualifying for such federal funds.
- Transfers the Criminal Justice Program of the Department of Community Affairs to the Department of Law Enforcement by a Type 2 transfer. This program is composed of the Byrne State and Local Law Enforcement Assistance Program, local law enforcement block grants, the Drug-Free Communities Program, residential substance abuse treatment of state prisoners, the bulletproof vest program, the Guantanamo Bay Refugee and Entrant Assistance Program, the national criminal history improvement program, and the Violent Offender Incarceration and Truth-in-Sentencing Program. Authorizes the department to adopt rules.
- Transfers the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services by a Type 2 transfer. The Program is composed of the Governor's Task Force on Domestic and Sexual Violence and the Violence Against Women Program. From the funds deposited into the Department of Law Enforcement Operating Trust Fund, FDLE shall transfer funds to the Department of Children and Family Services to be used as matching funds for the administration of the Prevention of Domestic and Sexual Violence Program. The amount of the transfer for fiscal year 2001-2002 shall be determined by the Governor's Office of Planning and Budgeting in consultation with the DCA, FDLE, and the Department of Children and Family Services and shall be based on the historic use of

these funds and current needs of the Prevention of Domestic and Sexual Violence Program. In subsequent years, the transfer of funds shall be based on the amount appropriated. (WITH TITLE AMENDMENT)

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