

PCB HCC 08-08

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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.;

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29 | eliminating the Child Advocacy Trust Fund to conform to  
 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. 895.09, F.S.;  
 35 | eliminating the deposit of specified funds obtained in  
 36 | forfeiture proceedings under the Florida RICO Act within  
 37 | the Substance Abuse Trust Fund of the department; amending  
 38 | s. 938.10, F.S.; providing for deposit of proceeds derived  
 39 | from additional court costs imposed in cases of certain  
 40 | crimes against minors into the Grants and Donations Trust  
 41 | Fund of the department for the purpose of funding  
 42 | children's advocacy centers; removing obsolete language;  
 43 | removing reporting requirements; providing an effective  
 44 | date.

45 |  
 46 | Be It Enacted by the Legislature of the State of Florida:  
 47 |

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

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

55 |       (3) The Department of Children and Family Services shall  
 56 | pay any outstanding debts and obligations of the terminated fund

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57 as soon as practicable, and the Chief Financial Officer shall  
 58 close out and remove the terminated fund from the various state  
 59 accounting systems using generally accepted accounting  
 60 principles concerning warrants outstanding, assets, and  
 61 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  
 66 of, the trust fund shall be transferred to the Federal Grants  
 67 Trust Fund within the Department of Children and Family  
 68 Services, FLAIR 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  
 74 principles concerning warrants outstanding, assets, and  
 75 liabilities.

76 Section 3. Paragraph (c) of subsection (3) of section  
 77 17.61, Florida Statutes, is amended to read:

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

80 (3)

81 (c) Except as provided in this paragraph and except for  
 82 moneys described in paragraph (d), the following agencies shall  
 83 not invest trust fund moneys as provided in this section, but  
 84 shall retain such moneys in their respective trust funds for

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- 85 investment, with interest appropriated to the General Revenue  
 86 Fund, pursuant to s. 17.57:
- 87 1. The Agency for Health Care Administration, except for  
 88 the Tobacco Settlement Trust Fund.
  - 89 2. The Agency for Persons with Disabilities, except for:  
 90 a. The Federal Grants Trust Fund.  
 91 b. The Tobacco Settlement Trust Fund.
  - 92 3. The Department of Children and Family Services, except  
 93 for:  
 94 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.  
 95 ~~b. The Refugee Assistance Trust Fund.~~  
 96 b.e. The Social Services Block Grant Trust Fund.  
 97 ~~c.d.~~ The Tobacco Settlement Trust Fund.  
 98 d.e. The Working Capital Trust Fund.
  - 99 4. The Department of Community Affairs, only for the  
 100 Operating Trust Fund.
  - 101 5. The Department of Corrections.
  - 102 6. The Department of Elderly Affairs, except for:  
 103 a. The Federal Grants Trust Fund.  
 104 b. The Tobacco Settlement Trust Fund.
  - 105 7. The Department of Health, except for:  
 106 a. The Federal Grants Trust Fund.  
 107 b. The Grants and Donations Trust Fund.  
 108 c. The Maternal and Child Health Block Grant Trust Fund.  
 109 d. The Tobacco Settlement Trust Fund.
  - 110 8. The Department of Highway Safety and Motor Vehicles,  
 111 only for:  
 112 a. The DUI Programs Coordination Trust Fund.

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- 113 b. The Security Deposits Trust Fund.
- 114 9. The Department of Juvenile Justice.
- 115 10. The Department of Law Enforcement.
- 116 11. The Department of Legal Affairs.
- 117 12. The Department of State, only for:
- 118 a. The Grants and Donations Trust Fund.
- 119 b. The Records Management Trust Fund.
- 120 13. The Executive Office of the Governor, only for:
- 121 a. The Economic Development Transportation Trust Fund.
- 122 b. The Economic Development Trust Fund.
- 123 14. The Florida Public Service Commission, only for the
- 124 Florida Public Service Regulatory Trust Fund.
- 125 15. The Justice Administrative Commission.
- 126 16. The state courts system.
- 127 Section 4. Section 20.195, Florida Statutes, is amended to
- 128 read:
- 129 20.195 Department of Children and Family Services; trust
- 130 funds ~~Tobacco Settlement Trust Fund.~~ -- The following trust funds
- 131 shall be administered by the Department of Children and Family
- 132 Services:
- 133 (1) Administrative Trust Fund.
- 134 (a) Funds to be credited to and uses of the trust fund
- 135 shall be administered in accordance with the provisions of s.
- 136 215.32.
- 137 (b) Notwithstanding the provisions of s. 216.301 and
- 138 pursuant to s. 216.351, any balance in the trust fund at the end
- 139 of any fiscal year shall remain in the trust fund at the end of

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140 the year and shall be available for carrying out the purposes of  
 141 the trust fund.

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

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

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

153 (3) Child Welfare Training Trust Fund.

154 (a) Funds to be credited to and uses of the trust fund  
 155 shall be administered in accordance with the provisions of s.  
 156 402.40.

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

162 (4) Domestic Violence Trust Fund.

163 (a) Funds to be credited to and uses of the trust fund  
 164 shall be administered in accordance with the provisions of s.  
 165 28.101, part XIII of chapter 39, and chapter 741.

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

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168 of any fiscal year shall remain in the trust fund at the end of  
 169 the year and shall be available for carrying out the purposes of  
 170 the trust fund.

171 (5) Federal Grants Trust Fund.

172 (a) Funds to be credited to and uses of the trust fund  
 173 shall be administered in accordance with the provisions of s.  
 174 215.32.

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

180 (6) Grants and Donations Trust Fund.

181 (a) Funds to be credited to and uses of the trust fund  
 182 shall be administered in accordance with the provisions of s.  
 183 215.32.

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

189 (7) Operations and Maintenance Trust Fund.

190 (a) Funds to be credited to and uses of the trust fund  
 191 shall be administered in accordance with the provisions of s.  
 192 215.32.

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

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196 the year and shall be available for carrying out the purposes of  
 197 the trust fund.

198 (8) Social Services Block Grant Trust Fund.

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

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

209 (9) Tobacco Settlement Trust Fund.

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

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

223 (10) Welfare Transition Trust Fund.



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224 (a) Funds to be credited to and uses of the trust funds  
 225 shall be administered in accordance with the provisions of s.  
 226 20.506.

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

232 (11) Working Capital Trust Fund.

233 (a) Funds to be credited to and uses of the trust fund  
 234 shall be administered in accordance with the provisions of s.  
 235 215.32.

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

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

243 39.3035 Child advocacy centers; standards; state  
 244 funding.--

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

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252 documenting compliance with subsections (1) and (2) for any of  
 253 the funds it administers to member child advocacy centers.

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

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

277 (c) At the end of each fiscal year, each children's  
 278 advocacy center receiving revenue as provided in this section  
 279 must provide a report to the board of directors of the Florida

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280 Network of Children's Advocacy Centers, Inc., which reflects  
 281 center expenditures, all sources of revenue received, and  
 282 outputs that have been standardized and agreed upon by network  
 283 members and the board of directors, such as the number of  
 284 clients served, client demographic information, and number and  
 285 types of services provided. The Florida Network of Children's  
 286 Advocacy Centers, Inc., must compile reports from the centers  
 287 and provide a report to the President of the Senate and the  
 288 Speaker of the House of Representatives in August of each year  
 289 beginning in 2005.

290 Section 6. Section 39.30351, Florida Statutes, is  
 291 repealed.

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

294 215.22 Certain income and certain trust funds exempt.--

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

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

301 Section 8. Paragraphs (a), (d), and (e) of subsection (2)  
 302 of section 895.09, Florida Statutes, are amended to read:

303 895.09 Disposition of funds obtained through forfeiture  
 304 proceedings.--

305 (2) (a) Following satisfaction of all valid claims under  
 306 subsection (1), 25 percent of the remainder of the funds  
 307 obtained in the forfeiture proceedings pursuant to s. 895.05

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308 shall be deposited as provided in paragraph (b) into the  
 309 appropriate trust fund of the Department of Legal Affairs or  
 310 state attorney's office which filed the civil forfeiture action;  
 311 25 percent shall be deposited as provided in paragraph (c) into  
 312 the applicable law enforcement trust fund of the investigating  
 313 law enforcement agency conducting the investigation which  
 314 resulted in or significantly contributed to the forfeiture of  
 315 the property; 25 percent shall be deposited in the General  
 316 Revenue Fund ~~as provided in paragraph (d) in the Substance Abuse~~  
 317 ~~Trust Fund of the Department of Children and Family Services;~~  
 318 and the remaining 25 percent shall be deposited in the Internal  
 319 Improvement Trust Fund of the Department of Environmental  
 320 Protection. When a forfeiture action is filed by the Department  
 321 of Legal Affairs or a state attorney, the court entering the  
 322 judgment of forfeiture shall, taking into account the overall  
 323 effort and contribution to the investigation and forfeiture  
 324 action by the agencies that filed the action, make a pro rata  
 325 apportionment among such agencies of the funds available for  
 326 distribution to the agencies filing the action as provided in  
 327 this section. If multiple investigating law enforcement agencies  
 328 have contributed to the forfeiture of the property, the court  
 329 which entered the judgment of forfeiture shall, taking into  
 330 account the overall effort and contribution of the agencies to  
 331 the investigation and forfeiture action, make a pro rata  
 332 apportionment among such investigating law enforcement agencies  
 333 of the funds available for distribution to the investigating  
 334 agencies as provided in this section.

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335 ~~(d) The Department of Children and Family Services shall,~~  
 336 ~~in accordance with chapter 397, distribute funds obtained by it~~  
 337 ~~pursuant to paragraph (a) to public and private nonprofit~~  
 338 ~~organizations licensed by the department to provide substance~~  
 339 ~~abuse treatment and rehabilitation centers or substance abuse~~  
 340 ~~prevention and youth orientation programs in the service~~  
 341 ~~district in which the final order of forfeiture is entered by~~  
 342 ~~the court.~~

343 ~~(d)(e)~~ On a quarterly basis, any excess funds from  
 344 forfeited property receipts, including interest, over \$1 million  
 345 deposited in the Internal Improvement Trust Fund of the  
 346 Department of Environmental Protection in accordance with  
 347 paragraph (a) shall be deposited in the General Revenue Fund  
 348 ~~Substance Abuse Trust Fund of the Department of Children and~~  
 349 ~~Family Services.~~

350 Section 9. Subsections (2) and (3) of section n 938.10,  
 351 Florida Statutes, are amended to read:

352 938.10 Additional court cost imposed in cases of certain  
 353 crimes against minors.--

354 (2) Each month the clerk of the court shall transfer the  
 355 proceeds of the court cost, less \$1 from each sum collected  
 356 which the clerk shall retain as a service charge, to the  
 357 Department of Revenue for deposit into the Department of  
 358 Children and Family Services' Grants and Donations Child  
 359 ~~Advocacy~~ Trust Fund for disbursement to the Florida Network of  
 360 Children's Advocacy Centers, Inc., for the purpose of funding  
 361 children's advocacy centers that are members of the network. ~~If~~  
 362 ~~the Child Advocacy Trust Fund is not created by law within the~~

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363 ~~Department of Children and Family Services, the clerk of the~~  
 364 ~~court shall transfer the proceeds to the Department of Revenue~~  
 365 ~~for deposit into the Department of Children and Family Services'~~  
 366 ~~Grants and Donations Trust Fund for disbursement to the Florida~~  
 367 ~~Network of Children's Advocacy Centers, Inc., for the purpose of~~  
 368 ~~funding children's advocacy centers that are members of the~~  
 369 ~~network.~~

370 ~~(3) At the end of each fiscal year, each children's~~  
 371 ~~advocacy center receiving revenue as provided in this section~~  
 372 ~~must provide a report to the board of directors of the Florida~~  
 373 ~~Network of Children's Advocacy Centers, Inc., which reflects~~  
 374 ~~center expenditures, all sources of revenue received, and~~  
 375 ~~outputs that have been standardized and agreed upon by network~~  
 376 ~~members and the board of directors, such as the number of~~  
 377 ~~clients served, client demographic information, and number and~~  
 378 ~~types of services provided. The Florida Network of Children's~~  
 379 ~~Advocacy Centers, Inc., must compile reports from the centers~~  
 380 ~~and provide a report to the President of the Senate and the~~  
 381 ~~Speaker of the House of Representatives in August of each year~~  
 382 ~~beginning in 2005.~~

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