

## Committee Substitute for Senate Bill No. 2116

An act relating to trust funds of the Department of Children and Family Services; terminating the Child Advocacy Trust Fund and the Refugee Assistance Trust Fund; providing for the disposition of balances in and revenues of the trust funds; prescribing procedures for the termination of the trust funds; amending s. 17.61, F.S., to conform; amending s. 20.195, F.S.; providing for the administration of the Administrative Trust Fund, the Alcohol, Drug Abuse, and Mental Health Trust Fund, the Child Welfare Training Trust Fund, the Domestic Violence Trust Fund, the Federal Grants Trust Fund, the Grants and Donations Trust Fund, the Operations and Maintenance Trust Fund, the Social Services Block Grant Trust Fund, the Welfare Transition Trust Fund, and the Working Capital Trust Fund by the Department of Children and Family Services; providing for sources of funds and purposes; providing for annual carryforward of funds; revising the date for reversion of specified balances in the Tobacco Settlement Trust Fund; amending s. 39.3035, F.S.; providing for the appropriation of funds to the Department of Children and Family Services for the specific purpose of funding children's advocacy centers; providing for sources of funds and purposes thereof; specifying the use of collected funds; requiring the development of funding criteria and an allocation methodology for distributing such funds; requiring annual reports; requiring an annual report to the Legislature; repealing s. 39.30351, F.S.; eliminating the Child Advocacy Trust Fund to conform to the termination of the fund by this act; amending s. 215.22, F.S.; exempting specified funds disbursed to the Florida Network of Children's Advocacy Centers, Inc., from the service charge imposed on income of a revenue nature deposited in trust funds; amending s. 938.10, F.S.; providing for deposit of proceeds derived from additional court costs imposed in cases of certain crimes against minors into the Grants and Donations Trust Fund of the department for the purpose of funding children's advocacy centers; removing obsolete language; removing reporting requirements; amending s. 895.09, F.S.; redirecting a portion of the funds obtained from a forfeiture proceeding from the Substance Abuse Trust Fund to the General Revenue Fund; deleting a provision directing the Department of Children and Family Services to distribute forfeiture funds received; providing an effective date.

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

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

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

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

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

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

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

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

17.61 Chief Financial Officer; powers and duties in the investment of certain funds.—

(3)

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

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

2. The Agency for Persons with Disabilities, except for:

a. The Federal Grants Trust Fund.

b. The Tobacco Settlement Trust Fund.

3. The Department of Children and Family Services, except for:

a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

~~b. The Refugee Assistance Trust Fund.~~

b.e. The Social Services Block Grant Trust Fund.

~~c.d.~~ The Tobacco Settlement Trust Fund.

- d.e. The Working Capital Trust Fund.
4. The Department of Community Affairs, only for the Operating Trust Fund.
  5. The Department of Corrections.
  6. The Department of Elderly Affairs, except for:
    - a. The Federal Grants Trust Fund.
    - b. The Tobacco Settlement Trust Fund.
  7. The Department of Health, except for:
    - a. The Federal Grants Trust Fund.
    - b. The Grants and Donations Trust Fund.
    - c. The Maternal and Child Health Block Grant Trust Fund.
    - d. The Tobacco Settlement Trust Fund.
  8. The Department of Highway Safety and Motor Vehicles, only for:
    - a. The DUI Programs Coordination Trust Fund.
    - b. The Security Deposits Trust Fund.
  9. The Department of Juvenile Justice.
  10. The Department of Law Enforcement.
  11. The Department of Legal Affairs.
  12. The Department of State, only for:
    - a. The Grants and Donations Trust Fund.
    - b. The Records Management Trust Fund.
  13. The Executive Office of the Governor, only for:
    - a. The Economic Development Transportation Trust Fund.
    - b. The Economic Development Trust Fund.
  14. The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.
  15. The Justice Administrative Commission.
  16. The state courts system.

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

20.195 Department of Children and Family Services; trust funds Tobacco Settlement Trust Fund.—The following trust funds shall be administered by the Department of Children and Family Services:

(1) Administrative Trust Fund.

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

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

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

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

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

(3) Child Welfare Training Trust Fund.

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

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

(4) Domestic Violence Trust Fund.

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

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

(5) Federal Grants Trust Fund.

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

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

remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

(6) Grants and Donations Trust Fund.

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

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

(7) Operations and Maintenance Trust Fund.

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

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

(8) Social Services Block Grant Trust Fund.

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

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

(9) Tobacco Settlement Trust Fund.

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

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

(10) Welfare Transition Trust Fund.

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

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

(11) Working Capital Trust Fund.

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

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

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

39.3035 Child advocacy centers; standards; state funding.—

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

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

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

(c) At the end of each fiscal year, each children's advocacy center receiving revenue as provided in this section must provide a report to the board of directors of the Florida Network of Children's Advocacy Centers, Inc.,

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

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

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

215.22 Certain income and certain trust funds exempt.—

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

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

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

938.10 Additional court cost imposed in cases of certain crimes against minors.—

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

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

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

895.09 Disposition of funds obtained through forfeiture proceedings.—

(2)(a) Following satisfaction of all valid claims under subsection (1), 25 percent of the remainder of the funds obtained in the forfeiture proceedings pursuant to s. 895.05 shall be deposited as provided in paragraph (b) into the appropriate trust fund of the Department of Legal Affairs or state attorney's office which filed the civil forfeiture action; 25 percent shall be deposited as provided in paragraph (c) into the applicable law enforcement trust fund of the investigating law enforcement agency conducting the investigation which resulted in or significantly contributed to the forfeiture of the property; 25 percent shall be deposited in the General Revenue Fund as ~~provided in paragraph (d) in the Substance Abuse Trust Fund of the Department of Children and Family Services;~~ and the remaining 25 percent shall be deposited in the Internal Improvement Trust Fund of the Department of Environmental Protection. ~~If~~ When a forfeiture action is filed by the Department of Legal Affairs or a state attorney, the court entering the judgment of forfeiture shall, taking into account the overall effort and contribution to the investigation and forfeiture action by the agencies that filed the action, make a pro rata apportionment among such agencies of the funds available for distribution to the agencies filing the action as provided in this section. If multiple investigating law enforcement agencies have contributed to the forfeiture of the property, the court which entered the judgment of forfeiture shall, taking into account the overall effort and contribution of the agencies to the investigation and forfeiture action, make a pro rata apportionment among such investigating law enforcement agencies of the funds available for distribution to the investigating agencies as provided in this section.

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

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

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

Approved by the Governor April 21, 2008.

Filed in Office Secretary of State April 21, 2008.