

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Health and Human Services Appropriations Committee

BILL: CS/SB 1128

INTRODUCER: Committee on Health and Human Services Appropriations and Senator Peaden

SUBJECT: Implementing Appropriations for Fiscal Year 2007-2008

DATE: March 28, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hardy	Peters	HA	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides statutory authority necessary to implement and execute the General Appropriations Act for the 2007-2008 fiscal year. Such statutory changes are temporary and either expire on July 1, 2008, or revert to the original language at that time.

This bill amends s. 394.908, Florida Statutes.

II. Present Situation:

In the past, substantive language was included in proviso or in separate sections of the General Appropriations Act to clarify how funds contained in the act were to be expended. However, decisions such as Brown v. Firestone, 382 So. 2d 654 (Fla. 1980), and Graham v. Firestone, Circuit Court of the Second Judicial Circuit, #82-1703, Leon County Florida, 1982, have found such proviso language in the annual General Appropriations Act to be unconstitutional and void.

III. Effect of Proposed Changes:

Each change below expires July 1, 2008.

Section 1. This section provides legislative intent.

Section 2. Amends s. 394.908, F.S., to implement Specific Appropriation 388, requiring that funds appropriated for forensic mental health treatment services be allocated to the areas of the state having the greatest demand for services and treatment capacity.

Section 3. Implements legislative intent regarding the use of funds in Specific Appropriations 311 and 321 requiring all public and private agencies and institutions participating in child welfare cases to enter certain information into the Florida Safe Families Network (FSFN) in order to maintain the accuracy and usefulness of the automated child welfare case management system; directing the Department of Children and Family Services to work with the Office of the State Courts Administrator and the Statewide Guardian Ad Litem Office to allow a judge, magistrate, or guardian ad litem to access FSFN information concerning cases to which they are assigned, by the date of the network's release during fiscal year 2007-2008; and instructing the department to submit a report on its progress on providing access to the Florida Safe Families Network by February 1, 2008

Section 4. Declares legislative determination that the authorization and issuance of debt for the 2007-2008 fiscal year is in the best interest of the state and should be implemented. (Repeated from the 2006-2007 Implementing Bill, ch. 2006-26, L.O.F.).

Section 5. Specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2006-2007 Implementing Bill, ch. 2006-26, L.O.F.)

Section 6. Provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill. (Repeated from the 2006-2007 Implementing Bill, ch. 2006-26, L.O.F.)

Section 7. Provides a severability clause.

Section 8. Provides a contingent effective date.

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:

None.

C. Government Sector Impact:

Although the provisions of this bill allow specific budget decisions to be effective, actual funding changes are made in the General Appropriations Act.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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