

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

BILL: PCS for SB 1868

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

SUBJECT: Implementing the 2008-2009 General Appropriations Act

DATE: March 31, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hardy	Peters	HA	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides statutory authority necessary to implement and execute the 2008-2008 General Appropriations Act. Such statutory changes are temporary and either expire on July 1, 2009, or revert to the original language at that time.

This bill reenacts s. 215.32, F.S., and amends s. 394.908, F.S.

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, 2009.

Section 1. This section provides legislative intent.

Section 2. Reenacts s. 215.32, F.S., to implement the transfer of moneys to the General Revenue Fund from trust funds.

Section 3. Amends s. 394.908, F.S., to implement Specific Appropriation 464, requiring that funds appropriated for mental health treatment services in institutions be allocated to the areas of the state having the greatest demand for services and treatment capacity.

Section 4. Amends s. 394.908, F.S., to implement Specific Appropriation 397, requiring that funds appropriated for community based providers participating in the Medicaid Administrative Claiming Program be allocated according to proviso language following this specific appropriation.

Section 5. Implements legislative intent regarding the use of funds in Specific Appropriations 302 and 314 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 2008-2009; and instructing the department to submit a report on its progress on providing access to the Florida Safe Families Network by February 1, 2009.

Section 6. Declares legislative determination that the authorization and issuance of debt for the 2008-2009 fiscal year is in the best interest of the state and should be implemented. (Repeated from the 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.).

Section 7. Specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

Section 8. 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 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

Section 9. Provides a severability clause.

Section 10. 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. Fiscal Impact Statement:

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.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.