

**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.)

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

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BILL: PCS for SB 1656

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

SUBJECT: Health and Human Services

DATE: March 30, 2009 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hardy	Peters	HA	<b>Pre-meeting</b>
2.			GO	
3.			WPSC	
4.			RC	
5.				
6.				

**I. Summary:**

This bill provides statutory authority necessary to implement and execute the 2009-2010 General Appropriations Act. Such statutory changes are temporary and either expire on July 1, 2010, or revert to the original language at that time.

This bill amends ss. 215.32, and 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, 2010.

**Section 1** delays the expiration of provisions authorizing the Department of Health to enter into an agreement with a specified private contractor to finance, design, and construct a hospital for the treatment of patients with active tuberculosis from July 1, 2009 to July 1, 2010.

**Section 2** amends s. 394.908, F.S., to require 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 and providing that funds appropriated for community based providers participating in the Medicaid Administrative Claiming Program be allocated according to the General Appropriation Act.

**Section 3** implements legislative intent regarding the use of funds in Specific Appropriation 279 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; directs the Department of Children and Family Services to work with the Office of the State Courts Administrator to allow a judge or magistrate to access FSFN information concerning cases to which they are assigned, by the date of the network's release during fiscal year 2009-2010; and instructs the department to submit a report on its progress on providing access to the Florida Safe Families Network by February 1, 2010.

**Section 4** specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2008-2009 Implementing Bill, ch. 2008-143, L.O.F.)

**Section 5** 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 2008-2009 Implementing Bill, ch. 2008-143, L.O.F.)

**Section 6** provides a severability clause.

**Section 7** 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.