

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1372
 SPONSOR: Senator Cowin
 SUBJECT: Person with Developmental Disability
 DATE: March 16, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barnes	Whiddon	CF	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1372 reenacts s. 400.962, F.S., which was amended by the 2000 Legislature through the passage of SB 1280. Senate Bill 1280 removed the provision from s. 400.962, F.S., requiring the licensure of a comprehensive transitional educational program because these programs are currently licensed under s. 393.067, F.S., and licensure under two statutory authorities is not appropriate. A law suit is pending in the 2nd Judicial Circuit Court specifying that SB 1280 is unconstitutional because it violates the single subject provision in Article III, Section 6, Florida Constitution.

This bill reenacts section 400.962, of the Florida Statutes.

II. Present Situation:

Section 400.962, F.S., was amended by the 2000 Legislature through the passage of SB 1280 to remove the requirement that a comprehensive transitional educational program be licensed under s. 400.962, F.S. These programs are licensed under s. 393.067, F.S., because they are developmental services community programs. There is no programmatic reason for a comprehensive transitional educational program to be licensed under two statutory authorities. Only intermediate care facilities for the developmentally disabled are appropriately licensed under s. 400.962, F.S.

Carlton Palms in Mt. Dora, Florida, is the state's only comprehensive transitional educational program and is licensed for 76 beds.

III. Effect of Proposed Changes:

SB 1372 reenacts s. 400.962, F.S., to specify that an intermediate care facility for the developmentally disabled is licensed under s. 400.962, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

SB 1280 (ch. 2000-350, L.O.F.) included provisions relating to the licensure of comprehensive transitional educational programs, the transfer and discharge of residents from nursing homes, and water utility rate proceedings. A law suit is pending in the 2nd Judicial Circuit (Avalon Utilities vs. Bush, Case No. 002137) asserting that SB 1280 is unconstitutional because it violates Article III, Section 6 of the Florida Constitution by including more than one subject.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
