

Bill No. SB 1094

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604-1949C-07

Proposed Committee Substitute by the Committee on Criminal and Civil Justice Appropriations

1 A bill to be entitled

2 An act implementing the 2007-2008 General

3 Appropriations Act; providing legislative

4 intent; authorizing the Department of

5 Corrections and the Department of Juvenile

6 Justice to make certain expenditures to defray

7 costs incurred by a municipality or county as a

8 result of opening or operating a facility under

9 authority of the respective department;

10 amending s. 216.262, F.S.; providing for

11 additional positions to operate additional

12 prison bed capacity under certain

13 circumstances; amending s. 216.292, F.S.;

14 authorizing certain transfers of appropriations

15 for operations from general revenue between

16 budget categories and entities of the criminal

17 conflict and civil regional counsels and the

18 budget category for child dependency and civil

19 conflict cases within the Justice

20 Administrative Commission; providing for future

21 expiration of such provisions; authorizing the

22 Department of Legal Affairs to expend

23 appropriated funds on programs funded in the

24 preceding fiscal year; amending s. 932.7055,

25 F.S.; providing for the expenditure of funds in

26 a special law enforcement trust fund

27 established by the governing body of a

28 municipality; providing a finding that the

29 authorization and issuance of certain debt is

30 in the best interest of the state; providing

31 for the effect of a veto of a specific

604-1949C-07

1 appropriation or proviso to which implementing
 2 language refers; providing for the continued
 3 operation of certain provisions notwithstanding
 4 a future repeal or expiration provided by the
 5 act; providing for severability; providing
 6 effective dates.

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

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10 Section 1. It is the intent of the Legislature that
 11 the implementing and administering provisions of this act
 12 apply to the General Appropriations Act for the 2007-2008
 13 fiscal year.

14 Section 2. In order to fulfill legislative intent
 15 regarding the use of funds contained in Specific
 16 Appropriations 741, 755, 766, and 1232 of the 2007-2008
 17 General Appropriations Act, the Department of Corrections and
 18 the Department of Juvenile Justice may expend appropriated
 19 funds to assist in defraying the costs of impacts that are
 20 incurred by a municipality or county and associated with
 21 opening or operating a facility under the authority of the
 22 respective department which is located within that
 23 municipality or county. The amount that is to be paid under
 24 this section for any facility may not exceed 1 percent of the
 25 facility construction cost, less building impact fees imposed
 26 by the municipality or by the county if the facility is
 27 located in the unincorporated portion of the county. This
 28 section expires July 1, 2008.

29 Section 3. In order to implement Specific
 30 Appropriations 730 through 830 and 868 through 899 of the
 31 2007-2008 General Appropriations Act, subsection (4) of

604-1949C-07

1 section 216.262, Florida Statutes, is amended to read:

2 216.262 Authorized positions.--

3 (4) Notwithstanding the provisions of this chapter on
4 increasing the number of authorized positions, and for the
5 2007-2008 ~~2006-2007~~ fiscal year only, if the actual inmate
6 population of the Department of Corrections exceeds the inmate
7 population projections of the March 21, 2007 ~~2006~~, Criminal
8 Justice Estimating Conference by 1 percent for 2 consecutive
9 months or 2 percent for any month, the Executive Office of the
10 Governor, with the approval of the Legislative Budget
11 Commission, shall immediately notify the Criminal Justice
12 Estimating Conference, which shall convene as soon as possible
13 to revise the estimates. The Department of Corrections may
14 then submit a budget amendment requesting the establishment of
15 positions in excess of the number authorized by the
16 Legislature and additional appropriations from unallocated
17 general revenue sufficient to provide for essential staff,
18 fixed capital improvements, and other resources to provide
19 classification, security, food services, health services, and
20 other variable expenses within the institutions to accommodate
21 the estimated increase in the inmate population. All actions
22 taken pursuant to the authority granted in this subsection
23 shall be subject to review and approval by the Legislative
24 Budget Commission. This subsection expires July 1, 2008 ~~2007~~.

25 Section 4. In order to implement Specific
26 Appropriations 908, 913, 915, and 1161C through 1161AK of the
27 2007-2008 General Appropriations Act, paragraphs (c), (d), and
28 (e) are added to subsection (3) of section 216.292, Florida
29 Statutes, to read:

30 216.292 Appropriations nontransferable; exceptions.--

31 (3) The following transfers are authorized with the

604-1949C-07

1 approval of the Executive Office of the Governor for the
2 executive branch or the Chief Justice for the judicial branch,
3 subject to the notice and objection provisions of s. 216.177:

4 (c) The transfer of appropriations for operations from
5 general revenue between categories of appropriations within
6 each criminal conflict and civil regional counsel budget
7 entity. This paragraph expires July 1, 2008.

8 (d) The transfer of appropriations for operations from
9 general revenue between criminal conflict and civil regional
10 counsel budget entities. This paragraph expires July 1, 2008.

11 (e) The transfer of appropriations for operations from
12 general revenue between criminal conflict and civil regional
13 counsel budget entities and the child dependency and civil
14 conflict case appropriation category and the criminal conflict
15 case costs appropriation category within the Justice
16 Administrative Commission. This paragraph expires July 1,
17 2008.

18 Section 5. In order to implement Specific
19 Appropriations 1388 and 1389 of the 2007-2008 General
20 Appropriations Act, the Department of Legal Affairs is
21 authorized to expend appropriated funds in Specific
22 Appropriations 1388 and 1389 on the same programs that were
23 funded by the department pursuant to specific appropriations
24 made in general appropriations acts in prior years.

25 Section 6. In order to implement Specific
26 Appropriation 1297 of the 2007-2008 General Appropriations
27 Act, paragraph (d) of subsection (4) of section 932.7055,
28 Florida Statutes, is amended to read:

29 932.7055 Disposition of liens and forfeited
30 property.--

31 (4) The proceeds from the sale of forfeited property

Bill No. SB 1094

Barcode 121288

604-1949C-07

1 shall be disbursed in the following priority:

2 (d) Notwithstanding any other provision of this
3 subsection, and for the 2007-2008 ~~2006-2007~~ fiscal year only,
4 the funds in a special law enforcement trust fund established
5 by the governing body of a municipality may be expended to
6 reimburse the general fund of the municipality for moneys
7 advanced from the general fund to the special law enforcement
8 trust fund prior to October 1, 2001. This paragraph expires
9 July 1, 2008 ~~2007~~.

10 Section 7. In order to implement the issuance of new
11 debt authorized in the 2007-2008 General Appropriations Act,
12 and pursuant to the requirements of s. 215.98, Florida
13 Statutes, the Legislature determines that the authorization
14 and issuance of debt for the 2007-2008 fiscal year is in the
15 best interest of the state and should be implemented.

16 Section 8. A section of this act that implements more
17 than one specific appropriation or more than one portion of
18 specifically identified proviso language in the 2007-2008
19 General Appropriations Act is void if all the specific
20 appropriations or portions of specifically identified proviso
21 language are vetoed.

22 Section 9. If any other act passed in 2007 contains a
23 provision that is substantively the same as a provision in
24 this act, but that removes or is otherwise not subject to the
25 future repeal applied to such provision by this act, the
26 Legislature intends that the provision in the other act shall
27 take precedence and shall continue to operate, notwithstanding
28 the future repeal provided by this act.

29 Section 10. If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 invalidity does not affect other provisions or applications of

Bill No. SB 1094

Barcode 121288

604-1949C-07

1 the act which can be given effect without the invalid
2 provision or application, and to this end the provisions of
3 this act are severable.

4 Section 11. Except as otherwise expressly provided in
5 this act, this act shall take effect July 1, 2007; or, if this
6 act fails to become a law until after that date, it shall take
7 effect upon becoming a law and shall operate retroactively to
8 July 1, 2007.

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