

**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: Criminal and Civil Justice Appropriations Committee

BILL: PCS/SB 1094

INTRODUCER: For consideration by the Criminal and Civil Justice Appropriations Committee

SUBJECT: Implementing Appropriations for Fiscal Year 2007-2008

DATE: March 6, 2007                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sadberry	Sadberry	JA	<b>Pre-meeting</b>
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 the following sections of the Florida Statutes: s. 216.177, 216.262 and 932.7055, 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** provides legislative intent.

**Section 2** implements legislative intent regarding the use of funds in Specific Appropriations 720, 731, 741, and 1167, authorizing the Department of Corrections and the Department of

Juvenile Justice to make expenditures to defray costs incurred by a municipality or county for facilities operated under the authority of each department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government. (Repeated from the 2006-2007 Implementing Bill, ch. 2006-26, L.O.F.)

**Section 3** amends s. 216.262, F.S., to implement Specific Appropriations 710 through 805, and 833 through 847A, allowing the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population and the additional positions are approved by the Legislative Budget Commission. (Repeated from the 2006-2007 Implementing Bill, ch. 2006-26, L.O.F.)

**Section 4** implements Specific Appropriations 908, 913, 915, and 1161C through 1161AK, authorizing the Governor to submit a budget amendment, in accordance with the provisions of s. 216.177, F.S. The budget amendment would transfer appropriations from general revenue between categories in the criminal conflict and civil regional counsel budget entity. This section authorizes the transfer of appropriations between each of the criminal conflict and civil regional counsel budget entities. Also, authorizes budget transfers between criminal conflict and civil regional counsel budget entities and child dependency and civil conflict cases within the Justice Administrative Commission.

**Section 5** authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1321 and 1323 on the same programs and in the same method as was done in the 2006-2007 fiscal year.

**Section 6** allows, for the 2007-2008 fiscal year only, a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

**Section 7** 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 8** 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 9** 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 10** provides a severability clause.

**Section 11** 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.



## **VIII. Summary of Amendments:**

None.

---

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

---