

By the Committee on Criminal and Civil Justice Appropriations;  
and Senator Crist

604-2230-07

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

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.

7  
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

1 2007-2008 General Appropriations Act, subsection (4) of  
2 section 216.262, Florida Statutes, is amended to read:

3 216.262 Authorized positions.--

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

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

1           216.292 Appropriations nontransferable; exceptions.--

2           (3) The following transfers are authorized with the  
3 approval of the Executive Office of the Governor for the  
4 executive branch or the Chief Justice for the judicial branch,  
5 subject to the notice and objection provisions of s. 216.177:

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

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

13           (e) The transfer of appropriations for operations from  
14 general revenue between criminal conflict and civil regional  
15 counsel budget entities and the child dependency and civil  
16 conflict case appropriation category and the criminal conflict  
17 case costs appropriation category within the Justice  
18 Administrative Commission. This paragraph expires July 1,  
19 2008.

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

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

31

1           932.7055 Disposition of liens and forfeited  
2 property.--

3           (4) The proceeds from the sale of forfeited property  
4 shall be disbursed in the following priority:

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

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

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

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

1           Section 10. If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 invalidity does not affect other provisions or applications of  
4 the act which can be given effect without the invalid  
5 provision or application, and to this end the provisions of  
6 this act are severable.

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

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                    COMMITTEE SUBSTITUTE FOR  
3                                    Senate Bill 1094

4 This bill provides statutory authority necessary to implement  
5 and execute the General Appropriations Act for the 2007-2008  
6 fiscal year. Such statutory changes are temporary and either  
7 expire on July 1, 2008, or revert to the original language at  
8 that time.

9 This bill amends the following sections of the Florida  
10 Statutes: s.216.262, 216.292, and 932.7055, Florida Statutes.

11 The provisions of this bill expire on July 1, 2008 and provide  
12 legislative intent.

13 Provides legislative intent for specific appropriations,  
14 authorizing the Departments of Corrections and Juvenile  
15 Justice to defray local costs incurred at department-operated  
16 facilities.

17 Amends current statute that directs appropriations to allow  
18 the Governor's office to request additional positions and  
19 other resources for the Department of Corrections if the  
20 Criminal Justice Estimating Conference projects a certain  
21 increase in the inmate population and the additional positions  
22 are approved by the Legislative Budget Commission.

23 Allows for the transfer of appropriations from general revenue  
24 between categories in the criminal conflict and civil regional  
25 counsel budget entity. Also, authorizes the transfer of  
26 appropriations between each of the criminal conflict and civil  
27 regional counsel budget entities. In addition, authorizes  
28 budget transfers between criminal conflict and civil regional  
29 counsel budget entities and child dependency and civil  
30 conflict cases within the Justice Administrative Commission.

31 Authorizes the Department of Legal Affairs to use specific  
appropriations on the same programs and in the same method as  
was done in the 2006-2007 fiscal year.

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.

Declares legislative determination that debt for the 2007-2008  
fiscal year is in the best interest of the state.

Finally, it includes technical changes that prevent any  
section from taking effect if appropriation or proviso are  
vetoed, designate permanent law changes as taking precedence,  
and provide a severability clause and a contingent effective  
date.