

**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 Criminal and Civil Justice Appropriations Committee

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BILL: PCS/SB 1802

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

SUBJECT: Implementing 2008-2009 General Appropriations Act

DATE: March 25, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sadberry	Sadberry	JA	<b>Pre-meeting</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill provides statutory authority necessary to implement and execute the General Appropriations Act for the 2008-2009 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. 215.32, 216.262, 932.7055, and 985.686 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, 2009.

**Section 1** provides legislative intent.

**Section 2** implements the transfer of moneys to the General Revenue Fund from trust funds in the 2008-2009 General Appropriations Act.

**Section 3** implements legislative intent regarding the use of funds in Specific Appropriations 721M, 721Z, 721AK, and 1146, 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 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

**Section 4** amends s. 216.262, F.S., to implement Specific Appropriations 708 through 766, and 780 through 806, 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 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

**Section 5** authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1301 and 1302 on the same programs and in the same method as was done in the 2007-2008 fiscal year. (Repeated from the 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

**Section 6** allows, for the 2008-2009 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. (Repeated from the 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

**Section 7** states that each county shall pay the costs of providing detention care, that excludes the costs of any preadjudicatory nonmedical educational or therapeutic services and the 2008-2009 General Appropriations Act includes \$2.5 million for additional medical mental health care services in detention centers. (Repeated from the 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

**Section 8** states that the amendment to section 985.686(3) shall expire on July 1, 2009 and the text in section 985.686(3) shall revert to the existence on June 30, 2008.

**Section 9** specifies that the Department of Corrections must comply with the following reimbursement limitations for inmate medical care.

- a) If no contract exists between the DOC and a health care provider or hospital regarding services, payment may not exceed 110 percent of the Medicare allowable rate.
- b) Current contracts between the DOC and a health care provider or hospitals will continue at the current contracted rate, however, if the contract expires or is subject to renewal during FY 2007-2008, the payments may not exceed 110 percent of Medicare allowable rate.
- c) If the department enters into a new contract, the payments may not exceed 110 percent of the Medicare allowable rate.

**Section 10** specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

**Section 11** 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 2007-2008 Implementing Bill, ch. 2007-73, L.O.F.)

**Section 12** provides a severability clause.

**Section 13** 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:

This bill would reduce payments to hospitals and health care providers.

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.

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

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