

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

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1 A bill to be entitled

2 An act implementing the 2008-2009 General Appropriations
3 Act; providing legislative intent; reenacting s.
4 215.32(2)(b), F.S., relating to the source and use of
5 certain trust funds in order to implement the transfer of
6 moneys to the General Revenue Fund from trust funds in the
7 2008-2009 General Appropriations Act; authorizing the
8 Department of Corrections and the Department of Juvenile
9 Justice to expend funds to defray the cost of impacts
10 incurred by a municipality or county which are associated
11 with a facility operated by each respective department;
12 providing for future expiration of such authorization;
13 amending s. 216.262, F.S.; extending the expiration date
14 of provisions authorizing additional positions to operate
15 added prison bed capacity; authorizing the Department of
16 Legal Affairs to expend funds for certain programs
17 pursuant to specific appropriations; amending s. 932.7055,
18 F.S.; extending the expiration date of provisions
19 authorizing the expenditure of funds in a special law
20 enforcement trust fund established by the governing body
21 of a municipality; reenacting s. 985.686(3), F.S.,
22 providing for the payment of costs of providing detention
23 care for juveniles; providing for the future expiration of
24 certain amendments to such provisions; specifying certain
25 limitations on reimbursements to a health care provider or
26 hospital by the Department of Corrections; providing an
27 exception for hospitals that reported a negative operating
28 margin for the prior year; requiring that contract rates
29 of the Department of Corrections be based on a percentage

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30 of the Medicare allowable rate; providing for the effect
31 of a veto of one or more specific appropriations or
32 proviso provisions to which implementing language refers;
33 providing for the continued operation of certain
34 provisions notwithstanding a future repeal or expiration
35 provided by the act; providing for severability; providing
36 for contingent retroactive application; providing
37 effective dates.

38
39 Be It Enacted by the Legislature of the State of Florida:

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41 Section 1. It is the intent of the Legislature that the
42 implementing and administering provisions of this act apply to
43 the act making appropriations for the 2008-2009 fiscal year.

44 Section 2. In order to implement the transfer of moneys to
45 the General Revenue Fund from trust funds in the 2008-2009
46 General Appropriations Act, paragraph (b) of subsection (2) of
47 section 215.32, Florida Statutes, is reenacted to read:

48 215.32 State funds; segregation.--

49 (2) The source and use of each of these funds shall be as
50 follows:

51 (b)1. The trust funds shall consist of moneys received by
52 the state which under law or under trust agreement are segregated
53 for a purpose authorized by law. The state agency or branch of
54 state government receiving or collecting such moneys shall be
55 responsible for their proper expenditure as provided by law. Upon
56 the request of the state agency or branch of state government
57 responsible for the administration of the trust fund, the Chief
58 Financial Officer may establish accounts within the trust fund at

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59 | a level considered necessary for proper accountability. Once an
60 | account is established within a trust fund, the Chief Financial
61 | Officer may authorize payment from that account only upon
62 | determining that there is sufficient cash and releases at the
63 | level of the account.

64 | 2. In addition to other trust funds created by law, to the
65 | extent possible, each agency shall use the following trust funds
66 | as described in this subparagraph for day-to-day operations:

67 | a. Operations or operating trust fund, for use as a
68 | depository for funds to be used for program operations funded by
69 | program revenues, with the exception of administrative activities
70 | when the operations or operating trust fund is a proprietary
71 | fund.

72 | b. Operations and maintenance trust fund, for use as a
73 | depository for client services funded by third-party payors.

74 | c. Administrative trust fund, for use as a depository for
75 | funds to be used for management activities that are departmental
76 | in nature and funded by indirect cost earnings and assessments
77 | against trust funds. Proprietary funds are excluded from the
78 | requirement of using an administrative trust fund.

79 | d. Grants and donations trust fund, for use as a depository
80 | for funds to be used for allowable grant or donor agreement
81 | activities funded by restricted contractual revenue from private
82 | and public nonfederal sources.

83 | e. Agency working capital trust fund, for use as a
84 | depository for funds to be used pursuant to s. 216.272.

85 | f. Clearing funds trust fund, for use as a depository for
86 | funds to account for collections pending distribution to lawful
87 | recipients.

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88 g. Federal grant trust fund, for use as a depository for
89 funds to be used for allowable grant activities funded by
90 restricted program revenues from federal sources.

91
92 To the extent possible, each agency must adjust its internal
93 accounting to use existing trust funds consistent with the
94 requirements of this subparagraph. If an agency does not have
95 trust funds listed in this subparagraph and cannot make such
96 adjustment, the agency must recommend the creation of the
97 necessary trust funds to the Legislature no later than the next
98 scheduled review of the agency's trust funds pursuant to s.
99 215.3206.

100 3. All such moneys are hereby appropriated to be expended
101 in accordance with the law or trust agreement under which they
102 were received, subject always to the provisions of chapter 216
103 relating to the appropriation of funds and to the applicable laws
104 relating to the deposit or expenditure of moneys in the State
105 Treasury.

106 4.a. Notwithstanding any provision of law restricting the
107 use of trust funds to specific purposes, unappropriated cash
108 balances from selected trust funds may be authorized by the
109 Legislature for transfer to the Budget Stabilization Fund and
110 General Revenue Fund in the General Appropriations Act.

111 b. This subparagraph does not apply to trust funds required
112 by federal programs or mandates; trust funds established for bond
113 covenants, indentures, or resolutions whose revenues are legally
114 pledged by the state or public body to meet debt service or other
115 financial requirements of any debt obligations of the state or
116 any public body; the State Transportation Trust Fund; the trust

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117 fund containing the net annual proceeds from the Florida
118 Education Lotteries; the Florida Retirement System Trust Fund;
119 trust funds under the management of the State Board of Education
120 or the Board of Governors of the State University System, where
121 such trust funds are for auxiliary enterprises, self-insurance,
122 and contracts, grants, and donations, as those terms are defined
123 by general law; trust funds that serve as clearing funds or
124 accounts for the Chief Financial Officer or state agencies; trust
125 funds that account for assets held by the state in a trustee
126 capacity as an agent or fiduciary for individuals, private
127 organizations, or other governmental units; and other trust funds
128 authorized by the State Constitution.

129 Section 3. In order to fulfill legislative intent regarding
130 the use of funds contained in Specific Appropriations 721M, 721Z,
131 721AK, and 1146 of the 2008-2009 General Appropriations Act, the
132 Department of Corrections and the Department of Juvenile Justice
133 may expend appropriated funds to assist in defraying the costs of
134 impacts that are incurred by a municipality or county and
135 associated with opening or operating a facility under the
136 authority of the respective department which is located within
137 that municipality or county. The amount that is to be paid under
138 this section for any facility may not exceed 1 percent of the
139 facility construction cost, less building impact fees imposed by
140 the municipality or by the county if the facility is located in
141 the unincorporated portion of the county. This section expires
142 July 1, 2009.

143 Section 4. In order to implement Specific Appropriations
144 708 through 766 and 780 through 806 of the 2008-2009 General

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145 Appropriations Act, subsection (4) of section 216.262, Florida
146 Statutes, is amended to read:

147 216.262 Authorized positions.--

148 (4) Notwithstanding the provisions of this chapter on
149 increasing the number of authorized positions, and for the 2008-
150 2009 ~~2007-2008~~ fiscal year only, if the average daily ~~actual~~
151 inmate population of the Department of Corrections exceeds the
152 inmate population projections of the February 15, 2008 ~~16, 2007~~,
153 Criminal Justice Estimating Conference by 1 percent for 2
154 consecutive months or 2 percent for any month, the Executive
155 Office of the Governor, with the approval of the Legislative
156 Budget Commission, shall immediately notify the Criminal Justice
157 Estimating Conference, which shall convene as soon as possible to
158 revise the estimates. The Department of Corrections may then
159 submit a budget amendment requesting the establishment of
160 positions in excess of the number authorized by the Legislature
161 and additional appropriations from unallocated general revenue
162 sufficient to provide for essential staff, fixed capital
163 improvements, and other resources to provide classification,
164 security, food services, health services, and other variable
165 expenses within the institutions to accommodate the estimated
166 increase in the inmate population. All actions taken pursuant to
167 the authority granted in this subsection shall be subject to
168 review and approval by the Legislative Budget Commission. This
169 subsection expires July 1, 2009 ~~2008~~.

170 Section 5. In order to implement Specific Appropriations
171 1301 and 1302 of the 2008-2009 General Appropriations Act, the
172 Department of Legal Affairs is authorized to expend appropriated
173 funds in Specific Appropriations 1301 and 1302 on the same

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174 programs that were funded by the department pursuant to specific
175 appropriations made in general appropriations acts in prior
176 years.

177 Section 6. In order to implement Specific Appropriation
178 1210 of the 2008-2009 General Appropriations Act, subsection (4)
179 of section 932.7055, Florida Statutes, is amended to read:

180 932.7055 Disposition of liens and forfeited property.--

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

183 (a) Payment of the balance due on any lien preserved by the
184 court in the forfeiture proceedings.

185 (b) Payment of the cost incurred by the seizing agency in
186 connection with the storage, maintenance, security, and
187 forfeiture of such property.

188 (c) Payment of court costs incurred in the forfeiture
189 proceeding.

190 (d) Notwithstanding any other provision of this subsection,
191 and for the 2008-2009 ~~2007-2008~~ fiscal year only, the funds in a
192 special law enforcement trust fund established by the governing
193 body of a municipality may be expended to reimburse the general
194 fund of the municipality for moneys advanced from the general
195 fund to the special law enforcement trust fund prior to October
196 1, 2001. This paragraph expires July 1, 2009 ~~2008~~.

197 Section 7. In order to implement Specific Appropriation
198 1080 of the 2008-2009 General Appropriations Act, subsection (3)
199 of section 985.686, Florida Statutes, is reenacted to read:

200 985.686 Shared county and state responsibility for juvenile
201 detention.--

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202 (3) Each county shall pay the costs of providing detention
203 care, exclusive of the costs of any preadjudicatory nonmedical
204 educational or therapeutic services and \$2.5 million provided for
205 additional medical and mental health care at the detention
206 centers, for juveniles for the period of time prior to final
207 court disposition. The department shall develop an accounts
208 payable system to allocate costs that are payable by the
209 counties.

210 Section 8. The amendment to s. 985.686(3), Florida
211 Statutes, as carried forward by this act from chapter 2007-73,
212 Laws of Florida, shall expire July 1, 2009, and the text of that
213 subsection shall revert to that in existence on June 30, 2008,
214 except that any amendments to such text enacted other than by
215 this act shall be preserved and continue to operate to the extent
216 that such amendments are not dependent upon the portions of such
217 text which expire pursuant to this section.

218 Section 9. In order to implement Specific Appropriation 786
219 of the 2008-2009 General Appropriations Act, the Department of
220 Corrections shall comply with the following reimbursement
221 limitations:

222 (1) If no contract exists between the Department of
223 Corrections and the health care provider or hospital regarding
224 services, payments may not exceed 110 percent of the Medicare
225 allowable rate.

226 (2) If a contract has been executed between the Department
227 of Corrections and the health care provider or hospital, payments
228 shall continue at the currently contracted rates through the
229 current term of the contract; however, if the contract expires or
230 is subject to renewal during the 2007-2008 fiscal year, the

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231 payments may not exceed 110 percent of Medicare allowable rate.

232 (3) If the Department of Corrections enters into a new
233 contract with a health care provider or hospital, the payments
234 may not exceed 110 percent of the Medicare allowable rate.

235 (4) Notwithstanding the limitations of subsections (1),
236 (2), and (3) to the contrary, the Department of Corrections may
237 pay up to 125 percent of the Medicare allowable rate for
238 hospitals that reported to the Agency for Health Care
239 Administration, through hospital audited financial data, a
240 negative operating margin for the previous year.

241
242 The Department of Corrections may not negotiate contracts for
243 medical services for rates other than rates based on a percentage
244 of the Medicare allowable rate.

245 Section 10. Any section of this act which implements a
246 specific appropriation or specifically identified proviso
247 language in the act making appropriations for the 2008-2009
248 fiscal year is void if the specific appropriation or specifically
249 identified proviso language is vetoed. Any section of this act
250 which implements more than one specific appropriation or more
251 than one portion of specifically identified proviso language in
252 the act making appropriations for the 2008-2009 fiscal year is
253 void if all the specific appropriations or portions of
254 specifically identified proviso language are vetoed.

255 Section 11. If any other act passed in 2008 contains a
256 provision that is substantively the same as a provision in this
257 act, but that removes or is otherwise not subject to the future
258 repeal applied to such provision by this act, the Legislature
259 intends that the provision in the other act shall take precedence

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260 and shall continue to operate, notwithstanding the future repeal
261 provided by this act.

262 Section 12. If any provision of this act or its application
263 to any person or circumstance is held invalid, the invalidity
264 does not affect other provisions or applications of the act which
265 can be given effect without the invalid provision or application,
266 and to this end the provisions of this act are severable.

267 Section 13. Except as otherwise expressly provided in this
268 act, this act shall take effect July 1, 2008; or, if this act
269 fails to become law until after that date, it shall take effect
270 upon becoming a law and shall operate retroactively to July 1,
271 2008.