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604-03364-09

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

1                                   A bill to be entitled  
2           An act relating to criminal justice and corrections  
3           appropriations; providing that the act implements and  
4           administers the General Appropriations Act;  
5           authorizing the Department of Corrections to use  
6           certain appropriated funds to assist in defraying the  
7           costs incurred by a county or a municipality to open  
8           or operate certain facilities; limiting the amount of  
9           such assistance; providing for the expiration of the  
10          authority to provide the assistance; amending s.  
11          212.262, F.S.; delaying the expiration of provisions  
12          directing the Department of Corrections to seek a  
13          budget amendment for additional positions and  
14          appropriations if the inmate population exceeds a  
15          certain estimate under certain circumstances;  
16          providing for the expiration of the authority to seek  
17          a budget amendment; authorizing the Department of  
18          Legal Affairs to spend certain appropriated funds on  
19          programs that were funded by the department from  
20          specific appropriations in general appropriations acts  
21          in prior years; providing for the expiration of the  
22          authority to spend those appropriations; creating s.  
23          945.6041, F.S.; defining terms; limiting the  
24          compensation of health care providers that do not have  
25          contracts to provide inmate medical services with the  
26          department or private correctional facilities;  
27          limiting compensation to entities that provide



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28 emergency medical transportation services for inmates  
29 if those entities do not have a contract with the  
30 department or certain private correctional facilities;  
31 providing an expiration date for the limits on  
32 compensation; authorizing the Department of Legal  
33 Affairs to transfer certain funds from certain cases  
34 to the Operating Trust Fund to pay salaries and  
35 benefits; providing an expiration date for the  
36 transfer of funds; nullifying provisions of the act if  
37 the appropriations or proviso language to which they  
38 relate are vetoed; providing for other acts passed  
39 during the 2009 Regular Session which contain  
40 provisions that are substantively the same as the  
41 provisions of this act to take precedence under  
42 certain circumstances; providing that the act is  
43 severable; providing for retroactive application of  
44 the act; providing an effective date.

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. This act implements and administers the General  
49 Appropriations Act for the 2009-2010 fiscal year.

50 Section 2. In order to fulfill legislative intent regarding  
51 the use of funds contained in Specific Appropriations 617, 631,  
52 and 644 of the 2009-2010 General Appropriations Act, the  
53 Department of Corrections may expend appropriated funds to  
54 assist in defraying the costs of impacts that are incurred by a  
55 municipality or county and that are associated with opening or  
56 operating a facility under the authority of the department. The



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57 amount paid for any facility may not exceed 1 percent of the  
58 cost to construct the facility, less building impact fees  
59 imposed by the municipality or county. This section expires July  
60 1, 2010.

61 Section 3. In order to implement Specific Appropriations  
62 607 through 707 and 738 through 773 of the 2009-2010 General  
63 Appropriations Act, subsection (4) of section 216.262, Florida  
64 Statutes, is amended to read:

65 216.262 Authorized positions.—

66 (4) Notwithstanding the provisions of this chapter on  
67 increasing the number of authorized positions, and for the 2009-  
68 2010 ~~2008-2009~~ fiscal year only, if the actual inmate population  
69 of the Department of Corrections exceeds the inmate population  
70 projections of the February 16, 2009 ~~February 15, 2008~~, Criminal  
71 Justice Estimating Conference by 1 percent for 2 consecutive  
72 months or 2 percent for any month, the Executive Office of the  
73 Governor, with the approval of the Legislative Budget  
74 Commission, shall immediately notify the Criminal Justice  
75 Estimating Conference, which shall convene as soon as possible  
76 to revise the estimates. The Department of Corrections may then  
77 submit a budget amendment requesting the establishment of  
78 positions in excess of the number authorized by the Legislature  
79 and additional appropriations from unallocated general revenue  
80 sufficient to provide for essential staff, fixed capital  
81 improvements, and other resources to provide classification,  
82 security, food services, health services, and other variable  
83 expenses within the institutions to accommodate the estimated  
84 increase in the inmate population. All actions taken pursuant to  
85 the authority granted in this subsection shall be subject to



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86 review and approval by the Legislative Budget Commission. This  
87 subsection expires July 1, 2010 ~~July 1, 2009~~.

88 Section 4. In order to implement Specific Appropriations  
89 1266 and 1267 of the 2009-2010 General Appropriations Act, the  
90 Department of Legal Affairs is authorized to expend appropriated  
91 funds in those specific appropriations on the same programs that  
92 were funded by the department pursuant to specific  
93 appropriations made in general appropriations acts in prior  
94 years. This section expires July 1, 2010.

95 Section 5. In order to implement Specific Appropriations  
96 738 through 754 of the 2009-2010 General Appropriations Act,  
97 section 945.6041, Florida Statutes, is created to read:

98 945.6041 Inmate medical services.-

99 (1) As used in this section, the term:

100 (a) "Emergency medical transportation services" includes,  
101 but is not limited to, services rendered by ambulances,  
102 emergency medical services vehicles, and air ambulances as those  
103 terms are defined in s. 401.23.

104 (b) "Health care provider" has the same meaning as provided  
105 in s. 766.105.

106 (2) (a) Compensation to a health care provider to provide  
107 inmate medical services may not exceed 110 percent of the  
108 Medicare allowable rate if the health care provider does not  
109 have a contract to provide services with the department or the  
110 private correctional facility, as defined in s. 944.710, which  
111 houses the inmate.

112 (b) Notwithstanding paragraph (a), compensation to a health  
113 care provider to provide inmate medical services may not exceed  
114 125 percent of the Medicare allowable rate if:



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115 1. The health care provider does not have a contract to  
116 provide services with the department or the private correctional  
117 facility, as defined in s. 944.710, which houses the inmate; and

118 2. The health care provider reported a negative operating  
119 margin for the previous year to the Agency for Health Care  
120 Administration through hospital-audited financial data.

121 (3) Compensation to an entity to provide emergency medical  
122 transportation services for inmates may not exceed 110 percent  
123 of the Medicare allowable rate if the entity does not have a  
124 contract with the department or a private correctional facility,  
125 as defined in s. 944.710, to provide the services.

126 (4) This section does not apply to charges for medical  
127 services provided at a hospital operated by the department.

128 (5) This section expires July 1, 2010.

129 Section 6. In order to implement Specific Appropriations  
130 1231, 1251, 1272, and 1282 of the 2009-2010 General  
131 Appropriations Act, the Department of Legal Affairs is  
132 authorized to transfer cash remaining after required  
133 disbursements for Attorney General case numbers 16-2008-CA-01,  
134 and 3142CV-C from FLAIR account 41-74-2-601001-41100100-00-  
135 181076-00 to the Operating Trust Fund to pay salaries and  
136 benefits. This section expires July 1, 2010.

137 Section 7. A section of this act that implements a specific  
138 appropriation or specifically identified proviso language in the  
139 2009-2010 General Appropriations Act is void if the specific  
140 appropriation or specifically identified proviso language is  
141 vetoed. A section of this act that implements more than one  
142 specific appropriation or more than one portion of specifically  
143 identified proviso language in the 2009-2010 General



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144 Appropriations Act is void if all the specific appropriations or  
145 portions of specifically identified proviso language are vetoed.

146 Section 8. If any other act passed during the 2009 Regular  
147 Session contains a provision that is substantively the same as a  
148 provision in this act, but that removes or is otherwise not  
149 subject to the future repeal applied to such provision by this  
150 act, the Legislature intends that the provision in the other act  
151 takes precedence and continues to operate, notwithstanding the  
152 future repeal provided by this act.

153 Section 9. If any provision of this act or its application  
154 to any person or circumstance is held invalid, the invalidity  
155 does not affect other provisions or applications of the act  
156 which can be given effect without the invalid provision or  
157 application, and to this end the provisions of this act are  
158 severable.

159 Section 10. This act shall take effect July 1, 2009; or, if  
160 this act fails to become a law until after that date, it shall  
161 take effect upon becoming a law and shall operate retroactively  
162 to July 1, 2009.