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604-02318C-10

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

1 A bill to be entitled
2 An act implementing the 2010-2011 General
3 Appropriations Act; providing legislative intent;
4 authorizing the Department of Corrections and the
5 Department of Juvenile Justice to use certain
6 appropriated funds to assist in defraying the costs
7 incurred by a county or a municipality to open or
8 operate certain facilities; limiting the amount of
9 such assistance; providing for the expiration of the
10 authority to provide the assistance; amending s.
11 216.262, 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 authorizing the Department of Legal Affairs to spend
17 certain appropriated funds on programs that were
18 funded by the department from specific appropriations
19 in general appropriations acts in prior years;
20 providing for the expiration of the authority to spend
21 those appropriations; providing for the effect of a
22 veto of one or more specific appropriations or proviso
23 provisions to which implementing language refers;
24 providing for the continued operation of certain
25 provisions, notwithstanding a future repeal or
26 expiration provided by the act; providing for
27 severability; providing for contingent retroactive



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28 application; providing effective dates.

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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. It is the intent of the Legislature that the
33 implementing and administering provisions of this act apply to
34 the General Appropriations Act for the 2010-2011 fiscal year.

35 Section 2. In order to fulfill legislative intent regarding
36 the use of funds contained in Specific Appropriations 639, 651,
37 663, and 1188 of the 2010-2011 General Appropriations Act, the
38 Department of Corrections and the Department of Juvenile Justice
39 may expend appropriated funds to assist in defraying the costs
40 of impacts that are incurred by a municipality or county and
41 that are associated with opening or operating a facility under
42 the authority of the respective department. The amount paid for
43 any facility may not exceed 1 percent of the cost to construct
44 the facility, less building impact fees imposed by the
45 municipality or county. This section expires July 1, 2011.

46 Section 3. In order to implement Specific Appropriations
47 629 through 728 and 747 through 781 of the 2010-2011 General
48 Appropriations Act, subsection (4) of section 216.262, Florida
49 Statutes, is amended to read:

50 216.262 Authorized positions.—

51 (4) Notwithstanding the provisions of this chapter on
52 increasing the number of authorized positions, and for the 2010-
53 2011 ~~2009-2010~~ fiscal year only, if the actual inmate population
54 of the Department of Corrections exceeds the inmate population
55 projections of the February 19, 2010 ~~April 30, 2009~~, Criminal
56 Justice Estimating Conference by 1 percent for 2 consecutive



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57 months or 2 percent for any month, the Executive Office of the
58 Governor, with the approval of the Legislative Budget
59 Commission, shall immediately notify the Criminal Justice
60 Estimating Conference, which shall convene as soon as possible
61 to revise the estimates. The Department of Corrections may then
62 submit a budget amendment requesting the establishment of
63 positions in excess of the number authorized by the Legislature
64 and additional appropriations from unallocated general revenue
65 sufficient to provide for essential staff, fixed capital
66 improvements, and other resources to provide classification,
67 security, food services, health services, and other variable
68 expenses within the institutions to accommodate the estimated
69 increase in the inmate population. All actions taken pursuant to
70 the authority granted in this subsection shall be subject to
71 review and approval by the Legislative Budget Commission. This
72 subsection expires July 1, 2011 ~~2010~~.

73 Section 4. In order to implement Specific Appropriations
74 1343 and 1344 of the 2010-2011 General Appropriations Act, the
75 Department of Legal Affairs is authorized to expend appropriated
76 funds in those specific appropriations on the same programs that
77 were funded by the department pursuant to specific
78 appropriations made in general appropriations acts in prior
79 years. This section expires July 1, 2011.

80 Section 5. Any section of this act which implements a
81 specific appropriation or specifically identified proviso
82 language in the 2010-2011 General Appropriations Act is void if
83 the specific appropriation or specifically identified proviso
84 language is vetoed. Any section of this act which implements
85 more than one specific appropriation or more than one portion of



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86 specifically identified proviso language in the 2010-2011
87 General Appropriations Act is void if all the specific
88 appropriations or portions of specifically identified proviso
89 language are vetoed.

90 Section 6. If any other act passed during the 2010 Regular
91 Session contains a provision that is substantively the same as a
92 provision in this act, but that removes or is otherwise not
93 subject to the future repeal applied to such provision by this
94 act, the Legislature intends that the provision in the other act
95 shall take precedence and continue to operate, notwithstanding
96 the future repeal provided by this act.

97 Section 7. If any provision of this act or its application
98 to any person or circumstance is held invalid, the invalidity
99 does not affect other provisions or applications of the act
100 which can be given effect without the invalid provision or
101 application, and to this end the provisions of this act are
102 severable.

103 Section 8. Except as otherwise expressly provided in this
104 act, this act shall take effect July 1, 2010; or, if this act
105 fails to become a law until after that date, it shall take
106 effect upon becoming a law and shall operate retroactively to
107 July 1, 2010.