

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.)

Prepared By: The Professional Staff of the Criminal and Civil Justice Appropriations Committee

BILL: PCS/SB 1716 (226924)

INTRODUCER: Criminal and Civil Justice Appropriations Committee

SUBJECT: Implementing 2009-2010 General Appropriations Act

DATE: March 17, 2009

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toms	Sadberry	JA	Pre-meeting
2.			GO	
3.			WPSC	
4.			RC	
5.				
6.				

I. Summary:

This bill provides statutory authority necessary to implement and execute the General Appropriations Act for the 2009-2010 fiscal year. Such statutory changes are temporary and either expire on July 1, 2010, 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, 2010.

Section 1 provides legislative intent.

Section 2 implements legislative intent regarding the use of funds in Specific Appropriations 617, 631, and 644, authorizing the Department of Corrections 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 2008-2009 Implementing Bill, ch. 2008-153, L.O.F.)

Section 3 amends s. 216.262, F.S., to implement Specific Appropriations 607 through 707, and 738 through 773, 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. 2008-153, L.O.F.)

Section 4 authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1266 and 1267 on the same programs and in the same method as was done in the 2007-2008 fiscal year. (Repeated from the 2008-2009 Implementing Bill, ch. 2008-153, L.O.F.)

Section 5 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 2009-2010, 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 6 authorizes the Department of Legal Affairs to transfer cash remaining after required disbursements from specific cases handled by the Department of Legal Affairs to the Operating Trust Fund to pay salaries and benefits.

Section 7 specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2008-2009 Implementing Bill, ch. 2008-153, L.O.F.)

Section 8 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 2008-2009 Implementing Bill, ch. 2008-153, L.O.F.)

Section 9 provides a severability clause.

Section 10 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.