

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

604-03192-10

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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 29.008, F.S.; providing counties with an exemption
12 from the requirement to annually increase certain
13 expenditures by a specified percentage for the 2010-
14 2011 fiscal year; amending s. 216.262, F.S.; delaying
15 the expiration of provisions directing the Department
16 of Corrections to seek a budget amendment for
17 additional positions and appropriations if the inmate
18 population exceeds a certain estimate under certain
19 circumstances; authorizing the Department of Legal
20 Affairs to spend certain appropriated funds on
21 programs that were funded by the department from
22 specific appropriations in general appropriations acts
23 in prior years; providing for the expiration of the
24 authority to spend those appropriations; providing for
25 the effect of a veto of one or more specific
26 appropriations or proviso provisions to which
27 implementing language refers; providing for the
28 continued operation of certain provisions,
29 notwithstanding a future repeal or expiration provided

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30 by the act; providing for severability; providing for
31 contingent retroactive application; providing an
32 effective date.

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

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

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

50 Section 3. In order to implement section VII of the 2010-
51 2011 General Appropriations Act, paragraph (c) is added to
52 subsection (4) of section 29.008, Florida Statutes, to read:

53 29.008 County funding of court-related functions.—

54 (4)

55 (c) Counties are exempt from all requirements and
56 provisions of paragraph (a) for the 2010-2011 fiscal year.
57 Accordingly, for the 2010-2011 fiscal year, counties shall
58 maintain, but are not required to increase, their expenditures

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59 for the items specified in paragraphs (1)(a)-(h) and subsection
60 (3). The requirements described in paragraph (a) shall be
61 reinstated beginning with the 2011-2012 fiscal year.

62 Section 4. In order to implement Specific Appropriations
63 629 through 728 and 747 through 781 of the 2010-2011 General
64 Appropriations Act, subsection (4) of section 216.262, Florida
65 Statutes, is amended to read:

66 216.262 Authorized positions.—

67 (4) Notwithstanding the provisions of this chapter on
68 increasing the number of authorized positions, and for the 2010-
69 2011 ~~2009-2010~~ fiscal year only, if the actual inmate population
70 of the Department of Corrections exceeds the inmate population
71 projections of the February 19, 2010 ~~April 30, 2009~~, Criminal
72 Justice Estimating Conference by 1 percent for 2 consecutive
73 months or 2 percent for any month, the Executive Office of the
74 Governor, with the approval of the Legislative Budget
75 Commission, shall immediately notify the Criminal Justice
76 Estimating Conference, which shall convene as soon as possible
77 to revise the estimates. The Department of Corrections may then
78 submit a budget amendment requesting the establishment of
79 positions in excess of the number authorized by the Legislature
80 and additional appropriations from unallocated general revenue
81 sufficient to provide for essential staff, fixed capital
82 improvements, and other resources to provide classification,
83 security, food services, health services, and other variable
84 expenses within the institutions to accommodate the estimated
85 increase in the inmate population. All actions taken pursuant to
86 the authority granted in this subsection shall be subject to
87 review and approval by the Legislative Budget Commission. This

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88 subsection expires July 1, 2011 ~~2010~~.

89 Section 5. In order to implement Specific Appropriations
90 1343 and 1344 of the 2010-2011 General Appropriations Act, the
91 Department of Legal Affairs is authorized to expend appropriated
92 funds in those specific appropriations on the same programs that
93 were funded by the department pursuant to specific
94 appropriations made in general appropriations acts in prior
95 years. This section expires July 1, 2011.

96 Section 6. Any section of this act which implements a
97 specific appropriation or specifically identified proviso
98 language in the 2010-2011 General Appropriations Act is void if
99 the specific appropriation or specifically identified proviso
100 language is vetoed. Any section of this act which implements
101 more than one specific appropriation or more than one portion of
102 specifically identified proviso language in the 2010-2011
103 General Appropriations Act is void if all the specific
104 appropriations or portions of specifically identified proviso
105 language are vetoed.

106 Section 7. If any other act passed during the 2010 Regular
107 Session contains a provision that is substantively the same as a
108 provision in this act, but that removes or is otherwise not
109 subject to the future repeal applied to such provision by this
110 act, the Legislature intends that the provision in the other act
111 shall take precedence and continue to operate, notwithstanding
112 the future repeal provided by this act.

113 Section 8. If any provision of this act or its application
114 to any person or circumstance is held invalid, the invalidity
115 does not affect other provisions or applications of the act
116 which can be given effect without the invalid provision or

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117 application, and to this end the provisions of this act are
118 severable.

119 Section 9. This act shall take effect July 1, 2010; or, if
120 this act fails to become a law until after that date, it shall
121 take effect upon becoming a law and shall operate retroactively
122 to July 1, 2010.