

STORAGE NAME: h3481s2z.go
DATE: July 23, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/CS/HB 3481 (nearly identical provisions passed in CS/SB 832, which became law as Chapter 98-73, Laws of Florida)

RELATING TO: State Planning and Budgeting

SPONSOR(S): Committees on General Government Appropriations and Governmental Operations, Representative Culp and others

COMPANION BILL(S): CS/SB 832 1st Engrossed (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0
- (2) GENERAL GOVERNMENT APPROPRIATIONS YEAS 11 NAYS 0
- (3)

I. FINAL ACTION STATUS:

On April 28, 1998, the House laid CS/CS/HB 3481 on the table and substituted and passed CS/SB 832. CS/SB 832 was approved by the Governor on May 21, 1998, and became law as Ch. 98-73, L.O.F. With the exception of Section VI. Amendments Or Committee Substitute Changes, which addresses amendments to the House bill, this research and economic impact statement is of Ch. 98-73, which is CS/SB 832.

II. SUMMARY:

This act:

Exempts from inclusion in the agency strategic plan and from the mandatory review for budget amendments certain information resources management projects that are a continuation of hardware or software maintenance or software licensing agreements, or certain desktop replacement; requires that coordinating councils and boards, like agencies, provide an annual performance report to the Executive Office of the Governor, with copies to the Senate President, House Speaker, and Auditor General; changes the due dates, from November 1 to September 1 for the agency annual information resources management performance report and from March 1 to January 15 for the state annual report on information resources management; provides that the state annual report shall include information resources management information from the Justice Administrative Commission on behalf of state attorneys and public defenders; adds definitions of "incentive" and "disincentive" for the performance-based budgeting process and describes in greater detail what incentives and disincentives are; changes various time-frames to allow submission to the Legislature of programs and measures in advance of developing a performance-based program budget request; provides that all remaining programs within the Department of Education must convert to performance-based budgeting by September 1, 1999; adds state attorneys, public defenders, the Justice Administrative Commission, and capital collateral counsel to the performance-based budgeting schedule; provides agencies created after September 1, 2000, to submit performance-based budgets within a specified period; and establishes in statute the constitutionally-created Budget Stabilization Fund.

This act does not appear to have a substantial fiscal impact on state or local governments.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

State Planning and Budgeting

State planning and budgeting is governed by the State Constitution, as well as by chapters. 215 and 216, F.S. Over the years, the Legislature has adopted a number of budgeting processes that were intended to unify and improve state planning, budgeting, and the appropriations process. In 1994, the Legislature adopted a budgeting process called Performance-Based Program Budgeting or PB2. Performance-based budgeting may be described as a budget process that bases resource needs on quantifiable results that are expected from the use of an allocation. Performance-based budgeting requires agencies to achieve or exceed specific performance or outcome objectives. To assist agencies achieve or exceed performance objectives, agency managers are given greater management flexibility.

Conversion to a performance-based budgeting process is being implemented by use of a multi-year schedule that requires additional agencies to use the process with each passing year. Approximately 30 programs in 12 agencies are budgeted under PB2 at the present time. Under the statutory schedule, the last agencies are due to convert to the PB2 process by September 1, 2000, for the 2001-2002 fiscal year.

Converting to performance-based budgeting is a multi-stage process that requires identification of agency programs, identification of inputs and outputs, development of performance measures, and setting performance standards. The process laid out in statute requires participation of agencies, the Executive Office of the Governor (EOG), legislative committees, and the legislative Office of Program Policy Analysis and Government Accountability (OPPAGA). Ultimately, the Legislature must approve any proposed programs, measures, and standards.

Under the current statutory scheme, prior to October 15 of the fiscal year in which a state agency is required to submit a performance-based program budget, that agency must identify and submit to the EOG a list of proposed state agency programs. Program identification is conducted after discussion with legislative appropriations and appropriate substantive committees and must be approved by the EOG. The statute requires the EOG to review the list, after discussion with legislative appropriations and appropriate substantive committees, and authorizes the EOG to make changes to it. The EOG must approve or disapprove the list within 30 days of receipt. The program list is used in the preparation and submission of the state agency's final legislative budget request. The EOG provides the Legislature with a copy of the list, along with required supporting documentation.

The EOG, after discussion with legislative appropriations committees, appropriate substantive committees, and the Legislative Auditing Committee, are required to jointly develop instructions for the development of performance measures for each program on the approved list. These instructions must be submitted to an agency prior to December 1 of the fiscal year preceding the year in which it is required to submit a performance-based program budget request.

Prior to June 1, the agency must submit to the EOG performance measures for each program on the approved list. Documentation supporting the validity, reliability, and appropriateness of each performance measure must be provided. The agency must explain how the performance measures relate to the agency strategic plan, how they are used in management decision making, and other agency process. The agency also must identify the outputs produced by and the outcomes resulting from each approved program, as well as baseline data associated with each performance measure. Performance measures are to be reviewed, after discussion with legislative appropriations and appropriate substantive committees and the Office of Program Policy Analysis and Government Accountability. The performance measures may be revised as necessary, but they must be approved or disapproved by the EOG within 30 days of receipt.

The Legislature has final approval of all programs, performance measures, and standards through the General Appropriations Act or legislation implementing the General Appropriations Act.

No later than 45 days after the General Appropriations Act becomes law, state agencies may submit to the EOG any adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When an adjustment is made, all performance standards, including any adjustments made, must be submitted to the EOG for review. Upon approval by the EOG, they are submitted to the Legislature for review and approval.

Information Technology Resources

The 1997 Legislature passed Chapter 97-286, Laws of Florida, which sets forth comprehensive changes to the State's use and management of its information technology resources. These changes repealed statutes that created the Information Resource Commission, the Information Technology Resource Procurement Advisory Council, and the Information Resource Management Advisory Council.

Chapter 97-286, Laws of Florida, also established a new governance structure for information resources management, thereby creating new organizations and processes. The legislation created:

- (1) the State Technology Council to develop a statewide vision and to make recommendations on statewide policies for information resources management to the Executive Office of the Governor and the Legislature;
- (2) the State Technology Office to provide administrative support to specified organizations and to facilitate state education and training opportunities;
- (3) the Chief Information Officers (CIO) Council to provide a forum for enhancing communication, consensus building, coordination, and facilitation of statewide information resources management issues among the agency CIO's; and
- (4) the Technology Review Workgroup to provide a mechanism to review and make recommendations to the Governor's Office and the Legislature with respect to the portion of agency strategic plans that pertain to information resources

management (IRM) needs and with respect to agency legislative budget requests for IRM.

After the passage of Chapter 97-286, Laws of Florida, staff of the Joint Legislative Information Technology Resource Committee found that various provisions required minor modification in order to increase the overall effectiveness of the original legislation. This act is a result of those findings.

Section 43.16, F.S., creates a Justice Administrative Commission of the Judicial Branch of Florida. The duties of the commission already include the maintenance of a central state office for administrative services and assistance when possible to and on behalf of the state attorneys and public defenders of Florida, the office of capital collateral representative of Florida, and the Judicial Qualifications Commission.

B. EFFECT OF PROPOSED CHANGES:

This act:

- Exempts from inclusion in the agency strategic plan certain information resources management projects that are a continuation of hardware or software maintenance or software licensing agreements, or certain desktop replacement.

Information resources management projects other than those specified above would continue to be included in agency strategic plans if they:

- Involve more than one agency,
- Have an outcome that impacts another agency, or
- Exceed \$500,000 in total cost over a 1-year period.

- Exempts from mandatory review by the Governor and Administration Commission for the executive branch or the Chief Justice for the judicial branch, any amendments to an agency's original approved operating budget for certain information resource management projects that are a continuation of hardware or software maintenance or software licensing agreements, or certain desktop replacement. Such amendments to the approved operating budget would continue, however, to be reviewed through the existing notice and review requirements set forth in section 216.177, F.S.

Information resources management projects other than those specified above would continue to be subject to the mandatory review requirements if they:

- Involve more than one agency,
- Have an outcome that impacts another agency, or
- Exceed \$500,000 in total cost over a 1-year period.

- Clarifies that a member of the State Technology Council may appoint a designee, who must be in a position that reports directly to that member, to serve on the member's behalf.

- Requires that coordinating councils and boards, like agencies, provide an annual performance report to the Executive Office of the Governor, with copies to the Senate President, House Speaker, and Auditor General.
- Changes the due date of the Agency Annual Information Resources Management Report from November 1 to September 1, to coincide with budget review of the agencies' legislative budget requests.
- Changes the due date of the State Annual Report from March 1 to January 15 to provide additional time for the legislature to review the information prior to the legislative session.
- Requires a project monitor, of an information resources management project designated for special monitoring, to provide a written report "at the end of each quarter and" within 20 days after an agency has completed a major stage of its designated project. Additionally, the project monitor's final report must also be forwarded to the Office of Program Policy Analysis and Government Accountability.
- Eliminates language that made the chair of the Geographic Information Advisory Council an ex officio, nonvoting member of the Geographic Information Board. Eliminates duplicative statements as to the board's duties, as well as provides that the board shall increase efficiency and reduce costs of data acquisition by promoting the coordination of geographic information activities, including but not limited to, development and maintenance of a data directory in which geographic information is cataloged.
- Requires that the chair of the Geographic Information Advisory Council, or his or her designee, attend all meetings of the Geographic Information Board.
- Provides that the state annual report shall include information resources management information from the Justice Administrative Commission (JAC) on behalf of state attorneys and public defenders. Currently the state attorneys and public defenders send directly to the State Technology Office (STO) information regarding IRM. The STO includes that information in the State Annual Report on Information Resources Management. This change in the statute would simply route the information from the public defenders and state attorneys to the JAC and the JAC would forward same as needed. This function already comports with the duties and functions of the JAC as are set forth in section 43.16, F.S., discussed above.
- Adds definitions of "incentive" and "disincentive" for the performance-based budgeting process, and describes in greater detail what incentives and disincentives are.
- Creates definitions for "performance-based program appropriation" and "performance ledger."
- Changes various time-frames to allow submission to the Legislature of programs and measures in advance of developing a performance-based program budget request. Reliance on large programs is reduced by repealing the prohibition

against agencies using existing 5 percent budget transfer authority between programs.

- Provides that all remaining programs within the Department of Education must convert to performance-based budgeting by September 1, 1999. State attorneys, public defenders, the Justice Administrative Commission, and capital collateral counsel are added to the performance-based budgeting schedule. Agencies created after September 1, 2000, are required to submit performance-based budgets within a specified period.
- Establishes in statute the constitutionally-created Budget Stabilization Fund.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. Certain reporting activities required of state attorneys and public defenders would be coordinated through the Justice Administrative Commission.

Also, certain councils and boards are required to provide an annual performance report to the Executive Office of the Governor, with copies to the Senate President, House Speaker and Auditor General.

All remaining programs within the Department of Education must convert to performance-based budgeting by September 1, 1999. State attorneys, public defenders, the Justice Administrative Commission, and capital collateral counsel, are added to the performance-based budgeting schedule. Agencies created after September 1, 2000, are required to submit performance-based budgets within a specified period.

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No

- b. Does the bill require or authorize an increase in any fees?

No

- c. Does the bill reduce total taxes, both rates and revenues?

No

- d. Does the bill reduce total fees, both rates and revenues?

No

- e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This act does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This act does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 186.021(1), 186.022(9), 186.009, 186.031, 212.081(3), 121.051, 215.32, 215.96(2), 216.011, 216.0166, 216.0172, 216.0235, 216.031, 216.163, 216.167, 216.178, 216.181(4), 216.292, 216.221, 252.37, 282.3063, 282.3091(3), 282.310, 282.322, 282.404, and 282.310(1), F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Specific definitions of “disincentive” and “incentive” are created in section 216.011, F.S. A “disincentive” is defined to mean “. . . a sanction, as described in section 216.163.” An “incentive” is defined to mean “. . . a mechanism, as described in section 216.63, for recognizing the achievement of performance standards or for motivating performance that exceeds performance standards.”

“Performance-based program appropriation” is defined as “. . . funds appropriated for a specific set of activities or classification of expenditure within an approved performance-based program.”

“Performance ledger” is defined as “. . . the official compilation of information about state agency performance-based programs and measures including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.”

The remaining definitions in section 216.011, F.S., are renumbered to reflect the additional definitions.

Section 2. Section 216.0166, F.S., is amended to change the date by which proposed agency programs must be submitted to the Executive Office of the Governor (EOG) from October 15 to September 1 of the fiscal year in which a state agency is required to submit a PB2 budget request. The amendment requires submission of proposed performance measures by this time, as well, which results in the deletion of subsections (3), (4) and (6) of the section. In addition, an agency may submit a list of statutes or rules affecting its performance which may be addressed as incentives or disincentives. This list is to be accompanied by recommended legislation to implement the requested changes.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) is added to the legislative committees that the EOG should contact during its review of the proposed programs and performance measures. The period during which the proposed programs and measures are reviewed is extended from 30 days of receipt to 60 days after receipt. An agency may be required to resubmit its proposed program list. The EOG may also recommend legislation to implement any or all of the proposed incentives.

The act modifies list of documents that must accompany the list of proposed programs that is submitted by an agency, as well as requires that this documentation be provided to support proposed performance measures. Deleted from the list is information on fees collected and the adequacy of those fees in funding each program for which the fees are collected. Added to the list are: (1) any proposed legislation necessary to implement the incentive or disincentives requested pursuant to this section; (2) a comparison of the agency's existing budget structure to the proposed structure; and (3) a description of the use of performance measures in agency decision making, agency actions to allocate funds and manage programs, and the agency strategic plan.

Agencies are required to submit a performance-based program budget legislative budget request using the programs and performance measures adopted by the Legislature, or if none are adopted, using those recommended by the EOG.

The date for making requests to revise approved programs or performance measures is changed from no later than April 15 of the year in which the state agency intends to incorporate the changes into its legislative budget request, to February 1 of that year. The EOG is required to maintain the official performance ledger.

Section 3. Amends section 216.0172, F.S., to modify the statutory schedule for submission of PB2 budget proposals. The Department of Health and Rehabilitative Services' name is changed to the Department of Children and Family Services; the Department of Commerce is deleted, as that department was eliminated and its duties transferred. All remaining programs of the Department of Education are added to the performance-based program budgeting process effective FY 2000-2001. State attorneys, public defenders, the Justice Administrative Commission, and the capital collateral counsel are added to the schedule for FY 2001-2002.

Any new agency or portion of an agency created after September 1, 2000, is required to submit a performance-based program budget request for approved programs by September 1 of the year following the creation of the agency or portion of the agency.

Beginning in fiscal year 1998-1999, the EOG shall, for any agency that fails to meet the requirements set forth in s. 216.0166, F.S., according to the schedule set forth in s. 216.0172, F.S., or within three years thereafter, recommend programs and performance measures to the Legislature on behalf of that agency.

Section 4. Section 216.0235, F.S., is amended to require that the annual budget preparation instructions sent to agencies must include instructions on how to comply with section 216.0166, F.S.

Section 5. Nomenclature modifications are made to bring section 216.031, F.S., into conformity with changes made in section 216.0166, F.S. Additionally, a new subsection

(12) is added that requires a legislative budget request to contain a prioritized list of planned expenditures for review and possible reduction in the event of revenue shortfalls. The list is to be in the format provided by the planning and budgeting instructions.

Section 6. Section 216.163, F.S., is amended to provide that the Governor's recommended budget may include as incentives: lump sums or special category appropriations; performance-based program appropriations; consolidated program components or budget categories; and increased transfer authority across budget categories or entities. Retention of up to 50 percent of all unencumbered balances as of June 30 or undisbursed balances as of December 31 of appropriations, excluding special categories and grants and aids, is provided. Additional funds provided pursuant to law may be released to an agency quarterly or incrementally contingent upon the accomplishment of units of output or outcome specified in the General Appropriations Act.

Section 7. Section 216.167, F.S., which relates to the Governor's budget recommendations, is amended to refer to the Budget Stabilization Fund, which is created in the State Constitution, and statutorily-established in Section 14 of this act.

Section 8. Section 216.178, F.S., which relates to the format of the General Appropriations Act, is amended to require the Office of Planning and Budget to produce the final budget report that reflects the net appropriations for each budget item by October 15 of each year. The current deadline is 90 days after the beginning of the fiscal year.

Section 9. Section 216.292, F.S., is amended to require that authorized revisions of the original approved operating budget, and related changes, must be transmitted by the state agency or the judicial branch to the EOG or the Chief Justice, the chairs of the legislative appropriations committees, OPPAGA, and the Auditor General. Currently, they must be transmitted to the Comptroller for entry in his or her records in the manner and format prescribed by the EOG in consultation with the Comptroller. Authorized revisions must be consistent with the intent of the approved operating budget and with legislative policy and intent, and must not conflict with the specific spending policies specified in the General Appropriations Act. [This requirement is already current law. CS/SB 832 adds an identical sentence thus needlessly duplicating this requirement.] The EOG is required to forward a copy of revisions within 7 working days to the Comptroller for entry in his or her records in the manner and format prescribed by the EOG in consultation with the Comptroller.

The section also provides that section 216.292(3)(a), F.S., does not apply to programs operating under performance-based program budgeting where a lump sum was appropriated. A new subsection (4) is created that permits the head of each department or the Chief Justice to transfer funds, positions and salary rate within and between program budget entities with performance-based program appropriations as defined in section 216.011(1)(xx), F.S., whenever it is deemed necessary by reason of changed conditions. The section, however, provides that the total program funds, positions and salary rate may not be increased or decreased by more than 5 percent by all action taken under the section.

Section 10. Section 186.022, F.S., is amended to provide that state agency program performance measures must be consistent with the objectives in the draft agency strategic plan and must represent 1-year implementation efforts necessary to meet the 5-year agency strategic plan objectives. Also authorizes state agencies to amend their strategic plans, as necessary, to ensure consistency with legislative actions prior to the effective date of the agency strategic plan.

Section 11. A technical cross-reference change is made in section 121.05, F.S., to provide performance-budgeting conformance to the Division of Rehabilitation and Liquidation in the Department of Insurance.

Section 12. Section 215.32, F.S., is amended to provide for the Budget Stabilization Fund. The fund is defined to consist of amounts equal to at least 5 percent of net revenue collections for the general Revenue Fund during the last completed fiscal year. The fund's principal balance is not to exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. The term "last completed fiscal year" means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the Budget Stabilization Fund must be made.

Also requires the Governor, by September 15 of each year, to authorize the Comptroller to transfer to the Budget Stabilization Fund the amount of money needed for the balance of that fund to equal the amount specified above, minus any amounts expended and not restored. The moneys needed for transfer may be appropriated by the Legislature from any funds.

An expenditure from the Budget Stabilization Fund must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund beginning in the fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a different restoration schedule; and such change may be made at any time during the restoration period.

The Budget Stabilization Fund and the Working Capital Fund may be used as revolving funds for transfers as provided by section 215.18, F.S. If the Comptroller determines that such moneys are not needed for such transfers, the moneys may be temporarily invested as provided in section 18.125, F.S., except that any interest earned must be deposited in the General Revenue Fund.

The Working Capital Fund is to be funded by moneys in the General Revenue Fund which are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year. Each year, no later than the publishing date of the annual financial statements, funds must be transferred between the Working Capital Fund and the General Revenue Fund to establish the balance of the Working Capital Fund for that fiscal year at the amount determined pursuant to the provision.

Section 13. Section 216.221, F.S., which relates to the adjustment of budgets, is amended to change references from the Working Capital Fund to the Budget Stabilization Fund and to require implementation of directions in the General Appropriations Act relating to the resolution of deficit situations.

Section 14. Amends section 252.37, F.S., to permit the Governor to transfer and expend moneys from the newly-created Budget Stabilization Fund.

Section 15. Amends subsection (2) of section 20.255, F.S., which enumerates the duties of inspectors general. That section currently requires inspectors general to assess the reliability and validity of the information provided by a state agency on performance measures and standards, and to make recommendations for improvement, if necessary. The amended language requires inspectors general to perform this assessment prior to submission of the performance measures and standards to the EOG.

Section 16. Repeals subsection (3) of section 212.081, F.S. That subsection provides that it is the legislative intent that revenue produced by ch. 59-402, L.O.F., together with other available general revenue in excess of money required to meet the general revenue appropriations accrue to the Working Capital Fund.

Also repeals subsection (5) of section 186.021, F.S., which provides that the objectives in agency strategic plans must not be inconsistent with state agency performance measures, which have been approved by the EOG. (A provision requiring state agency program performance measures to be consistent with the objectives in the draft agency strategic plan, however, is inserted in section 186.022, F.S., in section 10 of this act).

Section 17. Amends subsection (1) of section 186.021, F.S. Provides that state agency strategic plans do not have to include information resources management projects that are a continuation of hardware or software maintenance or software licensing agreements, or desktop replacement that is similar to the technology currently in use.

Section 18. Amends subsection (4) of section 216.181, F.S. Excludes from the mandatory review any information resource management projects that are a continuation of hardware or software maintenance or software licensing agreements, or desktop replacement that is similar to the technology currently in use. (Currently the law provides that any amendments to the original approved operating budgets for certain information resource management projects *must* be reviewed by the Governor and Administration Commission for the executive branch or the Chief Justice for the judicial branch.)

Section 19. Amends subsection (9) of section 186.022, F.S. Requires that the Geographic Information Board, the Financial Management Information Board, the Criminal and Juvenile Justice Information System Council, and the Health Information System Council shall, like state agencies, prepare an annual performance report. Such report must be submitted by September 1 to the Executive Office of the Governor, with copies to the Senate President, House Speaker, and Auditor General.

Section 20. Amends subsection (1) of section 282.3063, F.S. Changes the due date of the Agency Annual Information Resources Management Report from November 1 to September 1 to coincide with the review process for agencies' legislative budget requests.

Section 21. Amends subsection (1) and (2) of section 282.310, F.S. Changes the due date of the State Annual Report on Information Resources Management from March 1 to January 15 to provide the Legislature ample time for review prior to the legislative

session; and, provides that the state annual report shall include information resources management information from the Justice Administrative Commission on behalf of state attorneys and public defenders.

Section 22. Amends subsection (3) of section 282.3091, F.S. Provides that a State Technology Council member may appoint a designee to serve on that member's behalf; however, such designee must be in a position that reports directly to that member.

Section 23. Amends section 282.322, F.S. Requires a project monitor of an information resources management project designated for special monitoring to provide a written report "at the end of each quarter and" within 20 days after an agency has completed a major stage of its designated project; and, requires that his or her final report also be forwarded to the President of the Senate, and Speaker of the House, and the Office of Program Policy Analysis and Government Accountability.

Section 24. Amends subsections (3), (5), (7), and (8) of section 282.404, F.S. Makes a technical correction relating to the statutory placement of the State Geologist as a member of the Geographic Information Advisory Council; provides that the chair of the Geographic Information Advisory Council, or his or her designee, is required to attend all meetings of the Geographic Information Board, and eliminates language that had made the chair an ex-officio member of the Board; and, revises and eliminates some duplication in the statement of the board's duties.

Section 25. Amends subsection (2) of section 215.96, F.S. Makes a technical correction in the name of the State Agency Administrative Services Directors.

Section 26. Provides an effective date upon becoming law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

Agencies which are under performance-based budgeting and that meet or exceed performance standards could be positively impacted by additional economic incentives.

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

Agencies which are under performance-based budgeting and that meet or exceed performance standards could be positively impacted by additional economic incentives.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

Article III, s. 19(f)(3), of the State Constitution, prohibits the creation of a trust fund of the State of Florida or another public body by law without a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only. Trust funds authorized by the State Constitution are not subject to this requirement. Article III, s. 19(g), of the State Constitution provides for the Budget Stabilization Fund.

This act would require an annual performance report of certain boards and councils, including the Health Information Systems Council. According to the Department of Health (DOH), which provides support to the Council, this would increase the department's workload. DOH further states that it "did not receive any additional positions or funds to provide this support when the Council was created in legislation that passed in 1997. This new reporting requirement further adds to the workload that was created by creation of the Council." According to DOH, when the original legislation was passed DOH documented the need for two FTEs, and has "submitted a legislative

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budget request [this year] for two positions ... in the amount of \$117,665". See Department of Health Bill analysis, Economic Statement & Fiscal Note, HB 3481, Judy Bentley, analyst.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This act does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This act does not reduce revenue raising authority of counties or municipalities.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This act does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

None

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment was adopted by the House Committee on General Government Appropriations at its April 2, 1998, meeting. The amendment added Sections 1-18 dealing with state planning and budgeting issues to CS/HB 3481 to create CS/CS/HB 3481 which is the subject of this Bill Research & Economic Impact Statement.

Two amendments were adopted by the House Committee on Governmental Operations. The bill, as amended, was made a committee substitute. The first amendment amended section 282.322, F.S., to require a project monitor of an information resources management project designated for special monitoring to provide a written report "at the end of each quarter and" within 20 days after an agency has completed a major stage of its designated project; and, to require that his or her final report also be forwarded to the Office of Program Policy Analysis and Government Accountability. The second amendment amended section 282.404(5), F.S., changing some of the Geographic Information Board duties and eliminating certain duplicative language.

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DATE: July 23, 1998

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VIII. SIGNATURES:

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