

1 A bill to be entitled
2 An act relating to state finances; amending s.
3 186.022, F.S.; requiring each state agency
4 annual performance report to include an
5 assessment of performance measures approved by
6 the Legislature and established in the General
7 Appropriations Act or implementing legislation
8 for the General Appropriations Act for the
9 previous fiscal year and a summary of all
10 moneys that were expended or encumbered by the
11 agency, or for which the agency is otherwise
12 responsible, during the preceding fiscal year
13 and an estimate of such moneys for the current
14 fiscal year; providing requirements for the
15 reporting of such information; providing for a
16 reduction in funding for failure to submit the
17 required state agency annual performance
18 report; amending s. 216.0235, F.S.; requiring
19 instructions with respect to such information
20 to be included in the performance-based
21 legislative program budget instructions;
22 requiring the Florida Financial Management
23 Information System Coordinating Council to
24 submit to the Governor and Legislature a
25 report, with recommendations, relating to the
26 reporting of such information; amending s.
27 216.241, F.S.; prohibiting the expenditure of
28 revenues generated by any tax or fee imposed
29 pursuant to amendment to the State Constitution
30 after a specified date except pursuant to
31 legislative appropriation; amending s. 216.023,

1 F.S.; revising the date for submission of final
2 legislative budget requests; amending ss.
3 216.0166, 216.0172, 216.0235, 240.2601, and
4 240.383, F.S., to conform; amending s. 216.131,
5 F.S.; making certain public hearings on
6 legislative budget requests by the Governor and
7 Chief Justice optional; amending s. 216.181,
8 F.S.; revising requirements for approval of
9 amendments to original approved operating
10 budgets involving certain information resources
11 management projects or initiatives; amending s.
12 216.192, F.S.; revising requirements relating
13 to release of appropriations; amending s.
14 216.231, F.S.; revising requirements relating
15 to release of funds for emergencies or
16 deficiencies; removing a public hearing
17 requirement; amending s. 216.262, F.S.;
18 revising requirements for adding or deleting
19 authorized positions; removing public hearing
20 requirements; amending s. 216.292, F.S.;
21 revising requirements relating to transfer of
22 funds between agencies; providing for
23 appropriation of federal funds for fixed
24 capital outlay projects for the Department of
25 Military Affairs; providing for redistribution
26 of the approved operating budget for the
27 special category of risk management; amending
28 s. 255.25, F.S.; providing requirements for a
29 replacement lease of space in privately owned
30 buildings; providing an effective date.
31

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

2

3 Section 1. Subsection (8) of section 186.022, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 186.022 State agency strategic plans; preparation,
6 form, and review.--

7 (8) Each agency shall submit by September 1 of each
8 year an annual performance report to the Executive Office of
9 the Governor, with copies to the President of the Senate, the
10 Speaker of the House of Representatives, ~~and~~ the Auditor
11 General, and the Office of Program Policy Analysis and
12 Government Accountability. The purpose of this report is to
13 evaluate the attainment of the agency objectives in the agency
14 strategic plan and the performance measures approved by the
15 Legislature pursuant to s. 216.0166(3) and established in the
16 General Appropriations Act or implementing legislation for the
17 General Appropriations Act for the previous fiscal year. In
18 addition, each state agency must include a one-page summary of
19 all moneys that were expended or encumbered by the agency, or
20 for which the agency was otherwise responsible, during the
21 preceding fiscal year and an estimate of such moneys projected
22 by the agency for the current fiscal year. All such
23 expenditures and estimates of such expenditures must be
24 divided by program and expressed in line items by unit costs
25 for each output measure approved pursuant to s. 216.0166(3)
26 for those agencies and programs operating under
27 performance-based program budgeting and for major services and
28 products for those agencies and programs operating under
29 traditional line-item budgeting. Unit-cost totals must equal
30 the total amount of moneys that were expended or projected to
31 be expended by each agency and must include expenditures or

1 projected expenditures of state funds by subordinate
2 governmental entities and contractors, as applicable. Moneys
3 that agencies receive but are not responsible for, such as
4 reversions or pass-throughs to entities over which the agency
5 has no authority or responsibility, shall be shown in separate
6 line items and expressed in total amounts only. At the regular
7 session immediately following the submission of the agency
8 performance report, the Legislature shall reduce in the
9 General Appropriations Act for the ensuing fiscal year, by an
10 amount equal to at least 10 percent of the allocation for the
11 fiscal year preceding the current fiscal year, the funding of
12 each state agency that fails to submit the report required by
13 this subsection. All reports must be submitted in the form and
14 manner prescribed by the instructions prepared pursuant to
15 subsection (2) and s. 216.0235(3).

16 Section 2. Subsection (3) of section 216.0235, Florida
17 Statutes, 1998 Supplement, is amended to read:

18 216.0235 Performance-based legislative program budget
19 requests to be furnished by agencies.--

20 (3) The Executive Office of the Governor and the
21 legislative appropriations committees shall jointly develop
22 legislative program budget instructions from which each agency
23 that has an approved program and the judicial branch, pursuant
24 to ss. 216.0166 and 216.043, shall prepare its legislative
25 program budget request. The program budget instructions must
26 be consistent with s. 216.141 and must be transmitted to each
27 agency and to the judicial branch no later than June 15 of
28 each year. The budget instructions must ~~also~~ include
29 instructions for agencies in submitting performance measures
30 and standards as required by s. 216.0166. The budget
31 instructions must also include instructions for agencies in

1 submitting the assessment of performance measures and the
2 unit-cost information required to be included in the agency
3 annual performance report under s. 186.022(8). The Executive
4 Office of the Governor, in consultation with the Office of
5 Program Policy Analysis and Government Accountability, the
6 Auditor General, the Department of Banking and Finance, and
7 the legislative appropriations committees, shall develop
8 instructions as to the calculation of the unit-cost
9 information and the format and presentation of the summary
10 required under s. 186.022(8). For fiscal year 1999 - 2000,
11 the Executive Office of the Governor may provide interim
12 instructions which allow for a phased-in implementation of
13 unit cost reporting by agencies. Full implementation of unit
14 cost reporting shall be effective with the submission of the
15 September 1, 2000 agency performance report. In the event
16 that agreement cannot be reached between the Executive Office
17 of the Governor and the legislative appropriations committees
18 regarding legislative program budget instructions, the issue
19 shall be resolved by the Governor, the President of the
20 Senate, and the Speaker of the House of Representatives.

21 Section 3. The Florida Financial Management
22 Information System Coordinating Council shall submit to the
23 Governor, the President of the Senate, and the Speaker of the
24 House of Representatives by October 1, 1999, a report, with
25 recommendations, on the necessity and feasibility of, and the
26 costs associated with, enhancements to the Florida Accounting
27 Information Resource Subsystem required to support state
28 agencies in providing the unit-cost information required to be
29 reported under s. 186.022(8), Florida Statutes, as amended by
30 this act.

31

1 Section 4. Subsection (3) is added to section 216.241,
2 Florida Statutes, to read:

3 216.241 Initiation or commencement of new programs;
4 approval.--

5 (3) Any revenues generated by any tax or fee imposed
6 by amendment to the State Constitution after October 1, 1999,
7 shall not be expended by any agency, as defined in s.
8 120.52(1), except pursuant to appropriation by the
9 Legislature.

10 Section 5. Subsections (1) and (2) and paragraph (a)
11 of subsection (7) of section 216.023, Florida Statutes, are
12 amended to read:

13 216.023 Legislative budget requests to be furnished by
14 agencies.--

15 (1) The head of each state agency shall submit a final
16 legislative budget request to the Legislature and to the
17 Governor, as chief budget officer of the state, in the form
18 and manner prescribed in the budget instructions and at such
19 time as specified by the Executive Office of the Governor,
20 based on the agency's independent judgment of its needs.
21 However, no state agency shall submit its final legislative
22 budget request later than September 15 \pm of each year.

23 (2) The judicial branch and the Division of
24 Administrative Hearings shall submit their final legislative
25 budget requests directly to the Legislature with a copy to the
26 Governor, as chief budget officer of the state, in the form
27 and manner as prescribed in the budget instructions. However,
28 the final legislative budget requests shall be submitted no
29 later than September 15 \pm of each year.

30 (7)(a) The provisions of subsections (1) and (2) to
31 the contrary notwithstanding, each agency subject to the

1 provisions of this section shall submit its legislative budget
2 request no later than September 15 † of the year in which the
3 agency is required to submit its point-by-point response
4 pursuant to s. 216.0165(1)(d).

5 Section 6. Subsection (1) of section 216.0166, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 216.0166 Submission by state agencies of
8 performance-based budget requests, programs, and performance
9 measures.--

10 (1) Prior to September 15 † of the fiscal year prior
11 to which a state agency is required to submit a
12 performance-based program budget request pursuant to s.
13 216.0172, such state agency shall identify and submit to the
14 Executive Office of the Governor a list of proposed state
15 agency programs and performance measures. The agency may also
16 provide a list of statutes or rules affecting its performance
17 which may be addressed as incentives or disincentives for the
18 performance-based program budget. The list should be
19 accompanied by recommended legislation to implement the
20 requested changes for potential incentives. Such
21 identification shall be conducted after discussion with
22 legislative appropriations and appropriate substantive
23 committees and shall be approved by the Executive Office of
24 the Governor. The Executive Office of the Governor, after
25 discussion with legislative appropriations and appropriate
26 substantive committees and the Office of Program Policy
27 Analysis and Government Accountability, shall review the list
28 of programs and performance measures, may make any changes or
29 require the agency to resubmit the list, and shall make a
30 final recommendation of programs and associated performance
31 measures to the Legislature within 60 days after receipt, to

1 be used in the preparation and submission of the state
2 agency's final legislative budget request pursuant to s.
3 216.023(5). The Executive Office of the Governor may also
4 recommend legislation to implement any or all of the proposed
5 incentives. Agencies continuing under performance-based
6 program budgeting may provide as part of their legislative
7 budget request a list of statutes or rules affecting their
8 program performance which may be addressed as incentives or
9 disincentives for the performance-based program budget.

10 Section 7. Subsections (6), (7), and (8) of section
11 216.0172, Florida Statutes, 1998 Supplement, are amended to
12 read:

13 216.0172 Schedule for submission of performance-based
14 program budgets.--In order to implement the provisions of
15 chapter 94-249, Laws of Florida, state agencies shall submit
16 performance-based program budget legislative budget requests
17 for programs approved pursuant to s. 216.0166 to the Executive
18 Office of the Governor and the Legislature based on the
19 following schedule:

20 (6) By September 15 ~~±~~, 1999, for the 2000-2001 fiscal
21 year, by the following:

22 (a) Division of Administrative Hearings.

23 (b) Department of Business and Professional
24 Regulation.

25 (c) Parole and Probation Commission.

26 (d) Public Service Commission.

27 (e) Department of Health.

28 (f) Department of Education (all remaining programs).

29 (7) By September 15 ~~±~~, 2000, for the 2001-2002 fiscal
30 year, by the following:

31 (a) Department of Citrus.

1 (b) Department of Community Affairs.

2 (c) Department of Insurance.

3 (d) Department of Veterans' Affairs.

4 (e) State attorneys.

5 (f) Public defenders.

6 (g) Justice Administrative Commission and capital
7 collateral counsel.

8 (8) Any new agency or portion thereof created after
9 September 15 [±], 2000, shall submit a performance-based program
10 budget request for programs approved pursuant to s. 216.0166
11 to the Executive Office of the Governor and the Legislature by
12 September 15 [±] of the year following the creation of the
13 agency or portion thereof.

14 Section 8. Subsections (1) and (2) of section
15 216.0235, Florida Statutes, 1998 Supplement, are amended to
16 read:

17 216.0235 Performance-based legislative program budget
18 requests to be furnished by agencies.--

19 (1) The head of each state agency shall submit a final
20 legislative program budget request to the Legislature and to
21 the Governor, as chief budget officer of the state, in the
22 form and manner prescribed in the program budget instructions
23 and at such time as specified by the Executive Office of the
24 Governor, based on the agency's independent judgment of its
25 needs. However, a state agency may not submit its final
26 legislative program budget request later than September 15 [±]
27 of each year. The provisions of s. 216.023 do not apply to
28 programs within state agencies that have been approved to
29 operate under a performance-based program budget.

30 (2) The judicial branch shall submit its final
31 legislative program budget request directly to the Legislature

1 with a copy to the Governor, as chief budget officer of the
2 state, in the form and manner prescribed in the program budget
3 instructions. However, the final legislative program budget
4 requests shall be submitted no later than September 15 ± of
5 each year.

6 Section 9. Subsection (7) of section 240.2601, Florida
7 Statutes, is amended to read:

8 240.2601 State University System Facility Enhancement
9 Challenge Grant Program.--

10 (7) By September 15 ± of each year, the Board of
11 Regents shall transmit to the Legislature a list of projects
12 which meet all eligibility requirements to participate in the
13 Alec P. Courtelis Capital Facilities Matching Trust Fund and a
14 budget request which includes the recommended schedule
15 necessary to complete each project.

16 Section 10. Subsection (8) of section 240.383, Florida
17 Statutes, is amended to read:

18 240.383 State Community College System Facility
19 Enhancement Challenge Grant Program.--

20 (8) By September 15 ± of each year, the Division of
21 Community Colleges shall transmit to the Legislature a list of
22 projects which meet all eligibility requirements to
23 participate in the State Community College System Facility
24 Enhancement Challenge Grant Program and a budget request which
25 includes the recommended schedule necessary to complete each
26 project.

27 Section 11. Section 216.131, Florida Statutes, is
28 amended to read:

29 216.131 Public hearings on legislative budgets.--The
30 Governor and the Chief Justice of the Supreme Court may ~~shall~~
31 each provide for at least one public hearing prior to

1 submission of budget recommendations to the Legislature on
2 issues contained in agency legislative budget requests or in
3 the judicial branch budget request and issues which may be
4 included in budget recommendations to the Legislature, which
5 shall be held at such time as the Governor or the Chief
6 Justice may fix. The Governor may require the attendance at
7 his or her hearings of the heads or responsible
8 representatives of all state agencies supported by any form of
9 taxation or licenses, fees, imposts, or exactions.

10 Section 12. Subsection (4) of section 216.181, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 216.181 Approved budgets for operations and fixed
13 capital outlay.--

14 (4) All amendments to the original approved operating
15 budgets, regardless of funding source, are subject to the
16 notice and review procedures set forth in s. 216.177 and must
17 be approved by the Governor and the Technology Review
18 Workgroup ~~Administration Commission~~ as provided in this
19 chapter for the executive branch and the Chief Justice for the
20 judicial branch if the amendment is for an information
21 resources management project or initiative that involves more
22 than one agency, has an outcome that impacts another agency,
23 or exceeds \$500,000 in total cost over a 1-year period, except
24 for those projects that are a continuation of hardware or
25 software maintenance or software licensing agreements, or that
26 are for desktop replacement that is similar to the technology
27 currently in use.

28 Section 13. Subsection (1) of section 216.192, Florida
29 Statutes, is amended to read:

30 216.192 Release of appropriations; revision of
31 budgets.--

1 (1) Unless otherwise provided in the General
2 Appropriations Act, on July 1 of each fiscal year, 25 ~~20~~
3 percent of the original approved operating budget of each
4 agency and of the judicial branch shall be released and the
5 ~~until such time as~~ annual plans for quarterly releases for all
6 appropriations shall be ~~have been developed, approved, and~~
7 furnished to the Comptroller by the Executive Office of the
8 Governor for state agencies and by the Chief Justice of the
9 Supreme Court for the judicial branch. The plans, including
10 appropriate plans of releases for fixed capital outlay
11 projects that correspond with each project schedule, shall
12 attempt to maximize the use of trust funds ~~and shall be~~
13 ~~transmitted to the Comptroller by August 1 of each fiscal~~
14 ~~year~~. Such releases shall at no time exceed the total
15 appropriations available to a state agency or to the judicial
16 branch, or the approved budget for such agency or the judicial
17 branch if less. The Comptroller shall enter such releases in
18 his or her records in accordance with the release plans
19 prescribed by the Executive Office of the Governor and the
20 Chief Justice, unless otherwise amended as provided by law.
21 The Executive Office of the Governor and the Chief Justice
22 shall transmit a copy of the approved annual releases to the
23 head of the state agency, the chairs of the legislative
24 appropriations committees, and the Auditor General. The
25 Comptroller shall authorize all expenditures to be made from
26 the appropriations on the basis of such releases and in
27 accordance with the approved budget, and not otherwise.
28 Expenditures shall be authorized only in accordance with
29 legislative authorizations. Nothing herein precludes periodic
30 reexamination and revision by the Executive Office of the
31 Governor or by the Chief Justice of the annual plans for

1 release of appropriations and the notifications of the parties
2 of all such revisions.

3 Section 14. Subsections (1) and (2) of section
4 216.231, Florida Statutes, are amended to read:

5 216.231 Release of certain classified
6 appropriations.--

7 (1)(a) Any appropriation to the Executive Office of
8 the Governor which is classified as "emergency," as defined in
9 s. 252.34(3), may be released only with the approval of the
10 Governor. The state agency, or the judicial branch, desiring
11 the use of the emergency appropriation shall submit to the
12 Executive Office of the Governor application therefor in
13 writing setting forth the facts from which the alleged need
14 arises. The Executive Office of the Governor shall, ~~at a~~
15 ~~public hearing,~~ review such application promptly and approve
16 or disapprove the applications as the circumstances may
17 warrant. The provisions of this paragraph are subject to the
18 notice, review, and objection procedures set forth in s.
19 216.177. ~~All actions of the Executive Office of the Governor~~
20 ~~shall be reported to the legislative appropriations~~
21 ~~committees, and the committees may advise the Executive Office~~
22 ~~of the Governor relative to the release of such funds.~~

23 (b) The release of appropriated funds classified as
24 "emergency" shall be approved only when an act or circumstance
25 caused by an act of God, civil disturbance, natural disaster,
26 or other circumstance of an emergency nature threatens,
27 endangers, or damages the property, safety, health, or welfare
28 of the state or its citizens, which condition has not been
29 provided for in appropriation acts of the Legislature. Funds
30 allocated for this purpose may be used to pay overtime pay to
31 personnel of agencies called upon to perform extra duty

1 because of any civil disturbance or other emergency as defined
2 in s. 252.34(3) and to provide the required state match for
3 federal grants under the federal Disaster Relief Act.

4 (2) The release of appropriated funds classified as
5 "deficiency" shall be approved only when a General Revenue
6 Fund appropriation for operations of a state agency or of the
7 judicial branch is inadequate because the workload or cost of
8 the operation exceeds that anticipated by the Legislature and
9 a determination has been made by the Executive Office of the
10 Governor ~~commission~~ that the deficiency will result in an
11 impairment of the activities of an agency or of the judicial
12 branch to the extent that the agency is unable to carry out
13 its program as provided by the Legislature in the general
14 appropriations acts. These funds may not be used for creation
15 of any new agency or program, for increases of salary, or for
16 the construction or equipping of additional buildings. The
17 provisions of this subsection are subject to the notice,
18 review, and objection procedures set forth in s. 216.177.

19 Section 15. Paragraphs (a) and (b) of subsection (1)
20 of section 216.262, Florida Statutes, 1998 Supplement, are
21 amended to read:

22 216.262 Authorized positions.--

23 (1)(a) Unless otherwise expressly provided by law, the
24 total number of authorized positions may not exceed the total
25 provided in the appropriations acts. In the event any state
26 agency or entity of the judicial branch finds that the number
27 of positions so provided is not sufficient to administer its
28 authorized programs, it may file an application with the
29 Executive Office of the Governor or the Chief Justice; and, if
30 the office or Chief Justice certifies that there are no
31 authorized positions available for addition, deletion, or

1 transfer within the agency as provided in paragraph (c) and
2 recommends an increase in the number of positions, the
3 Executive Office of the Governor ~~commission~~ or the Chief
4 Justice may, ~~after a public hearing~~, authorize an increase in
5 the number of positions for the following reasons only:

- 6 1. To implement or provide for continuing federal
7 grants or changes in grants not previously anticipated;
- 8 2. To meet emergencies pursuant to s. 252.36;
- 9 3. To satisfy new federal regulations or changes
10 therein;
- 11 4. To take advantage of opportunities to reduce
12 operating expenditures or to increase the revenues of the
13 state or local government; and
- 14 5. To authorize positions which were not fixed by the
15 Legislature through error in drafting the appropriations acts.

16
17 The provisions of this paragraph are subject to the notice and
18 review procedures set forth in s. 216.177. A copy of the
19 application, the certification, and the final authorization
20 shall be filed with the legislative appropriations committees
21 and with the Auditor General.

22 (b) The Executive Office of the Governor
23 ~~Administration Commission~~ and the Chief Justice may, ~~after a~~
24 ~~public hearing~~, delete supervisory or managerial positions
25 within a department and establish direct service delivery
26 positions in excess of the number of supervisory or managerial
27 positions deleted. The salary rate for all positions
28 authorized under this paragraph may not exceed the salary rate
29 for all positions deleted under this paragraph. Positions
30 affected by changes made under this paragraph may be funded
31 only from identical funding sources.

1 Section 16. Subsections (2), (3), and (5) and
2 paragraph (b) of subsection (8) of section 216.292, Florida
3 Statutes, 1998 Supplement, are amended to read:

4 216.292 Appropriations nontransferable; exceptions.--

5 (2) A lump sum appropriated for a performance-based
6 program must be distributed by the Governor for state agencies
7 or the Chief Justice for the judicial branch into the
8 traditional expenditure categories in accordance with s.
9 216.181(5)(b). At any time during the year, the agency head
10 or Chief Justice may transfer funds between those categories
11 with no limit on the amount of the transfer. Authorized
12 revisions of the original approved operating budget, together
13 with related changes, if any, must be transmitted by the state
14 agency or by the judicial branch to the Executive Office of
15 the Governor or the Chief Justice, the chairs of the
16 legislative appropriations committees, the Office of Program
17 Policy Analysis and Government Accountability, and the Auditor
18 General. Such authorized revisions shall be consistent with
19 the intent of the approved operating budget, shall be
20 consistent with legislative policy and intent, and shall not
21 conflict with specific spending policies specified in the
22 General Appropriations Act. The Executive Office of the
23 Governor shall forward a copy of the revisions within 7
24 working days to the Comptroller for entry in his or her
25 records in the manner and format prescribed by the Executive
26 Office of the Governor in consultation with the Comptroller.
27 Such authorized revisions shall be consistent with the intent
28 of the approved operating budget, shall be consistent with
29 legislative policy and intent, and shall not conflict with
30 specific spending policies specified in the General
31 Appropriations Act. ~~Additionally, subsection (3) shall not~~

1 ~~apply to programs operating under performance-based program~~
2 ~~budgeting where a lump sum was appropriated.~~

3 (3) The head of each department or the Chief Justice
4 of the Supreme Court, whenever it is deemed necessary by
5 reason of changed conditions, may transfer appropriations
6 funded from identical funding sources, except appropriations
7 for fixed capital outlay, and transfer the amounts included
8 within the total original approved budget and releases as
9 furnished pursuant to ss. 216.181 and 216.192, as follows:

10 (a) Between categories of appropriations within a
11 budget entity, if no category of appropriation is increased or
12 decreased by more than 5 percent of the original approved
13 budget or \$150,000~~\$25,000~~, whichever is greater, by all
14 action taken under this subsection.

15 (b) Additionally, between budget entities within
16 identical categories of appropriations, if no category of
17 appropriation is increased or decreased by more than 5 percent
18 of the original approved budget or \$150,000~~\$25,000~~, whichever
19 is greater, by all action taken under this subsection.

20
21 ~~(c)~~ Such authorized revisions must be consistent with the
22 intent of the approved operating budget, must be consistent
23 with legislative policy and intent, and must not conflict with
24 specific spending policies specified in the General
25 Appropriations Act. Such authorized revisions, together with
26 related changes, if any, in the plan for release of
27 appropriations, shall be transmitted by the state agency or by
28 the judicial branch to the Comptroller for entry in the
29 Comptroller's records in the manner and format prescribed by
30 the Executive Office of the Governor in consultation with the
31 Comptroller. A copy of such revision shall be furnished to

1 the Executive Office of the Governor or the Chief Justice, the
2 chairs of the legislative committees, and the Auditor General.

3 (5)(a) Transfers of appropriations for operations from
4 the General Revenue Fund in excess of those provided in
5 subsections (3) and (4) but within a state agency or within
6 the judicial branch may be authorized by the Executive Office
7 of the Governor ~~commission~~ for the executive branch and the
8 Chief Justice for the judicial branch, pursuant to the request
9 of the agency filed with the Executive Office of the Governor,
10 or pursuant to the request of an entity of the judicial branch
11 filed with the Chief Justice of the Supreme Court, if deemed
12 necessary and in the best interest of the state and consistent
13 with legislative policy and intent. The provisions of this
14 paragraph are subject to the notice, review, and objection
15 procedures set forth in s. 216.177.

16 (b) When an appropriation for a named fixed capital
17 outlay project is found to be in excess of that needed to
18 complete that project, at the request of the Executive Office
19 of the Governor for state agencies or the Chief Justice of the
20 Supreme Court for the judicial branch the excess may be
21 transferred, with the approval of the commission or the Chief
22 Justice, to another project for which there has been an
23 appropriation in the same fiscal year from the same fund and
24 within the same department where a deficiency is found to
25 exist. Further, a fixed capital outlay project may not be
26 initiated without a specific legislative appropriation, nor
27 may the scope of a fixed capital outlay project be changed by
28 the transfer of funds. However, federal funds for fixed
29 capital outlay projects for the Department of Military Affairs
30 which do not carry a continuing commitment on future
31 appropriations are hereby appropriated for the purpose

1 received.The provisions of this paragraph are subject to the
2 notice, review, and objection procedures set forth in s.
3 216.177.

4 (8)

5 (b) Should any state agency or the judicial branch
6 become more than 90 days delinquent in paying the Division of
7 Risk Management of the Department of Insurance for insurance
8 coverage, the Department of Insurance may certify to the
9 Comptroller the amount due; and the Comptroller shall transfer
10 the amount due to the Division of Risk Management from any
11 funds of the agency or the judicial branch available. The
12 Executive Office of the Governor is authorized to redistribute
13 the approved operating budget for the special category for
14 risk management as part of the initial approved financial plan
15 based on the total appropriation for the Florida Casualty
16 Insurance Risk Management Trust Fund and distributed in
17 accordance with the cost allocation schedules provided by the
18 Division of Risk Management, which includes all state
19 agencies, the judicial branch, and the legislative branch.

20 Section 17. Paragraphs (a) and (b) of subsection (3)
21 of section 255.25, Florida Statutes, 1998 Supplement, are
22 amended to read:

23 255.25 Approval required prior to construction or
24 lease of buildings.--

25 (3)(a) Except as provided in paragraph (b) and
26 subsection (10), no state agency shall enter into a lease as
27 lessee for the use of 3,000 square feet or more of space in a
28 privately owned building except upon advertisement for and
29 receipt of competitive bids and award to the lowest and best
30 bidder. The Department of Management Services shall have the
31 authority to approve a lease for 3,000 square feet or more of

1 space that covers more than 1 fiscal year, subject to the
2 provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503,
3 if such lease is, in the judgment of the department, in the
4 best interests of the state. This paragraph does not apply to
5 buildings or facilities of any size leased for the purpose of
6 providing care and living space for persons.

7 (b) The Department of Management Services may approve
8 extensions of an existing lease of 3,000 square feet or more
9 of space if such extensions are determined to be in the best
10 interests of the state, but in no case shall the total of such
11 extensions exceed 11 months. If at the end of the 11th month
12 an agency still needs space, such space ~~it~~ shall be procured
13 by competitive bid in accordance with s. 255.249(2)(b); or, if
14 an agency determines that it is in its best interest to remain
15 in the space it currently occupies, the agency may negotiate a
16 replacement lease with the lessor if an independent market
17 analysis demonstrates that the rates offered are within market
18 rates for the space offered, and if the cost of the new lease
19 does not exceed the cost of a comparable lease plus documented
20 moving costs. A present value analysis and the consumer price
21 index shall be used in the calculation of lease costs. The
22 term of the replacement lease shall not exceed the base term
23 of the expiring lease.

24 Section 18. This act shall take effect July 1, 1999.
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