

By the Committee on Fiscal Policy

301-514C-00

1 A bill to be entitled
2 An act relating to the state budgetary process;
3 revising procedures used in submitting and
4 reviewing requests for state funds; amending s.
5 216.011, F.S.; revising, deleting, and adding
6 definitions; amending s. 216.015, F.S.;
7 revising legislative findings; amending s.
8 216.0152, F.S.; changing the date for
9 publishing a certain report; amending s.
10 216.0158, F.S.; revising procedures for
11 determination of facility needs; amending s.
12 216.016, F.S.; requiring additional information
13 in the Governor's recommended budget; amending
14 s. 216.023, F.S.; prescribing procedures for
15 submitting agency budget requests to the
16 Legislature; amending s. 216.031, F.S.;
17 revising procedures relating to legislative
18 budget requests; amending s. 216.044, F.S.;
19 revising procedures relating to budget
20 evaluation by the Department of Management
21 Services; amending s. 216.0446, F.S.; revising
22 procedures relating to review of information
23 resources management needs; amending s.
24 216.052, F.S.; providing procedure for
25 submitting community budget requests; amending
26 s. 216.081, F.S.; revising the schedule for
27 submission of data relating to the judicial and
28 legislative branches; amending s. 216.131,
29 F.S.; revising procedures relating to public
30 hearings; amending s. 216.133, F.S.; revising,
31 deleting, and adding definitions; amending s.

1 216.134, F.S.; revising procedures to be used
2 by estimating conferences; amending s. 216.136,
3 F.S.; revising duties of the Economic
4 Estimating Conference; abolishing the
5 Transportation Estimating Conference; creating
6 the Self-Insurance Estimating Conference and
7 the Florida Retirement System Actuarial
8 Assumption Conference; amending s. 216.141,
9 F.S.; revising provisions relating to the
10 planning and budgeting system; amending s.
11 216.151, F.S.; revising duties of the Executive
12 Office of the Governor; amending s. 216.162,
13 F.S.; revising procedures relating to
14 furnishing legislators with copies of the
15 Governor's recommended budget; amending s.
16 216.163, F.S.; revising provisions relating to
17 form and content of the Governor's recommended
18 budget; amending s. 216.177, F.S.; revising
19 provisions relating to appropriation act
20 statements of intent and to required notices of
21 budgetary action; amending s. 216.178, F.S.;
22 requiring additional notice before the vote on
23 an appropriations act; revising duties of the
24 Governor with respect to statements of costs of
25 state debts and obligations; amending s.
26 216.179, F.S.; prohibiting reinstatement by a
27 state agency of vetoed appropriations
28 administratively; amending s. 216.181, F.S.;
29 revising procedures relating to approved
30 budgets for operations and fixed capital
31 outlay; revising restrictions on increases on

1 salary rate; prescribing procedures with
2 respect to nonoperating budgets; deleting
3 obsolete provisions; amending s. 216.183, F.S.;
4 revising provisions relating to development of
5 charts of accounts; amending s. 216.192, F.S.;
6 revising procedures relating to release of
7 appropriations; amending s. 216.195, F.S.;
8 defining the term "impoundment" for purposes of
9 impoundment of funds; amending s. 216.212,
10 F.S.; revising duties of the Executive Office
11 of the Governor and the Office of the
12 Comptroller with respect to budgets for federal
13 funds; creating s. 216.216, F.S.; prescribing
14 procedures to be used with respect to funds
15 subject to a court settlement negotiated by the
16 state; amending s. 212.221, F.S.; revising
17 procedures to be used in the event of budget
18 deficits; amending s. 216.251, F.S.; revising
19 procedures relating to salary appropriations
20 for certain employees; amending s. 216.262,
21 F.S.; revising provisions relating to increases
22 in authorized positions; defining the term
23 "perquisites" for purposes of limiting the
24 furnishing thereof; amending s. 216.271, F.S.;
25 defining the term "revolving fund"; amending s.
26 216.292, F.S.; revising provisions relating to
27 limits on and procedures for transfers of
28 appropriations; amending s. 216.321, F.S.;
29 conforming terminology to changes made by the
30 act; amending s. 121.031, F.S.; deleting
31 provisions relating to the Florida Retirement

1 System Actuarial Assumption Conference;
2 amending s. 186.901, F.S.; revising provisions
3 relating to production of population estimates;
4 amending ss. 240.209, 240.20941, 288.7091,
5 337.023, 339.135, 376.15, 392.69, F.S., to
6 conform terminology and references to changes
7 made by the act; renumbering s. 216.331, F.S.,
8 relating to disbursement of state moneys;
9 renumbering s. 216.3505, F.S., relating to
10 refinancing of bonds; repealing s. 216.001,
11 F.S., relating to definitions; repealing s.
12 216.0154, F.S., relating to assessment of
13 trends and conditions affecting need for
14 capital facilities; repealing s. 216.0162,
15 F.S., relating to monitoring and evaluation of
16 capital facilities planning and budgeting;
17 repealing s. 216.0166, F.S., relating to
18 submission of performance-based budget
19 requests, programs, and performance measures;
20 repealing s. 216.0172, F.S., relating to the
21 schedule for submission of performance-based
22 program budgets; repealing s. 216.0235, F.S.,
23 relating to furnishing of performance-based
24 legislative program budget requests; repealing
25 s. 216.0315, F.S., relating to budgets of state
26 agencies that have international programs;
27 repealing s. 216.091, F.S., relating to
28 statements by the Comptroller; repealing s.
29 216.111, F.S., relating to financial statements
30 and schedules and other reports; repealing s.
31 216.281, F.S., relating to construction of

1 terms; repealing s. 216.286, F.S., relating to
2 release of funds under the Florida Employment
3 Opportunity Act; providing applicability;
4 providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Section 216.011, Florida Statutes, is
9 amended to read:

10 216.011 Definitions.--

11 (1) For the purpose of fiscal affairs of the state,
12 appropriations acts, agency ~~legislative~~ budgets, and approved
13 budgets, each of the following terms has the meaning
14 indicated:

15 (a) "Annual salary rate" means the monetary
16 compensation authorized ~~salary estimated~~ to be paid ~~or~~
17 ~~actually paid~~ a position ~~or positions~~ on an annualized basis.
18 The term does not include moneys authorized for benefits
19 associated with the position.In calculating salary rate, a
20 vacant position shall be calculated at the minimum of the pay
21 grade for that position.

22 (b) "Appropriation" means a legal authorization to
23 make expenditures for specific purposes within the amounts
24 authorized in the appropriations act.

25 (c) "Appropriations act" means the authorization of
26 the Legislature, based upon agency ~~legislative~~ budgets or
27 based upon legislative findings of the necessity for an
28 authorization when no agency ~~legislative~~ budget is filed, for
29 the expenditure of amounts of money by an agency, the judicial
30 branch, and the legislative branch for stated purposes in the
31 performance of the functions it is authorized by law to

1 perform. The categories contained in the appropriations act
2 include, but are not limited to:

3 1. Data processing services.

4 2. Expense.

5 3. Fixed capital outlay.

6 4. Food products.

7 5. Grants and aids.

8 6. Grants and aids to local governments and nonstate
9 entities-fixed capital outlay.

10 7. Lump sum.

11 8. Other personal services.

12 9. Operating capital outlay.

13 10. Salaries and benefits.

14 11. Special categories.

15 (d) "Authorized position" means a position included in
16 an approved budget. In counting the number of authorized
17 positions, part-time positions shall be converted to full-time
18 equivalents.

19 (e) "Budget entity" means a unit or function at the
20 lowest level to which funds are specifically appropriated in
21 the appropriations act.

22 (f) "Consultation" means to deliberate and seek advice
23 in an open and forthright manner with the full committee, a
24 subcommittee thereof, the chair, or the staff as deemed
25 appropriate by the chair of the respective appropriations
26 committee.

27 (g) "Continuing appropriation" means an appropriation
28 automatically renewed without further legislative action,
29 period after period, until altered or revoked by the
30 Legislature.

31

1 (h) "Data processing services" means the category used
2 to fund electronic data processing services provided by ~~or to~~
3 state agencies or the judicial branch, which services include,
4 but are not limited to, systems design, software development,
5 or time-sharing by other governmental units or budget
6 entities.

7 (i) "Disbursement" means the payment of an
8 expenditure.

9 (j) "Disincentive" means a sanction as described in s.
10 216.163.

11 (k) "Established position" means an authorized
12 position which has been classified in accordance with a
13 classification and pay plan as provided by law.

14 (l) "Expenditure" means the creation or incurring of a
15 legal obligation to disburse money.

16 (m) "Expense" means the category used to fund the
17 usual, ordinary, and incidental expenditures by an agency or
18 the judicial branch, ~~including, but not limited to,~~ such items
19 as contractual services, commodities, and supplies of a
20 consumable nature, current obligations, and fixed charges, and
21 excluding expenditures classified as operating capital outlay.
22 Payments to other funds or local, state, or federal agencies
23 ~~may be~~ are included in this category ~~budget classification of~~
24 ~~expenditures.~~

25 (n) "Fiscal year of the state" means a period of time
26 beginning July 1 and ending on the following June 30, both
27 dates inclusive.

28 (o) "Fixed capital outlay" means the category used to
29 fund real property (land, buildings, including appurtenances,
30 fixtures and fixed equipment, structures, etc.), including
31 additions, replacements, major repairs, and renovations to

1 real property which materially extend its useful life or
2 materially improve or change its functional use and including
3 furniture and equipment necessary to furnish and operate a new
4 or improved facility, when appropriated by the Legislature in
5 the fixed capital outlay appropriation category.

6 (p) "Full-time position" means a position authorized
7 for the entire normally established work period, daily,
8 weekly, monthly, or annually.

9 (q) "Grants and aids" means the category used to fund
10 contributions to units of governments or nonstate entities
11 ~~nonprofit organizations~~ to be used for one or more specified
12 ~~purposes or, activities, or facilities.~~ Funds appropriated to
13 units of government and nonprofit entities under this category
14 may be advanced.

15 (r) "Incentive" means a mechanism, as described in s.
16 216.163, for recognizing the achievement of performance
17 standards or for motivating performance that exceeds
18 performance standards.

19 (s) "Independent judgment" means an evaluation of
20 actual needs made separately and apart from the agency
21 ~~legislative~~ budget request of any other agency or of the
22 judicial branch, or any assessments by the Governor. Such
23 evaluation shall not be limited by revenue estimates of the
24 Revenue Estimating Conference.

25 (t) "Judicial branch" means all officers, employees,
26 and offices of the Supreme Court, district courts of appeal,
27 circuit courts, county courts, and the Judicial Qualifications
28 Commission.

29 (u) "Legislative branch" means the various officers,
30 committees, and other units of the legislative branch of state
31 government.

1 (v) "Agency ~~Legislative~~ budget request" means a
2 request to the Legislature, filed pursuant to s. 216.023, or
3 supplemental detailed requests filed with the Legislature, for
4 the amounts of money such agency or branch believes will be
5 needed in the performance of the functions that it is
6 authorized, or which it is requesting authorization by law, to
7 perform.

8 (w) "Lump-sum appropriation" means the category used
9 to fund ~~funds appropriated to accomplish~~ a specific activity
10 or project which must be transferred to one or more
11 appropriation categories for expenditure.

12 (x) "Operating capital outlay" means the category used
13 to fund equipment, fixtures, and other tangible personal
14 property of a nonconsumable and nonexpendable nature, the
15 value or cost of which is \$1,000 or more and the normal
16 expected life of which is 1 year or more, and hardback-covered
17 bound books that are circulated to students or the general
18 public, the value or cost of which is \$25 or more, and
19 hardback-covered bound books, the value or cost of which is
20 \$250 or more.

21 (y) "Original approved budget" means the approved plan
22 of operation of an agency or of the judicial branch consistent
23 with the General Appropriations Act or special appropriations
24 acts.

25 (z) "Other personal services" means the category used
26 to fund the compensation for services rendered by a person who
27 is not ~~a regular or full-time employee~~ filling an established
28 position. This definition includes, but is not limited to,
29 services of temporary employees, student or graduate
30 assistants, persons on fellowships, part-time academic
31 employees, board members, and consultants and other services

1 specifically budgeted by each agency, or by the judicial
2 branch, in this category.

3 ~~1.~~ In distinguishing between payments to be made from
4 salaries and benefits appropriations and
5 other-personal-services appropriations;~~7~~

6 1. Those persons filling established positions shall
7 be paid from salaries and benefits appropriations and those
8 persons performing services for a state agency or for the
9 judicial branch, but who are not filling established
10 positions, shall be paid from other-personal-services
11 appropriations.

12 ~~2. It is further intended that~~ Those persons paid from
13 salaries and benefits appropriations shall be state officers
14 or employees and shall be eligible for membership in a state
15 retirement system and those paid from other-personal-services
16 appropriations shall not be eligible for such membership.

17 ~~(aa) "Part-time position" means a position authorized~~
18 ~~for less than the entire normally established work period,~~
19 ~~daily, weekly, monthly, or annually.~~

20 ~~(aa)(bb)~~ "Pay plan" means a document which formally
21 describes the philosophy, methods, procedures, and salary
22 schedule for compensating employees for work performed.

23 ~~(cc) "Perquisites" means those things, or the use~~
24 ~~thereof, or services of a kind which confer on the officers or~~
25 ~~employees receiving same some benefit that is in the nature of~~
26 ~~additional compensation, or which reduces to some extent the~~
27 ~~normal personal expenses of the officer or employee receiving~~
28 ~~the same, and shall include, but not be limited to, such~~
29 ~~things as quarters, subsistence, utilities, laundry services,~~
30 ~~medical service, use of state-owned vehicles for other than~~

31

1 ~~state purposes, servants paid by the state, and other similar~~
2 ~~things.~~

3 (bb)~~(dd)~~ "Position" means the work, consisting of
4 duties and responsibilities, assigned to be performed by an
5 officer or employee.

6 (cc)~~(ee)~~ "Position number" means the identification
7 number assigned to an established position.

8 (dd)~~(ff)~~ "Program component" means an aggregation of
9 generally related objectives which, because of their special
10 character, related workload, and interrelated output, can
11 logically be considered an entity for purposes of
12 organization, management, accounting, reporting, and
13 budgeting.

14 (ee)~~(gg)~~ "Proviso" means language that qualifies or
15 restricts a specific appropriation and which can be logically
16 and directly related to the specific appropriation.

17 (ff)~~(hh)~~ "Reclassification" means changing an
18 established position in one class in a series to the next
19 higher or lower class in the same series or to a class in a
20 different series which is the result of a natural change in
21 the duties and responsibilities of the position.

22 ~~(ii) "Revolving fund" means a cash fund maintained~~
23 ~~within or outside of the State Treasury and established from~~
24 ~~an appropriation, to be used by an agency or the judicial~~
25 ~~branch in making authorized expenditures.~~

26 (gg)~~(jj)~~ "Salary" means the cash compensation for
27 services rendered for a specific period of time.

28 (hh)~~(kk)~~ "Salary schedule" means an official document
29 which contains a complete list of classes and their assigned
30 salary ranges.

31

1 (ii)~~(ll)~~ "Special category" means the category used to
2 fund amounts appropriated for a specific need or
3 classification of expenditures.

4 (jj)~~(mm)~~ "State agency" or "agency" means any
5 official, officer, commission, board, authority, council,
6 committee, or department of the executive branch of state
7 government. For purposes of this chapter and chapter 215,
8 "state agency" or "agency" includes, but is not limited to,
9 state attorneys, public defenders, the Capital Collateral
10 Regional Counsels Representative, and the Justice
11 Administrative Commission, the Florida Housing Finance
12 Corporation, and the Public Service Commission.

13 ~~(nn) "State revenue sharing" means statutory or~~
14 ~~constitutional distributions to local units of government.~~

15 (kk)~~(oo)~~ "Title of position," or "class of positions"
16 means the official name assigned to a position or class of
17 positions.

18 (ll)~~(pp)~~ "Grants and Aids to Local Governments and
19 Nonstate Entities-Fixed Nonprofit Organizations-Fixed Capital
20 Outlay" means the that appropriation category used to fund
21 which includes:

22 1. Grants to local units of governments or nonstate
23 entities and nonprofit organizations for the acquisition of
24 real property (land, buildings, including appurtenances,
25 fixtures and fixed equipment, structures, etc.); additions,
26 replacements, major repairs, and renovations to real property
27 which materially extend its useful life or materially improve
28 or change its functional use; and operating capital outlay
29 necessary to furnish and operate a new or improved facility;
30 and
31

1 2. Grants to local units of government for their
2 respective infrastructure and growth management needs related
3 to local government comprehensive plans.

4
5 Funds appropriated to local units of government and nonprofit
6 organizations under this category may be advanced in part or
7 in whole.

8 ~~(mm)(qq)~~ "Baseline data" means indicators of a state
9 agency's current performance level, pursuant to guidelines
10 established by the Executive Office of the Governor, in
11 consultation with legislative appropriations and appropriate
12 substantive committees.

13 ~~(nn)(rr)~~ "Outcome" means an indicator of the actual
14 impact or public benefit of a program.

15 ~~(oo)(ss)~~ "Output" means the actual service or product
16 delivered by a state agency.

17 ~~(pp)(tt)~~ "Performance-based program budget" means a
18 budget that incorporates approved programs and performance
19 measures.

20 ~~(qq)(uu)~~ "Performance measure" means a quantitative or
21 qualitative indicator used to assess state agency performance.

22 ~~rr(vv)~~ "Program" means a set of activities undertaken
23 in accordance with a plan of action organized to realize
24 identifiable goals and objectives based on legislative
25 authorization.

26 ~~(ss)(ww)~~ "Standard" means the level of performance of
27 an outcome or output.

28 ~~(tt)~~ "Food products" means the category used to fund
29 food consumed and purchased in state-run facilities that
30 provide housing to individuals.

31

1 (uu) "Salaries and benefits" means the category used
2 to fund the monetary or cash-equivalent compensation for work
3 performed by state employees for a specific period of time.
4 Benefits shall be as provided by law.

5 (vv) "Agency budget instructions" means the annual set
6 of instructions developed to assist agencies in submitting
7 budget requests to the Legislature and to generate information
8 necessary for budgetary decisionmaking. Such instructions may
9 include program-based performance budget instructions.

10 ~~(xx) "Performance-based program appropriation" means~~
11 ~~funds appropriated for a specific set of activities or~~
12 ~~classification of expenditure within an approved~~
13 ~~performance-based program.~~

14 ~~(yy) "Performance ledger" means the official~~
15 ~~compilation of information about state agency~~
16 ~~performance-based programs and measures, including approved~~
17 ~~programs, approved outputs and outcomes, baseline data,~~
18 ~~approved standards for each performance measure and any~~
19 ~~approved adjustments thereto, as well as actual agency~~
20 ~~performance for each measure.~~

21 (2) For purposes of this chapter, the term:

22 (a) "Approved operating budget" or "approved budget"
23 means the plan of operations consisting of the original
24 approved operating budget and statement of intent.

25 (b) "Commission" means the Administration Commission
26 created in s. 14.202 ~~composed of the Governor and Cabinet.~~

27 (c) "Emergency situation" means a set of conditions
28 that were unforeseen at the time the General Appropriations
29 Act was adopted and that are essential to correct in order to
30 continue the operation of government, or a set of conditions
31 that were not considered in the General Appropriations Act and

1 that constitute an imminent threat to public health, safety,
2 or welfare. This definition shall not apply to the emergency
3 provisions of chapter 252.

4 ~~(d) "Impoundment" means the omission of any~~
5 ~~appropriation or part of an appropriation in the approved~~
6 ~~operating plan prepared pursuant to the provisions of s.~~
7 ~~216.181 or in the schedule of releases prepared pursuant to~~
8 ~~the provisions of s. 216.192 or the failure of any state~~
9 ~~agency or the judicial branch to spend an appropriation for~~
10 ~~the stated purposes authorized in the approved operating~~
11 ~~budget.~~

12 Section 2. Subsections (2) and (4) of section 216.015,
13 Florida Statutes, are amended to read:

14 216.015 Capital facilities planning and budgeting
15 process.--

16 (2) The Legislature finds that+

17 ~~(a) The condition of the state's infrastructure,~~
18 ~~including its roads, water and sewer facilities, state office~~
19 ~~buildings, bridges, ports, airports, canals, prisons,~~
20 ~~educational facilities, park and recreational facilities, and~~
21 ~~other capital assets, are in need of repair, expansion, and~~
22 ~~replacement at a time when the fiscal resources of the state~~
23 ~~are increasingly being strained by the competing demands for~~
24 ~~state services and capital improvements.~~

25 ~~(b) The high degree of coordination among the various~~
26 ~~branches of state government, local government, and public~~
27 ~~benefit corporations which is necessary to maximize the~~
28 ~~potential public benefits to be derived from the limited~~
29 ~~financial resources which will be dedicated to public capital~~
30 ~~improvements within this state in the future is lacking.~~

31

1 ~~(c)~~ There is a need to establish a comprehensive
2 capital facilities planning and budgeting process that ~~which~~
3 is fully integrated with the state financial planning and debt
4 management activities and that ~~which~~ incorporates the
5 long-range plans of all state agencies and the judicial branch
6 and major public benefit corporations to ensure that projects
7 with the greatest potential for improving the prosperity and
8 well-being of the people of the state receive their proper
9 allocation of limited resources.

10 ~~(d) There is currently no mechanism in place for~~
11 ~~managing the debt structure of the state by matching the~~
12 ~~capital facility needs of the state with the amounts and~~
13 ~~sources of funds which could be made available to meet those~~
14 ~~needs.~~

15
16 It is, therefore, the intent of the Legislature in enacting
17 this legislation that a comprehensive capital facilities
18 planning and budgeting process be established and maintained
19 to enable the state to better meet the demands for new and
20 properly maintained infrastructure in a fiscally responsible
21 manner.

22 (4) In order to carry out this act, the Executive
23 Office of the Governor is designated as the agency responsible
24 for the coordination, development, ~~and~~ direction, monitoring,
25 and evaluation of the comprehensive capital facilities
26 planning and budgeting process, including the plans revised
27 pursuant to that process. The Executive Office of the Governor
28 shall publish an annual report of the progress being made by
29 the state toward meeting the state goals and objectives of the
30 plans.

31

1 Section 3. Subsection (3) of section 216.0152, Florida
2 Statutes, is amended to read:

3 216.0152 Inventory of state-owned facilities or
4 state-occupied facilities.--

5 (3) The Department of Management Services shall, every
6 3 years, publish a complete report detailing this inventory
7 and shall publish an annual update of the report. The
8 department shall furnish the updated report to the Executive
9 Office of the Governor and the Legislature no later than
10 September 15 ~~±~~ of each year.

11 Section 4. Subsections (2), (4), and (5) of section
12 216.0158, Florida Statutes, are amended to read:

13 216.0158 Assessment of facility needs.--

14 (2) On or before September 15 ~~±~~ of each year, each
15 state agency, as defined in s. 216.011, shall submit to the
16 Executive Office of the Governor, and each district court of
17 appeal and the Marshal of the Supreme Court shall submit to
18 the Chief Justice of the Supreme Court, in a manner prescribed
19 by the agency ~~legislative~~ budget instructions, a short-term
20 plan for facility needs covering the next 5-year period. The
21 short-term plan shall list the agency's or judicial branch's
22 facility needs in order of priority and shall include
23 preventive maintenance strategies, expected replacement of
24 existing facilities, expected improvements or additions to
25 facilities on a specific project-by-project basis, estimated
26 cost, and other information as prescribed by the agency
27 ~~legislative~~ budget instructions. ~~At the same time, when~~
28 ~~directed in the legislative budget instructions as provided in~~
29 ~~s. 216.023(3), each agency shall submit to the Executive~~
30 ~~Office of the Governor, and each district court of appeal and~~
31 ~~the Marshal of the Supreme Court shall submit to the Chief~~

1 ~~Justice of the Supreme Court, who shall submit copies to the~~
2 ~~legislative appropriations committees, in a format prescribed~~
3 ~~by the instructions, a long-term plan for the 5 years~~
4 ~~following the period of the short-term plan. The long-term~~
5 ~~plan shall outline forecasted agency facility needs. The~~
6 Chief Justice shall certify the final approved plan for the
7 judicial branch to the Executive Office of the Governor which
8 shall include the plan, without modification, in the state
9 comprehensive plan.

10 (4) ~~Each of~~ The first year ~~2 years~~ of the plan
11 referred to in subsection (2) shall comport with the
12 requirements of s. 216.043.

13 (5) Each plan for years 2 ~~3~~ through 5 shall provide
14 the following information:

15 (a) A full explanation of the basis for each project,
16 including a description of the function which requires the
17 facility; an explanation of the inability of existing
18 facilities to meet such requirements; historical background;
19 alternatives; and anticipated changes in both initial and
20 continuing operating costs.

21 (b) An application of standards and criteria to
22 establish the scope of each project.

23 (c) An application of cost factors to all elements of
24 each project to establish an estimate of funding requirements.

25 (d) A request for a legislative appropriation to
26 provide such funding in the appropriate fiscal year, including
27 the need for advance funding of programming and design
28 activities.

29 Section 5. Paragraph (a) of subsection (2) of section
30 216.016, Florida Statutes, is amended to read:

31

1 216.016 Evaluation of plans; determination of
2 financing method.--

3 (2)(a) The Executive Office of the Governor shall
4 develop a finance plan for meeting the state's infrastructure
5 and fixed capital outlay needs, which shall be incorporated
6 into the Governor's recommended budget submitted to the
7 Legislature pursuant to s. 216.162.

8 Section 6. Section 216.023, Florida Statutes, is
9 amended to read:

10 216.023 Agency ~~Legislative~~ budget requests to be
11 furnished to Legislature ~~by agencies~~.--

12 (1) The head of each state agency shall submit an
13 agency ~~a final legislative~~ budget request to the Legislature
14 and to the Governor, as chief budget officer of the state, in
15 the form and manner prescribed in the budget instructions and
16 at such time as specified by the Executive Office of the
17 Governor, based on the agency's independent judgment of its
18 needs. However, no state agency shall submit its complete
19 agency ~~final legislative~~ budget request, including all
20 supporting forms and schedules required by this chapter, later
21 than September 15 † of each year.

22 (2) The judicial branch and the Division of
23 Administrative Hearings shall submit their complete agency
24 ~~final legislative~~ budget requests directly to the Legislature
25 with a copy to the Governor, as chief budget officer of the
26 state, in the form and manner as prescribed in the budget
27 instructions. However, the complete agency ~~final legislative~~
28 budget requests, including all supporting forms and schedules
29 required by this chapter, shall be submitted no later than
30 September 15 † of each year.

31

1 (3) The Executive Office of the Governor and the
2 appropriations committees of the Legislature shall jointly
3 develop agency legislative budget instructions for preparing
4 the exhibits and schedules that make up the agency budget from
5 which each agency and the judicial branch, ~~pursuant to ss.~~
6 ~~216.031 and 216.043,~~ shall prepare their ~~legislative~~ budget
7 request. The budget instructions shall be consistent with s.
8 216.141 and shall be transmitted to each agency and to the
9 judicial branch no later than June 15 of each year. In the
10 event that agreement cannot be reached between the Executive
11 Office of the Governor and the appropriations committees of
12 the Legislature regarding agency legislative budget
13 instructions, the issue shall be resolved by the Governor, the
14 President of the Senate, and the Speaker of the House of
15 Representatives.

16 (4) The agency budget request must contain for each
17 budget entity:

18 (a) The constitutional or statutory authority for a
19 program, a brief purpose statement, and approved program
20 components.

21 (b) Information on expenditures for 3 fiscal years
22 (actual prior-year expenditures, current-year estimated
23 expenditures, and agency budget requested expenditures for the
24 next fiscal year) by appropriation category.

25 (c) Details on trust funds and fees.

26 (d) The total number of positions (authorized, fixed,
27 or requested).

28 (e) An issue narrative describing and justifying
29 changes in amounts and positions requested for current and
30 proposed programs for the next fiscal year.

31 (f) Information resource requests.

1 (g) Legislatively approved output and outcome
2 performance measures and any proposed revisions to measures.

3 (h) Proposed performance standards for each
4 performance measure and justification for the standards and
5 the sources of data to be used for measurement.

6 (i) Prior-year performance data on approved
7 performance measures and an explanation of deviation from
8 expected performance. Performance data must be assessed for
9 reliability in accordance with s. 20.055.

10 (j) Unit costs for approved output measures pursuant
11 to s. 186.022.

12 (k) Proposed performance incentives and disincentives.

13 (5) Agencies must maintain a comprehensive performance
14 accountability system and provide a list of performance
15 measures maintained by the agency which are in addition to the
16 measures approved by the Legislature.

17 (6) Annually, no later than 45 days after the General
18 Appropriations Act becomes law, state agencies may submit to
19 the Executive Office of the Governor adjustments to their
20 performance standards based on the amounts appropriated for
21 each program by the Legislature. When such an adjustment is
22 made, all performance standards, including any adjustments
23 made, shall be reviewed and revised as necessary by the
24 Executive Office of the Governor and, upon approval, submitted
25 to the Legislature pursuant to the review and approval process
26 provided in s. 216.177. The Senate Committee on Fiscal Policy
27 and the House of Representatives Fiscal Responsibility Council
28 shall advise Senate substantive committees and House of
29 Representatives substantive committees, respectively, of all
30 adjustments made to performance standards or measures. The
31 Executive Office of the Governor shall maintain both the

1 official record of adjustments to the performance standards as
2 part of the agency's approved operating budget and the
3 official performance ledger. As used in this section,
4 "performance ledger" means the official compilation of
5 information about state agency performance-based programs and
6 measures, including approved programs, approved outputs and
7 outcomes, baseline data, approved standards for each
8 performance measure and any approved adjustments thereto, as
9 well as actual agency performance for each measure.

10 ~~(4) Each agency and the judicial branch shall submit~~
11 ~~for review a preliminary legislative budget request to the~~
12 ~~Executive Office of the Governor, in the form and manner~~
13 ~~prescribed in ss. 216.031 and 216.043, in accordance with the~~
14 ~~legislative budget instructions, and at such time as may be~~
15 ~~prescribed by the Executive Office of the Governor.~~

16 ~~(7)(5)~~ The Executive Office of the Governor shall
17 review the agency preliminary legislative budget request for
18 technical compliance with the budget format provided for in
19 the budget instructions. The Executive Office of the Governor
20 shall notify the agency or the judicial branch of any
21 adjustment required. The agency or judicial branch shall make
22 the appropriate corrections as requested in preparing its
23 ~~final legislative budget request~~. If the appropriate
24 technical corrections are not made as requested in the final
25 ~~legislative budget requests~~, the Executive Office of the
26 Governor shall ~~may~~ adjust the budget request to incorporate
27 the appropriate technical corrections in the format of the
28 request.

29 ~~(8)(6)~~ At any time after the Governor and the Chief
30 Justice submit their recommended agency budgets to the
31 Legislature, the head of the agency or judicial branch may

1 amend his or her request by transmitting to the Governor and
2 the Legislature an amended request in the form and manner
3 prescribed in the ~~legislative~~ budget instructions.

4 (9) The budget request from each agency and from the
5 judicial branch shall be reviewed by the Legislature. The
6 review may allow for the opportunity to have information or
7 testimony by the agency, the judicial branch, the Auditor
8 General, the Office of Program Policy Analysis and Government
9 Accountability, the Governor's Office of Planning and
10 Budgeting, and the public regarding the proper level of
11 funding for the agency in order to carry out its mission.

12 (10) In order to ensure an integrated state planning
13 and budgeting process, the agency strategic plan should be
14 reviewed by the Legislature.

15 ~~(7)(a) The provisions of subsections (1) and (2) to~~
16 ~~the contrary notwithstanding, each agency subject to the~~
17 ~~provisions of this section shall submit its legislative budget~~
18 ~~request no later than September 1 of the year in which the~~
19 ~~agency is required to submit its point-by-point response~~
20 ~~pursuant to s. 216.0165(1)(d).~~

21 ~~(b) Each agency and branch subject to the provisions~~
22 ~~of this section and s. 216.0165 shall provide as part of its~~
23 ~~budget request a point-by-point response to all funding~~
24 ~~recommendations prepared and submitted by the Director of the~~
25 ~~Office of Program Policy Analysis and Government~~
26 ~~Accountability pursuant to s. 11.513. If the recommendations~~
27 ~~of the director contain recommendations that specifically~~
28 ~~apply to an agency or branch other than the agency or branch~~
29 ~~that is the subject of the evaluation and review, the agency~~
30 ~~that is not the subject of the evaluation and review shall~~
31 ~~provide as part of its budget request a point-by-point~~

1 ~~response to any funding recommendations which apply to such~~
2 ~~agency or branch. The point-by-point response to the~~
3 ~~director's recommended funding levels shall be displayed~~
4 ~~numerically as major issues in the agency's legislative budget~~
5 ~~request. Each point-by-point response to the director's~~
6 ~~funding recommendations shall be specifically cross-referenced~~
7 ~~to the agency's responses to the director's recommendations~~
8 ~~required in s. 216.0165(1)(d).~~

9 ~~(c) The budget instructions required pursuant to~~
10 ~~subsection (3) shall include requirements that agency or~~
11 ~~judicial branch responses, major issue summaries contained in~~
12 ~~the Governor's recommended budget, and the Letter of Intent~~
13 ~~issued with the General Appropriations Act set the~~
14 ~~point-by-point responses apart as major issues in the~~
15 ~~following manner:~~

16 ~~1. The director's recommendations for reduced funding~~
17 ~~shall be separately identified as the director's~~
18 ~~recommendations and treated as nonrecurring expenditures.~~

19 ~~2. Agency requests to restore the director's~~
20 ~~recommendations for reduced funding shall be separately~~
21 ~~identified as agency requests to restore the director's~~
22 ~~recommendations and treated as improved programs.~~

23 ~~3. The director's recommendations for increased~~
24 ~~funding shall be separately identified as the director's~~
25 ~~recommendations and treated as major issues for continuation~~
26 ~~of current programs.~~

27 ~~4. All other agency requests that would provide~~
28 ~~funding levels above the director's recommendations shall be~~
29 ~~separately identified as agency requests for funding above the~~
30 ~~director's recommendations and treated as new or improved~~
31 ~~programs.~~

1 ~~(d) By March 1 of the year following the submittal of~~
2 ~~an agency's budget request in accordance with the operation of~~
3 ~~this subsection and the evaluation and review of the agency~~
4 ~~pursuant to ss. 11.513 and 216.0165, the appropriate~~
5 ~~substantive committees of the Senate and the House of~~
6 ~~Representatives shall review the report of the consultant and~~
7 ~~the recommendations of the director submitted pursuant to s.~~
8 ~~11.513 and the responses to the director's recommendations by~~
9 ~~the agencies that are the subject of the report and~~
10 ~~recommendations, and shall make recommendations for~~
11 ~~continuation, modification, or repeal of any of the agencies'~~
12 ~~programs that are affected by the consultant's report or the~~
13 ~~recommendations of the director. In developing their~~
14 ~~recommendations, such committees also shall consider the~~
15 ~~recommendations and responses made in the agencies'~~
16 ~~legislative budget requests as required by this subsection and~~
17 ~~in the Governor's recommended budget.~~

18 Section 7. Section 216.031, Florida Statutes, is
19 amended to read:

20 216.031 Target budget request ~~Budgets for operational~~
21 ~~expenditures.--A legislative budget request, reflecting the~~
22 ~~independent judgment of the head of the state agency, and of~~
23 ~~the Chief Justice of the Supreme Court, with respect to the~~
24 ~~needs of the agency and the judicial branch for operational~~
25 ~~expenditures during the next fiscal year, shall be submitted~~
26 ~~by each head of a state agency and by the Chief Justice of the~~
27 ~~Supreme Court and shall contain the following:~~

28 ~~(1) For each budget entity, a summary exhibit showing,~~
29 ~~for each appropriation category, for each fund, 1 prior year's~~
30 ~~appropriations for general revenue, 1 prior year's actual~~
31 ~~expenditures and 1 current year's estimated expenditures, and~~

1 ~~the requested expenditures for the next fiscal year. The~~
2 ~~total number of positions for the budget entity shall be shown~~
3 ~~for each fiscal year of data for which positions are~~
4 ~~authorized, fixed, or requested. However, the agency budget~~
5 ~~request for the State University System shall be expressed in~~
6 ~~terms of the amounts for the various programs as prescribed in~~
7 ~~s. 240.271 and in terms of the specified appropriation~~
8 ~~categories, including the special units' budgets, prescribed~~
9 ~~in the prior appropriations act.~~

10 ~~(2) For each program component within the budget~~
11 ~~entity, an exhibit showing, for each appropriation category,~~
12 ~~the summary explanation of expenditures for each detail issue~~
13 ~~describing the amounts and positions for the next fiscal year~~
14 ~~for continuation of current programs, for improved programs,~~
15 ~~and for new programs, with a summary showing totals by fund~~
16 ~~for the next fiscal year.~~

17 ~~(3) For each trust fund within the budget entity, a~~
18 ~~schedule showing the trust funds available, providing the~~
19 ~~source of receipts, detail of nonoperating disbursements,~~
20 ~~operating expenditures, fixed capital outlay, and unencumbered~~
21 ~~cash balances, for 1 prior year's actual, the current year's~~
22 ~~estimated, and the request for the next fiscal year. In~~
23 ~~addition, for each trust fund established in connection with~~
24 ~~legislative action authorizing the collection of a fee or~~
25 ~~other charge to support a governmental service or activity~~
26 ~~being performed by the agency involved, there shall be~~
27 ~~submitted a schedule showing the full cost of such service or~~
28 ~~activity, the total fees or charges collected to fund such~~
29 ~~costs, and the amount of excess collections or any deficit.~~
30 ~~The sources and amounts of any funds used to cover a deficit~~
31 ~~shall also be shown. The service or activity being performed~~

1 ~~shall be reviewed by the appropriations committees in the~~
2 ~~Senate and House of Representatives for the express purpose of~~
3 ~~making adjustments in fees or other charges in order to make~~
4 ~~such activities as nearly self-supporting as possible.~~

5 ~~(4) For each budget entity, a schedule showing detail~~
6 ~~of positions, providing for each class of positions within~~
7 ~~discrete organizational activities, by the collective~~
8 ~~bargaining unit and program component for the next fiscal~~
9 ~~year, the number of full-time equivalent positions, the~~
10 ~~estimated rate of salary, the amounts requested for new~~
11 ~~positions, and the number of new positions requested.~~

12 ~~(5) Detailed information for the next fiscal year~~
13 ~~necessary for the Legislature and the Governor to evaluate:~~

14 ~~(a) The effectiveness of current programs, including~~
15 ~~justification for those programs.~~

16 ~~(b) The justification for increasing costs to continue~~
17 ~~the operations of current programs.~~

18 ~~(c) The justification for proposed improvements in~~
19 ~~existing programs.~~

20 ~~(d) The justification for proposed new programs.~~

21 ~~(e) The projected cost of the requested program for~~
22 ~~the following fiscal year.~~

23 ~~(f) The needs of the agency or of the judicial branch~~
24 ~~for operational expenditures, by order of priority.~~

25 ~~(6) Additional information providing a detailed~~
26 ~~description of the request of the agency and the corresponding~~
27 ~~calculations needed to support the request.~~

28 ~~(7) Workload and other performance indicators, as~~
29 ~~prescribed by the legislative budget instructions.~~

30 ~~(8) An information resources management schedule~~
31 ~~showing the agency's or judicial branch's total budget request~~

1 ~~for information resources management. The schedule shall be~~
2 ~~in the format provided for in the legislative budget~~
3 ~~instructions. The budget request for information resources~~
4 ~~management shall identify, if applicable, which parts of the~~
5 ~~request are in response to any information resources~~
6 ~~management issues included in the legislative budget~~
7 ~~instructions. This subsection is applicable only to those~~
8 ~~state agencies which are under the purview of ss.~~
9 ~~282.303-282.313 and to the judicial branch.~~

10 ~~(9) A report separately listing the sources of~~
11 ~~receipts into each trust fund and the amounts of such~~
12 ~~receipts. In addition, the report shall identify the~~
13 ~~administrative and program costs expended from the trust fund,~~
14 ~~including salaries, other personal services, operating capital~~
15 ~~outlay, fixed capital outlay, other expenses, contractual~~
16 ~~services, and transfers to other trust funds.~~

17 ~~(10) For those agencies or the judicial branch~~
18 ~~operating programs under a performance-based program budget,~~
19 ~~an evaluation of the agency's progress in meeting the~~
20 ~~performance standards for programs approved pursuant to s.~~
21 ~~216.0166. Such evaluation shall be developed as prescribed by~~
22 ~~the budget instructions, and shall include any responses by~~
23 ~~the agency or the Chief Justice to the findings of the Office~~
24 ~~of Program Policy Analysis and Government Accountability~~
25 ~~pursuant to s. 11.513.~~

26 ~~(11) For performance-based program budgets, the~~
27 ~~baseline data, outcome measures, output measures, and~~
28 ~~standards for program measures, including justification for~~
29 ~~those programs in the format required by the legislative~~
30 ~~budget instructions.~~

31

1 ~~(12) A prioritized listing of planned expenditures for~~
2 ~~review and possible reduction in the event of revenue~~
3 ~~shortfalls, as provided for in s. 216.221. Such list shall be~~
4 ~~in the format provided in the planning and budgeting~~
5 ~~instructions.~~

6
7 Either chair of a legislative appropriations committee, or the
8 Executive Office of the Governor for state agencies, may
9 require the agency or the Chief Justice to address major
10 issues separate from those outlined in s. 216.023, this
11 section, and s. 216.043 for inclusion in the requests of the
12 agency or of the judicial branch. The issues shall be
13 submitted to the agency no later than July 30 of each year and
14 shall be displayed in its requests as provided in the budget
15 instructions. The Executive Office of the Governor may
16 request an agency, or the chair of the appropriations
17 committees of the Senate or House of Representatives may
18 request any agency or the judicial branch, to submit no later
19 than September 30 ~~15~~ of each year a budget plan with respect
20 to targets established by the Governor or either chair. The
21 target budget shall require each entity to establish an order
22 of priorities for its budget issues and may include requests
23 for multiple options for the budget issues. The target budget
24 may also require each entity to submit a program budget or a
25 performance-based budget in the format prescribed by the
26 Executive Office of the Governor or either chair; provided,
27 however, the target budget format shall be compatible with the
28 planning and budgeting system requirements set out in s.
29 216.141. Such a request shall not influence the agencies' or
30 judicial branch's independent judgment in making agency
31 ~~legislative~~ budget requests, as required by law.

1 Section 8. Section 216.044, Florida Statutes, is
2 amended to read:

3 216.044 Budget evaluation by Department of Management
4 Services.--

5 (1) Any state agency or judicial branch entity
6 requesting a fixed capital outlay project to be managed by the
7 Department of Management Services shall consult with that
8 department during the budget-development process. The
9 Department of Management Services shall provide
10 recommendations regarding construction requirements, cost of
11 the project, and project alternatives to be incorporated in
12 the agency's or entity's proposed fixed capital outlay budget
13 request and narrative justification.

14 ~~(2)(1)~~ Concurrently with the submission of the fixed
15 capital outlay agency ~~legislative~~ budget request to the
16 Executive Office of the Governor or to the Chief Justice of
17 the Supreme Court, the agency or judicial branch shall submit
18 a copy of the agency ~~legislative~~ budget request to the
19 Department of Management Services for evaluation.

20 ~~(3)(2)~~ The Department of Management Services shall
21 advise the Executive Office of the Governor, the Chief
22 Justice, and the Legislature regarding alternatives to the
23 proposed fixed capital outlay project and make recommendations
24 relating to the construction requirements and cost of the
25 project. These recommendations shall be provided to the
26 Legislature and Executive Office of the Governor at a time
27 specified by the Governor, but not less than 90 days prior to
28 the regular session of the Legislature. When evaluating
29 alternatives, the Department of Management Services shall
30 include information as to whether it would be more
31 cost-efficient to lease private property or facilities, to

1 construct facilities on property presently owned by the state,
2 or to acquire property on which to construct the facilities.
3 In determining the cost to the state of constructing
4 facilities on property presently owned by the state or the
5 cost of acquiring property on which to construct facilities,
6 the Department of Management Services shall include the costs
7 which would be incurred by a private person in acquiring the
8 property and constructing the facilities, including, but not
9 limited to, taxes and return on investment.

10 ~~(3) The Department of Management Services shall~~
11 ~~provide assistance to any state agency, the judicial branch,~~
12 ~~and the Executive Office of the Governor in fulfilling the~~
13 ~~requirements of s. 216.0442 as developed pursuant to ss.~~
14 ~~216.031 and 216.043.~~

15 Section 9. Section 216.0446, Florida Statutes, is
16 amended to read:

17 216.0446 Review of information resources management
18 needs.--

19 (1) The Legislature ~~Executive Office of the Governor~~
20 may contract with the Executive Office of the Governor
21 ~~Legislature~~ to provide a mechanism for review of and
22 recommendations with respect to the portion of agencies'
23 strategic plans which pertains to information resources
24 management needs and with respect to agencies' ~~legislative~~
25 budget requests for information resources management. This
26 mechanism shall be referred to as the Technology Review
27 Workgroup, which shall be headed by a senior-level manager.

28 (2) In addition to its primary duty specified in
29 subsection (1), the Technology Review Workgroup shall have
30 powers and duties that include, but are not limited to, the
31 following:

1 (a) To evaluate the information resource management
2 needs identified in the agency strategic plans for consistency
3 with the State Annual Report on Information Resources
4 Management and statewide policies recommended by the State
5 Technology Council, and make recommendations to the Executive
6 Office of the Governor, pursuant to s. 186.022(3).

7 (b) To review and make recommendations to the
8 Executive Office of the Governor and the chairs of the
9 legislative fiscal committees on proposed budget amendments
10 and agency transfers associated with ~~notices of proposed~~
11 ~~action for budget items with respect to~~ information resources
12 management initiatives or projects that involve more than one
13 agency, that have an outcome that impacts another agency, or
14 that exceed \$500,000 in total cost over a 1-year period.

15 (c) To make recommendations to the Executive Office of
16 the Governor on guidelines and best practices for information
17 resources management based on information received from the
18 State Technology Council.

19 Section 10. Section 216.052, Florida Statutes, is
20 amended to read:

21 216.052 Community ~~Legislative~~ budget requests;
22 appropriations; grants.--

23 ~~(1) The budget request from each agency and from the~~
24 ~~judicial branch shall be reviewed by the Legislature. The~~
25 ~~review may allow for the opportunity to have information or~~
26 ~~testimony by the agency, the judicial branch, the Auditor~~
27 ~~General's Office, the Governor's Office of Planning and~~
28 ~~Budgeting, and the public regarding the proper level of~~
29 ~~funding for the agency in order to carry out its mission.~~

1 ~~(2) In order to ensure an integrated state planning~~
2 ~~and budgeting process, the strategic plan should be reviewed~~
3 ~~by the Legislature.~~

4 (1)(3) Members of the Legislature may submit requests
5 to appropriate state funds to a state, local, county, or
6 regional governmental entity government, private organization,
7 or nonprofit organization requesting a state appropriation for
8 a program, service, or capital outlay initiative that is local
9 or regional in scope, is intended to meet a documented need,
10 addresses a statewide interest, is intended to produce
11 measureable results, and has tangible community support.~~has~~
12 ~~not been formally recommended under procedures established by~~
13 ~~law or that has been formally recommended under such~~
14 ~~procedures but has not been recommended by an agency or by the~~
15 ~~judicial branch, or that promotes only a local or regional~~
16 ~~interest, may be allowed the opportunity to provide~~
17 ~~information or testimony to the appropriate subcommittee of~~
18 ~~each appropriations committee. Each such request must include~~
19 ~~a fiscal note that shows the estimated cost of operations and~~
20 ~~capital outlay for the project. The fiscal note shall~~
21 ~~indicate the percentage of the projected costs of operations~~
22 ~~and capital outlay that is to be provided through state funds.~~

23 (2)(4) Each appropriation to a local government, a
24 private organization, or a nonprofit organization made
25 pursuant to a community budget request for a program, service,
26 or capital outlay initiative that promotes a solely local or
27 regional interest shall require that the community's support
28 be tangibly demonstrated by evidence that the program or
29 service will expects to operate in a financially sound manner.
30 Any other appropriation to a local government, a private
31 organization, or a nonprofit organization made pursuant to

1 ~~this section a request as provided in subsection (3)~~ should
2 generally require local matching funds. The match must be
3 based on the size and scope of the project and the applicant's
4 ability to provide the match. In addition, the granting of
5 state funds shall be used to encourage the establishment of
6 community-based partnerships between the public sector and the
7 private sector.

8 (3) Each community budget request submitted pursuant
9 to this section must receive a hearing before a body of duly
10 elected public officials before being submitted to the Senate
11 or House of Representatives for consideration.

12 (4) Community budget requests shall be submitted in
13 the form and manner prescribed jointly by the President of the
14 Senate and the Speaker of the House of Representatives. If the
15 President of the Senate and the Speaker of the House of
16 Representatives do not agree on a form and manner of
17 submission to be used by both houses, each may prescribe a
18 form and manner of submission to be used in his or her house.

19 (5) Community budget requests shall be submitted to
20 the Governor and either to the Chairman of the Senate Budget
21 Committee or to the Chairman of the House Fiscal
22 Responsibility Council in accordance with the schedule
23 established jointly by the President of the Senate and the
24 Speaker of the House of Representatives. If the President of
25 the Senate and the Speaker of the House of Representatives do
26 not agree on a schedule to be used by both houses, each may
27 prescribe a schedule to be used in his or her house.

28 (6) The Governor shall address each community budget
29 request submitted pursuant to this section in his budget
30 recommendations to the Legislature. In addressing each
31

1 request, the Governor shall provide such documentation as is
2 necessary to determine:

3 (a) The amount of funding being recommended for the
4 request;

5 (b) The budget entity and program component in which
6 funding for the request appears; and

7 (c) When no funding is being recommended, the
8 justification for failing to fund the request and the manner
9 in which the Governor intends to address the need to which the
10 request was directed.

11 ~~(6)(5)~~ The retention of interest earned on state funds
12 or the amount of interest income earned shall be applied
13 against the state entity's obligation to pay the appropriated
14 ~~contracted~~ amount.

15 ~~(7)(6)~~ Whenever possible, a loan must be made in lieu
16 of a grant to a local government, a private organization, or a
17 nonprofit organization. It is the intent of the Legislature
18 that a revolving loan program shall be established so that the
19 loan amount plus interest is paid back by the recipient to the
20 state.

21 ~~(8)(7)~~ Any private or nonprofit organization that is
22 to receive funds through a community budget request requesting
23 funding shall, at the time of application for such funds,
24 provide information regarding its organization, including a
25 copy of its current budget, and a list of its board of
26 directors, and a copy of its most recent annual audit report
27 prepared by an independent certified public accountant
28 licensed in this state, including management letters or other
29 documents associated with the audit report.

30 ~~(8)~~ In addition to any other provision of law granting
31 ~~access to records and accounts, the Auditor General may,~~

1 ~~pursuant to his or her own authority hereby granted in this~~
2 ~~subsection or at the direction of the Legislative Auditing~~
3 ~~Committee, conduct audits of any direct-support organization~~
4 ~~or citizen support organization authorized by law.~~
5 ~~Independent audits of direct-support organizations and citizen~~
6 ~~support organizations conducted by certified public~~
7 ~~accountants shall be performed in accordance with rules~~
8 ~~promulgated by the Auditor General.~~

9 Section 11. Subsection (1) of section 216.081, Florida
10 Statutes, is amended to read:

11 216.081 Data on legislative and judicial branch
12 expenses.--

13 (1) ~~On or before September 1 in each year, In~~
14 sufficient time to be included in the Governor's recommended
15 budget, estimates of the financial needs of the legislative
16 branch and the judicial branch during the ensuing fiscal year
17 shall be furnished to the Governor pursuant to chapter 11.

18 Section 12. Section 216.131, Florida Statutes, is
19 amended to read:

20 216.131 Public hearings on agency legislative
21 budgets.--The Governor and the Chief Justice of the Supreme
22 Court shall each provide for at least one public hearing prior
23 to submission of budget recommendations to the Legislature on
24 issues contained in agency ~~legislative~~ budget requests or in
25 the judicial branch budget request and issues that ~~which~~ may
26 be included in budget recommendations to the Legislature,
27 which hearing may shall be held at such time as the Governor
28 or the Chief Justice may fix. The Governor may require the
29 attendance or participation, or both, at his or her hearings
30 of the heads or responsible representatives of all state
31 agencies supported by any form of taxation or licenses, fees,

1 imposts, or exactions. The Governor and the Chief Justice may
2 provide these hearings simultaneously via electronic format,
3 such as teleconference, Internet, etc., provided that a means
4 for active participation and questions by the audience is
5 accommodated.

6 Section 13. Section 216.133, Florida Statutes, is
7 amended to read:

8 216.133 Definitions; ss. 216.133-216.137.--As used in
9 ss. 216.133-216.137:

10 (1) "Consensus estimating conference" includes the
11 Economic Estimating Conference, the Demographic Estimating
12 Conference, the Revenue Estimating Conference, the Education
13 Estimating Conference, the Criminal Justice Estimating
14 Conference, the Juvenile Justice Estimating Conference, and
15 ~~the Social Services Estimating Conference, and the~~
16 ~~Transportation Estimating Conference.~~

17 (2) "Official information" means the data, forecasts,
18 estimates, analyses, studies, and other information which the
19 principals of a consensus estimating conference unanimously
20 adopt for purposes of the state planning and budgeting system.

21 (3) "Consensus" means the unanimous consent of all of
22 the principals of a consensus estimating conference.

23 ~~(3) "State planning and budgeting system" refers to~~
24 ~~the processes and functions prescribed in chapter 186 and this~~
25 ~~chapter and ss. 215.32, 215.93, 215.94, and 944.096.~~

26 Section 14. Section 216.134, Florida Statutes, is
27 amended to read:

28 216.134 Consensus estimating conferences; general
29 provisions.--

30 (1) Each consensus estimating conference shall develop
31 such official information within its area of responsibility as

1 the conference determines, by consensus, is needed for
2 purposes of the state planning and budgeting system. Unless
3 otherwise provided by law or decided by unanimous agreement of
4 the principals of the conference, all official information
5 developed by the conference shall be based on the assumption
6 that current law and current administrative practices will
7 remain in effect throughout the period for which the official
8 information is to be used. The official information developed
9 by each consensus estimating conference shall include
10 forecasts for a period of at least 10 years, unless the
11 principals of the conference unanimously agree otherwise.

12 (2) Whenever an estimating conference is convened, an
13 official estimate does not exist until a new consensus is
14 reached.

15 (3)~~(2)~~ The official information developed by the
16 Economic Estimating Conference and the official information
17 developed by the Demographic Estimating Conference shall be
18 used by all other consensus estimating conferences in
19 developing their official information.

20 (4)~~(3)~~ The membership of each consensus estimating
21 conference consists of principals and participants.

22 (a) A person designated by law as a principal may
23 preside over conference sessions, convene conference sessions,
24 request information, specify topics to be included on the
25 conference agenda, agree or withhold agreement on whether
26 information is to be official information of the conference,
27 release official information of the conference, interpret
28 official information of the conference, and monitor errors in
29 official information of the conference.

30 (b) A participant is any person who is invited to
31 participate in the consensus estimating conference by a

1 principal. A participant shall, at the request of any
2 principal before or during any session of the conference,
3 develop alternative forecasts, collect and supply data,
4 perform analyses, or provide other information needed by the
5 conference. The conference shall consider information provided
6 by participants in developing its official information.

7 (5)~~(4)~~ All sessions and meetings of a consensus
8 estimating conference shall be open to the public as provided
9 in chapter 286.

10 Section 15. Section 216.136, Florida Statutes, is
11 amended to read:

12 216.136 Consensus estimating conferences; duties and
13 principals.--

14 (1) ECONOMIC ESTIMATING CONFERENCE.--

15 (a) Duties.--

16 ~~1.~~ The Economic Estimating Conference shall develop
17 such official information with respect to the national and
18 state economies as the conference determines is needed for the
19 state planning and budgeting system. The basic, long-term
20 forecasts which are a part of its official information shall
21 be trend forecasts. However, the conference may include cycle
22 forecasts as a part of its official information if the subject
23 matter of the forecast warrants a cycle forecast and if such
24 forecast is developed in a special impact session of the
25 conference.

26 ~~2. Prior to the submission of the Governor's budget~~
27 ~~recommendations to the Legislature pursuant to s. 216.162, and~~
28 ~~again prior to each Regular Session of the Legislature, the~~
29 ~~Economic Estimating Conference shall evaluate and project the~~
30 ~~financial condition of the employee group health~~
31 ~~self-insurance plan. This analysis shall also consider any~~

1 ~~financial impact of the state's use of health maintenance~~
2 ~~organizations on the funding of the self-insurance plan. The~~
3 ~~conference shall indicate whether the current plan premium~~
4 ~~rates are sufficient to fund projected plan claims and other~~
5 ~~expenses during the fiscal year.~~

6 (b) Principals.--The Executive Office of the Governor,
7 the coordinator of the Office of Economic and Demographic
8 Research, and professional staff of the Senate and House of
9 Representatives who have forecasting expertise, or their
10 designees, are the principals of the Economic Estimating
11 Conference. The responsibility of presiding over sessions of
12 the conference shall be rotated among the principals.

13 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

14 (a) Duties.--The Demographic Estimating Conference
15 shall develop such official information with respect to the
16 population of the nation and state by age, race, and sex as
17 the conference determines is needed for the state planning and
18 budgeting system. The conference shall use the official
19 population estimates provided under s. 186.901 in developing
20 its official information.

21 (b) Principals.--The Executive Office of the Governor,
22 the coordinator of the Office of Economic and Demographic
23 Research, and professional staff of the Senate and House of
24 Representatives who have forecasting expertise, or their
25 designees, are the principals of the Demographic Estimating
26 Conference. The responsibility of presiding over sessions of
27 the conference shall be rotated among the principals.

28 (3) REVENUE ESTIMATING CONFERENCE.--

29 (a) Duties.--The Revenue Estimating Conference shall
30 develop such official information with respect to anticipated
31 state and local government revenues as the conference

1 determines is needed for the state planning and budgeting
2 system. Any principal may request the conference to review
3 and estimate revenues for any trust fund.

4 (b) Principals.--The Executive Office of the Governor,
5 the coordinator of the Office of Economic and Demographic
6 Research, and professional staff of the Senate and House of
7 Representatives who have forecasting expertise, or their
8 designees, are the principals of the Revenue Estimating
9 Conference. The responsibility of presiding over sessions of
10 the conference shall be rotated among the principals.

11 (4) EDUCATION ESTIMATING CONFERENCE.--

12 (a) Duties.--The Education Estimating Conference shall
13 develop such official information relating to the state public
14 educational system, including forecasts of student
15 enrollments, the number of students qualified for state
16 financial aid programs and the appropriation required to fund
17 the full award amounts for each program, fixed capital outlay
18 needs, and Florida Education Finance Program formula needs, as
19 the conference determines is needed for the state planning and
20 budgeting system. The conference's initial projections of
21 enrollments in public schools shall be forwarded by the
22 conference to each school district no later than 2 months
23 prior to the start of the regular session of the Legislature.
24 Each school district may, in writing, request adjustments to
25 the initial projections. Any adjustment request shall be
26 submitted to the conference no later than 1 month prior to the
27 start of the regular session of the Legislature and shall be
28 considered by the principals of the conference. A school
29 district may amend its adjustment request, in writing, during
30 the first 3 weeks of the legislative session, and such amended
31 adjustment request shall be considered by the principals of

1 the conference. For any adjustment so requested, the district
2 shall indicate and explain, using definitions adopted by the
3 conference, the components of anticipated enrollment changes
4 that correspond to continuation of current programs with
5 workload changes; program improvement; program reduction or
6 elimination; initiation of new programs; and any other
7 information that may be needed by the Legislature. For public
8 schools, the conference shall submit its full-time equivalent
9 student consensus estimate to the Legislature no later than 1
10 month after the start of the regular session of the
11 Legislature. No conference estimate may be changed without the
12 agreement of the full conference.

13 (b) Adjustments.--No later than 2 months prior to the
14 start of the regular session of the Legislature, the
15 conference shall forward to each eligible postsecondary
16 education institution its initial projections of the number of
17 students qualified for state financial aid programs and the
18 appropriation required to fund those students at the full
19 award amount. Each postsecondary education institution may
20 request, in writing, adjustments to the initial projection.
21 Any adjustment request must be submitted to the conference no
22 later than 1 month prior to the start of the regular session
23 of the Legislature and shall be considered by the principals
24 of the conference. For any adjustment so requested, the
25 postsecondary education institution shall indicate and
26 explain, using definitions adopted by the conference, the
27 components of anticipated changes that correspond to
28 continuation of current programs with enrollment changes,
29 program reduction or elimination, initiation of new programs,
30 award amount increases or decreases, and any other information
31 that is considered by the conference. The conference shall

1 submit its consensus estimate to the Legislature no later than
2 1 month after the start of the regular session of the
3 Legislature. No conference estimate may be changed without the
4 agreement of the full conference.

5 (c) Principals.--The Associate Deputy Commissioner for
6 Educational Management, the Executive Office of the Governor,
7 the coordinator of the Office of Economic and Demographic
8 Research, and professional staff of the Senate and House of
9 Representatives who have forecasting expertise, or their
10 designees, are the principals of the Education Estimating
11 Conference. The Associate Deputy Commissioner for Educational
12 Management or his or her designee shall preside over sessions
13 of the conference.

14 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

15 (a) Duties.--The Criminal Justice Estimating
16 Conference shall develop such official information relating to
17 the criminal justice system, including forecasts of prison
18 admissions by offense categories specified in Rule 3.701,
19 Florida Rules of Criminal Procedure, as the conference
20 determines is needed for the state planning and budgeting
21 system.

22 (b) Principals.--The Executive Office of the Governor,
23 the coordinator of the Office of Economic and Demographic
24 Research, and professional staff, who have forecasting
25 expertise, from the Senate, the House of Representatives, and
26 the Supreme Court, or their designees, are the principals of
27 the Criminal Justice Estimating Conference. The principal
28 representing the Executive Office of the Governor shall
29 preside over sessions of the conference.

30 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

31 (a) Duties.--

1 1. The Social Services Estimating Conference shall
2 develop such official information relating to the social
3 services system of the state, including forecasts of social
4 services caseloads, as the conference determines is needed for
5 the state planning and budgeting system. Such official
6 information shall include, but not be limited to, subsidized
7 child care caseloads mandated by the Family Support Act of
8 1988.

9 2. In addition, the Social Services Estimating
10 Conference shall develop estimates and forecasts of the
11 unduplicated count of children eligible for subsidized child
12 care as defined in s. 402.3015(1). These estimates and
13 forecasts shall not include children enrolled in the
14 prekindergarten early intervention program established in s.
15 230.2305.

16 3. The Department of Children and Family Services and
17 the Department of Education shall provide information on
18 caseloads and waiting lists for the subsidized child care and
19 prekindergarten early intervention programs requested by the
20 Social Services Estimating Conference or individual conference
21 principals, in a timely manner.

22 (b) Principals.--The Executive Office of the Governor,
23 the coordinator of the Office of Economic and Demographic
24 Research, and professional staff, who have forecasting
25 expertise, from the Department of Children and Family
26 Services, the Senate, and the House of Representatives, or
27 their designees, are the principals of the Social Services
28 Estimating Conference. The principal representing the
29 Executive Office of the Governor shall preside over sessions
30 of the conference.

31 ~~(7) TRANSPORTATION ESTIMATING CONFERENCE.~~

1 ~~(a) Duties.--The Transportation Estimating Conference~~
2 ~~shall develop such official budget information relating to~~
3 ~~transportation planning and budgeting as is determined by the~~
4 ~~conference principals to be needed for the state planning and~~
5 ~~budgeting system. This information shall include estimates of~~
6 ~~transportation cost indices and other budget-related~~
7 ~~estimates. This conference shall not address estimates of~~
8 ~~transportation revenues.~~

9 ~~(b) Principals.--The Executive Office of the Governor,~~
10 ~~the coordinator of the Office of Economic and Demographic~~
11 ~~Research, and professional staff with budgeting expertise from~~
12 ~~the Department of Transportation, the Senate, and the House of~~
13 ~~Representatives are the principals of the Transportation~~
14 ~~Estimating Conference. The principal representing the~~
15 ~~Executive Office of the Governor shall preside over sessions~~
16 ~~of the conference.~~

17 (7)~~(8)~~ CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

18 (a) Duties.--The Child Welfare System Estimating
19 Conference shall develop such official information relating to
20 the child welfare system of the state, including forecasts of
21 child welfare caseloads, as the conference determines is
22 needed for the state planning and budgeting system. Such
23 official information may include, but is not limited to:

24 1. Estimates and projections of the number of initial
25 and additional reports of child abuse, abandonment, or neglect
26 made to the central abuse hotline maintained by the Department
27 of Children and Family Services as established in s.
28 39.201(4). Projections may take into account other factors
29 that may influence the number of future reports to the abuse
30 hotline.

31

1 2. Estimates and projections of the number of children
2 who are alleged to be victims of child abuse, abandonment, or
3 neglect and are in need of emergency shelter, foster care,
4 residential group care, adoptive services, or other
5 appropriate care.

6
7 In addition, the conference shall develop other official
8 information relating to the child welfare system of the state
9 which the conference determines is needed for the state
10 planning and budgeting system. The Department of Children and
11 Family Services shall provide information on the child welfare
12 system requested by the Child Welfare System Estimating
13 Conference, or individual conference principals, in a timely
14 manner.

15 (b) Principals.--The Executive Office of the Governor,
16 the coordinator of the Office of Economic and Demographic
17 Research, and professional staff who have forecasting
18 expertise from the Department of Children and Family Services,
19 the Senate, and the House of Representatives, or their
20 designees, are the principals of the Child Welfare System
21 Estimating Conference. The principal representing the
22 Executive Office of the Governor shall preside over sessions
23 of the conference.

24 (8)~~(9)~~ JUVENILE JUSTICE ESTIMATING CONFERENCE.--

25 (a) Duties.--The Juvenile Justice Estimating
26 Conference shall develop such official information relating to
27 the juvenile justice system of the state as is determined by
28 the conference principals to be needed for the state planning
29 and budgeting system. This information shall include, but is
30 not limited to: estimates of juvenile delinquency caseloads
31 and workloads; estimates for secure, nonsecure, and home

1 juvenile detention placements; estimates of workloads in the
2 juvenile sections in the offices of the state attorneys and
3 public defenders; estimates of mental health and substance
4 abuse treatment relating to juveniles; and such other
5 information as is determined by the conference principals to
6 be needed for the state planning and budgeting system.

7 (b) Principals.--The Executive Office of the Governor,
8 the Office of Economic and Demographic Research, and
9 professional staff who have forecasting expertise from the
10 Department of Juvenile Justice, the Department of Children and
11 Family Services Alcohol, Drug Abuse, and Mental Health Program
12 Office, the Department of Law Enforcement, the Senate
13 Appropriations Committee staff, the House of Representatives
14 Appropriations Committee staff, or their designees, are the
15 principals of the Juvenile Justice Estimating Conference. The
16 responsibility of presiding over sessions of the conference
17 shall be rotated among the principals. To facilitate policy
18 and legislative recommendations, the conference may call upon
19 professional staff of the Juvenile Justice Accountability
20 Board and appropriate legislative staff.

21 (9)~~(10)~~ OCCUPATIONAL FORECASTING CONFERENCE.--

22 (a) Duties.--The Occupational Forecasting Conference
23 shall develop such official information on the workforce
24 development system planning process as it relates to the
25 personnel needs of current, new, and emerging industries as
26 the conference determines is needed by the state planning and
27 budgeting system. Such information must include at least:
28 short-term and long-term forecasts of employment demand for
29 high-skills/high-wage jobs by occupation and industry;
30 relative wage forecasts among those occupations; and estimates
31

1 of the supply of trained and qualified individuals available
2 for employment in those occupations.

3 (b) Principals.--The Commissioner of Education, the
4 Executive Office of the Governor, the director of the Office
5 of Tourism, Trade, and Economic Development, the Secretary of
6 Labor, and the coordinator of the Office of Economic and
7 Demographic Research, or their designees, are the principals
8 of the Occupational Forecasting Conference. The Commissioner
9 of Education, or the commissioner's designee, shall preside
10 over the sessions of the conference.

11 (10)~~(11)~~ SCHOOL READINESS PROGRAM ESTIMATING
12 CONFERENCE.--

13 (a) Duties.--

14 1. The School Readiness Program Estimating Conference
15 shall develop such estimates and forecasts of the number of
16 individuals eligible for school readiness programs in
17 accordance with the standards of eligibility established by
18 state or federal statute or administrative rule as the
19 conference determines are needed to support the state
20 planning, budgeting, and appropriations processes.

21 2. In addition, the School Readiness Program
22 Estimating Conference shall estimate the unduplicated count of
23 children who are eligible for services under the school
24 readiness program.

25 3. The Florida Partnership for School Readiness shall
26 provide information on needs and waiting lists for school
27 readiness program services requested by the School Readiness
28 Program Estimating Conference or individual conference
29 principals in a timely manner.

30 (b) Principals.--The Executive Office of the Governor,
31 the Director of Economic and Demographic Research, and

1 professional staff who have forecasting expertise from the
2 Florida Partnership for School Readiness, the Department of
3 Children and Family Services, the Department of Education, the
4 Senate, and the House of Representatives, or their designees,
5 are the principals of the School Readiness Program Estimating
6 Conference. The principal representing the Executive Office of
7 the Governor shall preside over sessions of the conference.

8 (11) SELF-INSURANCE ESTIMATING CONFERENCE.--

9 (a) Duties.--The Self-Insurance Estimating Conference
10 shall develop such official information on self-insurance
11 related issues as the conference determines is needed by the
12 state planning and budgeting system.

13 (b) Principals.--The Executive Office of the Governor,
14 the coordinator of the Office of Economic and Demographic
15 Research, and staff directors of the Senate and House of
16 Representatives committees that have primary responsibility
17 for legislation dealing with taxation, or their designees, are
18 the principals of the Self-Insurance Estimating Conference.
19 The responsibility of presiding over sessions of the
20 conference shall be rotated among the principals.

21 (12) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION
22 CONFERENCE.--

23 (a) Duties.--The Florida Retirement System Actuarial
24 Assumption Conference shall develop official information with
25 respect to the economic and noneconomic assumptions and
26 funding methods of the Florida Retirement System necessary to
27 perform the system actuarial study undertaken pursuant to s.
28 121.031(3). Such information shall include: an analysis of
29 the actuarial assumptions and actuarial methods used in the
30 study and a determination of whether changes to the

31

1 assumptions or methods need to be made due to experience
2 changes or revised future forecasts.

3 (b) Principals.--The Executive Office of the Governor,
4 the coordinator of the Office of Economic and Demographic
5 Research, and professional staff of the Senate and House of
6 Representatives who have forecasting expertise, or their
7 designees, are the principals of the Florida Retirement System
8 Actuarial Assumption Conference. The Executive Office of the
9 Governor shall have the responsibility of presiding over the
10 sessions of the conference. The State Board of Administration
11 and the Division of Retirement shall be participants in the
12 conference.

13 Section 16. Subsection (1) of section 216.141, Florida
14 Statutes, is amended to read:

15 216.141 Budget system procedures; planning and
16 programming by state agencies.--

17 (1) The Executive Office of the Governor, in
18 consultation with the appropriations committees of the Senate
19 and House of Representatives, and by utilizing the Florida
20 Financial Management Information System management data and
21 the Comptroller's chart of accounts, shall prescribe a
22 planning and budgeting system, pursuant to s. 215.94(1), to
23 provide for continuous planning and programming and for
24 effective management practices for the efficient operations of
25 all state agencies and the judicial branch. ~~However, the~~
26 ~~planning and budgeting system shall be limited to the~~
27 ~~processing of information related to ss. 216.023, 216.0235,~~
28 ~~216.031, 216.043, 216.121, 216.181, 216.182, and 216.192 and~~
29 ~~those applications relating to part I of chapter 23 and part I~~
30 ~~of chapter 252 which are funded by the Legislature. The~~
31 Legislature ~~Executive Office of the Governor~~ may contract with

1 the Executive Office of the Governor ~~Legislature~~ to develop
2 the planning and budgeting system and to provide services to
3 the Legislature for the support and use of the legislative
4 appropriations system. The contract shall include the
5 policies and procedures for combining the legislative
6 appropriations system with the planning and budgeting
7 information system established pursuant to s. 215.94(1). At a
8 minimum, the contract shall require the use of common data
9 codes. The combined legislative appropriations and planning
10 and budgeting information subsystem shall support the
11 legislative appropriations and legislative oversight functions
12 without data code conversion or modification.

13 Section 17. Subsections (1) and (2) of section
14 216.151, Florida Statutes, are amended to read:

15 216.151 Duties of the Executive Office of the
16 Governor.--It shall be the duty of the Executive Office of the
17 Governor to:

18 (1) Make a detailed study, as necessary, of each of
19 the several state agencies, with a view toward ascertaining
20 and determining the needs thereof; whether changes should be
21 made in existing organizations, their activities and methods
22 of operation; what appropriation should be made therefor;
23 whether the operations and activities of different agencies or
24 within the same agencies should be combined, consolidated, or
25 integrated or should be regrouped and rearranged, all to the
26 end of securing greater economy without sacrificing efficiency
27 in the operations of such agencies. In order to accomplish
28 this type of study, the Executive Office of the Governor may
29 request any or all agencies to submit a budget plan with
30 respect to targets established by the Governor. Such a
31 request shall not influence the agencies' independent

1 judgments in making agency ~~legislative~~ budget requests, as
2 required by law.

3 (2) Prepare an analysis of the agency ~~legislative~~
4 budget requests submitted by state agencies and the judicial
5 branch covering their respective operational and fixed capital
6 outlay requirements.

7 Section 18. Subsection (1) of section 216.162, Florida
8 Statutes, is amended to read:

9 216.162 Governor's recommended budget to be furnished
10 to the Legislature; copies to members.--

11 (1) At least 45 days before the scheduled annual
12 legislative session ~~in each odd-numbered year,~~ the Governor
13 shall furnish each senator and representative a copy of his or
14 her recommended balanced budget for the state, based on the
15 Governor's own conclusions and judgment; provided, however,
16 that in his or her first year in office a new Governor may
17 request, subject to approval of the President of the Senate
18 and the Speaker of the House of Representatives, that his or
19 her recommended balanced budget be submitted at a later time
20 prior to the Governor's first regular legislative session.

21 Section 19. Section 216.163, Florida Statutes, is
22 amended to read:

23 216.163 Governor's recommended budget; form and
24 content; declaration of collective bargaining impasses.--

25 (1) The Governor's recommended budget shall be
26 referenced to the agency ~~legislative~~ budget requests
27 prescribed in ss. 216.023 ~~216.031~~ and 216.043 and shall be
28 consistent with the format of the current fiscal year General
29 Appropriations Act ~~or shall be distinctly separated into four~~
30 ~~sections. If separated into four sections, Section One of the~~
31 ~~budget shall be entitled "Operations"; Section Two shall be~~

1 ~~entitled "Revenue Sharing, Distributions and Transfers";~~
2 ~~Section Three shall be entitled "Fixed Capital Outlay"; and~~
3 ~~Section Four shall be entitled "Debt Service."~~

4 (2) The Governor's recommended budget shall also
5 include:

6 (a) The Governor's recommendations for operating each
7 state agency, and those of the Chief Justice of the Supreme
8 Court for operating the judicial branch, for the next fiscal
9 year. These recommendations shall be displayed by
10 appropriation category within each budget entity, ~~with detail~~
11 ~~by program component within each budget entity,~~ and shall also
12 include the agency legislative budget request of the
13 corresponding agency and community budget requests related to
14 each agency.

15 (b)1. The Governor's recommendations and those of the
16 Chief Justice for fixed capital outlay appropriations for the
17 next fiscal year. These recommendations shall be displayed by
18 budget entity and shall also include the agency legislative
19 budget request of the corresponding agency.

20 2. For each specific fixed capital outlay project or
21 group of projects or operating capital outlay requests
22 recommended to be funded from a proposed state debt or
23 obligation, he or she shall make available pursuant to s.
24 216.164(1)(a) the documents set forth in s. 216.0442(2).

25 (c) The evaluation of the fixed capital outlay request
26 of each agency and the judicial branch and alternatives to the
27 proposed projects as made by the Department of Management
28 Services pursuant to s. 216.044.

29 (d) A summary statement of the amount of
30 appropriations requested by each state agency and as
31 recommended by the Governor and by the judicial branch.

1 (e) A distinct listing of all nonrecurring
2 appropriations recommended by the Governor or the Chief
3 Justice.

4 ~~(f) A listing of the general policies used to~~
5 ~~calculate the amounts required for salaries, other personal~~
6 ~~services, expenses, operating capital outlay, electronic data~~
7 ~~processing, and food products recommended by the Governor or~~
8 ~~the Chief Justice.~~

9 ~~(g) Explanations and justification, expressed in terms~~
10 ~~of program effectiveness measures, program efficiency~~
11 ~~measures, workload, productivity adjustments, staffing~~
12 ~~standards, and any other criteria needed to evaluate the~~
13 ~~delivery of governmental services and to explain the~~
14 ~~Governor's recommendations or the Chief Justice's~~
15 ~~recommendations, and such other supporting schedules and~~
16 ~~exhibits as may be determined by the Governor or the Chief~~
17 ~~Justice.~~

18 ~~(h) With respect to the Department of Transportation,~~
19 ~~a reconciliation of the Governor's recommendations for the~~
20 ~~funding of the agency budget and tentative work program with~~
21 ~~the budget and tentative work program submitted by the~~
22 ~~department pursuant to s. 339.135 by project, by project~~
23 ~~phase, by department district, and by appropriation category.~~

24 (f)(i) The Governor's recommendations for critical
25 information resource management projects which should be
26 subject to special monitoring under s. 282.322. These
27 recommendations shall include proviso language which specifies
28 whether funds are specifically provided to contract for
29 project monitoring, or whether the Auditor General will
30 conduct such project monitoring. When funds are recommended
31 for contracting with a project monitor, such funds may equal 1

1 percent to 5 percent of the project's estimated total costs.
2 These funds shall be specifically appropriated and
3 nonrecurring.

4 (g)~~(j)~~ Any additional information which the Governor
5 or Chief Justice feels is needed to justify his or her
6 recommendations.

7 (3) The Governor shall provide to the Legislature a
8 performance-based program budget ~~for approved programs~~
9 ~~according to the schedule provided in s. 216.0172~~. Information
10 submitted to the Legislature shall be provided in a fashion
11 that will allow comparison of the requested information with
12 the agency request and legislative appropriation by the
13 automated legislative appropriation planning and budgeting
14 system.

15 (4) The Executive Office of the Governor shall review
16 ~~the evaluation report required by s. 216.031(10)~~ and the
17 findings of the Office of Program Policy Analysis and
18 Government Accountability, to the extent they are available,
19 request any reports or additional analyses as necessary, and
20 submit a recommendation, which may include a recommendation
21 regarding incentives or disincentives for agency performance.
22 Incentives or disincentives may apply to all or part of a
23 state agency.

24 (a) Incentives may include, but are not limited to:

25 1. Additional flexibility in budget management, such
26 as, but not limited to, the use of lump sums or~~special~~
27 ~~categories, or performance-based program appropriation;~~
28 consolidation of budget entities or program components;
29 consolidation of appropriation categories; and increased
30 agency transfer authority between appropriation categories or
31 budget entities.

1 2. Additional flexibility in salary rate and position
2 management.

3 3. Retention of up to 50 percent of all unencumbered
4 balances of appropriations as of June 30, or undisbursed
5 balances as of December 31, excluding special categories and
6 grants and aids, which may be used for nonrecurring purposes
7 including, but not limited to, lump-sum bonuses, employee
8 training, or productivity enhancements, including technology
9 and other improvements.

10 4. Additional funds to be used for, but not limited
11 to, lump-sum bonuses, employee training, or productivity
12 enhancements, including technology and other improvements.

13 5. Additional funds provided pursuant to law to be
14 released to an agency quarterly or incrementally contingent
15 upon the accomplishment of units of output or outcome
16 specified in the General Appropriations Act.

17 (b) Disincentives may include, but are not limited to:

18 1. Mandatory quarterly reports to the Executive Office
19 of the Governor and the Legislature on the agency's progress
20 in meeting performance standards.

21 2. Mandatory quarterly appearances before the
22 Legislature, the Governor, or the Governor and Cabinet to
23 report on the agency's progress in meeting performance
24 standards.

25 3. Elimination or restructuring of the program, which
26 may include, but not be limited to, transfer of the program or
27 outsourcing all or a portion of the program.

28 4. Reduction of total positions for a program.

29 5. Restriction on or reduction of the spending
30 authority provided in s. 216.292(2) ~~and (4)~~.

31 6. Reduction of managerial salaries.

1 (5) At the same time that the Governor furnishes each
2 senator and representative with a copy of his or her
3 recommended balanced budget under s. 216.162(1), the Executive
4 Office of the Governor shall electronically transmit to the
5 legislative appropriations committees the Governor's
6 recommended budget, the Exhibit B, Major Issues, and D-3a's.

7 (6) At the time the Governor is required to furnish
8 copies of his or her recommended budget to each senator and
9 representative under s. 216.162(1), the Governor shall declare
10 an impasse in all collective bargaining negotiations for which
11 he or she is deemed to be the public employer and for which a
12 collective bargaining agreement has not been executed. Within
13 14 days thereafter, the Governor shall furnish the legislative
14 appropriations committees with documentation relating to the
15 last offer he or she made during such collective bargaining
16 negotiations or recommended to a mediator or special master
17 appointed to resolve the impasse.

18 Section 20. Subsections (1) and (2) of section
19 216.177, Florida Statutes, are amended to read:

20 216.177 Appropriations acts, statement of intent,
21 violation, notice, review and objection procedures.--

22 (1) When an appropriations act is delivered to the
23 Governor after the Legislature has adjourned sine die,as soon
24 as practicable, but no later than the 10th day before the end
25 of the period allowed by law for veto consideration in any
26 year in which an appropriation is made, the chairs of the
27 legislative appropriations committees shall jointly transmit:

28 (a) A statement of intent, including performance and
29 workload measures as appropriate;

30
31

1 (b) The official list of General Revenue Fund
2 appropriations determined in consultation with the Executive
3 Office of the Governor to be nonrecurring; and
4 (c) The documents set forth in s. 216.0442(2)(a) and
5 (c),
6
7 to the Executive Office of the Governor, the Comptroller, the
8 Auditor General, the Chief Justice of the Supreme Court, and
9 each state agency. The statement of intent constitutes a
10 manifestation of how the Legislature, in its considered
11 opinion as a representative of the people, thinks
12 appropriations should be spent. The statement of intent is
13 not a law and may not allocate or appropriate any funds, or
14 amend or correct any provision, in the General Appropriations
15 Act, but the statement of intent may provide additional
16 explanation to the Executive Office of the Governor, the
17 judicial branch, the Administration Commission, and each
18 affected state agency relative to the purpose, objectives,
19 spending philosophy, and restrictions associated with any
20 specific appropriation. The statement of intent shall compare
21 the request of the agency or of the judicial branch or the
22 recommendation of the Governor to the funds appropriated for
23 the purpose of establishing intent in the development of the
24 approved operating budget. A request for additional
25 explanation and direction regarding the legislative intent of
26 the General Appropriations Act during the fiscal year may be
27 made only by and through the Executive Office of the Governor
28 for state agencies, and by and through the Chief Justice of
29 the Supreme Court for the judicial branch, as is deemed
30 necessary. However, the Comptroller may also request further
31 clarification of legislative intent pursuant to the

1 Comptroller's responsibilities related to his or her preaudit
2 function of expenditures.

3 (2)(a) Whenever notice of action to be taken by the
4 Executive Office of the Governor, the Chief Justice of the
5 Supreme Court, or the commission is required by this chapter,
6 such notice shall be given to the chairs of the legislative
7 appropriations committees in writing, and shall be delivered
8 to both such chairs at least 14 ~~consecutive~~ days before ~~prior~~
9 ~~to~~ the action referred to, unless a shorter period is approved
10 in writing by both such chairs. If the action is solely for
11 the release of funds appropriated by the Legislature, the
12 notice shall be delivered at least 3 days before the effective
13 date of the action. Action shall not be taken on any budget
14 item for which this chapter requires notice to the legislative
15 appropriations committees without such notice having been
16 provided, even though there may be good cause for considering
17 such item.

18 (b) If the chairs of the legislative appropriations
19 committees or the President of the Senate and the Speaker of
20 the House of Representatives timely advise, in writing, the
21 Executive Office of the Governor, the Chief Justice of the
22 Supreme Court, or the Administration Commission that an action
23 or a proposed action affecting the expenditure of appropriated
24 funds, whether or not subject to the notice and review
25 requirements of this chapter, exceeds the delegated authority
26 of the Executive Office of the Governor for the executive
27 branch, the Chief Justice for the judicial branch, or the
28 Administration Commission, respectively, or is contrary to
29 legislative policy and intent, the Governor, the Chief Justice
30 of the Supreme Court, or the Administration Commission shall
31 void such action and instruct the affected state agency or

1 entity of the judicial branch to change immediately its
2 spending action or spending proposal until the Legislature
3 addresses the issue. The written documentation shall indicate
4 the specific reasons that an action or proposed action exceeds
5 the delegated authority or is contrary to legislative policy
6 and intent.

7 (c) The House of Representatives and the Senate shall
8 provide by rule that any member of the House of
9 Representatives or Senate may request, in writing, of either
10 the President of the Senate or the Speaker of the House of
11 Representatives or the chair of the respective legislative
12 appropriations committee to initiate the procedures of
13 paragraph (b).

14 Section 21. Section 216.178, Florida Statutes, is
15 amended to read:

16 216.178 General Appropriations Act; format; procedure;
17 cost statement for new debt or obligation.--

18 (1) Any information contained in a conference
19 committee report on a general or supplemental appropriations
20 bill, on any other bill adopted by the same conference
21 committee to implement a general or supplemental
22 appropriations bill and effective for the same period as such
23 appropriations bill, or on a revenue bill during any regular
24 or special legislative session must be made available to the
25 members of the Legislature and to the public at least 72 ~~48~~
26 hours before the report may be voted on by the Senate or the
27 House of Representatives.

28 (2) ~~Effective June 30, 1993,~~The Office of Planning
29 and Budgeting shall develop a final budget report that
30 reflects the net appropriations for each budget item. The
31 report shall reflect actual expenditures for each of the 2

1 preceding fiscal years and the estimated expenditures for the
2 current fiscal year. In addition, the report must contain the
3 actual revenues and cash balances for the preceding 2 fiscal
4 years and the estimated revenues and cash balances for the
5 current fiscal year. The report may also contain expenditure
6 data, program objectives, and program measures for each state
7 agency program. The report must be produced by October 15 each
8 year. A copy of the report must be made available to each
9 member of the Legislature, to the head of each state agency,
10 to the Auditor General, and to the public.

11 ~~(3) The Governor shall submit to the Secretary of~~
12 ~~State, along with the signed General Appropriations Act, a~~
13 ~~statement which sets forth the estimated cost of each new~~
14 ~~proposed state debt or obligation contained in the act. Each~~
15 ~~statement shall be written in substantially the following~~
16 ~~form:~~

17
18 ~~The General Appropriations Act for fiscal year~~
19 ~~...(insert years)... authorizes the issuance of \$...(insert~~
20 ~~principal)... of debt or obligation at a forecasted interest~~
21 ~~rate of ...(insert rate of interest).... The total interest~~
22 ~~paid over the life of this debt or obligation will be \$~~
23 ~~...(insert sum of interest payments).... Additionally, it is~~
24 ~~estimated that the 5-year operational costs associated with~~
25 ~~those capital outlay projects to be funded by the incurrence~~
26 ~~of this debt or obligation will be \$...(insert costs)....~~

27 Section 22. Section 216.179, Florida Statutes, is
28 amended to read:

29 216.179 Reinstatement of vetoed appropriations by
30 administrative means prohibited.--After the Governor has
31 vetoed a specific appropriation for an agency or the judicial

1 branch, neither the Governor, the Administration Commission,
2 ~~nor~~ the Chief Justice of the Supreme Court, nor a state
3 agency, in their various statutory and constitutional roles,
4 may authorize expenditures for or implementation in any manner
5 of the programs that were authorized by the vetoed
6 appropriation.

7 Section 23. Section 216.181, Florida Statutes, is
8 amended to read:

9 216.181 Approved budgets for operations and fixed
10 capital outlay.--

11 (1) The General Appropriations Act and any other acts
12 containing appropriations shall be considered the original
13 approved operating budgets for operational and fixed capital
14 expenditures. Amendments to the approved operating budgets for
15 operational and fixed capital outlay expenditures from state
16 agencies may be requested only through the Executive Office of
17 the Governor and approved by the Governor or Administration
18 Commission as provided in this chapter. Amendments from the
19 judicial branch may be requested only through, and approved
20 by, the Chief Justice of the Supreme Court. This includes
21 amendments which are necessary to implement the provisions of
22 s. 216.212 or s. 216.221.

23 (2) Amendments to the original approved operating
24 budgets for operational and fixed capital outlay expenditures
25 must comply with the following guidelines in order to be
26 approved by the Governor or Administration Commission as
27 provided in this chapter for the executive branch and the
28 Chief Justice for the judicial branch:

29 (a) The amendment must be consistent with legislative
30 policy and intent.

31

1 (b) The amendment may not initiate or commence a new
2 program, except as authorized by this chapter, or eliminate an
3 existing program.

4 (c) Except as authorized in s. 216.292 or other
5 provisions of this chapter, the amendment may not provide
6 funding or increased funding for items which were funded by
7 the Legislature in an amount less than that requested by the
8 agency or Governor in the ~~legislative~~ budget request or which
9 were vetoed by the Governor.

10 (d) For amendments that involve trust funds, there
11 must be adequate and appropriate revenues available in the
12 trust fund and the amendment must be consistent with the laws
13 authorizing such trust funds and the laws relating to the use
14 of the trust funds. However, a trust fund shall not be
15 increased in excess of the original approved budget, except as
16 provided in subsection (11).

17 (e) The amendment shall not conflict with any
18 provision of law.

19 (f) The amendment must not provide funding for any
20 issue which was requested by the agency or branch in their
21 agency ~~legislative~~ budget request and not funded in the
22 General Appropriations Act.

23 (g) The amendment must include a written description
24 of the purpose of the proposed change, an indication of why
25 interim budget action is necessary, and the intended recipient
26 of any funds for contracted services.

27 (h) The amendment must not provide general salary
28 increases which the Legislature has not authorized in the
29 General Appropriations Act or other laws.

30 (i) The amendment must not increase salary rate or
31 budget in the executive leadership and support services

1 program component by reducing salary rate or budget in any
2 nonadministrative program component.

3 (3) All amendments to original approved operating
4 budgets, regardless of funding source, are subject to the
5 notice and review procedures set forth in s. 216.177.

6 (4) To the extent possible, individual members of the
7 Senate and the House of Representatives should be advised of
8 budget amendments requested by the executive branch.

9 ~~(5)(4) An All amendments to the original approved~~
10 ~~operating budgets, regardless of funding source, are subject~~
11 ~~to the notice and review procedures set forth in s. 216.177~~
12 ~~and must be approved by the Governor and Administration~~
13 ~~Commission as provided in this chapter for the executive~~
14 ~~branch and the Chief Justice for the judicial branch if the~~
15 ~~amendment is for an information resources management project~~
16 ~~or initiative that involves more than one agency, has an~~
17 ~~outcome that impacts another agency, or exceeds \$500,000 in~~
18 ~~total cost over a 1-year period, except for those projects~~
19 ~~that are a continuation of hardware or software maintenance or~~
20 ~~software licensing agreements, or that are for desktop~~
21 ~~replacement that is similar to the technology currently in use~~
22 must be reviewed by the Technology Review Workgroup pursuant
23 to s. 216.0466 and approved by the Executive Office of the
24 Governor for the executive branch or by the Chief Justice for
25 the judicial branch, and shall be subject to the notice and
26 review procedures set forth in s. 216.177.

27 ~~(6)(5)(a)~~ (a) The Executive Office of the Governor or the
28 Chief Justice of the Supreme Court may require the submission
29 of a detailed plan from the agency or entity of the judicial
30 branch affected, consistent with the General Appropriations
31 Act, special appropriations acts, and the statement of intent

1 before transferring and releasing the balance of a lump-sum
2 appropriation. The provisions of this paragraph are subject to
3 the notice and review procedures set forth in s. 216.177.

4 (b) The Executive Office of the Governor may amend,
5 without approval of the Administration Commission, state
6 agency budgets to reflect the transferred funds based on the
7 approved plans for lump-sum appropriations.

8
9 The Executive Office of the Governor shall transmit to each
10 state agency and the Comptroller, and the Chief Justice shall
11 transmit to each judicial branch component and the
12 Comptroller, any approved amendments to the approved operating
13 budgets.

14 (7)~~(6)~~ The Executive Office of the Governor may, for
15 the purpose of improved contract administration, authorize the
16 consolidation of two or more fixed capital outlay
17 appropriations for an agency, and the Chief Justice of the
18 Supreme Court for the judicial branch, except for projects
19 authorized under chapter 235, provided the original scope and
20 purpose of each project are not changed.

21 ~~(7) The original approved annual salary rate for the~~
22 ~~Division of Administrative Hearings shall be as set forth in~~
23 ~~the General Appropriations Act. This rate may be adjusted by~~
24 ~~the Executive Office of the Governor subject to the provisions~~
25 ~~of s. 120.65(2).~~

26 (8) As part of the approved operating budget, the
27 Executive Office of the Governor shall furnish to each state
28 agency, and the Chief Justice of the Supreme Court shall
29 furnish to the entity of the judicial branch, an approved
30 annual salary rate for each budget entity containing a salary
31 appropriation. This rate shall be based upon the actual salary

1 rate and shall be consistent with the General Appropriations
2 Act or special appropriations acts. The annual salary rate
3 shall be:

4 (a) Calculated based on the actual salary rate in
5 effect on June 30, and the salary policy and the number of
6 authorized positions as specified in the General
7 Appropriations Act and special appropriations acts, or as
8 provided pursuant to s. 216.177.

9 (b) Controlled by department or agency ~~budget entity~~.

10 (c) Assigned to the number of authorized positions,
11 ~~which may not be transferred between budget entities unless~~
12 ~~the associated positions are also transferred pursuant to s.~~
13 ~~216.262(1)(c).~~

14 (9)(a) The calculation for the annual salary rate for
15 vacant and newly authorized positions shall be at no more than
16 the midpoint of the range of the pay grade for the position or
17 as provided in the General Appropriations Act.

18 (b) No agency or the judicial branch may exceed its
19 maximum approved annual salary rate for the fiscal year.
20 However, at any time during the fiscal year, an agency or
21 entity of the judicial branch may exceed its approved rate for
22 all budget entities by no more than 5 percent, provided that,
23 by June 30 of every fiscal year, the agency or entity of the
24 judicial branch has reduced its salary rate so that the salary
25 rate for each budget entity is within the approved rate limit
26 for that budget entity.

27 (10)(a) Except as provided in paragraph (c), an
28 increase in salary rate may not be approved in any budget
29 entity which would increase the recurring salary and benefits
30 cost funded from the General Revenue Fund unless there is a
31 corresponding decrease in salary rate and recurring salary and

1 benefits cost funded from the General Revenue Fund in one or
2 more other budget entities. The provisions of this paragraph
3 are subject to the notice and review procedures set forth in
4 s. 216.177.

5 (b) If the salary lapse rate in a nonadministrative
6 program component of any department exceeds the appropriated
7 lapse rate by more than 2 percent for a given fiscal year, the
8 salary rate for the executive leadership and support program
9 component of that department shall be reduced in the following
10 fiscal year by the percent the lapse rate in the
11 nonadministrative program component exceeded 2 percent.

12 (c)(10)(a) The Executive Office of the Governor and
13 the Chief Justice of the Supreme Court may increase or
14 decrease the approved salary rate for positions for the
15 purpose of implementing the General Appropriations Act,
16 special appropriations acts, and actions pursuant to s.
17 216.262 other adjustments if they are deemed to be necessary
18 and in the best interest of the state and consistent with
19 legislative intent and policy. The provisions of this
20 paragraph are subject to the notice and review procedures set
21 forth in s. 216.177.

22 (d)(b) Lump-sum salary bonuses may be provided only if
23 specifically appropriated.

24 (11) The Executive Office of the Governor may approve
25 transfers of appropriations in the General Appropriations Act
26 within any state trust fund of an agency, and the Chief
27 Justice of the Supreme Court may approve such transfers for
28 the judicial branch. ~~The Governor and the Chief Justice of~~
29 ~~the Supreme Court may establish nonoperating budgets if deemed~~
30 ~~necessary and in the best interest of the state and consistent~~
31 ~~with legislative intent and policy.~~ The Executive Office of

1 the Governor and the Chief Justice of the Supreme Court may
2 approve changes in the amounts appropriated from state trust
3 funds in excess of those in the approved operating budget only
4 pursuant to the federal funds provisions of s. 216.212, when
5 grants and donations are received after April 1, or when
6 deemed necessary due to a set of conditions that were
7 unforeseen at the time the General Appropriations Act was
8 adopted and that are essential to correct in order to continue
9 the operation of government. The provisions of this subsection
10 are subject to the notice, review, and objection procedures
11 set forth in s. 216.177.

12 (12) There is appropriated nonoperating budget for
13 refunds, payments to the U.S. Treasury, payments of the
14 service charge to the General Revenue Fund, and transfers of
15 funds specifically required by law. Such authorized budget,
16 together with related releases, shall be transmitted by the
17 state agency or by the judicial branch to the Comptroller for
18 entry in the Comptroller's records in the manner and format
19 prescribed by the Executive Office of the Governor in
20 consultation with the Comptroller. A copy of such authorized
21 budgets shall be furnished to the Executive Office of the
22 Governor or the Chief Justice, the chairs of the legislative
23 committees responsible for developing the general
24 appropriations acts, and the Auditor General. The Governor may
25 withhold approval of nonoperating investment authority for
26 certain trust funds when deemed in the best interest of the
27 state. The Governor for the executive branch, and the Chief
28 Justice for the judicial branch, may establish nonoperating
29 budgets for transfers, purchase of investments, special
30 expenses, distributions, and any other nonoperating budget
31 categories they deem necessary and in the best interest of the

1 state and consistent with legislative intent and policy. The
2 provisions of this subsection are subject to the notice,
3 review, and objection procedures set forth in s. 216.177. For
4 purposes of this section, the term "nonoperating budgets"
5 means nonoperating disbursement authority for purchase of
6 investments, refunds, payments to the U.S. Treasury, transfers
7 of funds specifically required by law, distributions of assets
8 held by the state in a trustee capacity as an agent of
9 fiduciary, special expenses, and other nonoperating budget
10 categories as determined necessary by the Executive Office of
11 the Governor, not otherwise appropriated in the General
12 Appropriations Act.

13 (13)~~(12)~~ Each state agency and the judicial branch
14 shall develop the internal management procedures and budgets
15 necessary to assure compliance with the approved operating
16 budget.

17 (14)~~(13)~~ The Executive Office of the Governor and the
18 Chief Justice of the Supreme Court shall certify the amounts
19 approved for operations and fixed capital outlay, together
20 with any relevant supplementary materials or information, to
21 the Comptroller; and such certification shall be the
22 Comptroller's guide with reference to the expenditures of each
23 state agency pursuant to s. 216.192.

24 (15)~~(14)~~ The provisions of this section do not apply
25 to the budgets for the legislative branch.

26 (16)~~(15)~~(a) Funds provided in any specific
27 appropriation in the General Appropriations Act may be
28 advanced if the General Appropriations Act specifically so
29 provides.

30 (b) Any agency, or the judicial branch, that has been
31 authorized by the General Appropriations Act or expressly

1 authorized by other law to make advances for program startup
2 or advances for contracted services, in total or periodically,
3 shall limit such disbursements to other governmental entities
4 and not-for-profit corporations. The amount which may be
5 advanced shall not exceed the expected cash needs of the
6 contractor or recipient within the initial 3 months.
7 Thereafter, disbursements shall only be made on a
8 reimbursement basis. Any agreement that provides for
9 advancements may contain a clause that permits the contractor
10 or recipient to temporarily invest the proceeds, provided that
11 any interest income shall either be returned to the agency or
12 be applied against the agency's obligation to pay the contract
13 amount. This paragraph does not constitute lawful authority
14 to make any advance payment not otherwise authorized by laws
15 relating to a particular agency or general laws relating to
16 the expenditure or disbursement of public funds. The
17 Comptroller may, after consultation with the legislative
18 appropriations committees, advance funds beyond a 3-month
19 requirement ~~waive the requirements of this paragraph which~~
20 ~~apply to advances~~ if it is determined to be consistent with
21 the intent of the approved operating budget.

22 ~~(c) For the 1999-2000 fiscal year only, funds~~
23 ~~appropriated to the Department of Children and Family Services~~
24 ~~in Specific Appropriations 292 through 425 and the Department~~
25 ~~of Health in Specific Appropriations 445 through 540 of the~~
26 ~~1999-2000 General Appropriations Act may be advanced, unless~~
27 ~~specifically prohibited in such General Appropriations Act,~~
28 ~~for those contracted services that were approved for~~
29 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
30 ~~including those services contracted on a fixed-price or unit~~
31 ~~cost basis. This paragraph is repealed on July 1, 2000.~~

1 ~~(16) Notwithstanding any provision of this section to~~
2 ~~the contrary and for the 1999-2000 fiscal year only, the~~
3 ~~Department of Children and Family Services is authorized to~~
4 ~~use operating funds budgeted for Developmental Services~~
5 ~~Institutions for fixed capital outlay expenditures as needed~~
6 ~~to bring any currently unlicensed beds up to Federal~~
7 ~~Intermediate Care Facility for the Developmentally Disabled~~
8 ~~licensure standards. This subsection is repealed on July 1,~~
9 ~~2000.~~

10 ~~(17) Notwithstanding any other provision of this~~
11 ~~section to the contrary, and for the 1999-2000 fiscal year~~
12 ~~only, the Florida Department of Law Enforcement may transfer~~
13 ~~up to 20 positions and associated budget between budget~~
14 ~~entities, provided the same funding source is used throughout~~
15 ~~each transfer. The department may also transfer up to 10~~
16 ~~percent of the initial approved salary rate between budget~~
17 ~~entities, provided the same funding source is used throughout~~
18 ~~each transfer. The department must provide notice to the~~
19 ~~Executive Office of the Governor, the chair of the Senate~~
20 ~~Budget Committee, and the chair of the House Committee on~~
21 ~~Criminal Justice Appropriations for all transfers of positions~~
22 ~~or salary rate. This subsection is repealed on July 1, 2000.~~

23 ~~(18) Notwithstanding any other provision of this~~
24 ~~chapter to the contrary, the Florida Department of~~
25 ~~Transportation, in order to facilitate the transfer of~~
26 ~~personnel to the new turnpike headquarters location in Orange~~
27 ~~County, may transfer salary rate to the turnpike budget entity~~
28 ~~from other departmental budget entities. The department must~~
29 ~~provide documentation of all transfers to the Executive Office~~
30 ~~of the Governor, the Chairman of the Senate Budget Committee,~~
31 ~~and the Chairman of the House of Representatives Committee on~~

1 ~~Transportation and Economic Development Appropriations. This~~
2 ~~subsection expires July 1, 2000.~~

3 Section 24. Section 216.183, Florida Statutes, is
4 amended to read:

5 216.183 Entities using performance-based program
6 budgets; chart of accounts.--State agencies and the judicial
7 branch for which a performance-based program budget has been
8 appropriated shall utilize the chart of accounts used by the
9 Florida Accounting Information Resource Subsystem in the
10 manner described in s. 215.93(3). The chart of accounts for
11 state agencies and the judicial branch for which a
12 performance-based program budget has been appropriated shall
13 be developed and amended, if necessary, in consultation with
14 the Department of Banking and Finance, ~~and~~ the Executive
15 Office of the Governor, and the chairs of the Senate and House
16 of Representatives committees responsible for development of
17 the General Appropriations Act.

18 Section 25. Subsection (1) of section 216.192, Florida
19 Statutes, is amended to read:

20 216.192 Release of appropriations; revision of
21 budgets.--

22 (1) Unless otherwise provided in the General
23 Appropriations Act, on July 1 of each fiscal year, up to 25 ~~20~~
24 percent of the original approved operating budget of each
25 agency and of the judicial branch may ~~shall~~ be released until
26 such time as annual plans for quarterly releases for all
27 appropriations have been developed, approved, and furnished to
28 the Comptroller by the Executive Office of the Governor for
29 state agencies and by the Chief Justice of the Supreme Court
30 for the judicial branch. The plans, including appropriate
31 plans of releases for fixed capital outlay projects that

1 correspond with each project schedule, shall attempt to
2 maximize the use of trust funds and shall be transmitted to
3 the Comptroller by August 1 of each fiscal year. Such releases
4 shall at no time exceed the total appropriations available to
5 a state agency or to the judicial branch, or the approved
6 budget for such agency or the judicial branch if less. The
7 Comptroller shall enter such releases in his or her records in
8 accordance with the release plans prescribed by the Executive
9 Office of the Governor and the Chief Justice, unless otherwise
10 amended as provided by law. The Executive Office of the
11 Governor and the Chief Justice shall transmit a copy of the
12 approved annual releases to the head of the state agency, the
13 chairs of the legislative appropriations committees, and the
14 Auditor General. The Comptroller shall authorize all
15 expenditures to be made from the appropriations on the basis
16 of such releases and in accordance with the approved budget,
17 and not otherwise. Expenditures shall be authorized only in
18 accordance with legislative authorizations. Nothing herein
19 precludes periodic reexamination and revision by the Executive
20 Office of the Governor or by the Chief Justice of the annual
21 plans for release of appropriations and the notifications of
22 the parties of all such revisions.

23 Section 26. Section 216.195, Florida Statutes, is
24 amended to read:

25 216.195 Impoundment of funds; restricted.--The
26 Executive Office of the Governor, the Chief Justice of the
27 Supreme Court, any member of the Cabinet, the Administration
28 Commission, or any state agency shall not impound any
29 appropriation except as necessary to avoid or eliminate a
30 deficit pursuant to the provisions of s. 216.221. As used in
31 this section, the term "impoundment" means the omission of any

1 appropriation or part of an appropriation in the approved
2 operating plan prepared pursuant to s. 216.181 or in the
3 schedule of releases prepared pursuant to s. 216.192 or the
4 failure of any state agency or the judicial branch to spend an
5 appropriation for the stated purposes authorized in the
6 approved operating budget.The provisions of this section are
7 subject to the notice and review procedures of s. 216.177.
8 The Governor or either house of the Legislature may seek
9 judicial review of any action or proposed action which
10 violates the provisions of this section.

11 Section 27. Section 216.212, Florida Statutes, is
12 amended to read:

13 216.212 Budgets for federal funds; restrictions on
14 expenditure of federal funds.--

15 (1) The Executive Office of the Governor, the office
16 of the Comptroller, and the office of the Treasurer shall
17 develop and implement procedures for accelerating the drawdown
18 of, and minimizing the payment of interest on, federal funds.
19 The Executive Office of the Governor shall establish a
20 clearinghouse for federal programs and activities. The
21 clearinghouse shall develop the capacity to respond to federal
22 grant opportunities and to coordinate the use of federal funds
23 in the state.

24 (a) Every state agency, when making a request or
25 preparing a budget to be submitted to the Federal Government
26 for funds, equipment, material, or services, shall submit such
27 request or budget to the Executive Office of the Governor for
28 review approval before submitting it to the proper federal
29 authority. However, the Executive Office of the Governor may
30 specifically authorize any agency to submit specific types of
31 grant proposals directly to the Federal Government.

1 (b) Every office or court of the judicial branch, when
2 making a request or preparing a budget to be submitted to the
3 Federal Government for funds, equipment, material, or
4 services, shall submit such request or budget to the Chief
5 Justice of the Supreme Court for approval before submitting it
6 to the proper federal authority. However, the Chief Justice
7 may specifically authorize any court to submit specific types
8 of grant proposals directly to the Federal Government.

9 (2) When such federal authority has approved the
10 request or budget, the state agency or the judicial branch
11 shall submit to the Executive Office of the Governor such
12 documentation showing approval as that office prescribes.

13 ~~Beginning July 1, 1993,~~The Executive Office of the Governor
14 must acknowledge each approved request or budget by entering
15 that approval into an Automated Grant Management System
16 developed in consultation with the chairs of the House of
17 Representatives and Senate appropriations committees.

18 (3) Federal money appropriated by Congress or received
19 from court settlements to be used for state purposes, whether
20 by itself or in conjunction with moneys appropriated by the
21 Legislature, may not be expended unless appropriated by the
22 Legislature. However, the Executive Office of the Governor or
23 the Chief Justice of the Supreme Court may, after consultation
24 with the legislative appropriations committees, approve the
25 receipt and expenditure of funds from federal sources by state
26 agencies or by the judicial branch. Any federal programs
27 requiring state matching funds which funds were eliminated, or
28 were requested and were not approved, by the Legislature may
29 not be implemented during the interim. However, federal and
30 other fund sources for the State University System which do
31

1 not carry a continuing commitment on future appropriations are
2 hereby appropriated for the purpose received.

3 ~~(4) The Office of the Comptroller and the Executive~~
4 ~~Office of the Governor, in consultation with the Office of the~~
5 ~~Treasurer and the Office of the Auditor General, shall develop~~
6 ~~and maintain a means to ensure the compatibility of the~~
7 ~~Florida Accounting Information Resource Subsystem and the~~
8 ~~Federal Aid Tracking System. Any successive systems serving~~
9 ~~identical or similar functions shall preserve such~~
10 ~~compatibility.~~

11 Section 28. Section 216.216, Florida Statutes, is
12 created to read:

13 216.216 Court settlement funds negotiated by the
14 state.--In any court settlement in which a state agency or
15 officer or any other counsel representing the interests of the
16 state negotiates settlement amounts to be expended on any
17 state operational or fixed capital issue in the judicial
18 branch or the executive branch, such funds may not be expended
19 unless appropriated by the Legislature to the appropriate
20 agency responsible for the operational or fixed capital issue.
21 When a state agency or officer settles an action in which the
22 state will receive moneys, the funds shall be placed in the
23 General Revenue Fund or in the trust fund that is associated
24 with the agency's or officer's authority to pursue the legal
25 action. The provisions of this section are subject to the
26 notice and review procedures set forth in s. 216.177.

27 Section 29. Subsections (2) and (6) of section
28 212.221, Florida Statutes, are amended to read:

29 216.221 Appropriations as maximum appropriations;
30 adjustment of budgets to avoid or eliminate deficits.--

31

1 (2) The Legislature may ~~shall~~ annually provide
2 direction in the General Appropriations Act regarding use of
3 the Budget Stabilization Fund and Working Capital Fund to
4 offset General Revenue Fund deficits.

5 (6) If the Revenue Estimating Conference projects a
6 deficit in the General Revenue Fund in excess of 1.5 percent
7 of the moneys appropriated from the General Revenue Fund~~\$300~~
8 ~~million~~ during a fiscal year or when the cumulative total of a
9 series of projected deficits in the General Revenue Fund
10 exceeds 1.5 percent of the moneys appropriated from the
11 General Revenue Fund~~\$300 million~~, the deficit shall be
12 resolved by the Legislature.

13 Section 30. Paragraph (a) of subsection (2) of section
14 216.251, Florida Statutes, is amended to read:

15 216.251 Salary appropriations; limitations.--

16 (2)(a) The salary for each position not specifically
17 indicated in the appropriations acts shall be as provided in
18 one of the following subparagraphs:

19 1. Within the classification and pay plans provided
20 for in chapter 110.

21 2. Within the classification and pay plans established
22 by the Board of Trustees for the Florida School for the Deaf
23 and the Blind of the Department of Education and approved by
24 the State Board of Education for academic and academic
25 administrative personnel.

26 3. Within the classification and pay plan approved and
27 administered by the Board of Regents for those positions in
28 the State University System.

29 4. Within the classification and pay plan approved by
30 the President of the Senate and the Speaker of the House of
31

1 Representatives, ~~or by the Legislative Auditing Committee,~~ as
2 the case may be, for employees of the Legislature.

3 5. Within the approved classification and pay plan for
4 the judicial branch.

5 6. The salary of all positions not specifically
6 included in this subsection shall be set by the commission or
7 by the Chief Justice for the judicial branch.

8 Section 31. Paragraphs (a) and (f) of subsection (1)
9 of section 216.262, Florida Statutes, are amended to read:

10 216.262 Authorized positions.--

11 (1)(a) Unless otherwise expressly provided by law, the
12 total number of authorized positions may not exceed the total
13 provided in the appropriations acts. In the event any state
14 agency or entity of the judicial branch finds that the number
15 of positions so provided is not sufficient to administer its
16 authorized programs, it may file an application with the
17 Executive Office of the Governor or the Chief Justice; and, if
18 the office or Chief Justice certifies that there are no
19 authorized positions available for addition, deletion, or
20 transfer within the agency as provided in paragraph (c) and
21 recommends an increase in the number of positions, the
22 commission or the Chief Justice may, after a public hearing,
23 authorize an increase in the number of positions for the
24 following reasons only:

25 1. To implement or provide for continuing ~~federal~~
26 grants or changes in grants not previously anticipated;

27 2. To meet emergencies pursuant to s. 252.36;

28 3. To satisfy new federal regulations or changes
29 therein;

30
31

1 4. To take advantage of opportunities to reduce
2 operating expenditures or to increase the revenues of the
3 state or local government; and

4 5. To authorize positions which were not fixed by the
5 Legislature through error in drafting the appropriations acts.

6
7 The provisions of this paragraph are subject to the notice and
8 review procedures set forth in s. 216.177. A copy of the
9 application, the certification, and the final authorization
10 shall be filed with the legislative appropriations committees
11 and with the Auditor General.

12 (f) Perquisites may not be furnished by a state agency
13 or by the judicial branch unless approved by the Department of
14 Management Services, or otherwise delegated to the agency
15 head, or by the Chief Justice, respectively, during each
16 fiscal year. Whenever a state agency or the judicial branch is
17 to furnish perquisites, the Department of Management Services
18 or the agency head to which the approval has been delegated or
19 the Chief Justice, respectively, must approve the kind and
20 monetary value of such perquisites before they may be
21 furnished. Perquisites may be furnished only when in the best
22 interest of the state due to the exceptional or unique
23 requirements of the position. The value of a perquisite may
24 not be used to compute an employee's base rate of pay or
25 regular rate of pay unless required by the Fair Labor
26 Standards Act. Permissible perquisites include, but are not
27 limited to, moving expenses, clothing, use of vehicles and
28 other transportation, domestic services, groundskeeping
29 services, telephone services, medical services, housing,
30 utilities, and meals. The Department of Management Services
31 may adopt uniform rules applicable to the executive branch

1 agencies to implement its responsibilities under this
2 paragraph, which rules may specify additional perquisites,
3 establish additional criteria for each kind of perquisite,
4 provide the procedure to be used by executive agencies in
5 applying for approvals, and establish the required
6 justification. As used in this section, the term "perquisites"
7 means those things, or the use thereof, or services of a kind
8 that confer on the officers or employees receiving them some
9 benefit that is in the nature of additional compensation, or
10 that reduce to some extent the normal personal expenses of the
11 officer or employee receiving them. The term includes, but is
12 not limited to, such things as quarters, subsistence,
13 utilities, laundry services, medical service, use of
14 state-owned vehicles for other than state purposes, and
15 servants paid by the state.

16 Section 32. Subsection (1) of section 216.271, Florida
17 Statutes, is amended to read:

18 216.271 Revolving funds.--

19 (1) No revolving fund may be established or increased
20 in amount pursuant to s. 18.101(2), unless approved by the
21 Comptroller. The purpose and uses of a revolving fund may not
22 be changed without the prior approval of the Comptroller. As
23 used in this section, the term "revolving fund" means a cash
24 fund maintained within or outside the State Treasury and
25 established from an appropriation, to be used by an agency or
26 the judicial branch in making authorized expenditures.

27 Section 33. Section 216.292, Florida Statutes, is
28 amended to read:

29 216.292 Appropriations nontransferable; exceptions.--

30 (1)(a) Funds provided in the General Appropriations
31 Act or as otherwise expressly provided by law shall be

1 expended only for the purpose for which appropriated, except
2 that if deemed necessary such moneys may be transferred as
3 provided in subsections (3) and, (4), ~~and (5)~~ when it is
4 determined to be in the best interest of the state.

5 Appropriations for fixed capital outlay may not be expended
6 for any other purpose, and appropriations may not be
7 transferred between state agencies, or between a state agency
8 and the judicial branch, unless specifically authorized by
9 law.

10 (b) ~~For the 1998-1999 fiscal year only,~~ The Department
11 of Children and Family Services and the Agency for Health Care
12 Administration may transfer general revenue funds as necessary
13 to comply with any provision of the General Appropriations Act
14 that requires or specifically authorizes the transfer of
15 general revenue funds between these two agencies. ~~This~~
16 ~~paragraph is repealed on July 1, 1999.~~

17 (2) A lump sum appropriated for a performance-based
18 program must be distributed by the Governor for state agencies
19 or the Chief Justice for the judicial branch into the
20 traditional expenditure categories in accordance with s.
21 216.181(6)(b) ~~s. 216.181(5)(b)~~. At any time during the year,
22 the agency head or Chief Justice may transfer funds between
23 those categories with no limit on the amount of the transfer.
24 Authorized revisions of the original approved operating
25 budget, together with related changes, if any, must be
26 transmitted by the state agency or by the judicial branch to
27 the Executive Office of the Governor or the Chief Justice, the
28 chairs of the legislative appropriations committees, the
29 Office of Program Policy Analysis and Government
30 Accountability, and the Auditor General. Such authorized
31 revisions shall be consistent with the intent of the approved

1 operating budget, shall be consistent with legislative policy
2 and intent, and shall not conflict with specific spending
3 policies specified in the General Appropriations Act. The
4 Executive Office of the Governor shall forward a copy of the
5 revisions within 7 working days to the Comptroller for entry
6 in his or her records in the manner and format prescribed by
7 the Executive Office of the Governor in consultation with the
8 Comptroller. Such authorized revisions shall be consistent
9 with the intent of the approved operating budget, shall be
10 consistent with legislative policy and intent, and shall not
11 conflict with specific spending policies specified in the
12 General Appropriations Act. Additionally, subsection (3) shall
13 not apply to programs operating under performance-based
14 program budgeting where a lump sum was appropriated.

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

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

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

1 (c) Such authorized revisions must be consistent with
2 the intent of the approved operating budget, must be
3 consistent with legislative policy and intent, and must not
4 conflict with specific spending policies specified in the
5 General Appropriations Act.

6
7 Such authorized revisions, together with related changes, if
8 any, in the plan for release of appropriations, shall be
9 transmitted by the state agency or by the judicial branch to
10 the Comptroller for entry in the Comptroller's records in the
11 manner and format prescribed by the Executive Office of the
12 Governor in consultation with the Comptroller. A copy of such
13 revision shall be furnished to the Executive Office of the
14 Governor or the Chief Justice, the chairs of the legislative
15 committees, and the Auditor General.

16 ~~(4) The head of each department or the Chief Justice~~
17 ~~of the Supreme Court, whenever it is deemed necessary by~~
18 ~~reason of changed conditions, may transfer funds, positions,~~
19 ~~and salary rate within and between program budget entities~~
20 ~~with performance-based program appropriations as defined in s.~~
21 ~~216.011(1)(xx). Such transfers may include appropriations from~~
22 ~~any operating category, except appropriations for fixed~~
23 ~~capital outlay. However, the total program funds, positions,~~
24 ~~and salary rate shall not be increased or decreased by more~~
25 ~~than 5 percent by all action taken under this section.~~
26 ~~Authorized revisions of the original approved operating~~
27 ~~budget, together with related changes, if any, must be~~
28 ~~transmitted by the state agency or by the judicial branch to~~
29 ~~the Executive Office of the Governor or the Chief Justice, the~~
30 ~~chairs of the legislative appropriations committees, the~~
31 ~~Office of Program Policy Analysis and Government~~

1 ~~Accountability, and the Auditor General. Such authorized~~
2 ~~revisions shall be consistent with legislative policy and~~
3 ~~intent and shall not conflict with specific spending policies~~
4 ~~specified in the General Appropriations Act. The Executive~~
5 ~~Office of the Governor shall forward a copy of the revisions~~
6 ~~within 7 working days to the Comptroller for entry in his or~~
7 ~~her records in the manner and format prescribed by the~~
8 ~~Executive Office of the Governor in consultation with the~~
9 ~~Comptroller.~~

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

23 (b) When an appropriation for a named fixed capital
24 outlay project is found to be in excess of that needed to
25 complete that project, at the request of the Executive Office
26 of the Governor for state agencies or the Chief Justice of the
27 Supreme Court for the judicial branch the excess may be
28 transferred, with the approval of the commission or the Chief
29 Justice, to another project for which there has been an
30 appropriation in the same fiscal year from the same fund and
31 within the same department where a deficiency is found to

1 exist. Further, a fixed capital outlay project may not be
2 initiated without a specific legislative appropriation, nor
3 may the scope of a fixed capital outlay project be changed by
4 the transfer of funds. The provisions of this paragraph are
5 subject to the notice, review, and objection procedures set
6 forth in s. 216.177.

7 (c) Federal funds for fixed capital outlay projects
8 for the Department of Military Affairs which do not carry a
9 continuing commitment on future appropriations by the
10 Legislature may be approved by the Executive Office of the
11 Governor for the purpose received. The provisions of this
12 paragraph are subject to the notice, review, and objection
13 procedures set forth in s. 216.177.

14 ~~(5)(6)~~ Upon request of a department to, and approval
15 by, the Comptroller, funds appropriated may be transferred to
16 accounts established for disbursement purposes upon release of
17 such appropriation. Such transfer may only be made to the
18 same appropriation category and the same funding source from
19 which the funds are transferred.

20 ~~(6)(7)~~ Any transfers from the Working Capital Fund to
21 the General Revenue Fund may be approved provided such
22 transfers were identified or contemplated by the Legislature
23 in the original approved budget.

24 ~~(7)(8)(a)~~ Should any state agency or the judicial
25 branch become more than 90 days delinquent on reimbursements
26 due to the Unemployment Compensation Trust Fund, the
27 Department of Labor and Employment Security shall certify to
28 the Comptroller the amount due; and the Comptroller shall
29 transfer the amount due to the Unemployment Compensation Trust
30 Fund from any funds of the agency available.

31

1 (b) Should any state agency or the judicial branch
2 become more than 90 days delinquent in paying the Division of
3 Risk Management of the Department of Insurance for insurance
4 coverage, the Department of Insurance may certify to the
5 Comptroller the amount due; and the Comptroller shall transfer
6 the amount due to the Division of Risk Management from any
7 funds of the agency or the judicial branch available.

8 (8)~~(9)~~ Moneys appropriated in the General
9 Appropriations Act for the purpose of paying for services
10 provided by the state communications system in the Department
11 of Management Services shall be paid by the user agencies, or
12 the judicial branch, within 45 days after the billing date.
13 Billed amounts not paid by the user agencies, or by the
14 judicial branch, shall be transferred by the Comptroller from
15 the user agencies to the Communications Working Capital Trust
16 Fund.

17 (9)~~(10)~~ The Comptroller shall report all such
18 transfers and the reasons for such transfers to the
19 legislative appropriations committees and the Executive Office
20 of the Governor.

21 (10)~~(11)~~ Where any reorganization has been authorized
22 by the Legislature and the necessary adjustments of
23 appropriations and positions have not been provided in the
24 General Appropriations Act, the Administration Commission may
25 approve, consistent with legislative policy and intent, the
26 necessary transfers to accomplish the purposes of such
27 reorganization within state agencies. The Chief Justice of
28 the Supreme Court may approve such transfers for the judicial
29 branch.

30 Section 34. Section 216.321, Florida Statutes, is
31 amended to read:

1 216.321 Construction of chapter 216 as unauthorized
2 expenditures and disbursements.--Nothing contained in any
3 agency ~~legislative~~ budget or operating budget shall be
4 construed to be an administrative or legislative construction
5 affirming the existence then of the lawful authority to make
6 an expenditure or disbursement for any purpose not otherwise
7 authorized by laws of the particular agency, judicial branch,
8 or legislative branch and the general laws relating to the
9 expenditure or disbursement of public funds.

10 Section 35. Subsection (3) of section 121.031, Florida
11 Statutes, is amended to read:

12 121.031 Administration of system; appropriation;
13 oaths; actuarial studies; public records.--

14 (3) The administrator shall cause an actuarial study
15 of the system to be made at least once every 2 years and shall
16 report the results of such study to the Legislature by
17 February 1 prior to the next legislative session.

18 ~~(a)~~ The study shall, at a minimum, conform to the
19 requirements of s. 112.63, with the following exceptions and
20 additions:

21 (a)1. ~~The~~ valuation of plan assets shall be based on a
22 5-year averaging methodology such as that specified in the
23 United States Department of Treasury Regulations, 26 C.F.R. s.
24 1.412(c)(2)-1, or a similar accepted approach designed to
25 attenuate fluctuations in asset values.

26 (b)2. ~~The~~ study shall include a narrative explaining
27 the changes in the covered group over the period between
28 actuarial valuations and the impact of those changes on
29 actuarial results.

30 (c)3. ~~When~~ substantial changes in actuarial
31 assumptions have been made, the study shall reflect the

1 results of an actuarial assumption as of the current date
2 based on the assumptions utilized in the prior actuarial
3 report.

4 (d)~~4~~. The study shall include an analysis of the
5 changes in actuarial valuation results by the factors
6 generating those changes. Such analysis shall reconcile the
7 current actuarial valuation results with those results from
8 the prior valuation.

9 (e)~~5~~. The study shall include measures of funding
10 status and funding progress designed to facilitate the
11 assessment of trends over several actuarial valuations with
12 respect to the overall solvency of the system. Such measures
13 shall be adopted by the division and shall be used
14 consistently in all actuarial valuations performed on the
15 system.

16 ~~(b) The Florida Retirement System Actuarial Assumption~~
17 ~~Conference which is hereby created shall by consensus develop~~
18 ~~official information with respect to the economic and~~
19 ~~noneconomic assumptions and funding methods of the Florida~~
20 ~~Retirement System necessary to perform the study. Such~~
21 ~~information shall include: an analysis of the actuarial~~
22 ~~assumptions and actuarial methods and a determination of~~
23 ~~whether changes to the assumptions or methods need to be made~~
24 ~~due to experience changes or revised future forecasts. The~~
25 ~~members of the conference shall include the Executive Office~~
26 ~~of the Governor, the coordinator of the Office of Economic and~~
27 ~~Demographic Research, and professional staff of the Senate and~~
28 ~~House of Representatives who have forecasting expertise, or~~
29 ~~their designees. The Executive Office of the Governor shall~~
30 ~~have the responsibility of presiding over the sessions of the~~
31 ~~conference. The State Board of Administration and the~~

1 ~~Division of Retirement shall be participants, as defined in s.~~
2 ~~216.134, in the conference.~~

3 Section 36. Subsection (1) of section 186.901, Florida
4 Statutes, is amended to read:

5 186.901 Population census determination.--

6 (1) The Office of Economic and Demographic Research
7 shall annually provide to the Executive Office of the
8 ~~Governor, either through its own resources or by contract,~~
9 ~~shall produce~~ population estimates of local governmental units
10 as of April 1 of each year, utilizing accepted statistical
11 practices. The population of local governments provided by the
12 Office of Economic and Demographic Research, as determined by
13 ~~the Executive Office of the Governor,~~ shall apply to any
14 revenue-sharing formula with local governments under the
15 provisions of ss. 218.20-218.26, part II of chapter 218. The
16 Office of Economic and Demographic Research shall additionally
17 provide the Executive Office of the Governor population
18 estimates for municipal annexations or consolidations
19 occurring during the period April 1 through February 28 and,
20 the Executive Office of the Governor shall ~~determine the~~
21 ~~population count of the annexed areas as of April 1 and~~
22 include these estimates ~~such~~ in its certification to the
23 Department of Revenue for the annual revenue-sharing
24 calculation.

25 Section 37. Paragraph (f) of subsection (3) of section
26 240.209, Florida Statutes, is amended to read:

27 240.209 Board of Regents; powers and duties.--

28 (3) The board shall:

29 (f) Establish and maintain systemwide personnel
30 programs for all State University System employees, including
31 a systemwide personnel classification and pay plan,

1 notwithstanding provisions of law that grant authority to the
2 Department of Management Services over such programs for state
3 employees. The board shall consult with the legislative
4 appropriations committees regarding any major policy changes
5 related to classification and pay which are in conflict with
6 those policies in effect for career service employees with
7 similar job classifications and responsibilities. The board
8 may adopt rules delegating its authority to the Chancellor or
9 the universities. The board shall submit, in a manner
10 prescribed by law, any reports concerning State University
11 System personnel programs as shall be required of the
12 Department of Management Services for other state employees.
13 The Department of Management Services shall retain authority
14 over State University System employees for programs
15 established in ss. 110.116, 110.123, 110.1232, 110.1234,
16 110.1235, and 110.1238 and in chapters 121, 122, and 238. The
17 board shall adopt only those rules necessary to provide for a
18 coordinated, efficient systemwide program and shall delegate
19 to the universities all authority necessary for implementation
20 of the program consistent with these coordinating rules so
21 adopted and applicable collective bargaining agreements.
22 ~~Notwithstanding the provisions of s. 216.181(7),~~The salary
23 rate controls for positions in budgets under the Board of
24 Regents shall separately delineate the general faculty and all
25 other categories.

26 Section 38. Section 240.20941, Florida Statutes, is
27 amended to read:

28 240.20941 Vacant faculty positions.--Notwithstanding
29 the provisions of s. 216.181(7), (8), and (9), and pursuant to
30 the provisions of s. 216.351, actions to reduce positions,
31 rate, or salaries and benefits, excluding salary lapse

1 calculations, taken by the Legislature, by the Executive
2 Office of the Governor, or by the Administration Commission
3 which relate specifically to vacant positions, and which are
4 applied on a uniform basis to all state employee positions,
5 may affect the positions within the faculty pay plan approved
6 and administered by the Board of Regents only to the extent
7 that they do so by express reference to this section.

8 Section 39. Section 288.7091, Florida Statutes, is
9 amended to read:

10 288.7091 Duties of the Florida Black Business
11 Investment Board.--The Florida Black Business Investment Board
12 shall:

13 (1) Establish certification criteria for black
14 business investment corporations. Certification criteria shall
15 include administrative capacity, fiduciary controls, and, in
16 the case of existing black business investment corporations,
17 solvency and soundness of prior loan decisions;

18 (2) Develop a memorandum of understanding with
19 Enterprise Florida, Inc., that outlines a strategy for
20 collaboration with the programs and boards of Enterprise
21 Florida, Inc.;

22 (3) Include in the criteria for loan decisions,
23 occupational forecasting results set forth in s. 216.136(9)~~s.~~
24 ~~216.136(10)~~which target high growth jobs;

25 (4) Establish, in communities that are not currently
26 served by an existing black business investment corporation,
27 memoranda of understanding with local financial institutions
28 that will provide loan guarantees for loans to black business
29 enterprises;

30 (5) Develop memoranda of understanding with the
31 Departments of Labor and Employment Security, Education,

1 Transportation, and Management Services, as well as the State
2 Board of Regents, detailing efforts of common interest and
3 collaborations to expand black business development;

4 (6) Intensify efforts to increase the number of the
5 black business enterprises in construction and
6 construction-related projects, focusing on federal, state, and
7 local government financed construction projects; and

8 (7) Annually, prepare a report detailing the
9 performance of each black business investment corporation,
10 addressing the number of jobs created and/or retained, success
11 and failure rates among loan recipients, and the amount of
12 funds leveraged from other sources.

13 Section 40. Section 337.023, Florida Statutes, is
14 amended to read:

15 337.023 Sale of building; acceptance of replacement
16 building.--Notwithstanding the provisions of s. 216.292(4)(b)
17 ~~s. 216.292(5)(b)~~, if the department sells a building, the
18 department may accept the construction of a replacement
19 building, in response to a request for proposals, totally or
20 partially in lieu of cash, and may do so without a specific
21 legislative appropriation. Such action is subject to the
22 approval of the Executive Office of the Governor, and is
23 subject to the notice, review, and objection procedures under
24 s. 216.177. The replacement building shall be consistent with
25 the current and projected needs of the department as agreed
26 upon by the department and the Department of Management
27 Services.

28 Section 41. Paragraph (a) of subsection (2) of section
29 339.135, Florida Statutes, is amended to read:

30
31

1 339.135 Work program; legislative budget request;
2 definitions; preparation, adoption, execution, and
3 amendment.--

4 (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND
5 REQUEST FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.--

6 (a) The department shall file the legislative budget
7 request in the manner required by chapter 216, setting forth
8 the department's proposed revenues and expenditures for
9 operational and fixed capital outlay needs to accomplish the
10 objectives of the department in the ensuing fiscal year. The
11 right-of-way, construction, preliminary engineering,
12 maintenance, and all grants and aids programs of the
13 department shall be set forth only in program totals. The
14 legislative budget request must include a balanced 36-month
15 forecast of cash and expenditures and a 5-year finance plan.
16 The legislative budget request shall be amended to conform to
17 the tentative work program. The department may amend its
18 legislative budget request and the tentative work program
19 based on the most recent ~~revenue estimate by the~~
20 ~~Transportation~~ estimating conference estimate of revenues and
21 the most recent federal aid apportionments.

22 Section 42. Subsection (3) of section 392.69, Florida
23 Statutes, is amended to read:

24 392.69 Appropriation, sinking, and maintenance trust
25 funds; additional powers of the department.--

26 (3) In the execution of its public health program
27 functions, notwithstanding s. 216.292(4)(b)~~s. 216.292(5)(b)~~,
28 the department is hereby authorized to use any sums of money
29 which it may heretofore have saved or which it may hereafter
30 save from its regular operating appropriation, or use any sums
31 of money acquired by gift or grant, or any sums of money it

1 may acquire by the issuance of revenue certificates of the
2 hospital to match or supplement any state or federal funds, or
3 any moneys received by said department by gift or otherwise,
4 for the construction or maintenance of additional facilities
5 or improvement to existing facilities, as the department deems
6 necessary.

7 Section 43. Section 216.331, Florida Statutes, is
8 transferred and renumbered as section 215.965, Florida
9 Statutes.

10 Section 44. Section 216.3505, Florida Statutes, is
11 transferred and renumbered as section 215.966, Florida
12 Statutes.

13 Section 45. Sections 216.001, 216.0154, 216.0162,
14 216.0166, 216.0172, 216.0235, 216.0315, 216.091, 216.111,
15 216.281, and 216.286, Florida Statutes, are repealed.

16 Section 46. This act shall take effect July 1, 2000,
17 and shall apply to preparation of the state budget beginning
18 with fiscal year 2001-2002.

19
20 *****

21 SENATE SUMMARY

22 Modifies numerous provisions relating to the state
23 budgetary process. (See bill for details.)
24
25
26
27
28
29
30
31