

By the Committee on Fiscal Policy

309-1984-00

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; creating s. 216.013, F.S.;  
7           requiring agencies to submit long-range program  
8           plans; amending s. 216.015, F.S.; revising  
9           legislative findings; amending s. 216.0152,  
10          F.S.; changing the date for publishing a  
11          certain report; amending s. 216.0158, F.S.;  
12          revising procedures for determination of  
13          facility needs; amending s. 216.016, F.S.;  
14          requiring additional information in the  
15          Governor's recommended budget; amending s.  
16          216.023, F.S.; prescribing procedures for  
17          submitting agency budget requests to the  
18          Legislature; amending s. 216.031, F.S.;  
19          revising procedures relating to legislative  
20          budget requests; amending s. 216.044, F.S.;  
21          revising procedures relating to budget  
22          evaluation by the Department of Management  
23          Services; amending s. 216.0446, F.S.; revising  
24          procedures relating to review of information  
25          resources management needs; amending s.  
26          216.052, F.S.; providing procedure for  
27          submitting community budget requests; amending  
28          s. 216.081, F.S.; revising the schedule for  
29          submission of data relating to the judicial and  
30          legislative branches; amending s. 216.131,  
31          F.S.; revising procedures relating to public

1 | hearings; amending s. 216.133, F.S.; revising,  
2 | deleting, and adding definitions; amending s.  
3 | 216.134, F.S.; revising procedures to be used  
4 | by estimating conferences; amending s. 216.136,  
5 | F.S.; revising duties of the Economic  
6 | Estimating Conference; abolishing the  
7 | Transportation Estimating Conference; creating  
8 | the Self-Insurance Estimating Conference and  
9 | the Florida Retirement System Actuarial  
10 | Assumption Conference; amending s. 216.141,  
11 | F.S.; revising provisions relating to the  
12 | planning and budgeting system; amending s.  
13 | 216.151, F.S.; revising duties of the Executive  
14 | Office of the Governor; amending s. 216.162,  
15 | F.S.; revising procedures relating to  
16 | furnishing legislators with copies of the  
17 | Governor's recommended budget; amending s.  
18 | 216.163, F.S.; revising provisions relating to  
19 | form and content of the Governor's recommended  
20 | budget; amending s. 216.177, F.S.; revising  
21 | provisions relating to appropriation act  
22 | statements of intent and to required notices of  
23 | budgetary action; amending s. 216.178, F.S.;  
24 | requiring additional notice before the vote on  
25 | an appropriations act; revising duties of the  
26 | Governor with respect to statements of costs of  
27 | state debts and obligations; amending s.  
28 | 216.179, F.S.; prohibiting reinstatement by a  
29 | state agency of vetoed appropriations  
30 | administratively; amending s. 216.181, F.S.;  
31 | revising procedures relating to approved

1 budgets for operations and fixed capital  
2 outlay; revising restrictions on increases on  
3 salary rate; prescribing procedures with  
4 respect to nonoperating budgets; deleting  
5 obsolete provisions; creating s. 216.1825,  
6 F.S.; requiring zero-based budgeting reviews;  
7 providing for use of zero-based budgeting  
8 principles; amending s. 216.183, F.S.; revising  
9 provisions relating to development of charts of  
10 accounts; amending s. 216.192, F.S.; revising  
11 procedures relating to release of  
12 appropriations; amending s. 216.195, F.S.;  
13 defining the term "impoundment" for purposes of  
14 impoundment of funds; amending s. 216.212,  
15 F.S.; revising duties of the Executive Office  
16 of the Governor and the Office of the  
17 Comptroller with respect to budgets for federal  
18 funds; creating s. 216.216, F.S.; prescribing  
19 procedures to be used with respect to funds  
20 subject to a court settlement negotiated by the  
21 state; amending s. 212.221, F.S.; revising  
22 procedures to be used in the event of budget  
23 deficits; amending s. 216.251, F.S.; revising  
24 procedures relating to salary appropriations  
25 for certain employees; amending s. 216.262,  
26 F.S.; revising provisions relating to increases  
27 in authorized positions; defining the term  
28 "perquisites" for purposes of limiting the  
29 furnishing thereof; amending s. 216.271, F.S.;  
30 defining the term "revolving fund"; amending s.  
31 216.292, F.S.; revising provisions relating to

1 limits on and procedures for transfers of  
2 appropriations; amending s. 216.321, F.S.;  
3 conforming terminology to changes made by the  
4 act; amending s. 11.45, F.S.; prescribing  
5 duties of the Auditor General with respect to  
6 direct-support and citizen support  
7 organizations; creating s. 11.90, F.S.;  
8 creating the Legislative Budget Commission;  
9 amending s. 120.65, F.S.; deleting 21-day time  
10 limitation on action by the Executive Office of  
11 the Governor; amending s. 121.031, F.S.;  
12 deleting provisions relating to the Florida  
13 Retirement System Actuarial Assumption  
14 Conference; amending s. 186.002, F.S.; changing  
15 "state agency strategic" plan to "long-range  
16 program" plan; amending s. 186.003, F.S.;  
17 redefining the term "state agency"; amending s.  
18 186.021, F.S.; requiring each state agency to  
19 develop a long-range program plan annually;  
20 amending s. 186.022, F.S.; requiring submission  
21 of information resource strategic plans;  
22 amending s. 186.901, F.S.; revising provisions  
23 relating to production of population estimates;  
24 amending s. 215.18, F.S.; providing authority  
25 for the Governor to approve transfers between  
26 funds to avoid deficits; amending s. 215.22,  
27 F.S.; exempting Tobacco Settlement Trust Funds  
28 from service charge to general revenue;  
29 amending s. 215.32, F.S.; authorizing the  
30 Governor to combine trust funds under certain  
31 conditions; amending ss. 240.209, 240.20941,

1 240.279, 288.7091, 320.20, 337.023, 339.135,  
2 376.15, 392.69, F.S., to conform terminology  
3 and references to changes made by the act;  
4 transferring, renumbering, and amending s.  
5 216.3491, F.S.; providing for the Florida  
6 Single Audit Act; renumbering s. 216.331, F.S.,  
7 relating to disbursement of state moneys;  
8 renumbering s. 216.3505, F.S., relating to  
9 refinancing of bonds; repealing s. 216.001,  
10 F.S., relating to definitions; repealing s.  
11 216.0154, F.S., relating to assessment of  
12 trends and conditions affecting need for  
13 capital facilities; repealing s. 216.0162,  
14 F.S., relating to monitoring and evaluation of  
15 capital facilities planning and budgeting;  
16 repealing s. 216.0166, F.S., relating to  
17 submission of performance-based budget  
18 requests, programs, and performance measures;  
19 repealing s. 216.0172, F.S., relating to the  
20 schedule for submission of performance-based  
21 program budgets; repealing s. 216.0235, F.S.,  
22 relating to furnishing of performance-based  
23 legislative program budget requests; repealing  
24 s. 216.0315, F.S., relating to budgets of state  
25 agencies that have international programs;  
26 repealing s. 216.091, F.S., relating to  
27 statements by the Comptroller; repealing s.  
28 216.111, F.S., relating to financial statements  
29 and schedules and other reports; repealing s.  
30 216.281, F.S., relating to construction of  
31 terms; repealing s. 216.286, F.S., relating to

1 release of funds under the Florida Employment  
2 Opportunity Act; providing applicability;  
3 providing an effective date.  
4

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

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

9 216.011 Definitions.--

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

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

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

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

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) "Service"~~"Budget entity"~~ means a unit or function  
20 at the lowest level to which funds are specifically  
21 appropriated in 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 services ~~objectives~~ which, because of their  
10 special character, related workload, and interrelated output,  
11 can 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  
23 undertaken in accordance with a plan of action organized to  
24 realize 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 Legislative Budget  
26 Administration Commission created in s. 11.90 ~~composed of the~~  
27 ~~Governor and Cabinet.~~

28           (c) "Emergency situation" means a set of conditions  
29 that were unforeseen at the time the General Appropriations  
30 Act was adopted and that are essential to correct in order to  
31 continue the operation of government, or a set of conditions

1 that were not considered in the General Appropriations Act and  
2 that constitute an imminent threat to public health, safety,  
3 or welfare. This definition shall not apply to the emergency  
4 provisions of chapter 252.

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

13 Section 2. Section 216.013, Florida Statutes, is  
14 created to read:

15 216.013 Long-range program plan.--

16 (1) State agencies shall develop long-range program  
17 plans to achieve state goals using an interagency planning  
18 process that includes the development of integrated agency  
19 program service outcomes. The plan shall cover a period of 5  
20 fiscal years and shall become effective July 1 each year.  
21 Long-range program plans shall provide the framework for the  
22 development of agency budget requests and shall:

23 (a) Identify agency programs and address how agency  
24 programs will be used to implement state policy and achieve  
25 state goals and program component objectives;

26 (b) Identify and describe agency services and how they  
27 will be used to achieve designated outcomes;

28 (c) Identify activities and associated demand, output,  
29 and total costs and unit costs for each activity;

30 (d) Provide information regarding performance  
31 measurement, which includes, but is not limited to, how data



1 is collected, the methodology used to measure a performance  
2 indicator, the validity and reliability of a measure, the  
3 appropriateness of a measure, and whether the agency inspector  
4 general has assessed the reliability and validity of agency  
5 performance measures, pursuant to s. 20.055(2);

6 (e) Identify and justify facility and fixed capital  
7 outlay projects and their associated costs; and

8 (f) Identify and justify information technology  
9 infrastructure and applications and their associated costs for  
10 information technology projects or initiatives.

11 (2) All agency programs, services, and activities and  
12 their costs shall be carefully evaluated and justified by the  
13 agency. The justification must clearly demonstrate the needs  
14 of agency customers and clients and why the agency is  
15 proposing programs, services, and activities and their  
16 associated costs to address the needs based on state  
17 priorities, the agency mission, and legislative authorization.  
18 Further, the justification must show how agency programs,  
19 services, and activities are integrated and contribute to the  
20 overall achievement of state goals. Facilities, fixed capital  
21 outlay and information technology infrastructure, and  
22 applications shall be evaluated pursuant to ss. 216.0158,  
23 216.043, and 216.0446, respectively.

24 (3) Long-range program plans shall be submitted to the  
25 Executive Office of the Governor by August 1 each year in a  
26 form and manner prescribed in written instructions prepared by  
27 the Executive Office of the Governor in consultation with  
28 legislative appropriations committees.

29 (4) The Executive Office of the Governor shall review  
30 the long-range program plans to ensure that they are  
31 consistent with the state's goals and objectives and other

1 requirements as specified in the written instructions and that  
2 they provide the framework and context for the agency's budget  
3 request. In its review, the Executive Office of the Governor  
4 shall consider the findings of the Technology Review Workgroup  
5 as to the consistency of the information technology portion of  
6 long-range program plans with the State Annual Report on  
7 Information Resources Management and statewide policies  
8 recommended by the State Technology Council and the state's  
9 plan for facility needs pursuant to s. 216.0158. Based on the  
10 results of the review, the Executive Office of the Governor  
11 may require an agency to revise the plan.

12 (5) Agencies shall incorporate all revisions required  
13 by the Governor within 14 working days.

14 (6) Any differences between state agencies regarding  
15 the programs, policies, or long-range program plans of such  
16 agencies shall be mediated by the Executive Office of the  
17 Governor.

18 (7) Each agency shall transmit copies of its  
19 long-range program plan and all written comments on its plan  
20 to the President of the Senate and the Speaker of the House of  
21 Representatives not later than 60 days prior to the next  
22 regular session of the Legislature.

23 (8) Long-range program plans developed pursuant to  
24 this chapter are not rules and therefore are not subject to  
25 the provisions of chapter 120.

26 (9) Agencies shall make appropriate adjustments to  
27 their long-range program plans to be consistent with the  
28 appropriations and performance measures in the General  
29 Appropriations Act. Agencies have until June 15 to make  
30 adjustments to their plans and submit the adjusted plans to  
31 the Executive Office of the Governor for review.

1           Section 3. Subsections (2) and (4) of section 216.015,  
2 Florida Statutes, are amended to read:

3           216.015 Capital facilities planning and budgeting  
4 process.--

5           (2) The Legislature finds that\*

6           ~~(a) The condition of the state's infrastructure,~~  
7 ~~including its roads, water and sewer facilities, state office~~  
8 ~~buildings, bridges, ports, airports, canals, prisons,~~  
9 ~~educational facilities, park and recreational facilities, and~~  
10 ~~other capital assets, are in need of repair, expansion, and~~  
11 ~~replacement at a time when the fiscal resources of the state~~  
12 ~~are increasingly being strained by the competing demands for~~  
13 ~~state services and capital improvements.~~

14           ~~(b) The high degree of coordination among the various~~  
15 ~~branches of state government, local government, and public~~  
16 ~~benefit corporations which is necessary to maximize the~~  
17 ~~potential public benefits to be derived from the limited~~  
18 ~~financial resources which will be dedicated to public capital~~  
19 ~~improvements within this state in the future is lacking.~~

20           (c) There is a need to establish a comprehensive  
21 capital facilities planning and budgeting process that ~~which~~  
22 is fully integrated with the state financial planning and debt  
23 management activities and that ~~which~~ incorporates the  
24 long-range plans of all state agencies and the judicial branch  
25 and major public benefit corporations to ensure that projects  
26 with the greatest potential for improving the prosperity and  
27 well-being of the people of the state receive their proper  
28 allocation of limited resources.

29           ~~(d) There is currently no mechanism in place for~~  
30 ~~managing the debt structure of the state by matching the~~  
31 ~~capital facility needs of the state with the amounts and~~

1 ~~sources of funds which could be made available to meet those~~  
2 ~~needs.~~

3

4 It is, therefore, the intent of the Legislature in enacting  
5 this legislation that a comprehensive capital facilities  
6 planning and budgeting process be established and maintained  
7 to enable the state to better meet the demands for new and  
8 properly maintained infrastructure in a fiscally responsible  
9 manner.

10 (4) In order to carry out this act, the Executive  
11 Office of the Governor is designated as the agency responsible  
12 for the coordination, development, ~~and direction,~~ monitoring,  
13 and evaluation of the comprehensive capital facilities  
14 planning and budgeting process, including the plans revised  
15 pursuant to that process. The Executive Office of the Governor  
16 shall publish an annual report of the progress being made by  
17 the state toward meeting the state goals and objectives of the  
18 plans.

19 Section 4. Subsection (3) of section 216.0152, Florida  
20 Statutes, is amended to read:

21 216.0152 Inventory of state-owned facilities or  
22 state-occupied facilities.--

23 (3) The Department of Management Services shall, every  
24 3 years, publish a complete report detailing this inventory  
25 and shall publish an annual update of the report. The  
26 department shall furnish the updated report to the Executive  
27 Office of the Governor and the Legislature no later than  
28 September 15 † of each year.

29 Section 5. Subsections (2), (4), and (5) of section  
30 216.0158, Florida Statutes, are amended to read:

31 216.0158 Assessment of facility needs.--

1           (2) On or before September 15 ~~±~~ of each year, each  
2 state agency, as defined in s. 216.011, shall submit to the  
3 Executive Office of the Governor, and each district court of  
4 appeal and the Marshal of the Supreme Court shall submit to  
5 the Chief Justice of the Supreme Court, in a manner prescribed  
6 by the agency ~~legislative~~ budget instructions, a short-term  
7 plan for facility needs covering the next 5-year period. The  
8 short-term plan shall list the agency's or judicial branch's  
9 facility needs in order of priority and shall include  
10 preventive maintenance strategies, expected replacement of  
11 existing facilities, expected improvements or additions to  
12 facilities on a specific project-by-project basis, estimated  
13 cost, and other information as prescribed by the agency  
14 ~~legislative~~ budget instructions. ~~At the same time, when~~  
15 ~~directed in the legislative budget instructions as provided in~~  
16 ~~s. 216.023(3), each agency shall submit to the Executive~~  
17 ~~Office of the Governor, and each district court of appeal and~~  
18 ~~the Marshal of the Supreme Court shall submit to the Chief~~  
19 ~~Justice of the Supreme Court, who shall submit copies to the~~  
20 ~~legislative appropriations committees, in a format prescribed~~  
21 ~~by the instructions, a long-term plan for the 5 years~~  
22 ~~following the period of the short-term plan. The long-term~~  
23 ~~plan shall outline forecasted agency facility needs. The~~  
24 Chief Justice shall certify the final approved plan for the  
25 judicial branch to the Executive Office of the Governor which  
26 shall include the plan, without modification, in the state  
27 comprehensive plan.

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

31

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

3           (a) A full explanation of the basis for each project,  
4 including a description of the function which requires the  
5 facility; an explanation of the inability of existing  
6 facilities to meet such requirements; historical background;  
7 alternatives; and anticipated changes in both initial and  
8 continuing operating costs.

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

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

13           (d) A request for a legislative appropriation to  
14 provide such funding in the appropriate fiscal year, including  
15 the need for advance funding of programming and design  
16 activities.

17           Section 6. Paragraph (a) of subsection (2) of section  
18 216.016, Florida Statutes, is amended to read:

19           216.016 Evaluation of plans; determination of  
20 financing method.--

21           (2)(a) The Executive Office of the Governor shall  
22 develop a finance plan for meeting the state's infrastructure  
23 and fixed capital outlay needs, which shall be incorporated  
24 into the Governor's recommended budget submitted to the  
25 Legislature pursuant to s. 216.162.

26           Section 7. Section 216.023, Florida Statutes, is  
27 amended to read:

28           216.023 Agency ~~Legislative~~ budget requests to be  
29 furnished to Legislature ~~by agencies~~.--

30           (1) The head of each state agency shall submit an  
31 agency ~~a final legislative~~ budget request to the Legislature

1 and to the Governor, as chief budget officer of the state, in  
2 the form and manner prescribed in the budget instructions and  
3 at such time as specified by the Executive Office of the  
4 Governor, based on the agency's independent judgment of its  
5 needs. However, no state agency shall submit its complete  
6 agency final legislative budget request, including all  
7 supporting forms and schedules required by this chapter, later  
8 than September 15 ± of each year.

9 (2) The judicial branch and the Division of  
10 Administrative Hearings shall submit their complete agency  
11 final legislative budget requests directly to the Legislature  
12 with a copy to the Governor, as chief budget officer of the  
13 state, in the form and manner as prescribed in the budget  
14 instructions. However, the complete agency final legislative  
15 budget requests, including all supporting forms and schedules  
16 required by this chapter, shall be submitted no later than  
17 September 15 ± of each year.

18 (3) The Executive Office of the Governor and the  
19 appropriations committees of the Legislature shall jointly  
20 develop agency legislative budget instructions for preparing  
21 the exhibits and schedules that make up the agency budget from  
22 which each agency and the judicial branch, ~~pursuant to ss.~~  
23 ~~216.031 and 216.043,~~ shall prepare their ~~legislative~~ budget  
24 request. The budget instructions shall be consistent with s.  
25 216.141 and shall be transmitted to each agency and to the  
26 judicial branch no later than June 15 of each year. In the  
27 event that agreement cannot be reached between the Executive  
28 Office of the Governor and the appropriations committees of  
29 the Legislature regarding agency legislative budget  
30 instructions, the issue shall be resolved by the Governor, the  
31

1 President of the Senate, and the Speaker of the House of  
2 Representatives.

3 (4) The agency budget request must contain for each  
4 program:

5 (a) The constitutional or statutory authority for a  
6 program, a brief purpose statement, and approved program  
7 components.

8 (b) Information on expenditures for 3 fiscal years  
9 (actual prior-year expenditures, current-year estimated  
10 expenditures, and agency budget requested expenditures for the  
11 next fiscal year) by appropriation category.

12 (c) Details on trust funds and fees.

13 (d) The total number of positions (authorized, fixed,  
14 or requested).

15 (e) An issue narrative describing and justifying  
16 changes in amounts and positions requested for current and  
17 proposed programs for the next fiscal year.

18 (f) Information resource requests.

19 (g) Legislatively approved output and outcome  
20 performance measures and any proposed revisions to measures.

21 (h) Proposed performance standards for each  
22 performance measure and justification for the standards and  
23 the sources of data to be used for measurement.

24 (i) Prior-year performance data on approved  
25 performance measures and an explanation of deviation from  
26 expected performance. Performance data must be assessed for  
27 reliability in accordance with s. 20.055.

28 (j) Unit costs for approved output measures pursuant  
29 to s. 186.022.

30 (k) Proposed performance incentives and disincentives.  
31



1           (5) Agencies must maintain a comprehensive performance  
2 accountability system and provide a list of performance  
3 measures maintained by the agency which are in addition to the  
4 measures approved by the Legislature.

5           (6) Annually, no later than 45 days after the General  
6 Appropriations Act becomes law, state agencies shall submit to  
7 the Executive Office of the Governor adjustments to their  
8 performance standards based on the amounts appropriated for  
9 each program by the Legislature. When such an adjustment is  
10 made, all performance standards, including any adjustments  
11 made, shall be reviewed and revised as necessary by the  
12 Executive Office of the Governor and, upon approval, submitted  
13 to the Legislature pursuant to the review and approval process  
14 provided in s. 216.177. The Senate Committee on Fiscal Policy  
15 and the House of Representatives Fiscal Responsibility Council  
16 shall advise Senate substantive committees and House of  
17 Representatives substantive committees, respectively, of all  
18 adjustments made to performance standards or measures. The  
19 Executive Office of the Governor shall maintain both the  
20 official record of adjustments to the performance standards as  
21 part of the agency's approved operating budget and the  
22 official performance ledger. As used in this section,  
23 "performance ledger" means the official compilation of  
24 information about state agency performance-based programs and  
25 measures, including approved programs, approved outputs and  
26 outcomes, baseline data, approved standards for each  
27 performance measure and any approved adjustments thereto, as  
28 well as actual agency performance for each measure.

29           ~~(4) Each agency and the judicial branch shall submit~~  
30 ~~for review a preliminary legislative budget request to the~~  
31 ~~Executive Office of the Governor, in the form and manner~~

1 ~~prescribed in ss. 216.031 and 216.043, in accordance with the~~  
2 ~~legislative budget instructions, and at such time as may be~~  
3 ~~prescribed by the Executive Office of the Governor.~~

4       (7)(5) The Executive Office of the Governor shall  
5 review the agency ~~preliminary legislative~~ budget request for  
6 technical compliance with the budget format provided for in  
7 the budget instructions. The Executive Office of the Governor  
8 shall notify the agency or the judicial branch of any  
9 adjustment required. The agency or judicial branch shall make  
10 the appropriate corrections as requested ~~in preparing its~~  
11 ~~final legislative budget request~~. If the appropriate  
12 technical corrections are not made as requested ~~in the final~~  
13 ~~legislative budget requests~~, the Executive Office of the  
14 Governor shall ~~may~~ adjust the budget request to incorporate  
15 the appropriate technical corrections in the format of the  
16 request.

17       (8)(6) At any time after the Governor and the Chief  
18 Justice submit their recommended agency budgets to the  
19 Legislature, the head of the agency or judicial branch may  
20 amend his or her request by transmitting to the Governor and  
21 the Legislature an amended request in the form and manner  
22 prescribed in the ~~legislative~~ budget instructions.

23       (9) 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, the Office of Program Policy Analysis and Government  
28 Accountability, the Governor's Office of Planning and  
29 Budgeting, and the public regarding the proper level of  
30 funding for the agency in order to carry out its mission.

31

1           (10) In order to ensure an integrated state planning  
2 and budgeting process, the agency long-range plan should be  
3 reviewed by the Legislature.

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

10           ~~(b) Each agency and branch subject to the provisions~~  
11 ~~of this section and s. 216.0165 shall provide as part of its~~  
12 ~~budget request a point-by-point response to all funding~~  
13 ~~recommendations prepared and submitted by the Director of the~~  
14 ~~Office of Program Policy Analysis and Government~~  
15 ~~Accountability pursuant to s. 11.513. If the recommendations~~  
16 ~~of the director contain recommendations that specifically~~  
17 ~~apply to an agency or branch other than the agency or branch~~  
18 ~~that is the subject of the evaluation and review, the agency~~  
19 ~~that is not the subject of the evaluation and review shall~~  
20 ~~provide as part of its budget request a point-by-point~~  
21 ~~response to any funding recommendations which apply to such~~  
22 ~~agency or branch. The point-by-point response to the~~  
23 ~~director's recommended funding levels shall be displayed~~  
24 ~~numerically as major issues in the agency's legislative budget~~  
25 ~~request. Each point-by-point response to the director's~~  
26 ~~funding recommendations shall be specifically cross-referenced~~  
27 ~~to the agency's responses to the director's recommendations~~  
28 ~~required in s. 216.0165(1)(d).~~

29           ~~(c) The budget instructions required pursuant to~~  
30 ~~subsection (3) shall include requirements that agency or~~  
31 ~~judicial branch responses, major issue summaries contained in~~

1 ~~the Governor's recommended budget, and the Letter of Intent~~  
2 ~~issued with the General Appropriations Act set the~~  
3 ~~point-by-point responses apart as major issues in the~~  
4 ~~following manner:~~

5 ~~1. The director's recommendations for reduced funding~~  
6 ~~shall be separately identified as the director's~~  
7 ~~recommendations and treated as nonrecurring expenditures.~~

8 ~~2. Agency requests to restore the director's~~  
9 ~~recommendations for reduced funding shall be separately~~  
10 ~~identified as agency requests to restore the director's~~  
11 ~~recommendations and treated as improved programs.~~

12 ~~3. The director's recommendations for increased~~  
13 ~~funding shall be separately identified as the director's~~  
14 ~~recommendations and treated as major issues for continuation~~  
15 ~~of current programs.~~

16 ~~4. All other agency requests that would provide~~  
17 ~~funding levels above the director's recommendations shall be~~  
18 ~~separately identified as agency requests for funding above the~~  
19 ~~director's recommendations and treated as new or improved~~  
20 ~~programs.~~

21 ~~(d) By March 1 of the year following the submittal of~~  
22 ~~an agency's budget request in accordance with the operation of~~  
23 ~~this subsection and the evaluation and review of the agency~~  
24 ~~pursuant to ss. 11.513 and 216.0165, the appropriate~~  
25 ~~substantive committees of the Senate and the House of~~  
26 ~~Representatives shall review the report of the consultant and~~  
27 ~~the recommendations of the director submitted pursuant to s.~~  
28 ~~11.513 and the responses to the director's recommendations by~~  
29 ~~the agencies that are the subject of the report and~~  
30 ~~recommendations, and shall make recommendations for~~  
31 ~~continuation, modification, or repeal of any of the agencies'~~

1 ~~programs that are affected by the consultant's report or the~~  
2 ~~recommendations of the director. In developing their~~  
3 ~~recommendations, such committees also shall consider the~~  
4 ~~recommendations and responses made in the agencies'~~  
5 ~~legislative budget requests as required by this subsection and~~  
6 ~~in the Governor's recommended budget.~~

7 Section 8. Section 216.031, Florida Statutes, is  
8 amended to read:

9 216.031 Target budget request ~~Budgets for operational~~  
10 ~~expenditures.--A legislative budget request, reflecting the~~  
11 ~~independent judgment of the head of the state agency, and of~~  
12 ~~the Chief Justice of the Supreme Court, with respect to the~~  
13 ~~needs of the agency and the judicial branch for operational~~  
14 ~~expenditures during the next fiscal year, shall be submitted~~  
15 ~~by each head of a state agency and by the Chief Justice of the~~  
16 ~~Supreme Court and shall contain the following:~~

17 (1) ~~For each budget entity, a summary exhibit showing,~~  
18 ~~for each appropriation category, for each fund, 1 prior year's~~  
19 ~~appropriations for general revenue, 1 prior year's actual~~  
20 ~~expenditures and 1 current year's estimated expenditures, and~~  
21 ~~the requested expenditures for the next fiscal year. The~~  
22 ~~total number of positions for the budget entity shall be shown~~  
23 ~~for each fiscal year of data for which positions are~~  
24 ~~authorized, fixed, or requested. However, the agency budget~~  
25 ~~request for the State University System shall be expressed in~~  
26 ~~terms of the amounts for the various programs as prescribed in~~  
27 ~~s. 240.271 and in terms of the specified appropriation~~  
28 ~~categories, including the special units' budgets, prescribed~~  
29 ~~in the prior appropriations act.~~

30 (2) ~~For each program component within the budget~~  
31 ~~entity, an exhibit showing, for each appropriation category,~~

1 ~~the summary explanation of expenditures for each detail issue~~  
2 ~~describing the amounts and positions for the next fiscal year~~  
3 ~~for continuation of current programs, for improved programs,~~  
4 ~~and for new programs, with a summary showing totals by fund~~  
5 ~~for the next fiscal year.~~

6       ~~(3) For each trust fund within the budget entity, a~~  
7 ~~schedule showing the trust funds available, providing the~~  
8 ~~source of receipts, detail of nonoperating disbursements,~~  
9 ~~operating expenditures, fixed capital outlay, and unencumbered~~  
10 ~~cash balances, for 1 prior year's actual, the current year's~~  
11 ~~estimated, and the request for the next fiscal year. In~~  
12 ~~addition, for each trust fund established in connection with~~  
13 ~~legislative action authorizing the collection of a fee or~~  
14 ~~other charge to support a governmental service or activity~~  
15 ~~being performed by the agency involved, there shall be~~  
16 ~~submitted a schedule showing the full cost of such service or~~  
17 ~~activity, the total fees or charges collected to fund such~~  
18 ~~costs, and the amount of excess collections or any deficit.~~  
19 ~~The sources and amounts of any funds used to cover a deficit~~  
20 ~~shall also be shown. The service or activity being performed~~  
21 ~~shall be reviewed by the appropriations committees in the~~  
22 ~~Senate and House of Representatives for the express purpose of~~  
23 ~~making adjustments in fees or other charges in order to make~~  
24 ~~such activities as nearly self-supporting as possible.~~

25       ~~(4) For each budget entity, a schedule showing detail~~  
26 ~~of positions, providing for each class of positions within~~  
27 ~~discrete organizational activities, by the collective~~  
28 ~~bargaining unit and program component for the next fiscal~~  
29 ~~year, the number of full-time equivalent positions, the~~  
30 ~~estimated rate of salary, the amounts requested for new~~  
31 ~~positions, and the number of new positions requested.~~

1           ~~(5) Detailed information for the next fiscal year~~  
2 ~~necessary for the Legislature and the Governor to evaluate:~~  
3           ~~(a) The effectiveness of current programs, including~~  
4 ~~justification for those programs.~~  
5           ~~(b) The justification for increasing costs to continue~~  
6 ~~the operations of current programs.~~  
7           ~~(c) The justification for proposed improvements in~~  
8 ~~existing programs.~~  
9           ~~(d) The justification for proposed new programs.~~  
10           ~~(e) The projected cost of the requested program for~~  
11 ~~the following fiscal year.~~  
12           ~~(f) The needs of the agency or of the judicial branch~~  
13 ~~for operational expenditures, by order of priority.~~  
14           ~~(6) Additional information providing a detailed~~  
15 ~~description of the request of the agency and the corresponding~~  
16 ~~calculations needed to support the request.~~  
17           ~~(7) Workload and other performance indicators, as~~  
18 ~~prescribed by the legislative budget instructions.~~  
19           ~~(8) An information resources management schedule~~  
20 ~~showing the agency's or judicial branch's total budget request~~  
21 ~~for information resources management. The schedule shall be~~  
22 ~~in the format provided for in the legislative budget~~  
23 ~~instructions. The budget request for information resources~~  
24 ~~management shall identify, if applicable, which parts of the~~  
25 ~~request are in response to any information resources~~  
26 ~~management issues included in the legislative budget~~  
27 ~~instructions. This subsection is applicable only to those~~  
28 ~~state agencies which are under the purview of ss.~~  
29 ~~282.303-282.313 and to the judicial branch.~~  
30           ~~(9) A report separately listing the sources of~~  
31 ~~receipts into each trust fund and the amounts of such~~

1 ~~receipts. In addition, the report shall identify the~~  
2 ~~administrative and program costs expended from the trust fund,~~  
3 ~~including salaries, other personal services, operating capital~~  
4 ~~outlay, fixed capital outlay, other expenses, contractual~~  
5 ~~services, and transfers to other trust funds.~~

6 ~~(10) For those agencies or the judicial branch~~  
7 ~~operating programs under a performance-based program budget,~~  
8 ~~an evaluation of the agency's progress in meeting the~~  
9 ~~performance standards for programs approved pursuant to s.~~  
10 ~~216.0166. Such evaluation shall be developed as prescribed by~~  
11 ~~the budget instructions, and shall include any responses by~~  
12 ~~the agency or the Chief Justice to the findings of the Office~~  
13 ~~of Program Policy Analysis and Government Accountability~~  
14 ~~pursuant to s. 11.513.~~

15 ~~(11) For performance-based program budgets, the~~  
16 ~~baseline data, outcome measures, output measures, and~~  
17 ~~standards for program measures, including justification for~~  
18 ~~those programs in the format required by the legislative~~  
19 ~~budget instructions.~~

20 ~~(12) A prioritized listing of planned expenditures for~~  
21 ~~review and possible reduction in the event of revenue~~  
22 ~~shortfalls, as provided for in s. 216.221. Such list shall be~~  
23 ~~in the format provided in the planning and budgeting~~  
24 ~~instructions.~~

25  
26 Either chair of a legislative appropriations committee, or the  
27 Executive Office of the Governor for state agencies, may  
28 require the agency or the Chief Justice to address major  
29 issues separate from those outlined in s. 216.023, this  
30 section, and s. 216.043 for inclusion in the requests of the  
31 agency or of the judicial branch. The issues shall be



1 submitted to the agency no later than July 30 of each year and  
2 shall be displayed in its requests as provided in the budget  
3 instructions. The Executive Office of the Governor may  
4 request an agency, or the chair of the appropriations  
5 committees of the Senate or House of Representatives may  
6 request any agency or the judicial branch, to submit no later  
7 than September 30 ~~15~~ of each year a budget plan with respect  
8 to targets established by the Governor or either chair. The  
9 target budget shall require each entity to establish an order  
10 of priorities for its budget issues and may include requests  
11 for multiple options for the budget issues. The target budget  
12 may also require each entity to submit a program budget or a  
13 performance-based budget in the format prescribed by the  
14 Executive Office of the Governor or either chair; provided,  
15 however, the target budget format shall be compatible with the  
16 planning and budgeting system requirements set out in s.  
17 216.141. Such a request shall not influence the agencies' or  
18 judicial branch's independent judgment in making agency  
19 ~~legislative~~ budget requests, as required by law.

20 Section 9. Section 216.044, Florida Statutes, is  
21 amended to read:

22 216.044 Budget evaluation by Department of Management  
23 Services.--

24 (1) Any state agency or judicial branch entity  
25 requesting a fixed capital outlay project to be managed by the  
26 Department of Management Services shall consult with that  
27 department during the budget-development process. The  
28 Department of Management Services shall provide  
29 recommendations regarding construction requirements, cost of  
30 the project, and project alternatives to be incorporated in  
31

1 the agency's or entity's proposed fixed capital outlay budget  
2 request and narrative justification.

3 (2)~~(1)~~ Concurrently with the submission of the fixed  
4 capital outlay agency legislative budget request to the  
5 Executive Office of the Governor or to the Chief Justice of  
6 the Supreme Court, the agency or judicial branch shall submit  
7 a copy of the agency legislative budget request to the  
8 Department of Management Services for evaluation.

9 (3)~~(2)~~ The Department of Management Services shall  
10 advise the Executive Office of the Governor, the Chief  
11 Justice, and the Legislature regarding alternatives to the  
12 proposed fixed capital outlay project and make recommendations  
13 relating to the construction requirements and cost of the  
14 project. These recommendations shall be provided to the  
15 Legislature and Executive Office of the Governor at a time  
16 specified by the Governor, but not less than 90 days prior to  
17 the regular session of the Legislature. When evaluating  
18 alternatives, the Department of Management Services shall  
19 include information as to whether it would be more  
20 cost-efficient to lease private property or facilities, to  
21 construct facilities on property presently owned by the state,  
22 or to acquire property on which to construct the facilities.  
23 In determining the cost to the state of constructing  
24 facilities on property presently owned by the state or the  
25 cost of acquiring property on which to construct facilities,  
26 the Department of Management Services shall include the costs  
27 which would be incurred by a private person in acquiring the  
28 property and constructing the facilities, including, but not  
29 limited to, taxes and return on investment.

30 ~~(3) The Department of Management Services shall~~  
31 ~~provide assistance to any state agency, the judicial branch,~~

1 ~~and the Executive Office of the Governor in fulfilling the~~  
2 ~~requirements of s. 216.0442 as developed pursuant to ss.~~  
3 ~~216.031 and 216.043.~~

4 Section 10. Section 216.0446, Florida Statutes, is  
5 amended to read:

6 216.0446 Review of information resources management  
7 needs.--

8 (1) The Legislative Budget Commission shall ~~Executive~~  
9 ~~Office of the Governor may contract with the Legislature to~~  
10 provide a mechanism for review of and recommendations with  
11 respect to the portion of agencies' strategic plans which  
12 pertains to information resources management needs and with  
13 respect to agencies' ~~legislative~~ budget requests for  
14 information resources management. This mechanism shall be  
15 referred to as the Technology Review Workgroup, which shall be  
16 headed by a senior-level manager.

17 (2) In addition to its primary duty specified in  
18 subsection (1), the Technology Review Workgroup shall have  
19 powers and duties that include, but are not limited to, the  
20 following:

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

27 (b) To review and make recommendations to the  
28 Executive Office of the Governor and the chairs of the  
29 legislative fiscal committees on proposed budget amendments  
30 and agency transfers associated with ~~notices of proposed~~  
31 ~~action for budget items with respect to information resources~~

1 management initiatives or projects that involve more than one  
2 agency, that have an outcome that impacts another agency, or  
3 that exceed \$500,000 in total cost over a 1-year period.

4 (c) To make recommendations to the Executive Office of  
5 the Governor on guidelines and best practices for information  
6 resources management based on information received from the  
7 State Technology Council.

8 Section 11. Section 216.052, Florida Statutes, is  
9 amended to read:

10 216.052 Community ~~Legislative~~ budget requests;  
11 appropriations; grants.--

12 ~~(1) The budget request from each agency and from the~~  
13 ~~judicial branch shall be reviewed by the Legislature. The~~  
14 ~~review may allow for the opportunity to have information or~~  
15 ~~testimony by the agency, the judicial branch, the Auditor~~  
16 ~~General's Office, the Governor's Office of Planning and~~  
17 ~~Budgeting, and the public regarding the proper level of~~  
18 ~~funding for the agency in order to carry out its mission.~~

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

22 (1)(3) Members of the Legislature may submit requests  
23 to appropriate state funds to a state, local, county, or  
24 regional governmental entity ~~government~~, private organization,  
25 or nonprofit organization ~~requesting a state appropriation for~~  
26 a program, service, or capital outlay initiative that is local  
27 or regional in scope, is intended to meet a documented need,  
28 addresses a statewide interest, is intended to produce  
29 measureable results, and has tangible community support.~~has~~  
30 ~~not been formally recommended under procedures established by~~  
31 ~~law or that has been formally recommended under such~~

1 ~~procedures but has not been recommended by an agency or by the~~  
2 ~~judicial branch, or that promotes only a local or regional~~  
3 ~~interest, may be allowed the opportunity to provide~~  
4 ~~information or testimony to the appropriate subcommittee of~~  
5 ~~each appropriations committee. Each such request must include~~  
6 ~~a fiscal note that shows the estimated cost of operations and~~  
7 ~~capital outlay for the project. The fiscal note shall~~  
8 ~~indicate the percentage of the projected costs of operations~~  
9 ~~and capital outlay that is to be provided through state funds.~~

10 (2)~~(4)~~ Each appropriation to a local government, a  
11 private organization, or a nonprofit organization made  
12 pursuant to a community budget request for a program, service,  
13 ~~or capital outlay initiative that promotes a solely local or~~  
14 ~~regional interest~~ shall require that the community's support  
15 be tangibly demonstrated by evidence that the program or  
16 service will ~~expects to~~ operate in a financially sound manner.  
17 Any ~~other~~ appropriation to a local government, a private  
18 organization, or a nonprofit organization made pursuant to  
19 this section ~~a request as provided in subsection (3)~~ should  
20 ~~generally~~ require local matching funds. The match must be  
21 based on the size and scope of the project and the applicant's  
22 ability to provide the match. In addition, the granting of  
23 state funds shall be used to encourage the establishment of  
24 community-based partnerships between the public sector and the  
25 private sector.

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

30 (4) Community budget requests shall be submitted in  
31 the form and manner prescribed jointly by the President of the

1 Senate and the Speaker of the House of Representatives. If the  
2 President of the Senate and the Speaker of the House of  
3 Representatives do not agree on a form and manner of  
4 submission to be used by both houses, each may prescribe a  
5 form and manner of submission to be used in his or her house.

6 (5) Community budget requests shall be submitted to  
7 the Governor and either to the Chairman of the Senate Budget  
8 Committee or to the Chairman of the House Fiscal  
9 Responsibility Council in accordance with the schedule  
10 established jointly by the President of the Senate and the  
11 Speaker of the House of Representatives. If the President of  
12 the Senate and the Speaker of the House of Representatives do  
13 not agree on a schedule to be used by both houses, each may  
14 prescribe a schedule to be used in his or her house.

15 (6) The Governor shall address each community budget  
16 request submitted pursuant to this section in his budget  
17 recommendations to the Legislature. In addressing each  
18 request, the Governor shall provide such documentation as is  
19 necessary to determine:

20 (a) The amount of funding being recommended for the  
21 request;

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

24 (c) When no funding is being recommended, the  
25 justification for failing to fund the request and the manner  
26 in which the Governor intends to address the need to which the  
27 request was directed.

28 (7)(5) The retention of interest earned on state funds  
29 or the amount of interest income earned shall be applied  
30 against the state entity's obligation to pay the appropriated  
31 contracted amount.

1           ~~(8)~~(6) Whenever possible, a loan must be made in lieu  
2 of a grant to a local government, a private organization, or a  
3 nonprofit organization. It is the intent of the Legislature  
4 that a revolving loan program shall be established so that the  
5 loan amount plus interest is paid back by the recipient to the  
6 state.

7           ~~(9)~~(7) Any private or nonprofit organization that is  
8 to receive funds through a community budget request requesting  
9 funding shall, at the time of application for such funds,  
10 provide information regarding its organization, including a  
11 copy of its current budget,and a list of its board of  
12 directors, and a copy of its most recent annual audit report  
13 prepared by an independent certified public accountant  
14 licensed in this state, including management letters or other  
15 documents associated with the audit report.

16           ~~(8)~~ In addition to any other provision of law granting  
17 access to records and accounts, the Auditor General may,  
18 pursuant to his or her own authority hereby granted in this  
19 subsection or at the direction of the Legislative Auditing  
20 Committee, conduct audits of any direct-support organization  
21 or citizen support organization authorized by law.  
22 ~~Independent audits of direct-support organizations and citizen~~  
23 ~~support organizations conducted by certified public~~  
24 ~~accountants shall be performed in accordance with rules~~  
25 ~~promulgated by the Auditor General.~~

26           Section 12. Subsection (1) of section 216.081, Florida  
27 Statutes, is amended to read:

28           216.081 Data on legislative and judicial branch  
29 expenses.--

30           ~~(1) On or before September 1 in each year, In~~  
31 sufficient time to be included in the Governor's recommended

1 budget, estimates of the financial needs of the legislative  
2 branch and the judicial branch during the ensuing fiscal year  
3 shall be furnished to the Governor pursuant to chapter 11.

4 Section 13. Section 216.131, Florida Statutes, is  
5 amended to read:

6 216.131 Public hearings on agency ~~legislative~~  
7 budgets.--The Governor and the Chief Justice of the Supreme  
8 Court shall each provide for at least one public hearing prior  
9 to submission of budget recommendations to the Legislature on  
10 issues contained in agency ~~legislative~~ budget requests or in  
11 the judicial branch budget request and issues that ~~which~~ may  
12 be included in budget recommendations to the Legislature,  
13 which hearing shall be held at such time as the Governor or  
14 the Chief Justice may fix. The Governor may require the  
15 attendance or participation, or both, at his or her hearings  
16 of the heads or responsible representatives of all state  
17 agencies supported by any form of taxation or licenses, fees,  
18 imposts, or exactions. The Governor and the Chief Justice may  
19 provide these hearings simultaneously via electronic format,  
20 such as teleconference, Internet, etc., provided that a means  
21 for active participation and questions by the audience is  
22 accommodated.

23 Section 14. Section 216.133, Florida Statutes, is  
24 amended to read:

25 216.133 Definitions; ss. 216.133-216.137.--As used in  
26 ss. 216.133-216.137:

27 (1) "Consensus estimating conference" includes the  
28 Economic Estimating Conference, the Demographic Estimating  
29 Conference, the Revenue Estimating Conference, the Education  
30 Estimating Conference, the Criminal Justice Estimating  
31 Conference, the Juvenile Justice Estimating Conference, and



1 the Social Services Estimating Conference, ~~and the~~  
2 ~~Transportation Estimating Conference.~~

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

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

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

12 Section 15. Section 216.134, Florida Statutes, is  
13 amended to read:

14 216.134 Consensus estimating conferences; general  
15 provisions.--

16 (1) Each consensus estimating conference shall develop  
17 such official information within its area of responsibility as  
18 the conference determines, by consensus, is needed for  
19 purposes of the state planning and budgeting system. Unless  
20 otherwise provided by law or decided by unanimous agreement of  
21 the principals of the conference, all official information  
22 developed by the conference shall be based on the assumption  
23 that current law and current administrative practices will  
24 remain in effect throughout the period for which the official  
25 information is to be used. The official information developed  
26 by each consensus estimating conference shall include  
27 forecasts for a period of at least 10 years, unless the  
28 principals of the conference unanimously agree otherwise.

29 (2) Whenever an estimating conference is convened, an  
30 official estimate does not exist until a new consensus is  
31 reached.

1           (3)~~(2)~~ The official information developed by the  
2 Economic Estimating Conference and the official information  
3 developed by the Demographic Estimating Conference shall be  
4 used by all other consensus estimating conferences in  
5 developing their official information.

6           (4)~~(3)~~ The membership of each consensus estimating  
7 conference consists of principals and participants.

8           (a) A person designated by law as a principal may  
9 preside over conference sessions, convene conference sessions,  
10 request information, specify topics to be included on the  
11 conference agenda, agree or withhold agreement on whether  
12 information is to be official information of the conference,  
13 release official information of the conference, interpret  
14 official information of the conference, and monitor errors in  
15 official information of the conference.

16           (b) A participant is any person who is invited to  
17 participate in the consensus estimating conference by a  
18 principal. A participant shall, at the request of any  
19 principal before or during any session of the conference,  
20 develop alternative forecasts, collect and supply data,  
21 perform analyses, or provide other information needed by the  
22 conference. The conference shall consider information provided  
23 by participants in developing its official information.

24           (5)~~(4)~~ All sessions and meetings of a consensus  
25 estimating conference shall be open to the public as provided  
26 in chapter 286.

27           Section 16. Section 216.136, Florida Statutes, is  
28 amended to read:

29           216.136 Consensus estimating conferences; duties and  
30 principals.--

31           (1) ECONOMIC ESTIMATING CONFERENCE.--

1 (a) Duties.--

2 ~~1.~~ The Economic Estimating Conference shall develop  
3 such official information with respect to the national and  
4 state economies as the conference determines is needed for the  
5 state planning and budgeting system. The basic, long-term  
6 forecasts which are a part of its official information shall  
7 be trend forecasts. However, the conference may include cycle  
8 forecasts as a part of its official information if the subject  
9 matter of the forecast warrants a cycle forecast and if such  
10 forecast is developed in a special impact session of the  
11 conference.

12 ~~2. Prior to the submission of the Governor's budget~~  
13 ~~recommendations to the Legislature pursuant to s. 216.162, and~~  
14 ~~again prior to each Regular Session of the Legislature, the~~  
15 ~~Economic Estimating Conference shall evaluate and project the~~  
16 ~~financial condition of the employee group health~~  
17 ~~self-insurance plan. This analysis shall also consider any~~  
18 ~~financial impact of the state's use of health maintenance~~  
19 ~~organizations on the funding of the self-insurance plan. The~~  
20 ~~conference shall indicate whether the current plan premium~~  
21 ~~rates are sufficient to fund projected plan claims and other~~  
22 ~~expenses during the fiscal year.~~

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

30 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

31

1           (a) Duties.--The Demographic Estimating Conference  
2 shall develop such official information with respect to the  
3 population of the nation and state by age, race, and sex as  
4 the conference determines is needed for the state planning and  
5 budgeting system. The conference shall use the official  
6 population estimates provided under s. 186.901 in developing  
7 its official information.

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

15           (3) REVENUE ESTIMATING CONFERENCE.--

16           (a) Duties.--The Revenue Estimating Conference shall  
17 develop such official information with respect to anticipated  
18 state and local government revenues as the conference  
19 determines is needed for the state planning and budgeting  
20 system. Any principal may request the conference to review  
21 and estimate revenues for any trust fund.

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

29           (4) EDUCATION ESTIMATING CONFERENCE.--

30           (a) Duties.--The Education Estimating Conference shall  
31 develop such official information relating to the state public

1 educational system, including forecasts of student  
2 enrollments, the number of students qualified for state  
3 financial aid programs and the appropriation required to fund  
4 the full award amounts for each program, fixed capital outlay  
5 needs, and Florida Education Finance Program formula needs, as  
6 the conference determines is needed for the state planning and  
7 budgeting system. The conference's initial projections of  
8 enrollments in public schools shall be forwarded by the  
9 conference to each school district no later than 2 months  
10 prior to the start of the regular session of the Legislature.  
11 Each school district may, in writing, request adjustments to  
12 the initial projections. Any adjustment request shall be  
13 submitted to the conference no later than 1 month prior to the  
14 start of the regular session of the Legislature and shall be  
15 considered by the principals of the conference. A school  
16 district may amend its adjustment request, in writing, during  
17 the first 3 weeks of the legislative session, and such amended  
18 adjustment request shall be considered by the principals of  
19 the conference. For any adjustment so requested, the district  
20 shall indicate and explain, using definitions adopted by the  
21 conference, the components of anticipated enrollment changes  
22 that correspond to continuation of current programs with  
23 workload changes; program improvement; program reduction or  
24 elimination; initiation of new programs; and any other  
25 information that may be needed by the Legislature. For public  
26 schools, the conference shall submit its full-time equivalent  
27 student consensus estimate to the Legislature no later than 1  
28 month after the start of the regular session of the  
29 Legislature. No conference estimate may be changed without the  
30 agreement of the full conference.  
31

1           (b) Adjustments.--No later than 2 months prior to the  
2 start of the regular session of the Legislature, the  
3 conference shall forward to each eligible postsecondary  
4 education institution its initial projections of the number of  
5 students qualified for state financial aid programs and the  
6 appropriation required to fund those students at the full  
7 award amount. Each postsecondary education institution may  
8 request, in writing, adjustments to the initial projection.  
9 Any adjustment request must be submitted to the conference no  
10 later than 1 month prior to the start of the regular session  
11 of the Legislature and shall be considered by the principals  
12 of the conference. For any adjustment so requested, the  
13 postsecondary education institution shall indicate and  
14 explain, using definitions adopted by the conference, the  
15 components of anticipated changes that correspond to  
16 continuation of current programs with enrollment changes,  
17 program reduction or elimination, initiation of new programs,  
18 award amount increases or decreases, and any other information  
19 that is considered by the conference. The conference shall  
20 submit its consensus estimate to the Legislature no later than  
21 1 month after the start of the regular session of the  
22 Legislature. No conference estimate may be changed without the  
23 agreement of the full conference.

24           (c) Principals.--The Associate Deputy Commissioner for  
25 Educational Management, the Executive Office of the Governor,  
26 the coordinator of the Office of Economic and Demographic  
27 Research, and professional staff of the Senate and House of  
28 Representatives who have forecasting expertise, or their  
29 designees, are the principals of the Education Estimating  
30 Conference. The Associate Deputy Commissioner for Educational  
31

1 Management or his or her designee shall preside over sessions  
2 of the conference.

3 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

4 (a) Duties.--The Criminal Justice Estimating  
5 Conference shall develop such official information relating to  
6 the criminal justice system, including forecasts of prison  
7 admissions by offense categories specified in Rule 3.701,  
8 Florida Rules of Criminal Procedure, as the conference  
9 determines is needed for the state planning and budgeting  
10 system.

11 (b) Principals.--The Executive Office of the Governor,  
12 the coordinator of the Office of Economic and Demographic  
13 Research, and professional staff, who have forecasting  
14 expertise, from the Senate, the House of Representatives, and  
15 the Supreme Court, or their designees, are the principals of  
16 the Criminal Justice Estimating Conference. The principal  
17 representing the Executive Office of the Governor shall  
18 preside over sessions of the conference.

19 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

20 (a) Duties.--

21 1. The Social Services Estimating Conference shall  
22 develop such official information relating to the social  
23 services system of the state, including forecasts of social  
24 services caseloads, as the conference determines is needed for  
25 the state planning and budgeting system. Such official  
26 information shall include, but not be limited to, subsidized  
27 child care caseloads mandated by the Family Support Act of  
28 1988.

29 2. In addition, the Social Services Estimating  
30 Conference shall develop estimates and forecasts of the  
31 unduplicated count of children eligible for subsidized child

1 care as defined in s. 402.3015(1). These estimates and  
2 forecasts shall not include children enrolled in the  
3 prekindergarten early intervention program established in s.  
4 230.2305.

5 3. The Department of Children and Family Services and  
6 the Department of Education shall provide information on  
7 caseloads and waiting lists for the subsidized child care and  
8 prekindergarten early intervention programs requested by the  
9 Social Services Estimating Conference or individual conference  
10 principals, in a timely manner.

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

20 ~~(7) TRANSPORTATION ESTIMATING CONFERENCE.--~~

21 ~~(a) Duties.--The Transportation Estimating Conference~~  
22 ~~shall develop such official budget information relating to~~  
23 ~~transportation planning and budgeting as is determined by the~~  
24 ~~conference principals to be needed for the state planning and~~  
25 ~~budgeting system. This information shall include estimates of~~  
26 ~~transportation cost indices and other budget-related~~  
27 ~~estimates. This conference shall not address estimates of~~  
28 ~~transportation revenues.~~

29 ~~(b) Principals.--The Executive Office of the Governor,~~  
30 ~~the coordinator of the Office of Economic and Demographic~~  
31 ~~Research, and professional staff with budgeting expertise from~~



1 ~~the Department of Transportation, the Senate, and the House of~~  
2 ~~Representatives are the principals of the Transportation~~  
3 ~~Estimating Conference. The principal representing the~~  
4 ~~Executive Office of the Governor shall preside over sessions~~  
5 ~~of the conference.~~

6 (7)~~(8)~~ CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

7 (a) Duties.--The Child Welfare System Estimating  
8 Conference shall develop such official information relating to  
9 the child welfare system of the state, including forecasts of  
10 child welfare caseloads, as the conference determines is  
11 needed for the state planning and budgeting system. Such  
12 official information may include, but is not limited to:

13 1. Estimates and projections of the number of initial  
14 and additional reports of child abuse, abandonment, or neglect  
15 made to the central abuse hotline maintained by the Department  
16 of Children and Family Services as established in s.  
17 39.201(4). Projections may take into account other factors  
18 that may influence the number of future reports to the abuse  
19 hotline.

20 2. Estimates and projections of the number of children  
21 who are alleged to be victims of child abuse, abandonment, or  
22 neglect and are in need of emergency shelter, foster care,  
23 residential group care, adoptive services, or other  
24 appropriate care.

25  
26 In addition, the conference shall develop other official  
27 information relating to the child welfare system of the state  
28 which the conference determines is needed for the state  
29 planning and budgeting system. The Department of Children and  
30 Family Services shall provide information on the child welfare  
31 system requested by the Child Welfare System Estimating

1 Conference, or individual conference principals, in a timely  
2 manner.

3 (b) Principals.--The Executive Office of the Governor,  
4 the coordinator of the Office of Economic and Demographic  
5 Research, and professional staff who have forecasting  
6 expertise from the Department of Children and Family Services,  
7 the Senate, and the House of Representatives, or their  
8 designees, are the principals of the Child Welfare System  
9 Estimating Conference. The principal representing the  
10 Executive Office of the Governor shall preside over sessions  
11 of the conference.

12 (8)~~(9)~~ JUVENILE JUSTICE ESTIMATING CONFERENCE.--

13 (a) Duties.--The Juvenile Justice Estimating  
14 Conference shall develop such official information relating to  
15 the juvenile justice system of the state as is determined by  
16 the conference principals to be needed for the state planning  
17 and budgeting system. This information shall include, but is  
18 not limited to: estimates of juvenile delinquency caseloads  
19 and workloads; estimates for secure, nonsecure, and home  
20 juvenile detention placements; estimates of workloads in the  
21 juvenile sections in the offices of the state attorneys and  
22 public defenders; estimates of mental health and substance  
23 abuse treatment relating to juveniles; and such other  
24 information as is determined by the conference principals to  
25 be needed for the state planning and budgeting system.

26 (b) Principals.--The Executive Office of the Governor,  
27 the Office of Economic and Demographic Research, and  
28 professional staff who have forecasting expertise from the  
29 Department of Juvenile Justice, the Department of Children and  
30 Family Services Alcohol, Drug Abuse, and Mental Health Program  
31 Office, the Department of Law Enforcement, the Senate

1 Appropriations Committee staff, the House of Representatives  
2 Appropriations Committee staff, or their designees, are the  
3 principals of the Juvenile Justice Estimating Conference. The  
4 responsibility of presiding over sessions of the conference  
5 shall be rotated among the principals. To facilitate policy  
6 and legislative recommendations, the conference may call upon  
7 professional staff of the Juvenile Justice Accountability  
8 Board and appropriate legislative staff.

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

10 (a) Duties.--The Occupational Forecasting Conference  
11 shall develop such official information on the workforce  
12 development system planning process as it relates to the  
13 personnel needs of current, new, and emerging industries as  
14 the conference determines is needed by the state planning and  
15 budgeting system. Such information must include at least:  
16 short-term and long-term forecasts of employment demand for  
17 high-skills/high-wage jobs by occupation and industry;  
18 relative wage forecasts among those occupations; and estimates  
19 of the supply of trained and qualified individuals available  
20 for employment in those occupations.

21 (b) Principals.--The Commissioner of Education, the  
22 Executive Office of the Governor, the director of the Office  
23 of Tourism, Trade, and Economic Development, the Secretary of  
24 Labor, and the coordinator of the Office of Economic and  
25 Demographic Research, or their designees, are the principals  
26 of the Occupational Forecasting Conference. The Commissioner  
27 of Education, or the commissioner's designee, shall preside  
28 over the sessions of the conference.

29 (10)~~(11)~~ SCHOOL READINESS PROGRAM ESTIMATING  
30 CONFERENCE.--

31 (a) Duties.--

1           1. The School Readiness Program Estimating Conference  
2 shall develop such estimates and forecasts of the number of  
3 individuals eligible for school readiness programs in  
4 accordance with the standards of eligibility established by  
5 state or federal statute or administrative rule as the  
6 conference determines are needed to support the state  
7 planning, budgeting, and appropriations processes.

8           2. In addition, the School Readiness Program  
9 Estimating Conference shall estimate the unduplicated count of  
10 children who are eligible for services under the school  
11 readiness program.

12           3. The Florida Partnership for School Readiness shall  
13 provide information on needs and waiting lists for school  
14 readiness program services requested by the School Readiness  
15 Program Estimating Conference or individual conference  
16 principals in a timely manner.

17           (b) Principals.--The Executive Office of the Governor,  
18 the Director of Economic and Demographic Research, and  
19 professional staff who have forecasting expertise from the  
20 Florida Partnership for School Readiness, the Department of  
21 Children and Family Services, the Department of Education, the  
22 Senate, and the House of Representatives, or their designees,  
23 are the principals of the School Readiness Program Estimating  
24 Conference. The principal representing the Executive Office of  
25 the Governor shall preside over sessions of the conference.

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

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

31

1           (b) Principals.--The Executive Office of the Governor,  
2 the coordinator of the Office of Economic and Demographic  
3 Research, and staff directors of the committees of the Senate  
4 and the House of Representatives which have primary  
5 responsibility for legislation dealing with taxation, or their  
6 designees, are the principals of the Self-Insurance Estimating  
7 Conference. The responsibility of presiding over sessions of  
8 the conference shall be rotated among the principals.

9           (12) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION  
10 CONFERENCE.--

11           (a) Duties.--The Florida Retirement System Actuarial  
12 Assumption Conference shall develop official information with  
13 respect to the economic and noneconomic assumptions and  
14 funding methods of the Florida Retirement System necessary to  
15 perform the system actuarial study undertaken pursuant to s.  
16 121.031(3). Such information shall include: an analysis of  
17 the actuarial assumptions and actuarial methods used in the  
18 study and a determination of whether changes to the  
19 assumptions or methods need to be made due to experience  
20 changes or revised future forecasts.

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 Florida Retirement System  
26 Actuarial Assumption Conference. The Executive Office of the  
27 Governor shall have the responsibility of presiding over the  
28 sessions of the conference. The State Board of Administration  
29 and the Division of Retirement shall be participants in the  
30 conference.

31

1           Section 17. Subsection (1) of section 216.141, Florida  
2 Statutes, is amended to read:

3           216.141 Budget system procedures; planning and  
4 programming by state agencies.--

5           (1) The Executive Office of the Governor, in  
6 consultation with the appropriations committees of the Senate  
7 and House of Representatives, and by utilizing the Florida  
8 Financial Management Information System management data and  
9 the Comptroller's chart of accounts, shall prescribe a  
10 planning and budgeting system, pursuant to s. 215.94(1), to  
11 provide for continuous planning and programming and for  
12 effective management practices for the efficient operations of  
13 all state agencies and the judicial branch. ~~However, the~~  
14 ~~planning and budgeting system shall be limited to the~~  
15 ~~processing of information related to ss. 216.023, 216.0235,~~  
16 ~~216.031, 216.043, 216.121, 216.181, 216.182, and 216.192 and~~  
17 ~~those applications relating to part I of chapter 23 and part I~~  
18 ~~of chapter 252 which are funded by the Legislature. The~~  
19 Legislature ~~Executive Office of the Governor~~ may contract with  
20 the Executive Office of the Governor ~~Legislature~~ to develop  
21 the planning and budgeting system and to provide services to  
22 the Legislature for the support and use of the legislative  
23 appropriations system. The contract shall include the  
24 policies and procedures for combining the legislative  
25 appropriations system with the planning and budgeting  
26 information system established pursuant to s. 215.94(1). At a  
27 minimum, the contract shall require the use of common data  
28 codes. The combined legislative appropriations and planning  
29 and budgeting information subsystem shall support the  
30 legislative appropriations and legislative oversight functions  
31 without data code conversion or modification.

1           Section 18. Subsections (1) and (2) of section  
2 216.151, Florida Statutes, are amended to read:

3           216.151 Duties of the Executive Office of the  
4 Governor.--It shall be the duty of the Executive Office of the  
5 Governor to:

6           (1) Make a detailed study, as necessary, of each of  
7 the several state agencies, with a view toward ascertaining  
8 and determining the needs thereof; whether changes should be  
9 made in existing organizations, their activities and methods  
10 of operation; what appropriation should be made therefor;  
11 whether the operations and activities of different agencies or  
12 within the same agencies should be combined, consolidated, or  
13 integrated or should be regrouped and rearranged, all to the  
14 end of securing greater economy without sacrificing efficiency  
15 in the operations of such agencies. In order to accomplish  
16 this type of study, the Executive Office of the Governor may  
17 request any or all agencies to submit a budget plan with  
18 respect to targets established by the Governor. Such a  
19 request shall not influence the agencies' independent  
20 judgments in making agency ~~legislative~~ budget requests, as  
21 required by law.

22           (2) Prepare an analysis of the agency ~~legislative~~  
23 budget requests submitted by state agencies and the judicial  
24 branch covering their respective operational and fixed capital  
25 outlay requirements.

26           Section 19. Subsection (1) of section 216.162, Florida  
27 Statutes, is amended to read:

28           216.162 Governor's recommended budget to be furnished  
29 Legislature; copies to members.--

30           (1) At least 45 days before the scheduled annual  
31 legislative session ~~in each odd-numbered year~~, the Governor

1 shall furnish each senator and representative a copy of his or  
2 her recommended balanced budget for the state, based on the  
3 Governor's own conclusions and judgment; provided, however,  
4 that in his or her first year in office a new Governor may  
5 request, subject to approval of the President of the Senate  
6 and the Speaker of the House of Representatives, that his or  
7 her recommended balanced budget be submitted at a later time  
8 prior to the Governor's first regular legislative session.

9 Section 20. Section 216.163, Florida Statutes, is  
10 amended to read:

11 216.163 Governor's recommended budget; form and  
12 content; declaration of collective bargaining impasses.--

13 (1) The Governor's recommended budget shall be  
14 referenced to the agency ~~legislative~~ budget requests  
15 prescribed in ss. 216.023 ~~216.031~~ and 216.043 and shall be  
16 consistent with the format of the current fiscal year General  
17 Appropriations Act ~~or shall be distinctly separated into four~~  
18 ~~sections. If separated into four sections, Section One of the~~  
19 ~~budget shall be entitled "Operations"; Section Two shall be~~  
20 ~~entitled "Revenue Sharing, Distributions and Transfers";~~  
21 ~~Section Three shall be entitled "Fixed Capital Outlay"; and~~  
22 ~~Section Four shall be entitled "Debt Service."~~

23 (2) The Governor's recommended budget shall also  
24 include:

25 (a) The Governor's recommendations for operating each  
26 state agency, and those of the Chief Justice of the Supreme  
27 Court for operating the judicial branch, for the next fiscal  
28 year. These recommendations shall be displayed by  
29 appropriation category within each budget entity, ~~with detail~~  
30 ~~by program component within each budget entity,~~ and shall also  
31 include the agency ~~legislative~~ budget request of the



1 corresponding agency and community budget requests related to  
2 each agency.

3 (b)1. The Governor's recommendations and those of the  
4 Chief Justice for fixed capital outlay appropriations for the  
5 next fiscal year. These recommendations shall be displayed by  
6 budget entity and shall also include the agency legislative  
7 budget request of the corresponding agency.

8 2. For each specific fixed capital outlay project or  
9 group of projects or operating capital outlay requests  
10 recommended to be funded from a proposed state debt or  
11 obligation, he or she shall make available pursuant to s.  
12 216.164(1)(a) the documents set forth in s. 216.0442(2).

13 (c) The evaluation of the fixed capital outlay request  
14 of each agency and the judicial branch and alternatives to the  
15 proposed projects as made by the Department of Management  
16 Services pursuant to s. 216.044.

17 (d) A summary statement of the amount of  
18 appropriations requested by each state agency and as  
19 recommended by the Governor and by the judicial branch.

20 (e) A distinct listing of all nonrecurring  
21 appropriations recommended by the Governor or the Chief  
22 Justice.

23 ~~(f) A listing of the general policies used to~~  
24 ~~calculate the amounts required for salaries, other personal~~  
25 ~~services, expenses, operating capital outlay, electronic data~~  
26 ~~processing, and food products recommended by the Governor or~~  
27 ~~the Chief Justice.~~

28 ~~(g) Explanations and justification, expressed in terms~~  
29 ~~of program-effectiveness measures, program-efficiency~~  
30 ~~measures, workload, productivity adjustments, staffing~~  
31 ~~standards, and any other criteria needed to evaluate the~~

1 ~~delivery of governmental services and to explain the~~  
2 ~~Governor's recommendations or the Chief Justice's~~  
3 ~~recommendations, and such other supporting schedules and~~  
4 ~~exhibits as may be determined by the Governor or the Chief~~  
5 ~~Justice.~~

6 ~~(h) With respect to the Department of Transportation,~~  
7 ~~a reconciliation of the Governor's recommendations for the~~  
8 ~~funding of the agency budget and tentative work program with~~  
9 ~~the budget and tentative work program submitted by the~~  
10 ~~department pursuant to s. 339.135 by project, by project~~  
11 ~~phase, by department district, and by appropriation category.~~

12 (f)(i) The Governor's recommendations for critical  
13 information resource management projects which should be  
14 subject to special monitoring under s. 282.322. These  
15 recommendations shall include proviso language which specifies  
16 whether funds are specifically provided to contract for  
17 project monitoring, or whether the Auditor General will  
18 conduct such project monitoring. When funds are recommended  
19 for contracting with a project monitor, such funds may equal 1  
20 percent to 5 percent of the project's estimated total costs.  
21 These funds shall be specifically appropriated and  
22 nonrecurring.

23 (g)(j) Any additional information which the Governor  
24 or Chief Justice feels is needed to justify his or her  
25 recommendations.

26 (3) The Governor shall provide to the Legislature a  
27 performance-based program budget ~~for approved programs~~  
28 ~~according to the schedule provided in s. 216.0172.~~ Information  
29 submitted to the Legislature shall be provided in a fashion  
30 that will allow comparison of the requested information with  
31 the agency request and legislative appropriation by the

1 automated legislative appropriation planning and budgeting  
2 system.

3 (4) The Executive Office of the Governor shall review  
4 ~~the evaluation report required by s. 216.031(10) and the~~  
5 findings of the Office of Program Policy Analysis and  
6 Government Accountability, to the extent they are available,  
7 request any reports or additional analyses as necessary, and  
8 submit a recommendation, which may include a recommendation  
9 regarding incentives or disincentives for agency performance.  
10 Incentives or disincentives may apply to all or part of a  
11 state agency.

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

13 1. Additional flexibility in budget management, such  
14 as, but not limited to, the use of lump sums or, special  
15 categories, ~~or performance-based program appropriation;~~  
16 consolidation of budget entities or program components;  
17 consolidation of appropriation categories; and increased  
18 agency transfer authority between appropriation categories or  
19 budget entities.

20 2. Additional flexibility in salary rate and position  
21 management.

22 3. Retention of up to 50 percent of all unencumbered  
23 balances of appropriations as of June 30, or undisbursed  
24 balances as of December 31, excluding special categories and  
25 grants and aids, which may be used for nonrecurring purposes  
26 including, but not limited to, lump-sum bonuses, employee  
27 training, or productivity enhancements, including technology  
28 and other improvements.

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

1           5. Additional funds provided pursuant to law to be  
2 released to an agency quarterly or incrementally contingent  
3 upon the accomplishment of units of output or outcome  
4 specified in the General Appropriations Act.

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

6           1. Mandatory quarterly reports to the Executive Office  
7 of the Governor and the Legislature on the agency's progress  
8 in meeting performance standards.

9           2. Mandatory quarterly appearances before the  
10 Legislature, the Governor, or the Governor and Cabinet to  
11 report on the agency's progress in meeting performance  
12 standards.

13           3. Elimination or restructuring of the program, which  
14 may include, but not be limited to, transfer of the program or  
15 outsourcing all or a portion of the program.

16           4. Reduction of total positions for a program.

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

19           6. Reduction of managerial salaries.

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

26           (6) At the time the Governor is required to furnish  
27 copies of his or her recommended budget to each senator and  
28 representative under s. 216.162(1), the Governor shall declare  
29 an impasse in all collective bargaining negotiations for which  
30 he or she is deemed to be the public employer and for which a  
31 collective bargaining agreement has not been executed. Within

1 14 days thereafter, the Governor shall furnish the legislative  
2 appropriations committees with documentation relating to the  
3 last offer he or she made during such collective bargaining  
4 negotiations or recommended to a mediator or special master  
5 appointed to resolve the impasse.

6 Section 21. Subsections (1) and (2) of section  
7 216.177, Florida Statutes, are amended to read:

8 216.177 Appropriations acts, statement of intent,  
9 violation, notice, review and objection procedures.--

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

16 ~~(a) A statement of intent, including performance and~~  
17 ~~workload measures as appropriate;~~

18 (a)~~(b)~~ The official list of General Revenue Fund  
19 appropriations determined in consultation with the Executive  
20 Office of the Governor to be nonrecurring; and

21 (b)~~(c)~~ The documents set forth in s. 216.0442(2)(a)  
22 and (c),

23  
24 to the Executive Office of the Governor, the Comptroller, the  
25 Auditor General, the Chief Justice of the Supreme Court, and  
26 each state agency. ~~The statement of intent constitutes a~~  
27 ~~manifestation of how the Legislature, in its considered~~  
28 ~~opinion as a representative of the people, thinks~~  
29 ~~appropriations should be spent. The statement of intent is~~  
30 ~~not a law and may not allocate or appropriate any funds, or~~  
31 ~~amend or correct any provision, in the General Appropriations~~

1 ~~Act, but the statement of intent may provide additional~~  
2 ~~explanation to the Executive Office of the Governor, the~~  
3 ~~judicial branch, the Administration Commission, and each~~  
4 ~~affected state agency relative to the purpose, objectives,~~  
5 ~~spending philosophy, and restrictions associated with any~~  
6 ~~specific appropriation. The statement of intent shall compare~~  
7 ~~the request of the agency or of the judicial branch or the~~  
8 ~~recommendation of the Governor to the funds appropriated for~~  
9 ~~the purpose of establishing intent in the development of the~~  
10 ~~approved operating budget. A request for additional~~  
11 explanation and direction regarding the legislative intent of  
12 the General Appropriations Act during the fiscal year may be  
13 made only by and through the Executive Office of the Governor  
14 for state agencies, and by and through the Chief Justice of  
15 the Supreme Court for the judicial branch, as is deemed  
16 necessary. However, the Comptroller may also request further  
17 clarification of legislative intent pursuant to the  
18 Comptroller's responsibilities related to his or her preaudit  
19 function of expenditures.

20 (2)(a) Whenever notice of action to be taken by the  
21 Executive Office of the Governor or, the Chief Justice of the  
22 Supreme Court, ~~or the commission~~ is required by this chapter,  
23 such notice shall be given to the chair of the Legislative  
24 Budget Commission ~~chairs of the legislative appropriations~~  
25 ~~committees~~ in writing, and shall be delivered ~~to both such~~  
26 ~~chairs~~ at least 14 ~~consecutive~~ days prior to the action  
27 referred to, unless a shorter period is approved in writing by  
28 the chair ~~both such chairs~~. If the action is solely for the  
29 release of funds appropriated by the Legislature, the notice  
30 shall be delivered at least 3 days before the effective date  
31 of the action. Action shall not be taken on any budget item

1 for which this chapter requires notice to the Legislative  
2 Budget Commission ~~appropriations committees~~ without such  
3 notice having been provided, even though there may be good  
4 cause for considering such item.

5 (b) If the chair of the Legislative Budget Commission  
6 ~~chairs of the legislative appropriations committees~~ or the  
7 President of the Senate and the Speaker of the House of  
8 Representatives timely advise, in writing, the Executive  
9 Office of the Governor or the Chief Justice of the Supreme  
10 Court, ~~or the Administration Commission~~ that an action or a  
11 proposed action subject to the notice and review requirements  
12 of this chapter exceeds the delegated authority of the  
13 Executive Office of the Governor for the executive branch or  
14 the Chief Justice for the judicial branch, ~~or the~~  
15 ~~Administration Commission~~, respectively, or is contrary to  
16 legislative policy and intent, the Governor or the Chief  
17 Justice of the Supreme Court, ~~or the Administration Commission~~  
18 shall void such action and instruct the affected state agency  
19 or entity of the judicial branch to change immediately its  
20 spending action or spending proposal until the Legislature  
21 addresses the issue. The written documentation shall indicate  
22 the specific reasons that an action or proposed action exceeds  
23 the delegated authority or is contrary to legislative policy  
24 and intent.

25 (c) The House of Representatives and the Senate shall  
26 provide by rule that any member of the House of  
27 Representatives or Senate may request, in writing, of either  
28 the President of the Senate or the Speaker of the House of  
29 Representatives or the chair of the ~~respective~~ Legislative  
30 Budget Commission ~~appropriations committee~~ to initiate the  
31 procedures of paragraph (b).

1           Section 22. Section 216.178, Florida Statutes, is  
2 amended to read:

3           216.178 General Appropriations Act; format; procedure;  
4 cost statement for new debt or obligation.--

5           (1) Any information contained in a conference  
6 committee report on a general or supplemental appropriations  
7 bill, on any other bill adopted by the same conference  
8 committee to implement a general or supplemental  
9 appropriations bill and effective for the same period as such  
10 appropriations bill, or on a revenue bill during any regular  
11 or special legislative session must be made available to the  
12 members of the Legislature and to the public at least 72 ~~48~~  
13 hours before the report may be voted on by the Senate or the  
14 House of Representatives.

15           (2) ~~Effective June 30, 1993,~~The Office of Planning  
16 and Budgeting shall develop a final budget report that  
17 reflects the net appropriations for each budget item. The  
18 report shall reflect actual expenditures for each of the 2  
19 preceding fiscal years and the estimated expenditures for the  
20 current fiscal year. In addition, the report must contain the  
21 actual revenues and cash balances for the preceding 2 fiscal  
22 years and the estimated revenues and cash balances for the  
23 current fiscal year. The report may also contain expenditure  
24 data, program objectives, and program measures for each state  
25 agency program. The report must be produced by October 15 each  
26 year. A copy of the report must be made available to each  
27 member of the Legislature, to the head of each state agency,  
28 to the Auditor General, and to the public.

29           ~~(3) The Governor shall submit to the Secretary of~~  
30 ~~State, along with the signed General Appropriations Act, a~~  
31 ~~statement which sets forth the estimated cost of each new~~



1 ~~proposed state debt or obligation contained in the act. Each~~  
2 ~~statement shall be written in substantially the following~~  
3 ~~form:~~

4  
5       ~~The General Appropriations Act for fiscal year~~  
6 ~~...(insert years)... authorizes the issuance of \$ ...(insert~~  
7 ~~principal)... of debt or obligation at a forecasted interest~~  
8 ~~rate of ...(insert rate of interest).... The total interest~~  
9 ~~paid over the life of this debt or obligation will be \$~~  
10 ~~...(insert sum of interest payments).... Additionally, it is~~  
11 ~~estimated that the 5-year operational costs associated with~~  
12 ~~those capital outlay projects to be funded by the incurrence~~  
13 ~~of this debt or obligation will be \$ ...(insert costs)....~~

14       Section 23. Section 216.179, Florida Statutes, is  
15 amended to read:

16       216.179 Reinstatement of vetoed appropriations by  
17 administrative means prohibited.--After the Governor has  
18 vetoed a specific appropriation for an agency or the judicial  
19 branch, neither the Governor, ~~the Administration Commission,~~  
20 ~~nor~~ the Chief Justice of the Supreme Court, nor a state  
21 agency, in their various statutory and constitutional roles,  
22 may authorize expenditures for or implementation in any manner  
23 of the programs that were authorized by the vetoed  
24 appropriation.

25       Section 24. Section 216.181, Florida Statutes, is  
26 amended to read:

27       216.181 Approved budgets for operations and fixed  
28 capital outlay.--

29       (1) The General Appropriations Act and any other acts  
30 containing appropriations shall be considered the original  
31 approved operating budgets for operational and fixed capital

1 expenditures. Amendments to the approved operating budgets for  
2 operational and fixed capital outlay expenditures from state  
3 agencies may be requested only through the Executive Office of  
4 the Governor and approved by the Governor ~~or Administration~~  
5 ~~Commission~~ as provided in this chapter. Amendments from the  
6 judicial branch may be requested only through, and approved  
7 by, the Chief Justice of the Supreme Court. This includes  
8 amendments which are necessary to implement the provisions of  
9 s. 216.212 or s. 216.221.

10 (2) Amendments to the original approved operating  
11 budgets for operational and fixed capital outlay expenditures  
12 must comply with the following guidelines in order to be  
13 approved by the Governor ~~or Administration Commission~~ as  
14 provided in this chapter for the executive branch and the  
15 Chief Justice for the judicial branch:

16 (a) The amendment must be consistent with legislative  
17 policy and intent.

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

21 (c) Except as authorized in s. 216.292 or other  
22 provisions of this chapter, the amendment may not provide  
23 funding or increased funding for items which were funded by  
24 the Legislature in an amount less than that requested by the  
25 agency or Governor in the ~~legislative~~ budget request or which  
26 were vetoed by the Governor.

27 (d) For amendments that involve trust funds, there  
28 must be adequate and appropriate revenues available in the  
29 trust fund and the amendment must be consistent with the laws  
30 authorizing such trust funds and the laws relating to the use  
31 of the trust funds. However, a trust fund shall not be

1 increased in excess of the original approved budget, except as  
2 provided in subsection (11).

3 (e) The amendment shall not conflict with any  
4 provision of law.

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

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

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

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

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

22 ~~(5)(4) An All amendments to the original approved~~  
23 ~~operating budgets, regardless of funding source, are subject~~  
24 ~~to the notice and review procedures set forth in s. 216.177~~  
25 ~~and must be approved by the Governor and Administration~~  
26 ~~Commission as provided in this chapter for the executive~~  
27 ~~branch and the Chief Justice for the judicial branch if the~~  
28 amendment ~~is~~ for an information resources management project  
29 or initiative that involves more than one agency, has an  
30 outcome that impacts another agency, or exceeds \$500,000 in  
31 total cost over a 1-year period, except for those projects

1 that are a continuation of hardware or software maintenance or  
2 software licensing agreements, or that are for desktop  
3 replacement that is similar to the technology currently in use  
4 must be reviewed by the Technology Review Workgroup pursuant  
5 to s. 216.0466 and approved by the Executive Office of the  
6 Governor for the executive branch or by the Chief Justice for  
7 the judicial branch, and shall be subject to the notice and  
8 review procedures set forth in s. 216.177.

9 (6)(5)(a) The Executive Office of the Governor or the  
10 Chief Justice of the Supreme Court may require the submission  
11 of a detailed plan from the agency or entity of the judicial  
12 branch affected, consistent with the General Appropriations  
13 Act, special appropriations acts, and the statement of intent  
14 before transferring and releasing the balance of a lump-sum  
15 appropriation. The provisions of this paragraph are subject to  
16 the notice and review procedures set forth in s. 216.177.

17 (b) The Executive Office of the Governor may amend,  
18 without approval of the Legislative Budget Administration  
19 Commission, state agency budgets to reflect the transferred  
20 funds based on the approved plans for lump-sum appropriations.  
21

22 The Executive Office of the Governor shall transmit to each  
23 state agency and the Comptroller, and the Chief Justice shall  
24 transmit to each judicial branch component and the  
25 Comptroller, any approved amendments to the approved operating  
26 budgets.

27 (7)(6) The Executive Office of the Governor may, for  
28 the purpose of improved contract administration, authorize the  
29 consolidation of two or more fixed capital outlay  
30 appropriations for an agency, and the Chief Justice of the  
31 Supreme Court for the judicial branch, except for projects

1 authorized under chapter 235, provided the original scope and  
2 purpose of each project are not changed.

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

8 (8) As part of the approved operating budget, the  
9 Executive Office of the Governor shall furnish to each state  
10 agency, and the Chief Justice of the Supreme Court shall  
11 furnish to the entity of the judicial branch, an approved  
12 annual salary rate for each budget entity containing a salary  
13 appropriation. This rate shall be based upon the actual salary  
14 rate and shall be consistent with the General Appropriations  
15 Act or special appropriations acts. The annual salary rate  
16 shall be:

17 (a) Calculated based on the actual salary rate in  
18 effect on June 30, and the salary policy and the number of  
19 authorized positions as specified in the General  
20 Appropriations Act and special appropriations acts, or as  
21 provided pursuant to s. 216.177.

22 (b) Controlled by department or agency; except for the  
23 Department of Education, which shall be controlled by division  
24 ~~budget entity.~~

25 (c) Assigned to the number of authorized positions,  
26 ~~which may not be transferred between budget entities unless~~  
27 ~~the associated positions are also transferred pursuant to s.~~  
28 ~~216.262(1)(c).~~

29 (9)(a) The calculation for the annual salary rate for  
30 vacant and newly authorized positions shall be at no more than  
31

1 the midpoint of the range of the pay grade for the position or  
2 as provided in the General Appropriations Act.

3 (b) No agency or the judicial branch may exceed its  
4 maximum approved annual salary rate for the fiscal year.  
5 However, at any time during the fiscal year, an agency or  
6 entity of the judicial branch may exceed its approved rate for  
7 all budget entities by no more than 5 percent, provided that,  
8 by June 30 of every fiscal year, the agency or entity of the  
9 judicial branch has reduced its salary rate so that the salary  
10 rate for each budget entity is within the approved rate limit  
11 for that budget entity.

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

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

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

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

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

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

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

16 (14)~~(13)~~ The Executive Office of the Governor and the  
17 Chief Justice of the Supreme Court shall certify the amounts  
18 approved for operations and fixed capital outlay, together  
19 with any relevant supplementary materials or information, to  
20 the Comptroller; and such certification shall be the  
21 Comptroller's guide with reference to the expenditures of each  
22 state agency pursuant to s. 216.192.

23 (15)~~(14)~~ The provisions of this section do not apply  
24 to the budgets for the legislative branch.

25 (16)~~(15)~~(a) Funds provided in any specific  
26 appropriation in the General Appropriations Act may be  
27 advanced if the General Appropriations Act specifically so  
28 provides.

29 (b) Any agency, or the judicial branch, that has been  
30 authorized by the General Appropriations Act or expressly  
31 authorized by other law to make advances for program startup



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

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

31

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 25. Section 216.1825, Florida Statutes, is  
4 created to read:

5 216.1825 Zero-based budgeting.--

6 (1) Beginning July 1, 2000, and continuing thereafter,  
7 the Legislative Budget Commission shall apply zero-based  
8 budgeting principles in reviewing the budget of each state  
9 agency at least once every 8 years.

10 (2) No later than July 1 of each year, the commission  
11 shall issue instructions to the agencies whose budgets are to  
12 be reviewed prior to the next legislative session. Dates of  
13 submission for information required by the commission will be  
14 included in the instructions.

15 (3) The commission shall provide its reports of  
16 zero-based budgeting reviews to the President of the Senate  
17 and the Speaker of the House of Representatives on or before  
18 December 31.

19 (4) For fiscal year 2001-2002, budgets of the  
20 Department of Revenue and the Department of Law Enforcement  
21 shall be the subject of zero-based budgeting review by the  
22 commission. The commission shall, by February 1, 2001, provide  
23 to the President of the Senate and the Speaker of the House of  
24 Representatives, a schedule for completing zero-based  
25 budgeting reviews of all remaining state agencies prior to  
26 December 31, 2008.

27 (5) In addition to its permanent staff, the commission  
28 is authorized to request assistance from the staff of any  
29 joint standing committee of the Legislature and from the staff  
30 of any standing committee of the Senate or the House of

31

1 Representatives if required to perform the zero-based  
2 budgeting reviews required by this section.

3 Section 26. 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 Legislative  
16 Budget Commission.

17 Section 27. Subsection (1) of section 216.192, Florida  
18 Statutes, is amended to read:

19 216.192 Release of appropriations; revision of  
20 budgets.--

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

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

23 Section 28. 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 29. 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 30. 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 31. Subsections (2) and (6) of section  
28 216.221, 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 32. 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 33. Paragraphs (a), (b), and (f) of subsection  
9 (1) 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 Governor ~~commission~~ or the Chief Justice may, after a public  
23 hearing, authorize an increase in the number of positions for  
24 the 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 Budget Commission  
11 ~~appropriations committees~~ and with the Auditor General.

12           (b) The Governor ~~Administration Commission~~ and the  
13 Chief Justice may, after a public hearing, delete supervisory  
14 or managerial positions within a department and establish  
15 direct service delivery positions in excess of the number of  
16 supervisory or managerial positions deleted. The salary rate  
17 for all positions authorized under this paragraph may not  
18 exceed the salary rate for all positions deleted under this  
19 paragraph. Positions affected by changes made under this  
20 paragraph may be funded only from identical funding sources.

21           (f) Perquisites may not be furnished by a state agency  
22 or by the judicial branch unless approved by the Department of  
23 Management Services, or otherwise delegated to the agency  
24 head, or by the Chief Justice, respectively, during each  
25 fiscal year. Whenever a state agency or the judicial branch is  
26 to furnish perquisites, the Department of Management Services  
27 or the agency head to which the approval has been delegated or  
28 the Chief Justice, respectively, must approve the kind and  
29 monetary value of such perquisites before they may be  
30 furnished. Perquisites may be furnished only when in the best  
31 interest of the state due to the exceptional or unique

1 requirements of the position. The value of a perquisite may  
2 not be used to compute an employee's base rate of pay or  
3 regular rate of pay unless required by the Fair Labor  
4 Standards Act. Permissible perquisites include, but are not  
5 limited to, moving expenses, clothing, use of vehicles and  
6 other transportation, domestic services, groundskeeping  
7 services, telephone services, medical services, housing,  
8 utilities, and meals. The Department of Management Services  
9 may adopt uniform rules applicable to the executive branch  
10 agencies to implement its responsibilities under this  
11 paragraph, which rules may specify additional perquisites,  
12 establish additional criteria for each kind of perquisite,  
13 provide the procedure to be used by executive agencies in  
14 applying for approvals, and establish the required  
15 justification. As used in this section, the term "perquisites"  
16 means those things, or the use thereof, or services of a kind  
17 that confer on the officers or employees receiving them some  
18 benefit that is in the nature of additional compensation, or  
19 that reduce to some extent the normal personal expenses of the  
20 officer or employee receiving them. The term includes, but is  
21 not limited to, such things as quarters, subsistence,  
22 utilities, laundry services, medical service, use of  
23 state-owned vehicles for other than state purposes, and  
24 servants paid by the state.

25 Section 34. Subsection (1) of section 216.271, Florida  
26 Statutes, is amended to read:

27 216.271 Revolving funds.--

28 (1) No revolving fund may be established or increased  
29 in amount pursuant to s. 18.101(2), unless approved by the  
30 Comptroller. The purpose and uses of a revolving fund may not  
31 be changed without the prior approval of the Comptroller. As

1 used in this section, the term "revolving fund" means a cash  
2 fund maintained within or outside the State Treasury and  
3 established from an appropriation, to be used by an agency or  
4 the judicial branch in making authorized expenditures.

5 Section 35. Section 216.292, Florida Statutes, is  
6 amended to read:

7 216.292 Appropriations nontransferable; exceptions.--

8 (1)(a) Funds provided in the General Appropriations  
9 Act or as otherwise expressly provided by law shall be  
10 expended only for the purpose for which appropriated, except  
11 that if deemed necessary such moneys may be transferred as  
12 provided in subsections (3) and, (4), ~~and (5)~~ when it is  
13 determined to be in the best interest of the state.

14 Appropriations for fixed capital outlay may not be expended  
15 for any other purpose, and appropriations may not be  
16 transferred between state agencies, or between a state agency  
17 and the judicial branch, unless specifically authorized by  
18 law.

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

26 (2) A lump sum appropriated for a performance-based  
27 program must be distributed by the Governor for state agencies  
28 or the Chief Justice for the judicial branch into the  
29 traditional expenditure categories in accordance with s.  
30 216.181(6)(b) ~~s. 216.181(5)(b)~~. At any time during the year,  
31 the agency head or Chief Justice may transfer funds between

1 those categories with no limit on the amount of the transfer.  
2 Authorized revisions of the original approved operating  
3 budget, together with related changes, if any, must be  
4 transmitted by the state agency or by the judicial branch to  
5 the Executive Office of the Governor or the Chief Justice, the  
6 chair of the Legislative Budget Commission ~~chairs of the~~  
7 ~~legislative appropriations committees~~, the Office of Program  
8 Policy Analysis and Government Accountability, and the Auditor  
9 General. Such authorized revisions shall be consistent with  
10 the intent of the approved operating budget, shall be  
11 consistent with legislative policy and intent, and shall not  
12 conflict with specific spending policies specified in the  
13 General Appropriations Act. The Executive Office of the  
14 Governor shall forward a copy of the revisions within 7  
15 working days to the Comptroller for entry in his or her  
16 records in the manner and format prescribed by the Executive  
17 Office of the Governor in consultation with the Comptroller.  
18 Such authorized revisions shall be consistent with the intent  
19 of the approved operating budget, shall be consistent with  
20 legislative policy and intent, and shall not conflict with  
21 specific spending policies specified in the General  
22 Appropriations Act. Additionally, subsection (3) shall not  
23 apply to programs operating under performance-based program  
24 budgeting where a lump sum was appropriated.

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

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

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

11 (c) Such authorized revisions must be consistent with  
12 the intent of the approved operating budget, must be  
13 consistent with legislative policy and intent, and must not  
14 conflict with specific spending policies specified in the  
15 General Appropriations Act.

16  
17 Such authorized revisions, together with related changes, if  
18 any, in the plan for release of appropriations, shall be  
19 transmitted by the state agency or by the judicial branch to  
20 the Comptroller for entry in the Comptroller's records in the  
21 manner and format prescribed by the Executive Office of the  
22 Governor in consultation with the Comptroller. A copy of such  
23 revision shall be furnished to the Executive Office of the  
24 Governor or the Chief Justice, the chair of the Legislative  
25 Budget Commission ~~chairs of the legislative committees~~, and  
26 the Auditor General.

27 (4)(a) The head of each department or the Chief  
28 Justice of the Supreme Court may transfer funds within  
29 programs identified in the General Appropriations Act from  
30 identical funding sources between the following appropriation  
31 categories without limitation so long as such a transfer does

1 not result in an increase to the total recurring general  
2 revenue or trust fund cost of the agency or entity of the  
3 judicial branch in the subsequent fiscal year: other personal  
4 services, expenses, operating capital outlay,  
5 performance-based program budgeting lump sums, acquisition of  
6 motor vehicles, data processing services, operating and  
7 maintenance of patrol vehicles, overtime payments, salary  
8 incentive payments, compensation to retired judges, law  
9 libraries, and juror and witness payments. Such transfers must  
10 be consistent with legislative policy and intent and must not  
11 adversely affect achievement of approved performance outcomes  
12 or outputs in any program. Notice of proposed transfers under  
13 this authority shall be provided to the Executive Office of  
14 the Governor and the chairs of the legislative appropriations  
15 committees at least 5 working days prior to their  
16 implementation.

17 (b) The head of each department or the Chief Justice  
18 of the Supreme Court may transfer funds from identical funding  
19 sources between salaries and benefits appropriation categories  
20 within programs identified in the General Appropriations Act.  
21 Such transfers must be consistent with legislative policy and  
22 intent and must not adversely affect achievement of approved  
23 performance outcomes or outputs in any program. Notice of  
24 proposed transfers under this authority shall be provided to  
25 the Executive Office of the Governor and the chairs of the  
26 legislative appropriations committees at least 5 working days  
27 prior to their implementation.

28 ~~(4) The head of each department or the Chief Justice~~  
29 ~~of the Supreme Court, whenever it is deemed necessary by~~  
30 ~~reason of changed conditions, may transfer funds, positions,~~  
31 ~~and salary rate within and between program budget entities~~



1 ~~with performance-based program appropriations as defined in s.~~  
2 ~~216.011(1)(xx). Such transfers may include appropriations from~~  
3 ~~any operating category, except appropriations for fixed~~  
4 ~~capital outlay. However, the total program funds, positions,~~  
5 ~~and salary rate shall not be increased or decreased by more~~  
6 ~~than 5 percent by all action taken under this section.~~  
7 ~~Authorized revisions of the original approved operating~~  
8 ~~budget, together with related changes, if any, must be~~  
9 ~~transmitted by the state agency or by the judicial branch to~~  
10 ~~the Executive Office of the Governor or the Chief Justice, the~~  
11 ~~chairs of the legislative appropriations committees, the~~  
12 ~~Office of Program Policy Analysis and Government~~  
13 ~~Accountability, and the Auditor General. Such authorized~~  
14 ~~revisions shall be consistent with legislative policy and~~  
15 ~~intent and shall not conflict with specific spending policies~~  
16 ~~specified in the General Appropriations Act. The Executive~~  
17 ~~Office of the Governor shall forward a copy of the revisions~~  
18 ~~within 7 working days to the Comptroller for entry in his or~~  
19 ~~her records in the manner and format prescribed by the~~  
20 ~~Executive Office of the Governor in consultation with the~~  
21 ~~Comptroller.~~

22           (5)(a) Transfers of appropriations for operations from  
23 the General Revenue Fund in excess of those provided in  
24 subsections (3) and (4) but within a state agency or within  
25 the judicial branch may be authorized by the commission for  
26 the executive branch and the Chief Justice for the judicial  
27 branch, pursuant to the request of the agency filed with the  
28 Executive Office of the Governor, or pursuant to the request  
29 of an entity of the judicial branch filed with the Chief  
30 Justice of the Supreme Court, if deemed necessary and in the  
31 best interest of the state and consistent with legislative

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

4 (b) When an appropriation for a named fixed capital  
5 outlay project is found to be in excess of that needed to  
6 complete that project, at the request of the Executive Office  
7 of the Governor for state agencies or the Chief Justice of the  
8 Supreme Court for the judicial branch the excess may be  
9 transferred, with the approval of the commission or the Chief  
10 Justice, to another project for which there has been an  
11 appropriation in the same fiscal year from the same fund and  
12 within the same department where a deficiency is found to  
13 exist. Further, a fixed capital outlay project may not be  
14 initiated without a specific legislative appropriation, nor  
15 may the scope of a fixed capital outlay project be changed by  
16 the transfer of funds. The provisions of this paragraph are  
17 subject to the notice, review, and objection procedures set  
18 forth in s. 216.177.

19 (c) Federal funds for fixed capital outlay projects  
20 for the Department of Military Affairs which do not carry a  
21 continuing commitment on future appropriations by the  
22 Legislature may be approved by the Executive Office of the  
23 Governor for the purpose received. The provisions of this  
24 paragraph are subject to the notice, review, and objection  
25 procedures set forth in s. 216.177.

26 (6) Upon request of a department to, and approval by,  
27 the Comptroller, funds appropriated may be transferred to  
28 accounts established for disbursement purposes upon release of  
29 such appropriation. Such transfer may only be made to the  
30 same appropriation category and the same funding source from  
31 which the funds are transferred.

1           (7) Any transfers from the Working Capital Fund to the  
2 General Revenue Fund may be approved provided such transfers  
3 were identified or contemplated by the Legislature in the  
4 original approved budget.

5           (8)(a) Should any state agency or the judicial branch  
6 become more than 90 days delinquent on reimbursements due to  
7 the Unemployment Compensation Trust Fund, the Department of  
8 Labor and Employment Security shall certify to the Comptroller  
9 the amount due; and the Comptroller shall transfer the amount  
10 due to the Unemployment Compensation Trust Fund from any funds  
11 of the agency available. (b) Should any state agency or the  
12 judicial branch become more than 90 days delinquent in paying  
13 the Division of Risk Management of the Department of Insurance  
14 for insurance coverage, the Department of Insurance may  
15 certify to the Comptroller the amount due; and the Comptroller  
16 shall transfer the amount due to the Division of Risk  
17 Management from any funds of the agency or the judicial branch  
18 available.

19           (9) Moneys appropriated in the General Appropriations  
20 Act for the purpose of paying for services provided by the  
21 state communications system in the Department of Management  
22 Services shall be paid by the user agencies, or the judicial  
23 branch, within 45 days after the billing date. Billed amounts  
24 not paid by the user agencies, or by the judicial branch,  
25 shall be transferred by the Comptroller from the user agencies  
26 to the Communications Working Capital Trust Fund.

27           (10) The Comptroller shall report all such transfers  
28 and the reasons for such transfers to the legislative  
29 appropriations committees and the Executive Office of the  
30 Governor.

31

1           (11) Where any reorganization has been authorized by  
2 the Legislature and the necessary adjustments of  
3 appropriations and positions have not been provided in the  
4 General Appropriations Act, the Legislative Budget  
5 ~~Administration~~ Commission may approve, consistent with  
6 legislative policy and intent, the necessary transfers to  
7 accomplish the purposes of such reorganization within state  
8 agencies. The Chief Justice of the Supreme Court may approve  
9 such transfers for the judicial branch.

10           Section 36. Section 216.321, Florida Statutes, is  
11 amended to read:

12           216.321 Construction of chapter 216 as unauthorized  
13 expenditures and disbursements.--Nothing contained in any  
14 agency ~~legislative~~ budget or operating budget shall be  
15 construed to be an administrative or legislative construction  
16 affirming the existence then of the lawful authority to make  
17 an expenditure or disbursement for any purpose not otherwise  
18 authorized by laws of the particular agency, judicial branch,  
19 or legislative branch and the general laws relating to the  
20 expenditure or disbursement of public funds.

21           Section 37. Subsection (11) is added to section 11.45,  
22 Florida Statutes, to read:

23           11.45 Definitions; duties; audits; reports.--

24           (11) In addition to any other provision of law  
25 granting access to records and accounts, the Auditor General  
26 may, pursuant to his or her own authority granted in this  
27 subsection or at the direction of the Legislative Auditing  
28 Committee, conduct audits of any direct-support organization  
29 or citizen-support organization authorized by law. Independent  
30 audits of direct-support organizations and citizen-support  
31 organizations conducted by certified public accountants shall

1 be performed in accordance with rules adopted by the Auditor  
2 General.

3 Section 38. Section 11.90, Florida Statutes, is  
4 created to read:

5 11.90 Legislative Budgeting Commission.--

6 (1) There is created a standing joint committee of the  
7 Legislature designated the Legislative Budgeting Commission,  
8 composed of 14 members as follows: 7 members of the Senate  
9 appointed by the President of the Senate, to include the  
10 Chairman of the Senate Budget Committee or its successor, and  
11 7 members of the House of Representatives appointed by the  
12 Speaker of the House of Representatives, to include the  
13 Chairman of the Fiscal Responsibility Council or its  
14 successor. The terms of members shall be for 2 years and shall  
15 run from the organization of one Legislature to the  
16 organization of the next Legislature. Vacancies occurring  
17 during the interim period shall be filled in the same manner  
18 as the original appointment. The members of the committee  
19 shall elect a chair and vice chair. During the 2-year term, a  
20 member of each house shall serve as chair for 1 year.

21 (2) The Legislative Budget Commission shall be  
22 governed by joint rules of the Senate and the House of  
23 Representatives which shall remain in effect until repealed or  
24 amended by concurrent resolution.

25 (3) The commission shall meet at least quarterly and  
26 more frequently at the direction of the presiding officers or  
27 upon call of the chairman. A quorum shall consist of a  
28 majority of members from each house, plus one additional  
29 member from either house.

30 (4) The commission may conduct its meetings through  
31 teleconferences or other similar means.

1           Section 39. Subsection (2) of section 120.65, Florida  
2 Statutes, is amended to read:

3           120.65 Administrative law judges.--

4           (2) The director has the right to appeal actions by  
5 the Executive Office of the Governor that affect amendments to  
6 the division's approved operating budget or any personnel  
7 actions pursuant to chapter 216 to the Administration  
8 Commission, which shall decide such issue by majority vote.  
9 The appropriations committees may advise the Administration  
10 Commission on the issue. If the President of the Senate and  
11 the Speaker of the House of Representatives object in writing  
12 to the effects of the appeal, the appeal may be affirmed by  
13 the affirmative vote of two-thirds of the commission members  
14 present. ~~The failure of the Executive Office of the Governor~~  
15 ~~to act on a request for action by the director within 21 days~~  
16 ~~after receiving a written request constitutes approval of the~~  
17 ~~request.~~

18           Section 40. Subsection (3) of section 121.031, Florida  
19 Statutes, is amended to read:

20           121.031 Administration of system; appropriation;  
21 oaths; actuarial studies; public records.--

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

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

29           (a)~~1.~~ The valuation of plan assets shall be based on a  
30 5-year averaging methodology such as that specified in the  
31 United States Department of Treasury Regulations, 26 C.F.R. s.

1 1.412(c)(2)-1, or a similar accepted approach designed to  
2 attenuate fluctuations in asset values.

3 (b)2. The study shall include a narrative explaining  
4 the changes in the covered group over the period between  
5 actuarial valuations and the impact of those changes on  
6 actuarial results.

7 (c)3. When substantial changes in actuarial  
8 assumptions have been made, the study shall reflect the  
9 results of an actuarial assumption as of the current date  
10 based on the assumptions utilized in the prior actuarial  
11 report.

12 (d)4. The study shall include an analysis of the  
13 changes in actuarial valuation results by the factors  
14 generating those changes. Such analysis shall reconcile the  
15 current actuarial valuation results with those results from  
16 the prior valuation.

17 (e)5. The study shall include measures of funding  
18 status and funding progress designed to facilitate the  
19 assessment of trends over several actuarial valuations with  
20 respect to the overall solvency of the system. Such measures  
21 shall be adopted by the division and shall be used  
22 consistently in all actuarial valuations performed on the  
23 system.

24 ~~(b) The Florida Retirement System Actuarial Assumption~~  
25 ~~Conference which is hereby created shall by consensus develop~~  
26 ~~official information with respect to the economic and~~  
27 ~~noneconomic assumptions and funding methods of the Florida~~  
28 ~~Retirement System necessary to perform the study. Such~~  
29 ~~information shall include: an analysis of the actuarial~~  
30 ~~assumptions and actuarial methods and a determination of~~  
31 ~~whether changes to the assumptions or methods need to be made~~

1 ~~due to experience changes or revised future forecasts. The~~  
2 ~~members of the conference shall include the Executive Office~~  
3 ~~of the Governor, the coordinator of the Office of Economic and~~  
4 ~~Demographic Research, and professional staff of the Senate and~~  
5 ~~House of Representatives who have forecasting expertise, or~~  
6 ~~their designees. The Executive Office of the Governor shall~~  
7 ~~have the responsibility of presiding over the sessions of the~~  
8 ~~conference. The State Board of Administration and the~~  
9 ~~Division of Retirement shall be participants, as defined in s.~~  
10 ~~216.134, in the conference.~~

11 Section 41. Subsection (2) of section 186.002, Florida  
12 Statutes, is amended to read:

13 186.002 Findings and intent.--

14 (2) It is the intent of the Legislature that:

15 (a) The state planning process provide direction for  
16 the delivery of governmental services, a means for defining  
17 and achieving the specific goals and objectives of the state,  
18 and a method for evaluating the accomplishment of those goals  
19 and objectives.

20 (b) The state comprehensive plan shall provide basic  
21 policy direction to all levels of government regarding the  
22 orderly social, economic, and physical growth of the state.

23 (c) Long-range program ~~State agency strategic~~ plans  
24 shall be effectively coordinated to ensure the establishment  
25 of appropriate agency priorities and facilitate the orderly,  
26 positive management of agency activities consistent with the  
27 public interest. It is also intended that the implementation  
28 of state and regional plans enhance the quality of life of the  
29 citizens of the state.

30 (d) The state planning process shall be informed and  
31 guided by the experience of public officials at all levels of



1 government. In preparing any plans or proposed revisions or  
2 amendments required by this chapter, the Governor shall  
3 consider the experience of and information provided by local  
4 governments in their evaluation and appraisal reports pursuant  
5 to s. 163.3191.

6 (e) All agencies and levels of government involved in  
7 the integrated planning process shall provide sufficient  
8 opportunities for meaningful public participation in the  
9 preparation, implementation, evaluation, and revision of all  
10 plans and programs.

11 Section 42. Section 186.003, Florida Statutes, is  
12 amended to read:

13 186.003 Definitions.--As used in ss. 186.001-186.031  
14 and 186.801-186.901, the term:

15 (1) "Executive Office of the Governor" means the  
16 Office of Planning and Budgeting of the Executive Office of  
17 the Governor.

18 (2) "Goal" means the long-term end toward which  
19 programs and activities are ultimately directed.

20 (3) "Objective" means a specific, measurable,  
21 intermediate end that is achievable and marks progress toward  
22 a goal.

23 (4) "Policy" means the way in which programs and  
24 activities are conducted to achieve an identified goal.

25 (5) "Regional planning agency" means the regional  
26 planning council created pursuant to ss. 186.501-186.515 to  
27 exercise responsibilities under ss. 186.001-186.031 and  
28 186.801-186.901 in a particular region of the state.

29 (6) "State agency" or "agency" means any official,  
30 officer, commission, board, authority, council, committee, or  
31 department of the executive branch of state government. For

1 purposes of this chapter, "state agency" or "agency" includes  
2 state attorneys, public defenders, the Capital Collateral  
3 Regional Counsels, the Justice Administrative Commission, and  
4 the Public Service Commission.~~each executive department, the~~  
5 ~~Fish and Wildlife Conservation Commission, the Parole~~  
6 ~~Commission, and the Department of Military Affairs.~~

7 ~~(7) "State agency strategic plan" means the statement~~  
8 ~~of priority directions that an agency will take to carry out~~  
9 ~~its mission within the context of the state comprehensive plan~~  
10 ~~and within the context of any other statutory mandates and~~  
11 ~~authorizations given to the agency, pursuant to ss.~~  
12 ~~186.021-186.022.~~

13 (7)(8) "State comprehensive plan" means the state  
14 planning document required in s. 19, Art. III of the State  
15 Constitution and published as ss. 187.101 and 187.201.

16 Section 43. Section 186.021, Florida Statutes, is  
17 amended to read:

18 186.021 Long-range program ~~State agency strategic~~  
19 ~~plans.--Pursuant to s. 216.013, each state agency shall~~  
20 develop a long-range program plan on an annual basis. The plan  
21 shall provide the framework and context for designing and  
22 interpreting the agency budget request. The plan will be  
23 developed through careful examination and justification of  
24 programs, services, and activities and their associated costs.  
25 It shall be used by the agency to implement the state's goals  
26 and objectives. Indicators shall be developed to measure  
27 service and activity performance.

28 ~~(1) A state agency strategic plan shall be a statement~~  
29 ~~of the priority directions an agency will take to carry out~~  
30 ~~its mission within the context of the state comprehensive plan~~  
31 ~~and any other statutory mandates and authorizations given to~~

1 ~~the agency. Each state agency strategic plan must identify~~  
2 ~~infrastructure needs, capital improvement needs, and~~  
3 ~~information resources management projects or initiatives that~~  
4 ~~involve more than one agency, that have an outcome that~~  
5 ~~impacts another agency, or that exceed \$500,000 in total cost~~  
6 ~~over a 1-year period, except for those projects that are a~~  
7 ~~continuation of hardware or software maintenance or software~~  
8 ~~licensing agreements, or that are for desktop replacement that~~  
9 ~~is similar to the technology currently in use. Each agency~~  
10 ~~strategic plan shall specify those objectives against which~~  
11 ~~will be judged the agency's achievement of its goals and the~~  
12 ~~goals of the state comprehensive plan. The state agency~~  
13 ~~strategic plan shall be consistent with and shall further the~~  
14 ~~goals of the state comprehensive plan.~~

15 ~~(2) A state agency strategic plan shall be developed~~  
16 ~~with a 5-year outlook and shall provide the strategic~~  
17 ~~framework within which an agency's legislative budget request~~  
18 ~~is developed. An agency's budget shall be designed to further~~  
19 ~~the agency's strategic plan.~~

20 ~~(3) All amendments, revisions, or updates to a state~~  
21 ~~agency strategic plan shall be prepared in the same manner as~~  
22 ~~the original and shall be prepared as needed because of~~  
23 ~~changes in the state comprehensive plan or changes in the~~  
24 ~~statutory authority and responsibility of the agency.~~

25 ~~(4) The Department of Environmental Protection, with~~  
26 ~~regard to the plan required by s. 373.036, and the state land~~  
27 ~~planning agency, with regard to the plan defined in s.~~  
28 ~~380.031(17), shall prepare revisions to such plans no later~~  
29 ~~than 6 months after the adoption of revisions to the growth~~  
30 ~~management portion of the state comprehensive plan or by June~~  
31 ~~1 of each even-numbered year, whichever is later.~~

1           ~~(5) Notwithstanding the provisions of this section and~~  
2 ~~ss. 186.009 and 186.022, the short-range component of the~~  
3 ~~Florida Transportation Plan and annual performance report~~  
4 ~~developed pursuant to s. 339.155 shall serve as the state~~  
5 ~~agency strategic plan and annual performance report for the~~  
6 ~~Department of Transportation.~~

7           Section 44. Section 186.022, Florida Statutes, is  
8 amended to read:

9           186.022 Information resource ~~State agency~~ strategic  
10 ~~plans; preparation, form, and review.--~~

11           ~~(1) Beginning in 1992, 3 months prior to the annual~~  
12 ~~submission of its final agency legislative budget request~~  
13 ~~pursuant to s. 216.023(1), each state agency shall prepare and~~  
14 ~~submit its agency strategic plan to the Executive Office of~~  
15 ~~the Governor. Prior to the submission of its agency strategic~~  
16 ~~plan to the Governor, each agency shall hold public workshops~~  
17 ~~on the proposed agency strategic plan, and shall allow at~~  
18 ~~least a 21-day period for public comment. At a minimum,~~  
19 ~~adequate public notice must be assured by publication of~~  
20 ~~notice of the hearing and comment period in the Florida~~  
21 ~~Administrative Weekly. Public participation must be further~~  
22 ~~encouraged through procedures and instructions.~~

23           ~~(2) Each agency strategic plan must be in a form and~~  
24 ~~manner prescribed in written instructions prepared by the~~  
25 ~~Executive Office of the Governor after consultation with the~~  
26 ~~President of the Senate and the Speaker of the House of~~  
27 ~~Representatives. Each agency strategic plan must identify the~~  
28 ~~specific legislative authority necessary to implement the~~  
29 ~~provisions of the plan. An agency may only implement those~~  
30 ~~portions of its strategic plan that are consistent with~~  
31 ~~existing statutory or constitutional authority and for which~~

1 ~~funding, if needed, is available consistent with the~~  
2 ~~provisions of chapter 216. An agency's budget request~~  
3 ~~prescribed in s. 216.023(1) shall identify the financial~~  
4 ~~resources necessary to further the provisions of the agency's~~  
5 ~~strategic plan. Performance measures, as defined in s. 216.011~~  
6 ~~and proposed by the agency pursuant to s. 216.0166(1), must be~~  
7 ~~consistent with the objectives in the draft agency strategic~~  
8 ~~plan and shall represent 1-year implementation efforts~~  
9 ~~necessary to meet the 5-year agency strategic plan objectives.~~  
10 ~~State agency strategic plans shall be amended by the agency,~~  
11 ~~as necessary, to ensure consistency with the legislative~~  
12 ~~actions prior to the effective date of the agency strategic~~  
13 ~~plan.~~

14 ~~(3) The Executive Office of the Governor shall review~~  
15 ~~the state agency strategic plans to ensure that they are~~  
16 ~~consistent with the state comprehensive plan and other~~  
17 ~~requirements as specified in the written instructions. In its~~  
18 ~~review, the Executive Office of the Governor shall consider~~  
19 ~~all comments received in formulating required revisions. This~~  
20 ~~shall include:~~

21 ~~(a) The findings of the Technology Review Workgroup as~~  
22 ~~to the consistency of the information resources management~~  
23 ~~portion of agency strategic plans with the State Annual Report~~  
24 ~~on Information Resources Management and statewide policies~~  
25 ~~recommended by the State Technology Council; and~~

26 ~~(b) The findings and recommendations of the Criminal~~  
27 ~~and Juvenile Justice Information Systems Council's review with~~  
28 ~~respect to public safety system strategic information~~  
29 ~~resources management issues.~~

30  
31

1 ~~Within 60 days, reviewed plans shall be returned to the~~  
2 ~~agency, together with any required revisions. However, any~~  
3 ~~required revisions relating to information resources~~  
4 ~~management needs identified in the agency strategic plans are~~  
5 ~~subject to the notice and review procedures set forth in s.~~  
6 ~~216.177 and must be approved by the Administration Commission~~  
7 ~~for the executive branch and the Chief Justice for the~~  
8 ~~judicial branch.~~

9 ~~(4) The state agency shall, within 30 days of the~~  
10 ~~return of its state agency strategic plan, incorporate all~~  
11 ~~revisions required by the Governor, or shall petition the~~  
12 ~~Administration Commission to resolve any disputes regarding~~  
13 ~~the consistency of the state agency strategic plan or the~~  
14 ~~revisions recommended by the Governor with the state~~  
15 ~~comprehensive plan or the written instructions. The~~  
16 ~~Administration Commission shall resolve any disputes within 60~~  
17 ~~days of the petition.~~

18 ~~(5) Any differences between state agencies regarding~~  
19 ~~the programs, policies, or strategic plans of such agencies~~  
20 ~~shall be mediated by the Executive Office of the Governor.~~

21 ~~(6) Each agency shall transmit copies of its strategic~~  
22 ~~plan and all written comments on its plan to the President of~~  
23 ~~the Senate and the Speaker of the House of Representatives not~~  
24 ~~later than 30 days prior to the next regular session of the~~  
25 ~~Legislature.~~

26 ~~(7) Agency strategic plans developed pursuant to this~~  
27 ~~chapter are not rules and therefore are not subject to the~~  
28 ~~provisions of chapter 120.~~

29 ~~(8) Each agency shall submit by September 1 of each~~  
30 ~~year an annual performance report to the Executive Office of~~  
31 ~~the Governor, with copies to the President of the Senate, the~~

1 ~~Speaker of the House of Representatives, the Auditor General,~~  
2 ~~and the Office of Program Policy Analysis and Government~~  
3 ~~Accountability. The purpose of this report is to evaluate the~~  
4 ~~attainment of the agency objectives in the agency strategic~~  
5 ~~plan and the performance measures approved by the Legislature~~  
6 ~~pursuant to s. 216.0166(3) and established in the General~~  
7 ~~Appropriations Act or implementing legislation for the General~~  
8 ~~Appropriations Act for the previous fiscal year. In addition,~~  
9 ~~each state agency must include a one-page summary of all~~  
10 ~~moneys that were expended or encumbered by the agency, or for~~  
11 ~~which the agency was otherwise responsible, during the~~  
12 ~~preceding fiscal year and an estimate of such moneys projected~~  
13 ~~by the agency for the current fiscal year. All such~~  
14 ~~expenditures and estimates of such expenditures must be~~  
15 ~~divided by program and expressed in line items by unit costs~~  
16 ~~for each output measure approved pursuant to s. 216.0166(3)~~  
17 ~~for those agencies and programs operating under~~  
18 ~~performance-based program budgeting and for major services and~~  
19 ~~products for those agencies and programs operating under~~  
20 ~~traditional line-item budgeting. Unit cost totals must equal~~  
21 ~~the total amount of moneys that were expended or projected to~~  
22 ~~be expended by each agency and must include expenditures or~~  
23 ~~projected expenditures of state funds by subordinate~~  
24 ~~governmental entities and contractors, as applicable. Moneys~~  
25 ~~that agencies receive but are not responsible for, such as~~  
26 ~~reversions or pass-throughs to entities over which the agency~~  
27 ~~has no authority or responsibility, shall be shown in separate~~  
28 ~~line items and expressed in total amounts only. At the regular~~  
29 ~~session immediately following the submission of the agency~~  
30 ~~performance report, the Legislature shall reduce in the~~  
31 ~~General Appropriations Act for the ensuing fiscal year, by an~~

1 ~~amount equal to at least 10 percent of the allocation for the~~  
2 ~~fiscal year preceding the current fiscal year, the funding of~~  
3 ~~each state agency that fails to submit the report required by~~  
4 ~~this subsection. All reports must be submitted in the form and~~  
5 ~~manner prescribed by the instructions prepared pursuant to~~  
6 ~~subsection (2) and s. 216.0235(3).~~

7       ~~(9)~~ By June ~~March~~ 1 of each year, the Geographic  
8 Information Board, the Financial Management Information Board,  
9 the Criminal and Juvenile Justice Information Systems Council,  
10 and the Health Information Systems Council shall each develop  
11 and submit an information resource a strategic plan to the  
12 Executive Office of the Governor in a form and manner  
13 prescribed in written instructions prepared by the Executive  
14 Office of the Governor in consultation with the legislative  
15 appropriation committees. The Executive Office of the Governor  
16 shall review the strategic plan and may provide comments  
17 within 30 days. In its review, the Executive Office of the  
18 Governor shall consider all comments and findings of the  
19 Technology Review Workgroup as to whether the plan is  
20 consistent with the State Annual Report on Information  
21 Resources Management and statewide policies recommended by the  
22 State Technology Council. If revisions are required, boards  
23 and councils have 30 days to incorporate those revisions and  
24 return the plan to the Executive Office of the Governor.  
25 ~~following the general statutory requirements that are~~  
26 ~~applicable to agencies pursuant to s. 186.021(1), (2), and~~  
27 ~~(3). The strategic plan shall be subject to the requirements,~~  
28 ~~and the review and approval processes, set forth in~~  
29 ~~subsections (2) through (8), with the following exceptions:~~

30       ~~(a) The Executive Office of the Governor, after~~  
31 ~~consultation with the President of the Senate and the Speaker~~



1 ~~of the House of Representatives, may prescribe a specific~~  
2 ~~format and content for the strategic plans of coordinating~~  
3 ~~boards and councils.~~

4 ~~(b) The time periods for review and return of any~~  
5 ~~required strategic plan revisions, incorporation of such~~  
6 ~~revisions by the boards or councils, and resolution of~~  
7 ~~disputes shall be established by the Executive Office of the~~  
8 ~~Governor, after consultation with the President of the Senate~~  
9 ~~and the Speaker of the House of Representatives.~~

10 Section 45. Subsection (1) of section 186.901, Florida  
11 Statutes, is amended to read:

12 186.901 Population census determination.--

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

1           Section 46. Section 215.18, Florida Statutes, is  
2 amended to read:

3           215.18 Transfers between funds; limitation.--Whenever  
4 there exists in any fund provided for by s. 215.32 a  
5 deficiency which would render such fund insufficient to meet  
6 its just requirements, and there shall exist in the other  
7 funds in the State Treasury moneys which are for the time  
8 being or otherwise in excess of the amounts necessary to meet  
9 the just requirements of such last-mentioned funds, ~~the~~  
10 ~~Administration Commission, with the concurrence of the~~  
11 ~~Governor,~~ may order a temporary transfer of moneys from one  
12 fund to another in order to meet temporary deficiencies in a  
13 particular fund without resorting to the necessity of  
14 borrowing money and paying interest thereon. The fund from  
15 which any money is temporarily transferred shall be repaid the  
16 amount transferred from it not later than the end of the  
17 fiscal year in which such transfer is made, the date of  
18 repayment to be specified in the order of the Governor  
19 ~~Administration Commission.~~

20           Section 47. Subsection (1) of section 215.22, Florida  
21 Statutes, is amended to read:

22           215.22 Certain income and certain trust funds  
23 exempt.--

24           (1) The following income of a revenue nature or the  
25 following trust funds shall be exempt from the deduction  
26 required by s. 215.20(1):

27           (a) Student financial aid or prepaid tuition receipts.

28           (b) Trust funds administered by the Department of the  
29 Lottery.

30           (c) Departmental administrative assessments for  
31 administrative divisions.

- 1 (d) Funds charged by a state agency for services  
2 provided to another state agency, by a state agency for  
3 services provided to the judicial branch, or by the judicial  
4 branch for services provided to a state agency.
- 5 (e) State, agency, or political subdivision  
6 investments by the Treasurer.
- 7 (f) Retirement or employee benefit funds.
- 8 (g) Self-insurance programs administered by the  
9 Treasurer.
- 10 (h) Funds held for the payment of citrus canker  
11 eradication and compensation.
- 12 (i) Medicaid, Medicare, or third-party receipts for  
13 client custodial care.
- 14 (j) Bond proceeds or revenues dedicated for bond  
15 repayment, except for the Documentary Stamp Clearing Trust  
16 Fund administered by the Department of Revenue.
- 17 (k) Trust funds administered by the Department of  
18 Education.
- 19 (l) Trust funds administered by the Department of  
20 Transportation.
- 21 (m) Trust funds administered by the Department of  
22 Agriculture and Consumer Services.
- 23 (n) The Motor Vehicle License Clearing Trust Fund.
- 24 (o) The Solid Waste Management Trust Fund.
- 25 (p) The Coconut Grove Playhouse Trust Fund.
- 26 (q) The Communications Working Capital Trust Fund of  
27 the Department of Management Services.
- 28 (r) The Camp Blanding Management Trust Fund.
- 29 (s) The Indigent Criminal Defense Trust Fund.
- 30
- 31

1 (t) That portion of the Highway Safety Operating Trust  
2 Fund funded by the motorcycle safety education fee collected  
3 pursuant to s. 320.08(1)(d).

4 (u) The Save the Manatee Trust Fund.

5 (v) Tobacco Settlement Trust Funds administered by any  
6 agency.

7 Section 48. Paragraph (b) of subsection (2) of section  
8 215.32, Florida Statutes, is amended to read:

9 215.32 State funds; segregation.--

10 (2) The source and use of each of these funds shall be  
11 as follows:

12 (b)1. The trust funds shall consist of moneys received  
13 by the state which under law or under trust agreement are  
14 segregated for a purpose authorized by law. The state agency  
15 or branch of state government receiving or collecting such  
16 moneys shall be responsible for their proper expenditure as  
17 provided by law. Upon the request of the state agency or  
18 branch of state government responsible for the administration  
19 of the trust fund, the Comptroller may establish accounts  
20 within the trust fund at a level considered necessary for  
21 proper accountability. Once an account is established within a  
22 trust fund, the Comptroller may authorize payment from that  
23 account only upon determining that there is sufficient cash  
24 and releases at the level of the account.

25 2. In order to maintain a minimum number of trust  
26 funds in the State Treasury, each state agency or the judicial  
27 branch may consolidate, if permitted under the terms and  
28 conditions of their receipt, the trust funds administered by  
29 it; provided, however, the agency or judicial branch employs  
30 effectively a uniform system of accounts sufficient to  
31 preserve the integrity of such trust funds; and provided,

1 further, that consolidation of trust funds is approved by the  
2 Governor ~~Administration Commission~~ or the Chief Justice.

3 3. All such moneys are hereby appropriated to be  
4 expended in accordance with the law or trust agreement under  
5 which they were received, subject always to the provisions of  
6 chapter 216 relating to the appropriation of funds and to the  
7 applicable laws relating to the deposit or expenditure of  
8 moneys in the State Treasury.

9 4.a. Notwithstanding any provision of law restricting  
10 the use of trust funds to specific purposes, unappropriated  
11 cash balances from selected trust funds may be authorized by  
12 the Legislature for transfer to the Budget Stabilization Fund  
13 and Working Capital Fund in the General Appropriations Act.

14 b. This subparagraph does not apply to trust funds  
15 required by federal programs or mandates; trust funds  
16 established for bond covenants, indentures, or resolutions  
17 whose revenues are legally pledged by the state or public body  
18 to meet debt service or other financial requirements of any  
19 debt obligations of the state or any public body; the State  
20 Transportation Trust Fund; the trust fund containing the net  
21 annual proceeds from the Florida Education Lotteries; the  
22 Florida Retirement Trust Fund; trust funds under the  
23 management of the Board of Regents, where such trust funds are  
24 for auxiliary enterprises, self-insurance, and contracts,  
25 grants, and donations, as those terms are defined by general  
26 law; trust funds that serve as clearing funds or accounts for  
27 the Comptroller or state agencies; trust funds that account  
28 for assets held by the state in a trustee capacity as an agent  
29 or fiduciary for individuals, private organizations, or other  
30 governmental units; and other trust funds authorized by the  
31 State Constitution.

1           Section 49. Paragraph (f) of subsection (3) of section  
2 240.209, Florida Statutes, is amended to read:

3           240.209 Board of Regents; powers and duties.--

4           (3) The board shall:

5           (f) Establish and maintain systemwide personnel  
6 programs for all State University System employees, including  
7 a systemwide personnel classification and pay plan,  
8 notwithstanding provisions of law that grant authority to the  
9 Department of Management Services over such programs for state  
10 employees. The board shall consult with the legislative  
11 appropriations committees regarding any major policy changes  
12 related to classification and pay which are in conflict with  
13 those policies in effect for career service employees with  
14 similar job classifications and responsibilities. The board  
15 may adopt rules delegating its authority to the Chancellor or  
16 the universities. The board shall submit, in a manner  
17 prescribed by law, any reports concerning State University  
18 System personnel programs as shall be required of the  
19 Department of Management Services for other state employees.  
20 The Department of Management Services shall retain authority  
21 over State University System employees for programs  
22 established in ss. 110.116, 110.123, 110.1232, 110.1234,  
23 110.1235, and 110.1238 and in chapters 121, 122, and 238. The  
24 board shall adopt only those rules necessary to provide for a  
25 coordinated, efficient systemwide program and shall delegate  
26 to the universities all authority necessary for implementation  
27 of the program consistent with these coordinating rules so  
28 adopted and applicable collective bargaining agreements.  
29 ~~Notwithstanding the provisions of s. 216.181(7),~~The salary  
30 rate controls for positions in budgets under the Board of  
31

1 Regents shall separately delineate the general faculty and all  
2 other categories.

3 Section 50. Section 240.20941, Florida Statutes, is  
4 amended to read:

5 240.20941 Vacant faculty positions.--Notwithstanding  
6 the provisions of s. 216.181(8) and (9)~~s. 216.181(7), (8),~~  
7 ~~and (9)~~, and pursuant to the provisions of s. 216.351, actions  
8 to reduce positions, rate, or salaries and benefits, excluding  
9 salary lapse calculations, taken by the Legislature or~~by the~~  
10 ~~Executive Office of the Governor, or by the Administration~~  
11 ~~Commission~~ which relate specifically to vacant positions, and  
12 which are applied on a uniform basis to all state employee  
13 positions, may affect the positions within the faculty pay  
14 plan approved and administered by the Board of Regents only to  
15 the extent that they do so by express reference to this  
16 section.

17 Section 51. Subsection (1) of section 240.279, Florida  
18 Statutes, is amended to read:

19 240.279 Working capital trust funds established.--

20 (1) The Board of Regents, with the approval of the  
21 Legislative Budget Administration ~~Administration~~ Commission, is hereby  
22 authorized to establish in the State Treasury a working  
23 capital trust fund for each of the individual institutions in  
24 the university system for the purpose of providing central  
25 financing and cost controls for certain general services  
26 necessary to the operation of all departments of the  
27 respective universities, including the auxiliary enterprises.

28 Section 52. Section 288.7091, Florida Statutes, is  
29 amended to read:

30  
31

1           288.7091 Duties of the Florida Black Business  
2 Investment Board.--The Florida Black Business Investment Board  
3 shall:

4           (1) Establish certification criteria for black  
5 business investment corporations. Certification criteria shall  
6 include administrative capacity, fiduciary controls, and, in  
7 the case of existing black business investment corporations,  
8 solvency and soundness of prior loan decisions;

9           (2) Develop a memorandum of understanding with  
10 Enterprise Florida, Inc., that outlines a strategy for  
11 collaboration with the programs and boards of Enterprise  
12 Florida, Inc.;

13           (3) Include in the criteria for loan decisions,  
14 occupational forecasting results set forth in s. 216.136(9)~~s.~~  
15 ~~216.136(10)~~which target high growth jobs;

16           (4) Establish, in communities that are not currently  
17 served by an existing black business investment corporation,  
18 memoranda of understanding with local financial institutions  
19 that will provide loan guarantees for loans to black business  
20 enterprises;

21           (5) Develop memoranda of understanding with the  
22 Departments of Labor and Employment Security, Education,  
23 Transportation, and Management Services, as well as the State  
24 Board of Regents, detailing efforts of common interest and  
25 collaborations to expand black business development;

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

30           (7) Annually, prepare a report detailing the  
31 performance of each black business investment corporation,



1 addressing the number of jobs created and/or retained, success  
2 and failure rates among loan recipients, and the amount of  
3 funds leveraged from other sources.

4 Section 53. Paragraph (b) of subsection (5) of section  
5 320.20, Florida Statutes, is amended to read:

6 320.20 Disposition of license tax moneys.--The revenue  
7 derived from the registration of motor vehicles, including any  
8 delinquent fees and excluding those revenues collected and  
9 distributed under the provisions of s. 320.081, must be  
10 distributed monthly, as collected, as follows:

11 (5)

12 (b) The State Comptroller each month shall deposit in  
13 the State Transportation Trust Fund an amount, drawn from  
14 other funds in the State Treasury which are not immediately  
15 needed or are otherwise in excess of the amount necessary to  
16 meet the requirements of the State Treasury, which when added  
17 to such remaining revenues each month will equal one-twelfth  
18 of the amount of the anticipated annual revenues to be  
19 deposited in the State Transportation Trust Fund under  
20 paragraph (a) as estimated by the most recent revenue  
21 estimating conference held pursuant to s. 216.136(3). The  
22 transfers required hereunder may be suspended by action of the  
23 Legislative Budget Administration Commission in the event of a  
24 significant shortfall of state revenues.

25 Section 54. Section 337.023, Florida Statutes, is  
26 amended to read:

27 337.023 Sale of building; acceptance of replacement  
28 building.--Notwithstanding the provisions of s. 216.292(4)(b)  
29 ~~s. 216.292(5)(b)~~, if the department sells a building, the  
30 department may accept the construction of a replacement  
31 building, in response to a request for proposals, totally or

1 partially in lieu of cash, and may do so without a specific  
2 legislative appropriation. Such action is subject to the  
3 approval of the Executive Office of the Governor, and is  
4 subject to the notice, review, and objection procedures under  
5 s. 216.177. The replacement building shall be consistent with  
6 the current and projected needs of the department as agreed  
7 upon by the department and the Department of Management  
8 Services.

9 Section 55. Paragraph (a) of subsection (2) of section  
10 339.135, Florida Statutes, is amended to read:

11 339.135 Work program; legislative budget request;  
12 definitions; preparation, adoption, execution, and  
13 amendment.--

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

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

1           Section 56. Subsection (3) of section 392.69, Florida  
2 Statutes, is amended to read:

3           392.69 Appropriation, sinking, and maintenance trust  
4 funds; additional powers of the department.--

5           (3) In the execution of its public health program  
6 functions, notwithstanding s. 216.292(4)(b)~~s. 216.292(5)(b)~~,  
7 the department is hereby authorized to use any sums of money  
8 which it may heretofore have saved or which it may hereafter  
9 save from its regular operating appropriation, or use any sums  
10 of money acquired by gift or grant, or any sums of money it  
11 may acquire by the issuance of revenue certificates of the  
12 hospital to match or supplement any state or federal funds, or  
13 any moneys received by said department by gift or otherwise,  
14 for the construction or maintenance of additional facilities  
15 or improvement to existing facilities, as the department deems  
16 necessary.

17           Section 57. Section 216.3491, Florida Statutes, is  
18 transferred, renumbered as section 215.97, Florida Statutes,  
19 and amended to read:

20           215.97 ~~216.3491~~ Florida Single Audit Act.--

21           (1) The purposes of the section are to:

22           (a) Establish uniform state audit requirements for  
23 state financial assistance provided by state agencies to  
24 nonstate entities to carry out state projects.

25           (b) Promote sound financial management, including  
26 effective internal controls, with respect to state financial  
27 assistance administered by nonstate entities.

28           (c) Promote audit economy and efficiency by relying to  
29 the extent possible on already required audits of federal  
30 financial assistance provided to nonstate entities.

31

1 (d) Provide for identification of state financial  
2 assistance transactions in the appropriations act, state  
3 accounting records, and recipient organization records.

4 (e) Promote improved coordination and cooperation  
5 within and between affected state agencies providing ~~making~~  
6 state financial assistance ~~awards~~ and nonstate entities  
7 receiving state assistance ~~awards~~.

8 (f) Ensure, to the maximum extent possible, that state  
9 agencies monitor, use, and followup on audits of state  
10 financial assistance provided to nonstate entities.

11 (2) Definitions; as used in this section, the term:

12 (a) "Audit threshold" means the amount to use in  
13 determining when a state single audit of a nonstate entity  
14 shall be conducted in accordance with this section. Each  
15 nonstate entity that expends a total amount of state financial  
16 assistance ~~awards~~ equal to or in excess of \$300,000 in any  
17 fiscal year of such nonstate entity shall be required to have  
18 a state single audit for such fiscal year in accordance with  
19 the requirements of this section. Every 2 years the Auditor  
20 General, after consulting with the Executive Office of the  
21 Governor, the Comptroller, and all state agencies that provide  
22 state financial assistance to nonstate entities, shall review  
23 the amount for requiring audits under this section and may  
24 adjust such dollar amount consistent with the purpose of this  
25 section.

26 (b) "Auditing standards" means the auditing standards  
27 as stated in the rules of the Auditor General as applicable to  
28 for-profit organizations, nonprofit organizations, or local  
29 governmental entities.

30 (c) "Catalog of State Financial Assistance" means a  
31 comprehensive listing of ~~all major state projects and other~~

1 state projects. The Catalog of State Financial Assistance  
2 shall be issued by the Executive Office of the Governor after  
3 conferring with the Comptroller and all state agencies that  
4 provide state financial assistance to nonstate entities. The  
5 Catalog of State Financial Assistance shall include for each  
6 listed state project: the responsible state agency; standard  
7 state project number identifier; official title; legal  
8 authorization; and description of the state project, including  
9 objectives, restrictions, application and awarding procedures,  
10 and other relevant information determined necessary.

11 (d) "Financial reporting package" means the nonstate  
12 entities' financial statements, Schedule of State Financial  
13 Assistance, auditor's reports, management letter, auditee's  
14 written responses or corrective action plan, correspondence on  
15 followup of prior years' corrective actions taken, and such  
16 other information determined by the Auditor General to be  
17 necessary and consistent with the purposes of this section.

18 (e) "Federal financial assistance" means financial  
19 assistance from federal sources passed through the state and  
20 provided to nonstate entities to carry out a federal program.  
21 "Federal financial assistance" includes all types of federal  
22 assistance as defined in applicable United States Office of  
23 Management and Budget circulars.

24 (f) "For-profit organization" means any organization  
25 or sole proprietor ~~individual that received a state award~~ but  
26 is not a local governmental entity or a nonprofit  
27 organization.

28 (g) "Independent auditor" means an external state or  
29 local government auditor or a certified public accountant who  
30 meets the independence standards.

31

1           (h) "Internal control over state projects" means a  
2 process, effected by an entity's management and other  
3 personnel, designed to provide reasonable assurance regarding  
4 the achievement of objectives in the following categories:

- 5           1. Effectiveness and efficiency of operations.
- 6           2. Reliability of financial operations.
- 7           3. Compliance with applicable laws and regulations.

8           (i) "Local governmental entity" means a county agency,  
9 municipality, or special district or any other entity (other  
10 than a district school board or community college), however  
11 styled, which independently exercises any type of governmental  
12 function.

13           (j) "Major state project" means any state project  
14 meeting the criteria as stated in the rules of the Executive  
15 Office of the Governor. Such criteria shall be established  
16 after consultation with the Comptroller and appropriate state  
17 agencies that provide ~~make~~ state financial assistance ~~awards~~  
18 and shall consider the amount of state project expenditures or  
19 expenses or inherent risks. Each major state project shall be  
20 audited in accordance with the requirements of this section.

21           (k) "Nonprofit organization" means any corporation,  
22 trust, association, cooperative, or other organization that:

- 23           1. Is operated primarily for scientific, educational  
24 service, charitable, or similar purpose in the public  
25 interest;
- 26           2. Is not organized primarily for profit;
- 27           3. Uses net proceeds to maintain, improve, or expand  
28 the operations of the organization; and
- 29           4. Has no part of its income or profit distributable  
30 to its members, directors, or officers.

31

1           (1) "Nonstate entity" means a local governmental  
2 entity, nonprofit organization, or for-profit organization  
3 that receives a state resources award.

4           (m) "Recipient" means a nonstate entity that receives  
5 a state financial assistance award directly from a state  
6 awarding agency.

7           (n) "Schedule of State Financial Assistance" means a  
8 document prepared in accordance with the rules of the  
9 Comptroller and included in each financial reporting package  
10 required by this section.

11           ~~(o) "State award" means state financial assistance~~  
12 ~~provided to a nonstate entity to carry out a state project.~~

13           (o)~~(p)~~ "State awarding agency" means the state agency  
14 that provided state financial assistance to the nonstate  
15 entity ~~for purposes of carrying out a state project.~~

16           (p)~~(q)~~ "State financial assistance" means financial  
17 assistance from state resources, not including federal  
18 financial assistance and state matching, provided to nonstate  
19 entities to carry out a state project. "State financial  
20 assistance" includes all types of state assistance as stated  
21 in the rules of the Executive Office of the Governor  
22 established in consultation with the Comptroller and  
23 appropriate state agencies that provide state financial  
24 assistance ~~make state awards~~. It includes state financial  
25 assistance provided ~~awards made~~ directly by state awarding  
26 agencies or indirectly by recipients of state awards or  
27 subrecipients. It does not include procurement contracts,  
28 ~~under state awards,~~ used to buy goods or services from  
29 vendors. Audits of such procurement contracts with vendors are  
30 outside of the scope of this section. Also, audits of  
31 contracts to operate state-government-owned and

1 contractor-operated facilities are excluded from the audit  
2 requirements of this section.

3 (q)~~(r)~~ "State matching" means state resources ~~awards~~  
4 provided to nonstate entities to be used to meet federal  
5 financial participation matching requirements of federal  
6 programs.

7 (r)~~(s)~~ "State project" means all state financial  
8 assistance ~~awards~~ to a nonstate entity assigned a single state  
9 project number identifier in the Catalog of State Financial  
10 Assistance.

11 (s)~~(t)~~ "State Projects Compliance Supplement" means a  
12 document issued by the Executive Office of the Governor, in  
13 consultation with the Comptroller and all state agencies that  
14 provide state financial assistance ~~make state awards~~. The  
15 State Projects Compliance Supplement shall identify ~~each major~~  
16 ~~state project and other~~ state projects, the significant  
17 compliance requirements, eligibility requirements, matching  
18 requirements, suggested audit procedures, and other relevant  
19 information determined necessary.

20 (t)~~(u)~~ "State project-specific audit" means an audit  
21 of a nonstate entity's financial statement of one state  
22 project in accordance with the requirements of this section.

23 (u)~~(v)~~ "State single audit" means an audit of a  
24 nonstate entity's financial statements and state financial  
25 assistance ~~awards~~. Such audits shall be conducted in  
26 accordance with the auditing standards as stated in the rules  
27 of the Auditor General.

28 (v)~~(w)~~ "Subrecipient" means a nonstate entity that  
29 receives a state financial assistance ~~award~~ through another  
30 nonstate entity, ~~but does not include an individual who~~  
31 ~~receives state financial assistance through such state awards.~~



1            (w)~~(x)~~ "Vendor" means a dealer, distributor, merchant,  
2 or other seller providing goods or services that are required  
3 for the conduct of a state project. These goods or services  
4 may be for an organization's own use or for the use of  
5 beneficiaries of the state project.

6            (3) The Executive Office of the Governor shall:

7            (a) Upon conferring with the Comptroller and all state  
8 awarding agencies ~~that make state awards~~, adopt rules  
9 necessary to provide appropriate guidance to state awarding  
10 agencies, recipients and subrecipients, and independent  
11 auditors of state financial assistance relating to the  
12 requirements of this section, including:

13            1. The types or classes of financial assistance  
14 considered to be state financial assistance which would be  
15 subject to the requirements of this section. This would  
16 include guidance to assist in identifying when the state  
17 agency or recipient has contracted with a vendor rather than  
18 with a recipient or subrecipient.

19            2. The criteria for identifying a major state project.

20            3. The criteria for selecting state projects for  
21 audits based on inherent risk.

22            (b) Be responsible for coordinating the initial  
23 preparation and subsequent revisions of the Catalog of State  
24 Financial Assistance after consultation with the Comptroller  
25 and all state awarding agencies ~~that award state financial~~  
26 ~~assistance to nonstate entities~~.

27            (c) Be responsible for coordinating the initial  
28 preparation and subsequent revisions of the State Projects  
29 Compliance Supplement, after consultation with the Comptroller  
30 and all state awarding agencies ~~that award state financial~~  
31 ~~assistance to nonstate entities~~.

1           (4) The Comptroller shall:

2           (a) Make enhancements to the state's accounting system  
3 to provide for the:

4           1. Recording of state financial assistance and federal  
5 financial assistance appropriations and expenditures ~~as~~  
6 ~~separate categories~~ within the state awarding agencies'  
7 operating funds.

8           2. Recording of state project number identifiers, as  
9 provided in the Catalog of State Financial Assistance, for  
10 state financial assistance awards.

11           3. Establishment and recording of an identification  
12 code for each financial transaction, including state agencies'  
13 disbursements awards of state financial assistance and federal  
14 financial assistance, as to the corresponding type or  
15 organization that is party to the transaction (e.g., other  
16 governmental agencies, nonprofit organizations, and for-profit  
17 organizations).

18           (b) Upon conferring with the Executive Office of the  
19 Governor and all state awarding agencies ~~that make state~~  
20 ~~awards~~, adopt rules necessary to provide appropriate guidance  
21 to state awarding agencies, recipients and subrecipients, and  
22 independent auditors of state financial assistance relating to  
23 the format for the Schedule of State Financial Assistance.

24           (c) Perform any inspections, reviews, investigations,  
25 or audits of state financial assistance considered necessary  
26 in carrying out the Comptroller's legal responsibilities for  
27 state financial assistance or to comply with the requirements  
28 of this section.

29           (5) Each state awarding agency ~~that makes state awards~~  
30 shall:

31

1           (a) Provide ~~for each state award~~ to a recipient  
2 information needed by the recipient to comply with the  
3 requirements of this section, including:

4           1. The audit and accountability requirements for state  
5 projects as stated in this section and applicable rules of the  
6 Executive Office of the Governor, rules of the Comptroller,  
7 and rules of the Auditor General.

8           2. Information from the Catalog of State Financial  
9 Assistance, including the standard state project number  
10 identifier; official title; legal authorization; and  
11 description of the state project including objectives,  
12 restrictions, and other relevant information determined  
13 necessary.

14           3. Information from the State Projects Compliance  
15 Supplement, including the significant compliance requirements,  
16 eligibility requirements, matching requirements, suggested  
17 audit procedures, and other relevant information determined  
18 necessary.

19           (b) Require the recipient, as a condition of receiving  
20 state financial assistance, to allow the state awarding  
21 agency, the Comptroller, and the Auditor General access to the  
22 recipient's records and the recipient's independent auditor's  
23 working papers as necessary for complying with the  
24 requirements of this section.

25           (c) Notify the recipient that this section does not  
26 limit the authority of the state awarding agency to conduct or  
27 arrange for the conduct of additional audits or evaluations of  
28 state financial assistance or limit the authority of any state  
29 agency inspector general, the Auditor General, or any other  
30 state official.

31

1 (d) Be provided one copy of each financial reporting  
2 package prepared in accordance with the requirement of this  
3 section.

4 (e) Review the recipient financial reporting package,  
5 including the management letters and corrective action plans,  
6 to the extent necessary to determine whether timely and  
7 appropriate corrective action has been taken with respect to  
8 audit findings and recommendations pertaining to state  
9 financial assistance provided ~~awards made~~ by the state agency.

10 (6) As a condition of receiving state financial  
11 assistance, each recipient that provides state financial  
12 assistance to a subrecipient shall:

13 (a) Provide ~~for each state award~~ to a subrecipient  
14 information needed by the subrecipient to comply with the  
15 requirements of this section, including:

- 16 1. Identification of the state awarding agency.
- 17 2. The audit and accountability requirements for state  
18 projects as stated in this section and applicable rules of the  
19 Executive Office of the Governor, rules of the Comptroller,  
20 and rules of the Auditor General.
- 21 3. Information from the Catalog of State Financial  
22 Assistance, including the standard state project number  
23 identifier; official title; legal authorization; and  
24 description of the state project, including objectives,  
25 restrictions, and other relevant information.
- 26 4. Information from the State Projects Compliance  
27 Supplement including the significant compliance requirements,  
28 eligibility requirements, matching requirements, and suggested  
29 audit procedures, and other relevant information determined  
30 necessary.

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1           (b) Review the subrecipient audit reports, including  
2 the management letters, to the extent necessary to determine  
3 whether timely and appropriate corrective action has been  
4 taken with respect to audit findings and recommendations  
5 pertaining to state financial assistance provided ~~awards made~~  
6 by the state agency.

7           (c) Perform such other procedures as specified in  
8 terms and conditions of the written agreement with the state  
9 awarding agency including any required monitoring of the  
10 subrecipient's use of state financial assistance through  
11 onsite visits, limited scope audits, or other specified  
12 procedures.

13           (d) Require subrecipients, as a condition of receiving  
14 state financial assistance, to permit the independent auditor  
15 of the recipient, the state awarding agency, the Comptroller,  
16 and the Auditor General access to the subrecipient's records  
17 and the subrecipient's independent auditor's working papers as  
18 necessary to comply with the requirements of this section.

19           (7) Each recipient or subrecipient of state financial  
20 assistance shall comply ~~obtain an audit that complies~~ with the  
21 following:

22           (a) Each nonstate entity that receives state financial  
23 assistance ~~awards~~ and meets audit threshold requirements, in  
24 any fiscal year of the nonstate entity, as stated in the rules  
25 of the Auditor General, shall have a state single audit  
26 conducted for such fiscal year in accordance with the  
27 requirements of this act and with additional requirements  
28 established in rules of the Executive Office of the Governor,  
29 rules of the Comptroller, and rules of the Auditor General. If  
30 only one state project is involved in a nonstate entity's  
31 fiscal year, the nonstate entity may elect to have ~~require~~

1 only a state project-specific ~~compliance~~ audit of the state  
2 project for that fiscal year.

3 (b) Each nonstate entity that receives state financial  
4 assistance awards and does not meet the threshold  
5 requirements, in any fiscal year of the nonstate entity, as  
6 stated in this law or the rules of the Auditor General is  
7 exempt for such fiscal year from the state single audit  
8 requirements of this section. However, such nonstate entity  
9 must meet terms and conditions specified in the written  
10 agreement with the state awarding agency.

11 (c) Regardless of the amount of the state financial  
12 assistance award, the provisions of this section do not exempt  
13 a nonstate entity from compliance with provisions of law  
14 relating to maintaining records concerning state financial  
15 assistance awards to such nonstate entity or allowing access  
16 and examination of those records by the state awarding agency,  
17 the Comptroller, or the Auditor General.

18 (d) Audits conducted pursuant to this section shall be  
19 performed annually.

20 (e) Audits conducted pursuant to this section shall be  
21 conducted by independent auditors in accordance with auditing  
22 standards as stated in rules of the Auditor General.

23 (f) Upon completion of the audit as required by this  
24 section, a copy of the recipient's financial reporting package  
25 shall be filed with the state awarding agency and the Auditor  
26 General. Upon completion of the audit as required by this  
27 section, a copy of the subrecipient's financial reporting  
28 package shall be filed with the recipient that provided the  
29 state financial assistance. The financial reporting package  
30 shall be filed in accordance with the rules of the Auditor  
31 General.

1 (g) All financial reporting packages prepared pursuant  
2 to the requirements of this section shall be available for  
3 public inspection.

4 (h) If an audit conducted pursuant to this section  
5 discloses any significant audit findings relating to state  
6 financial assistance, including material noncompliance with  
7 individual ~~major~~ state project compliance requirements or  
8 reportable conditions in internal controls of the nonstate  
9 entity, the nonstate entity shall submit as part of the audit  
10 package to the state awarding agency a plan for corrective  
11 action to eliminate such audit findings or a statement  
12 describing the reasons that corrective action is not  
13 necessary.

14 (i) An audit conducted in accordance with this section  
15 is in addition to any audit of federal awards required by the  
16 federal Single Audit Act and other federal laws and  
17 regulations. To the extent that such federally required audits  
18 provide the state awarding agency with information it requires  
19 to carry out its responsibilities under state law or other  
20 guidance, a state agency shall rely upon and use that  
21 information.

22 (j) Unless prohibited by law, the cost of audits  
23 pursuant to this section are allowable charges to state  
24 projects. However, any charges to state projects should be  
25 limited to those incremental costs incurred as a result of the  
26 audit requirements of this section in relation to other audit  
27 requirements. The nonstate entity should allocate such  
28 incremental costs to all state projects for which it expended  
29 state financial assistance.

30 (k) Audit costs may not be charged to state projects  
31 when audits required by this section have not been made or

1 have been made but not in accordance with this section. If a  
2 nonstate entity fails to have an audit conducted consistent  
3 with this section, state awarding agencies may take  
4 appropriate corrective action to enforce compliance.

5 (l)(j) This section does not prohibit the state  
6 awarding agency from including terms and conditions in the  
7 written agreement which require additional assurances that  
8 state financial assistance meets ~~awards meet~~ the applicable  
9 requirements of laws, regulations, and other compliance rules.

10 (m)(k) A state awarding agency that provides state  
11 financial assistance ~~awards~~ to nonstate entities and conducts  
12 or arranges for audits of state financial assistance ~~awards~~  
13 that are in addition to the audits conducted under this act  
14 shall, consistent with other applicable law, arrange for  
15 funding the full cost of such additional audits.

16 (8) The independent auditor when conducting a state  
17 single audit of recipients or subrecipients shall:

18 (a) Determine whether the nonstate entity's financial  
19 statements are presented fairly in all material respects in  
20 conformity with generally accepted accounting principles.

21 (b) Determine whether state financial assistance  
22 ~~awards~~ shown on the Schedule of State Financial Assistance is  
23 ~~are~~ presented fairly in all material respects in relation to  
24 the nonstate entity's financial statements taken as a whole.

25 (c) With respect to internal controls pertaining to  
26 each major state project:

- 27 1. Obtain an understanding of internal controls;
- 28 2. Assess control risk;
- 29 3. Perform tests of controls unless the controls are
- 30 deemed to be ineffective; and

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1           4. Determine whether the nonstate entity has internal  
2 controls in place to provide reasonable assurance of  
3 compliance with the provisions of laws, ~~regulations,~~ and ~~other~~  
4 rules pertaining to state financial assistance ~~awards~~ that  
5 have a material effect on each major state project.

6           (d) Determine whether each major state project  
7 complied with the provisions of laws, rules, and guidelines as  
8 identified in the State Projects Compliance Supplement, or  
9 otherwise identified by the state awarding agency, which have  
10 a material effect on each major state project. When major  
11 state projects are less than 50 percent of the nonstate  
12 entity's total expenditures for all state financial assistance  
13 ~~awards~~, the auditor shall select and test additional state  
14 projects as major state projects as necessary to achieve audit  
15 coverage of at least 50 percent of the expenditures for all  
16 state financial assistance provided ~~awards~~ to the nonstate  
17 entity. Additional state projects needed to meet the  
18 50-percent requirement may be selected on an inherent risk  
19 basis as stated in the rules of the Executive Office of the  
20 Governor.

21           (e) Report on the results of any audit conducted  
22 pursuant to this section in accordance with the rules of the  
23 Executive Office of the Governor, rules of the Comptroller,  
24 and rules of the Auditor General. Audit reports shall include  
25 summaries of the auditor's results regarding the nonstate  
26 entity's financial statements; Schedule of State Financial  
27 Assistance; internal controls; and compliance with laws,  
28 rules, and guidelines ~~other compliance guidance~~.

29           (f) Issue a management letter as prescribed in the  
30 rules of the Auditor General.

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1           (g) Upon notification by the nonstate entity, make  
2 available the working papers relating to the audit conducted  
3 pursuant to the requirements of this section to the state  
4 awarding agency, the Comptroller, or the Auditor General for  
5 review or copying.

6           (9) The independent auditor, when conducting a state  
7 project-specific audit of recipients or subrecipients, shall:

8           (a) Determine whether the nonstate entity's financial  
9 statements of the state project are presented fairly in all  
10 material respects in conformity with stated accounting  
11 policies.

12           (b) Obtain an understanding of internal control and  
13 perform tests of internal control over the state project  
14 consistent with the requirements of a major state project.

15           (c) Determine whether or not the auditee has complied  
16 with applicable provisions of laws, rules, and guidelines as  
17 identified in the State Projects Compliance Supplement, or  
18 otherwise identified by the state awarding agency, which could  
19 have a direct and material effect on the state project.

20           (d) Report on the results of a state project-specific  
21 audit consistent with the requirements of the state single  
22 audit and issue a management letter as prescribed in the rules  
23 of the Auditor General.

24           (e) Upon notification by the nonstate entity, make  
25 available the working papers relating to the audit conducted  
26 pursuant to the requirements of this section to the state  
27 awarding agency, the Comptroller, or the Auditor General for  
28 review or copying.

29           (10)(9) The Auditor General shall:

30           (a) Have the authority to audit state financial  
31 assistance provided to any nonstate entity when determined

1 necessary by the Auditor General or when directed by the  
2 Legislative Auditing Committee.

3 (b) Adopt rules that state the auditing standards that  
4 independent auditors are to follow for audits of nonstate  
5 entities required by this section.

6 (c) Adopt rules that describe the contents and the  
7 filing deadlines for the financial reporting package.

8 (d) Provide technical advice upon request of the  
9 Comptroller, Executive Office of the Governor, and state  
10 agencies relating to financial reporting and audit  
11 responsibilities contained in this section.

12 (e) Be provided one copy of each financial reporting  
13 package prepared in accordance with the requirements of this  
14 section.

15 (f) Perform ongoing reviews of a sample of financial  
16 reporting packages filed pursuant to the requirements of this  
17 section to determine compliance with the reporting  
18 requirements of this section and applicable rules of the  
19 Executive Office of the Governor, rules of the Comptroller,  
20 and rules of the Auditor General.

21 Section 58. Section 216.331, Florida Statutes, is  
22 transferred and renumbered as section 215.965, Florida  
23 Statutes.

24 Section 59. Section 216.3505, Florida Statutes, is  
25 transferred and renumbered as section 215.966, Florida  
26 Statutes.

27 Section 60. Sections 216.001, 216.0154, 216.0162,  
28 216.0166, 216.0172, 216.0235, 216.0315, 216.091, 216.111,  
29 216.281, and 216.286, Florida Statutes, are repealed.

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1           Section 61. This act shall take effect July 1, 2000,  
2 and shall apply to preparation of the state budget beginning  
3 with fiscal year 2001-2002.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1466

4       Creates the Legislative Budget Commission in s. 11.90, F.S.,  
5       as a standing joint committee of the Legislature, and replaces  
6       the Administration Commission with a Legislative Budget  
7       Commission for purposes of budget implementation.

8       Replaces the "budget entity" with "service," and "Program  
9       Component" with "Program" to reflect the new budget format.

10       Creates s. 216.013, F.S., to define "long-range program plan"  
11       and provide requirements for agency plans.

12       Requires state agencies to submit adjustments to performance  
13       standards to reflect final appropriation amounts.

14       Restores the requirement for the Governor and Chief Justice  
15       hold at least one public hearing prior to submission of their  
16       budgets to the legislature.

17       Eliminates references to the statement of intent.

18       Clarifies that salary rate will be controlled at the  
19       department level except in the Department of Education where  
20       it will be controlled at the division level.

21       Creates s. 216.182, F.S., that requires the Legislative Budget  
22       Commission to implement zero-base budgeting reviews on an  
23       8-year cycle for all state agencies.

24       Provides budget flexibility and transfer authority for state  
25       agencies and the judiciary at the program level and links this  
26       flexibility to achievement of performance expectations.

27       Transfers and renumbers as s. 11.45(11), F.S., authority for  
28       Auditor General to audit direct-support organizations.

29       Amends s. 120.65, F.S., to delete the 21-day time limitation  
30       on action by the Executive Office of the Governor on requests  
31       for budget action by the Division of Administrative Hearings.

32       Amends s. 186.002(2), F.S., to conform planning terminology by  
33       changing from "State agency strategic" plans to "Long-range  
34       program" plans.

35       Amends s. 186.003, F.S., to replace the definition of "state  
36       agency strategic" plan with "long-range program" plan and  
37       clarifies the definition of "state Agency."

38       Amends s. 186.021, F.S., to conform planning terminology by  
39       changing from "State agency strategic" plans to "Long-range  
40       program" plans and clearly link long-range program plans to  
41       development of agency budget requests; deletes obsolete  
42       language.

43       Amends s. 186.022, F.S., to replace references and  
44       requirements for state agency strategic plans with  
45       requirements for information resource strategic plans to be

1 submitted by designated boards and commissions.  
2 Exempts Tobacco Settlement Trust Funds from the service charge  
3 to general revenue.  
4 Transfers, renumbers, and amends s. 216.3491, F.S., related to  
5 the Single Audit Act.  
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