

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) "Budget entity" means a unit or function at the
20 lowest level to which funds are specifically appropriated in
21 the appropriations act. "Budget entity" and "service" have the
22 same meaning.

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

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

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. Solely for the purposes of implementing s. 19(h),
29 Art. III of the State Constitution under this chapter, "state
30 agency" or "agency" includes the judicial branch.

31

1 (u) "Legislative branch" means the various officers,
2 committees, and other units of the legislative branch of state
3 government.

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

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

15 (x) "Operating capital outlay" means the category used
16 to fund equipment, fixtures, and other tangible personal
17 property of a nonconsumable and nonexpendable nature, the
18 value or cost of which is \$1,000 or more and the normal
19 expected life of which is 1 year or more, and hardback-covered
20 bound books that are circulated to students or the general
21 public, the value or cost of which is \$25 or more, and
22 hardback-covered bound books, the value or cost of which is
23 \$250 or more.

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

28 (z) "Other personal services" means the category used
29 to fund the compensation for services rendered by a person who
30 is not ~~a regular or full-time employee~~ filling an established
31 position. This definition includes, but is not limited to,

1 services of temporary employees, student or graduate
2 assistants, persons on fellowships, part-time academic
3 employees, board members, and consultants and other services
4 specifically budgeted by each agency, or by the judicial
5 branch, in this category.

6 ~~1.~~ In distinguishing between payments to be made from
7 salaries and benefits appropriations and
8 other-personal-services appropriations:~~7~~

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

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

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

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

26 ~~(cc) "Perquisites" means those things, or the use~~
27 ~~thereof, or services of a kind which confer on the officers or~~
28 ~~employees receiving same some benefit that is in the nature of~~
29 ~~additional compensation, or which reduces to some extent the~~
30 ~~normal personal expenses of the officer or employee receiving~~
31 ~~the same, and shall include, but not be limited to, such~~

1 ~~things as quarters, subsistence, utilities, laundry services,~~
2 ~~medical service, use of state-owned vehicles for other than~~
3 ~~state purposes, servants paid by the state, and other similar~~
4 ~~things.~~

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

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

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

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

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

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

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

30
31

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

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

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

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

18 ~~(kk)~~~~(oo)~~ "Title of position," or "class of positions"
19 means the official name assigned to a position or class of
20 positions.

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

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

1 necessary to furnish and operate a new or improved facility;
2 and

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

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

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

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

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

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

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

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

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

30
31

1 (tt) "Food products" means the category used to fund
2 food consumed and purchased in state-run facilities that
3 provide housing to individuals.

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

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

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

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

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

25 (a) "Approved operating budget" or "approved budget"
26 means the plan of operations consisting of the original
27 approved operating budget and statement of intent.

28 (b) "Commission" means the Legislative Budget
29 Administration Commission created in s. 11.90 ~~composed of the~~
30 ~~Governor and Cabinet.~~

31

1 (c) "Emergency situation" means a set of conditions
2 that were unforeseen at the time the General Appropriations
3 Act was adopted and that are essential to correct in order to
4 continue the operation of government, or a set of conditions
5 that were not considered in the General Appropriations Act and
6 that constitute an imminent threat to public health, safety,
7 or welfare. This definition shall not apply to the emergency
8 provisions of chapter 252.

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

17 Section 2. Section 216.013, Florida Statutes, is
18 created to read:

19 216.013 Long-range program plan.--

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

27 (a) Identify agency programs and address how agency
28 programs will be used to implement state policy and achieve
29 state goals and program component objectives;

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

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

3 (d) Provide information regarding performance
4 measurement, which includes, but is not limited to, how data
5 is collected, the methodology used to measure a performance
6 indicator, the validity and reliability of a measure, the
7 appropriateness of a measure, and whether the agency inspector
8 general has assessed the reliability and validity of agency
9 performance measures, pursuant to s. 20.055(2);

10 (e) Identify and justify facility and fixed capital
11 outlay projects and their associated costs; and

12 (f) Identify and justify information technology
13 infrastructure and applications and their associated costs for
14 information technology projects or initiatives.

15 (2) All agency programs, services, and activities and
16 their costs shall be carefully evaluated and justified by the
17 agency. The justification must clearly demonstrate the needs
18 of agency customers and clients and why the agency is
19 proposing programs, services, and activities and their
20 associated costs to address the needs based on state
21 priorities, the agency mission, and legislative authorization.
22 Further, the justification must show how agency programs,
23 services, and activities are integrated and contribute to the
24 overall achievement of state goals. Facilities, fixed capital
25 outlay and information technology infrastructure, and
26 applications shall be evaluated pursuant to ss. 216.0158,
27 216.043, and 216.0446, respectively.

28 (3) Long-range program plans shall be submitted to the
29 Executive Office of the Governor by August 1 of each year in a
30 form and manner prescribed by the Executive Office of the
31 Governor and the chairs of the legislative appropriations

1 committees. Such long-range program plans for the Judicial
2 Branch shall be submitted by the Chief Justice of the Supreme
3 Court to the President of the Senate and the Speaker of the
4 House of Representatives, and a copy shall be provided to the
5 Executive Office of the Governor.

6 (4) The Executive Office of the Governor shall review
7 the long-range program plans for executive agencies to ensure
8 that they are consistent with the state's goals and objectives
9 and other requirements as specified in the written
10 instructions and that they provide the framework and context
11 for the agency's budget request. In its review, the Executive
12 Office of the Governor shall consider the findings of the
13 Technology Review Workgroup as to the consistency of the
14 information technology portion of long-range program plans
15 with the State Annual Report on Information Resources
16 Management and statewide policies recommended by the State
17 Technology Council and the state's plan for facility needs
18 pursuant to s. 216.0158. Based on the results of the review,
19 the Executive Office of the Governor may require an agency to
20 revise the plan.

21 (5) Executive agencies shall incorporate all revisions
22 required by the Governor within 14 working days.

23 (6) Any differences between executive agencies
24 regarding the programs, policies, or long-range program plans
25 of such agencies shall be mediated by the Executive Office of
26 the Governor.

27 (7) Each executive agency shall transmit copies of its
28 long-range program plan and all written comments on its plan
29 to the President of the Senate and the Speaker of the House of
30 Representatives not later than 60 days prior to the next
31 regular session of the Legislature.

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

4 (9) Agencies and the Judicial Branch shall make
5 appropriate adjustments to their long-range program plans to
6 be consistent with the appropriations and performance measures
7 in the General Appropriations Act. Agencies and the Judicial
8 Branch have until June 15 to make adjustments to their plans
9 and submit the adjusted plans to the Executive Office of the
10 Governor for review.

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

13 216.015 Capital facilities planning and budgeting
14 process.--

15 (2) The Legislature finds that*

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

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

30 ~~(c) There is a need to establish a comprehensive~~
31 ~~capital facilities planning and budgeting process that which~~

1 is fully integrated with the state financial planning and debt
2 management activities and that ~~which~~ incorporates the
3 long-range plans of all state agencies and the judicial branch
4 and major public benefit corporations to ensure that projects
5 with the greatest potential for improving the prosperity and
6 well-being of the people of the state receive their proper
7 allocation of limited resources.

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

13
14 It is, therefore, the intent of the Legislature in enacting
15 this legislation that a comprehensive capital facilities
16 planning and budgeting process be established and maintained
17 to enable the state to better meet the demands for new and
18 properly maintained infrastructure in a fiscally responsible
19 manner.

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

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

31

1 216.0152 Inventory of state-owned facilities or
2 state-occupied facilities.--

3 (3) The Department of Management Services shall, every
4 3 years, publish a complete report detailing this inventory
5 and shall publish an annual update of the report. The
6 department shall furnish the updated report to the Executive
7 Office of the Governor and the Legislature no later than
8 September 15 ~~±~~ of each year.

9 Section 5. Subsections (2), (4), and (5) of section
10 216.0158, Florida Statutes, are amended to read:

11 216.0158 Assessment of facility needs.--

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

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

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

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

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

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

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

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

27 Section 6. Paragraph (a) of subsection (2) of section
28 216.016, Florida Statutes, is amended to read:

29 216.016 Evaluation of plans; determination of
30 financing method.--

31

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

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

8 216.023 Agency ~~legislative~~ budget requests to be
9 furnished to Legislature ~~by agencies~~.--

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

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

29 (3) The Executive Office of the Governor and the
30 appropriations committees of the Legislature shall jointly
31 develop agency ~~legislative~~ budget instructions for preparing

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

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

15 (a) The constitutional or statutory authority for a
16 program, a brief purpose statement, and approved program
17 components.

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

22 (c) Details on trust funds and fees.

23 (d) The total number of positions (authorized, fixed,
24 or requested).

25 (e) An issue narrative describing and justifying
26 changes in amounts and positions requested for current and
27 proposed programs for the next fiscal year.

28 (f) Information resource requests.

29 (g) Legislatively approved output and outcome
30 performance measures and any proposed revisions to measures.

31

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

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

8 (j) Unit costs for approved output measures pursuant
9 to s. 186.022.

10 (k) Proposed performance incentives and disincentives.

11 (5) Prior to September 15 of the fiscal year prior to
12 which the judicial branch is required to submit a
13 performance-based program budget request, the Chief Justice of
14 the Supreme Court shall identify and, after consultation with
15 the Office of Program Policy Analysis and Government
16 Accountability, submit to the President of the Senate and the
17 Speaker of the House of Representatives a list of proposed
18 programs and associated performance measures. The judicial
19 branch shall provide documentation to accompany the list of
20 proposed programs and performance measures as provided under
21 s. 216.023(4). The judicial branch shall submit a
22 performance-based program agency budget request using the
23 programs and performance measures adopted by the Legislature.
24 The Chief Justice may propose revisions to approved programs
25 or performance measures for the judicial branch. The
26 Legislature shall have final approval of all programs and
27 associated performance measures and standards for the judicial
28 branch through the General Appropriations Act or legislation
29 implementing the General Appropriations Act. By September 15,
30 2001, the Chief Justice of the Supreme Court shall submit to
31 the President of the Senate and the Speaker of the House of

1 Representatives a performance-based program budget request for
2 programs of the judicial branch approved by the Legislature
3 and provide a copy to the Executive Office of the Governor.

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

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

1 ~~(4) Each agency and the judicial branch shall submit~~
2 ~~for review a preliminary legislative budget request to the~~
3 ~~Executive Office of the Governor, in the form and manner~~
4 ~~prescribed in ss. 216.031 and 216.043, in accordance with the~~
5 ~~legislative budget instructions, and at such time as may be~~
6 ~~prescribed by the Executive Office of the Governor.~~

7 (8) Annually, no later than 45 days after the General
8 Appropriations Act becomes law, the judicial branch shall make
9 adjustments to any performance standards for approved programs
10 based on the amount appropriated for each program, which shall
11 be submitted to the Legislature pursuant to the notice and
12 review process provided in s. 216.177. The Senate Committee on
13 Fiscal Policy and the House Fiscal Responsibility Council
14 shall advise Senate substantive committees and House
15 substantive committees, respectively, of all adjustments made
16 to performance standards or measures.

17 ~~(9)(5)~~ The Executive Office of the Governor shall
18 review the agency ~~preliminary legislative~~ budget request for
19 technical compliance with the budget format provided for in
20 the budget instructions. The Executive Office of the Governor
21 shall notify the agency or the judicial branch of any
22 adjustment required. The agency or judicial branch shall make
23 the appropriate corrections as requested ~~in preparing its~~
24 ~~final legislative budget request~~. If the appropriate
25 technical corrections are not made as requested ~~in the final~~
26 ~~legislative budget requests~~, the Executive Office of the
27 Governor shall ~~may~~ adjust the budget request to incorporate
28 the appropriate technical corrections in the format of the
29 request.

30 ~~(10)(6)~~ At any time after the Governor and the Chief
31 Justice submit their recommended agency budgets to the

1 Legislature, the head of the agency or judicial branch may
2 amend his or her request by transmitting to the Governor and
3 the Legislature an amended request in the form and manner
4 prescribed in the ~~legislative~~ budget instructions.

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

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

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

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

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

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

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

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

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

28 ~~4. All other agency requests that would provide~~
29 ~~funding levels above the director's recommendations shall be~~
30 ~~separately identified as agency requests for funding above the~~

31

1 ~~director's recommendations and treated as new or improved~~
2 ~~programs.~~

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

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

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

30 (1) ~~For each budget entity, a summary exhibit showing,~~
31 ~~for each appropriation category, for each fund, 1 prior year's~~

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

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

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

1 ~~The sources and amounts of any funds used to cover a deficit~~
2 ~~shall also be shown. The service or activity being performed~~
3 ~~shall be reviewed by the appropriations committees in the~~
4 ~~Senate and House of Representatives for the express purpose of~~
5 ~~making adjustments in fees or other charges in order to make~~
6 ~~such activities as nearly self-supporting as possible.~~

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

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

16 ~~(a) The effectiveness of current programs, including~~
17 ~~justification for those programs.~~

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

20 ~~(c) The justification for proposed improvements in~~
21 ~~existing programs.~~

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

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

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

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

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

1 ~~(8) An information resources management schedule~~
2 ~~showing the agency's or judicial branch's total budget request~~
3 ~~for information resources management. The schedule shall be~~
4 ~~in the format provided for in the legislative budget~~
5 ~~instructions. The budget request for information resources~~
6 ~~management shall identify, if applicable, which parts of the~~
7 ~~request are in response to any information resources~~
8 ~~management issues included in the legislative budget~~
9 ~~instructions. This subsection is applicable only to those~~
10 ~~state agencies which are under the purview of ss.~~
11 ~~282.303-282.313 and to the judicial branch.~~

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

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

28 ~~(11) For performance-based program budgets, the~~
29 ~~baseline data, outcome measures, output measures, and~~
30 ~~standards for program measures, including justification for~~
31

1 ~~those programs in the format required by the legislative~~
2 ~~budget instructions.~~

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

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

1 judicial branch's independent judgment in making agency
2 ~~legislative~~ budget requests, as required by law.

3 Section 9. Section 216.044, Florida Statutes, is
4 amended to read:

5 216.044 Budget evaluation by Department of Management
6 Services.--

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

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

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

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

12 ~~(3) The Department of Management Services shall~~
13 ~~provide assistance to any state agency, the judicial branch,~~
14 ~~and the Executive Office of the Governor in fulfilling the~~
15 ~~requirements of s. 216.0442 as developed pursuant to ss.~~
16 ~~216.031 and 216.043.~~

17 Section 10. Section 216.0446, Florida Statutes, is
18 amended to read:

19 216.0446 Review of information resources management
20 needs.--

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

30 (2) In addition to its primary duty specified in
31 subsection (1), the Technology Review Workgroup shall have

1 powers and duties that include, but are not limited to, the
2 following:

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

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

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

21 Section 11. Section 216.052, Florida Statutes, is
22 amended to read:

23 216.052 Community ~~Legislative~~ budget requests;
24 appropriations; grants.--

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ~~(7)(5)~~ The retention of interest earned on state funds
12 or the amount of interest income earned shall be applied
13 against the state entity's obligation to pay the appropriated
14 ~~contracted~~ amount.

15 ~~(8)(6)~~ Whenever possible, a loan must be made in lieu
16 of a grant to a local government, a private organization, or a
17 nonprofit organization. It is the intent of the Legislature
18 that a revolving loan program shall be established so that the
19 loan amount plus interest is paid back by the recipient to the
20 state.

21 ~~(9)(7)~~ Any private or nonprofit organization that is
22 to receive funds through a community budget request requesting
23 funding shall, at the time of application for such funds,
24 provide information regarding its organization, including a
25 copy of its current budget, and a list of its board of
26 directors, and, if available, a copy of its most recent annual
27 audit report prepared by an independent certified public
28 accountant licensed in this state, including management
29 letters or other documents associated with the audit report.

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

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

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

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

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

18 Section 13. Section 216.131, Florida Statutes, is
19 amended to read:

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

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

6 Section 14. Section 216.133, Florida Statutes, is
7 amended to read:

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

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

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

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

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

26 Section 15. Section 216.134, Florida Statutes, is
27 amended to read:

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

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

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

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

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

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

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

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

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

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

10 Section 16. Section 216.136, Florida Statutes, is
11 amended to read:

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

14 (1) ECONOMIC ESTIMATING CONFERENCE.--

15 (a) Duties.--

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

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

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

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

13 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

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

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

28 (3) REVENUE ESTIMATING CONFERENCE.--

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

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

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

11 (4) EDUCATION ESTIMATING CONFERENCE.--

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

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

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

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

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

14 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

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

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

30 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

31 (a) Duties.--

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

13 (a) Duties.--

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

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

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

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

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

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

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

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

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

23 (a) Duties.--The Florida Retirement System Actuarial
24 Assumption Conference shall develop official information with
25 respect to the economic and noneconomic assumptions and
26 funding methods of the Florida Retirement System necessary to
27 perform the system actuarial study undertaken pursuant to s.
28 121.031(3). Such information shall include: an analysis of
29 the actuarial assumptions and actuarial methods used in the
30 study and a determination of whether changes to the
31

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

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

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

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

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

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

13 Section 18. Subsections (1) and (2) of section
14 216.151, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

21 Section 20. Section 216.163, Florida Statutes, is
22 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 1. Additional flexibility in budget management, such
30 as, but not limited to, the use of lump sums or, special
31 categories, ~~or performance-based program appropriation;~~

1 consolidation of budget entities or program components;
2 consolidation of appropriation categories; and increased
3 agency transfer authority between appropriation categories or
4 budget entities.

5 2. Additional flexibility in salary rate and position
6 management.

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

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

17 5. Additional funds provided pursuant to law to be
18 released to an agency quarterly or incrementally contingent
19 upon the accomplishment of units of output or outcome
20 specified in the General Appropriations Act.

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

22 1. Mandatory quarterly reports to the Executive Office
23 of the Governor and the Legislature on the agency's progress
24 in meeting performance standards.

25 2. Mandatory quarterly appearances before the
26 Legislature, the Governor, or the Governor and Cabinet to
27 report on the agency's progress in meeting performance
28 standards.

29 3. Elimination or restructuring of the program, which
30 may include, but not be limited to, transfer of the program or
31 outsourcing all or a portion of the program.

1 4. Reduction of total positions for a program.

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

4 6. Reduction of managerial salaries.

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

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

22 Section 21. Subsections (1) and (2) of section
23 216.177, Florida Statutes, are amended to read:

24 216.177 Appropriations acts, statement of intent,
25 violation, notice, review and objection procedures.--

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

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

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

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

8
9 to the Executive Office of the Governor, the Comptroller, the
10 Auditor General, the Chief Justice of the Supreme Court, and
11 each state agency. ~~The statement of intent constitutes a~~
12 ~~manifestation of how the Legislature, in its considered~~
13 ~~opinion as a representative of the people, thinks~~
14 ~~appropriations should be spent. The statement of intent is~~
15 ~~not a law and may not allocate or appropriate any funds, or~~
16 ~~amend or correct any provision, in the General Appropriations~~
17 ~~Act, but the statement of intent may provide additional~~
18 ~~explanation to the Executive Office of the Governor, the~~
19 ~~judicial branch, the Administration Commission, and each~~
20 ~~affected state agency relative to the purpose, objectives,~~
21 ~~spending philosophy, and restrictions associated with any~~
22 ~~specific appropriation. The statement of intent shall compare~~
23 ~~the request of the agency or of the judicial branch or the~~
24 ~~recommendation of the Governor to the funds appropriated for~~
25 ~~the purpose of establishing intent in the development of the~~
26 ~~approved operating budget. A request for additional~~
27 explanation and direction regarding the legislative intent of
28 the General Appropriations Act during the fiscal year may be
29 made only by and through the Executive Office of the Governor
30 for state agencies, and by and through the Chief Justice of
31 the Supreme Court for the judicial branch, as is deemed

1 necessary. However, the Comptroller may also request further
2 clarification of legislative intent pursuant to the
3 Comptroller's responsibilities related to his or her preaudit
4 function of expenditures.

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

21 (b) If the chair of the Legislative Budget Commission
22 ~~chairs of the legislative appropriations committees~~ or the
23 President of the Senate and the Speaker of the House of
24 Representatives timely advise, in writing, the Executive
25 Office of the Governor or, the Chief Justice of the Supreme
26 Court, ~~or the Administration Commission~~ that an action or a
27 proposed action subject to the notice and review requirements
28 of this chapter exceeds the delegated authority of the
29 Executive Office of the Governor for the executive branch or,
30 the Chief Justice for the judicial branch, ~~or the~~
31 ~~Administration Commission~~, respectively, or is contrary to

1 legislative policy and intent, the Governor or, the Chief
2 Justice of the Supreme Court, ~~or the Administration Commission~~
3 shall void such action and instruct the affected state agency
4 or entity of the judicial branch to change immediately its
5 spending action or spending proposal until the Legislature
6 addresses the issue. The written documentation shall indicate
7 the specific reasons that an action or proposed action exceeds
8 the delegated authority or is contrary to legislative policy
9 and intent.

10 (c) The House of Representatives and the Senate shall
11 provide by rule that any member of the House of
12 Representatives or Senate may request, in writing, of either
13 the President of the Senate or the Speaker of the House of
14 Representatives or the chair of the ~~respective~~ Legislative
15 Budget Commission ~~appropriations committee~~ to initiate the
16 procedures of paragraph (b).

17 Section 22. Section 216.178, Florida Statutes, is
18 amended to read:

19 216.178 General Appropriations Act; format; procedure;
20 cost statement for new debt or obligation.--

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

31

1 (2) ~~Effective June 30, 1993,~~The Office of Planning
2 and Budgeting shall develop a final budget report that
3 reflects the net appropriations for each budget item. The
4 report shall reflect actual expenditures for each of the 2
5 preceding fiscal years and the estimated expenditures for the
6 current fiscal year. In addition, the report must contain the
7 actual revenues and cash balances for the preceding 2 fiscal
8 years and the estimated revenues and cash balances for the
9 current fiscal year. The report may also contain expenditure
10 data, program objectives, and program measures for each state
11 agency program. The report must be produced by October 15 each
12 year. A copy of the report must be made available to each
13 member of the Legislature, to the head of each state agency,
14 to the Auditor General, and to the public.

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

21
22 ~~The General Appropriations Act for fiscal year~~
23 ~~...(insert years)... authorizes the issuance of \$...(insert~~
24 ~~principal)... of debt or obligation at a forecasted interest~~
25 ~~rate of ...(insert rate of interest).... The total interest~~
26 ~~paid over the life of this debt or obligation will be \$~~
27 ~~...(insert sum of interest payments).... Additionally, it is~~
28 ~~estimated that the 5-year operational costs associated with~~
29 ~~those capital outlay projects to be funded by the incurrence~~
30 ~~of this debt or obligation will be \$...(insert costs)....~~
31

1 Section 23. Section 216.179, Florida Statutes, is
2 amended to read:

3 216.179 Reinstatement of vetoed appropriations by
4 administrative means prohibited.--After the Governor has
5 vetoed a specific appropriation for an agency or the judicial
6 branch, neither the Governor, ~~the Administration Commission,~~
7 nor the Chief Justice of the Supreme Court, nor a state
8 agency, in their various statutory and constitutional roles,
9 may authorize expenditures for or implementation in any manner
10 of the programs that were authorized by the vetoed
11 appropriation.

12 Section 24. Section 216.181, Florida Statutes, is
13 amended to read:

14 216.181 Approved budgets for operations and fixed
15 capital outlay.--

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

28 (2) Amendments to the original approved operating
29 budgets for operational and fixed capital outlay expenditures
30 must comply with the following guidelines in order to be
31 approved by the Governor ~~or Administration Commission~~ as

1 provided in this chapter for the executive branch and the
2 Chief Justice for the judicial branch:

3 (a) The amendment must be consistent with legislative
4 policy and intent.

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

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

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

21 (e) The amendment shall not conflict with any
22 provision of law.

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

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

31

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

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

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

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

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

1 Act, special appropriations acts, and the statement of intent
2 before transferring and releasing the balance of a lump-sum
3 appropriation. The provisions of this paragraph are subject to
4 the notice and review procedures set forth in s. 216.177.

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

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

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

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

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

1 appropriation. This rate shall be based upon the actual salary
2 rate and shall be consistent with the General Appropriations
3 Act or special appropriations acts. The annual salary rate
4 shall be:

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

10 (b) Controlled by department or agency; except for the
11 Department of Education, which shall be controlled by division
12 and for the judicial branch, which shall be controlled at the
13 branch level ~~budget entity~~.

14 (c) Assigned to the number of authorized positions,
15 ~~which may not be transferred between budget entities unless~~
16 ~~the associated positions are also transferred pursuant to s.~~
17 ~~216.262(1)(c).~~

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

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

31

1 (10)(a) The Executive Office of the Governor and the
2 Chief Justice of the Supreme Court may increase or decrease
3 the approved salary rate for positions for the purpose of
4 implementing the General Appropriations Act, special
5 appropriations acts, and actions pursuant to s. 216.262 ~~other~~
6 ~~adjustments if they are deemed to be necessary and in the best~~
7 ~~interest of the state and~~ consistent with legislative intent
8 and policy. The provisions of this paragraph are subject to
9 the notice and review procedures set forth in s. 216.177.

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

12 (11) The Executive Office of the Governor may approve
13 transfers of appropriations in the General Appropriations Act
14 within any state trust fund of an agency, and the Chief
15 Justice of the Supreme Court may approve such transfers for
16 the judicial branch. ~~The Governor and the Chief Justice of~~
17 ~~the Supreme Court may establish nonoperating budgets if deemed~~
18 ~~necessary and in the best interest of the state and consistent~~
19 ~~with legislative intent and policy.~~ The Executive Office of
20 the Governor and the Chief Justice of the Supreme Court may
21 approve changes in the amounts appropriated from state trust
22 funds in excess of those in the approved operating budget only
23 pursuant to the federal funds provisions of s. 216.212, when
24 grants and donations are received after April 1, or when
25 deemed necessary due to a set of conditions that were
26 unforeseen at the time the General Appropriations Act was
27 adopted and that are essential to correct in order to continue
28 the operation of government. The provisions of this subsection
29 are subject to the notice, review, and objection procedures
30 set forth in s. 216.177.

31

1 (12) There is appropriated nonoperating budget for
2 refunds, payments to the U.S. Treasury, payments of the
3 service charge to the General Revenue Fund, and transfers of
4 funds specifically required by law. Such authorized budget,
5 together with related releases, shall be transmitted by the
6 state agency or by the judicial branch to the Comptroller for
7 entry in the Comptroller's records in the manner and format
8 prescribed by the Executive Office of the Governor in
9 consultation with the Comptroller. A copy of such authorized
10 budgets shall be furnished to the Executive Office of the
11 Governor or the Chief Justice, the chairs of the legislative
12 committees responsible for developing the general
13 appropriations acts, and the Auditor General. The Governor may
14 withhold approval of nonoperating investment authority for
15 certain trust funds when deemed in the best interest of the
16 state. The Governor for the executive branch, and the Chief
17 Justice for the judicial branch, may establish nonoperating
18 budgets for transfers, purchase of investments, special
19 expenses, distributions, and any other nonoperating budget
20 categories they deem necessary and in the best interest of the
21 state and consistent with legislative intent and policy. The
22 provisions of this subsection are subject to the notice,
23 review, and objection procedures set forth in s. 216.177. For
24 purposes of this section, the term "nonoperating budgets"
25 means nonoperating disbursement authority for purchase of
26 investments, refunds, payments to the U.S. Treasury, transfers
27 of funds specifically required by law, distributions of assets
28 held by the state in a trustee capacity as an agent of
29 fiduciary, special expenses, and other nonoperating budget
30 categories as determined necessary by the Executive Office of
31

1 the Governor, not otherwise appropriated in the General
2 Appropriations Act.

3 (13)~~(12)~~ Each state agency and the judicial branch
4 shall develop the internal management procedures and budgets
5 necessary to assure compliance with the approved operating
6 budget.

7 (14)~~(13)~~ The Executive Office of the Governor and the
8 Chief Justice of the Supreme Court shall certify the amounts
9 approved for operations and fixed capital outlay, together
10 with any relevant supplementary materials or information, to
11 the Comptroller; and such certification shall be the
12 Comptroller's guide with reference to the expenditures of each
13 state agency pursuant to s. 216.192.

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

16 (16)~~(15)~~(a) Funds provided in any specific
17 appropriation in the General Appropriations Act may be
18 advanced if the General Appropriations Act specifically so
19 provides.

20 (b) Any agency, or the judicial branch, that has been
21 authorized by the General Appropriations Act or expressly
22 authorized by other law to make advances for program startup
23 or advances for contracted services, in total or periodically,
24 shall limit such disbursements to other governmental entities
25 and not-for-profit corporations. The amount which may be
26 advanced shall not exceed the expected cash needs of the
27 contractor or recipient within the initial 3 months.
28 Thereafter, disbursements shall only be made on a
29 reimbursement basis. Any agreement that provides for
30 advancements may contain a clause that permits the contractor
31 or recipient to temporarily invest the proceeds, provided that

1 any interest income shall either be returned to the agency or
2 be applied against the agency's obligation to pay the contract
3 amount. This paragraph does not constitute lawful authority
4 to make any advance payment not otherwise authorized by laws
5 relating to a particular agency or general laws relating to
6 the expenditure or disbursement of public funds. The
7 Comptroller may, after consultation with the legislative
8 appropriations committees, advance funds beyond a 3-month
9 requirement ~~waive the requirements of this paragraph which~~
10 ~~apply to advances~~ if it is determined to be consistent with
11 the intent of the approved operating budget.

12 ~~(c) For the 1999-2000 fiscal year only, funds~~
13 ~~appropriated to the Department of Children and Family Services~~
14 ~~in Specific Appropriations 292 through 425 and the Department~~
15 ~~of Health in Specific Appropriations 445 through 540 of the~~
16 ~~1999-2000 General Appropriations Act may be advanced, unless~~
17 ~~specifically prohibited in such General Appropriations Act,~~
18 ~~for those contracted services that were approved for~~
19 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
20 ~~including those services contracted on a fixed-price or unit~~
21 ~~cost basis. This paragraph is repealed on July 1, 2000.~~

22 ~~(16) Notwithstanding any provision of this section to~~
23 ~~the contrary and for the 1999-2000 fiscal year only, the~~
24 ~~Department of Children and Family Services is authorized to~~
25 ~~use operating funds budgeted for Developmental Services~~
26 ~~Institutions for fixed capital outlay expenditures as needed~~
27 ~~to bring any currently unlicensed beds up to Federal~~
28 ~~Intermediate Care Facility for the Developmentally Disabled~~
29 ~~licensure standards. This subsection is repealed on July 1,~~
30 ~~2000.~~

31

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

14 ~~(18) Notwithstanding any other provision of this~~
15 ~~chapter to the contrary, the Florida Department of~~
16 ~~Transportation, in order to facilitate the transfer of~~
17 ~~personnel to the new turnpike headquarters location in Orange~~
18 ~~County, may transfer salary rate to the turnpike budget entity~~
19 ~~from other departmental budget entities. The department must~~
20 ~~provide documentation of all transfers to the Executive Office~~
21 ~~of the Governor, the Chairman of the Senate Budget Committee,~~
22 ~~and the Chairman of the House of Representatives Committee on~~
23 ~~Transportation and Economic Development Appropriations. This~~
24 ~~subsection expires July 1, 2000.~~

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

27 216.1825 Zero-based budgeting.--

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

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

6 (3) The commission shall provide its reports of
7 zero-based budgeting reviews to the President of the Senate
8 and the Speaker of the House of Representatives on or before
9 December 31.

10 (4) For fiscal year 2001-2002, budgets of the
11 Department of Revenue and the Department of Law Enforcement
12 shall be the subject of zero-based budgeting review by the
13 commission. The commission shall, by February 1, 2001, provide
14 to the President of the Senate and the Speaker of the House of
15 Representatives, a schedule for completing zero-based
16 budgeting reviews of all remaining state agencies prior to
17 December 31, 2008.

18 (5) In addition to its permanent staff, the commission
19 is authorized to request assistance from the staff of any
20 joint standing committee of the Legislature and from the staff
21 of any standing committee of the Senate or the House of
22 Representatives if required to perform the zero-based
23 budgeting reviews required by this section.

24 Section 26. Section 216.183, Florida Statutes, is
25 amended to read:

26 216.183 Entities using performance-based program
27 budgets; chart of accounts.--State agencies and the judicial
28 branch for which a performance-based program budget has been
29 appropriated shall utilize the chart of accounts used by the
30 Florida Accounting Information Resource Subsystem in the
31 manner described in s. 215.93(3). The chart of accounts for

1 state agencies and the judicial branch for which a
2 performance-based program budget has been appropriated shall
3 be developed and amended, if necessary, in consultation with
4 the Department of Banking and Finance, ~~and~~ the Executive
5 Office of the Governor, and the chairs of the Legislative
6 Budget Commission.

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

9 216.192 Release of appropriations; revision of
10 budgets.--

11 (1) Unless otherwise provided in the General
12 Appropriations Act, on July 1 of each fiscal year, up to 25 ~~20~~
13 percent of the original approved operating budget of each
14 agency and of the judicial branch may ~~shall~~ be released until
15 such time as annual plans for quarterly releases for all
16 appropriations have been developed, approved, and furnished to
17 the Comptroller by the Executive Office of the Governor for
18 state agencies and by the Chief Justice of the Supreme Court
19 for the judicial branch. The plans, including appropriate
20 plans of releases for fixed capital outlay projects that
21 correspond with each project schedule, shall attempt to
22 maximize the use of trust funds and shall be transmitted to
23 the Comptroller by August 1 of each fiscal year. Such releases
24 shall at no time exceed the total appropriations available to
25 a state agency or to the judicial branch, or the approved
26 budget for such agency or the judicial branch if less. The
27 Comptroller shall enter such releases in his or her records in
28 accordance with the release plans prescribed by the Executive
29 Office of the Governor and the Chief Justice, unless otherwise
30 amended as provided by law. The Executive Office of the
31 Governor and the Chief Justice shall transmit a copy of the

1 approved annual releases to the head of the state agency, the
2 chair of the Legislative Budget Commission ~~chairs of the~~
3 ~~legislative appropriations committees~~, and the Auditor
4 General. The Comptroller shall authorize all expenditures to
5 be made from the appropriations on the basis of such releases
6 and in accordance with the approved budget, and not otherwise.
7 Expenditures shall be authorized only in accordance with
8 legislative authorizations. Nothing herein precludes periodic
9 reexamination and revision by the Executive Office of the
10 Governor or by the Chief Justice of the annual plans for
11 release of appropriations and the notifications of the parties
12 of all such revisions.

13 Section 28. Section 216.195, Florida Statutes, is
14 amended to read:

15 216.195 Impoundment of funds; restricted.--The
16 Executive Office of the Governor, the Chief Justice of the
17 Supreme Court, any member of the Cabinet, ~~the Administration~~
18 ~~Commission~~, or any state agency shall not impound any
19 appropriation except as necessary to avoid or eliminate a
20 deficit pursuant to the provisions of s. 216.221. As used in
21 this section, the term "impoundment" means the omission of any
22 appropriation or part of an appropriation in the approved
23 operating plan prepared pursuant to s. 216.181 or in the
24 schedule of releases prepared pursuant to s. 216.192 or the
25 failure of any state agency or the judicial branch to spend an
26 appropriation for the stated purposes authorized in the
27 approved operating budget.The provisions of this section are
28 subject to the notice and review procedures of s. 216.177.
29 The Governor or either house of the Legislature may seek
30 judicial review of any action or proposed action which
31 violates the provisions of this section.

1 Section 29. Section 216.212, Florida Statutes, is
2 amended to read:

3 216.212 Budgets for federal funds; restrictions on
4 expenditure of federal funds.--

5 (1) The Executive Office of the Governor, the office
6 of the Comptroller, and the office of the Treasurer shall
7 develop and implement procedures for accelerating the drawdown
8 of, and minimizing the payment of interest on, federal funds.
9 The Executive Office of the Governor shall establish a
10 clearinghouse for federal programs and activities. The
11 clearinghouse shall develop the capacity to respond to federal
12 grant opportunities and to coordinate the use of federal funds
13 in the state.

14 (a) Every state agency, when making a request or
15 preparing a budget to be submitted to the Federal Government
16 for funds, equipment, material, or services, shall submit such
17 request or budget to the Executive Office of the Governor for
18 review ~~approval~~ before submitting it to the proper federal
19 authority. However, the Executive Office of the Governor may
20 specifically authorize any agency to submit specific types of
21 grant proposals directly to the Federal Government.

22 (b) Every office or court of the judicial branch, when
23 making a request or preparing a budget to be submitted to the
24 Federal Government for funds, equipment, material, or
25 services, shall submit such request or budget to the Chief
26 Justice of the Supreme Court for approval before submitting it
27 to the proper federal authority. However, the Chief Justice
28 may specifically authorize any court to submit specific types
29 of grant proposals directly to the Federal Government.

30 (2) When such federal authority has approved the
31 request or budget, the state agency or the judicial branch

1 shall submit to the Executive Office of the Governor such
2 documentation showing approval as that office prescribes.
3 ~~Beginning July 1, 1993,~~The Executive Office of the Governor
4 must acknowledge each approved request or budget by entering
5 that approval into an Automated Grant Management System
6 developed in consultation with the chairs of the House of
7 Representatives and Senate appropriations committees.

8 (3) Federal money appropriated by Congress or received
9 from court settlements to be used for state purposes, whether
10 by itself or in conjunction with moneys appropriated by the
11 Legislature, may not be expended unless appropriated by the
12 Legislature. However, the Executive Office of the Governor or
13 the Chief Justice of the Supreme Court may, after consultation
14 with the legislative appropriations committees, approve the
15 receipt and expenditure of funds from federal sources by state
16 agencies or by the judicial branch. Any federal programs
17 requiring state matching funds which funds were eliminated, or
18 were requested and were not approved, by the Legislature may
19 not be implemented during the interim. However, federal and
20 other fund sources for the State University System which do
21 not carry a continuing commitment on future appropriations are
22 hereby appropriated for the purpose received.

23 ~~(4) The Office of the Comptroller and the Executive~~
24 ~~Office of the Governor, in consultation with the Office of the~~
25 ~~Treasurer and the Office of the Auditor General, shall develop~~
26 ~~and maintain a means to ensure the compatibility of the~~
27 ~~Florida Accounting Information Resource Subsystem and the~~
28 ~~Federal Aid Tracking System. Any successive systems serving~~
29 ~~identical or similar functions shall preserve such~~
30 ~~compatibility.~~

31

1 Section 30. Section 216.216, Florida Statutes, is
2 created to read:

3 216.216 Court settlement funds negotiated by the
4 state.--In any court settlement in which a state agency or
5 officer or any other counsel representing the interests of the
6 state negotiates settlement amounts to be expended on any
7 state operational or fixed capital issue in the judicial
8 branch or the executive branch, such funds may not be expended
9 unless appropriated by the Legislature to the appropriate
10 agency responsible for the operational or fixed capital issue.
11 When a state agency or officer settles an action in which the
12 state will receive moneys, the funds shall be placed in the
13 General Revenue Fund or in the trust fund that is associated
14 with the agency's or officer's authority to pursue the legal
15 action. The provisions of this section are subject to the
16 notice and review procedures set forth in s. 216.177.

17 Section 31. Subsections (2) and (6) of section
18 216.221, Florida Statutes, are amended to read:

19 216.221 Appropriations as maximum appropriations;
20 adjustment of budgets to avoid or eliminate deficits.--

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

25 (6) If the Revenue Estimating Conference projects a
26 deficit in the General Revenue Fund in excess of 1.5 percent
27 of the moneys appropriated from the General Revenue Fund~~\$300~~
28 ~~million~~ during a fiscal year or when the cumulative total of a
29 series of projected deficits in the General Revenue Fund
30 exceeds 1.5 percent of the moneys appropriated from the
31

1 General Revenue Fund~~\$300 million~~, the deficit shall be
2 resolved by the Legislature.

3 Section 32. Paragraph (a) of subsection (2) of section
4 216.251, Florida Statutes, is amended to read:

5 216.251 Salary appropriations; limitations.--

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

9 1. Within the classification and pay plans provided
10 for in chapter 110.

11 2. Within the classification and pay plans established
12 by the Board of Trustees for the Florida School for the Deaf
13 and the Blind of the Department of Education and approved by
14 the State Board of Education for academic and academic
15 administrative personnel.

16 3. Within the classification and pay plan approved and
17 administered by the Board of Regents for those positions in
18 the State University System.

19 4. Within the classification and pay plan approved by
20 the President of the Senate and the Speaker of the House of
21 Representatives, ~~or by the Legislative Auditing Committee,~~ as
22 the case may be, for employees of the Legislature.

23 5. Within the approved classification and pay plan for
24 the judicial branch.

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

28 Section 33. Paragraphs (a), (b), and (f) of subsection
29 (1) of section 216.262, Florida Statutes, are amended to read:

30 216.262 Authorized positions.--

31

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

- 15 1. To implement or provide for continuing federal
- 16 grants or changes in grants not previously anticipated;
- 17 2. To meet emergencies pursuant to s. 252.36;
- 18 3. To satisfy new federal regulations or changes
- 19 therein;
- 20 4. To take advantage of opportunities to reduce
- 21 operating expenditures or to increase the revenues of the
- 22 state or local government; and
- 23 5. To authorize positions which were not fixed by the
- 24 Legislature through error in drafting the appropriations acts.

25
26 The provisions of this paragraph are subject to the notice and
27 review procedures set forth in s. 216.177. A copy of the
28 application, the certification, and the final authorization
29 shall be filed with the Legislative Budget Commission
30 ~~appropriations committees~~ and with the Auditor General.

31

1 (b) The Governor ~~Administration Commission~~ and the
2 Chief Justice may, after a public hearing, delete supervisory
3 or managerial positions within a department and establish
4 direct service delivery positions in excess of the number of
5 supervisory or managerial positions deleted. The salary rate
6 for all positions authorized under this paragraph may not
7 exceed the salary rate for all positions deleted under this
8 paragraph. Positions affected by changes made under this
9 paragraph may be funded only from identical funding sources.

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

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

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

16 216.271 Revolving funds.--

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

25 Section 35. Section 216.292, Florida Statutes, is
26 amended to read:

27 216.292 Appropriations nontransferable; exceptions.--

28 (1)(a) Funds provided in the General Appropriations
29 Act or as otherwise expressly provided by law shall be
30 expended only for the purpose for which appropriated, except
31 that if deemed necessary such moneys may be transferred as

1 provided in subsections (3) and, (4), ~~and (5)~~ when it is
2 determined to be in the best interest of the state.
3 Appropriations for fixed capital outlay may not be expended
4 for any other purpose, and appropriations may not be
5 transferred between state agencies, or between a state agency
6 and the judicial branch, unless specifically authorized by
7 law.

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

15 (2) A lump sum appropriated for a performance-based
16 program must be distributed by the Governor for state agencies
17 or the Chief Justice for the judicial branch into the
18 traditional expenditure categories in accordance with s.
19 216.181(6)(b) ~~s. 216.181(5)(b)~~. At any time during the year,
20 the agency head or Chief Justice may transfer funds between
21 those categories with no limit on the amount of the transfer.
22 Authorized revisions of the original approved operating
23 budget, together with related changes, if any, must be
24 transmitted by the state agency or by the judicial branch to
25 the Executive Office of the Governor or the Chief Justice, the
26 chair of the Legislative Budget Commission ~~chairs of the~~
27 ~~legislative appropriations committees~~, the Office of Program
28 Policy Analysis and Government Accountability, and the Auditor
29 General. Such authorized revisions shall be consistent with
30 the intent of the approved operating budget, shall be
31 consistent with legislative policy and intent, and shall not

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

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

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

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

31

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

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

17 (4)(a) The head of each department or the Chief
18 Justice of the Supreme Court may transfer funds within
19 programs identified in the General Appropriations Act from
20 identical funding sources between the following appropriation
21 categories without limitation so long as such a transfer does
22 not result in an increase to the total recurring general
23 revenue or trust fund cost of the agency or entity of the
24 judicial branch in the subsequent fiscal year: other personal
25 services, expenses, operating capital outlay, risk management
26 insurance, transfer to Division of Administrative Hearings,
27 performance-based program budgeting lump sums, acquisition of
28 motor vehicles, data processing services, operating and
29 maintenance of patrol vehicles, overtime payments, salary
30 incentive payments, compensation to retired judges, law
31 libraries, and juror and witness payments. Such transfers must

1 be consistent with legislative policy and intent and must not
2 adversely affect achievement of approved performance outcomes
3 or outputs in any program. Notice of proposed transfers under
4 this authority shall be provided to the Executive Office of
5 the Governor and the chairs of the legislative appropriations
6 committees at least 5 working days prior to their
7 implementation.

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

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

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

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

26 (b) When an appropriation for a named fixed capital
27 outlay project is found to be in excess of that needed to
28 complete that project, at the request of the Executive Office
29 of the Governor for state agencies or the Chief Justice of the
30 Supreme Court for the judicial branch the excess may be
31 transferred, with the approval of the commission or the Chief

1 Justice, to another project for which there has been an
2 appropriation in the same fiscal year from the same fund and
3 within the same department where a deficiency is found to
4 exist. Further, a fixed capital outlay project may not be
5 initiated without a specific legislative appropriation, nor
6 may the scope of a fixed capital outlay project be changed by
7 the transfer of funds. The provisions of this paragraph are
8 subject to the notice, review, and objection procedures set
9 forth in s. 216.177.

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

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

23 (7) Any transfers from the Working Capital Fund to the
24 General Revenue Fund may be approved provided such transfers
25 were identified or contemplated by the Legislature in the
26 original approved budget.

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

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

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

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

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

31

1 Section 36. Section 216.321, Florida Statutes, is
2 amended to read:

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

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

14 11.45 Definitions; duties; audits; reports.--

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

25 Section 38. Section 11.90, Florida Statutes, is
26 created to read:

27 11.90 Legislative Budgeting Commission.--

28 (1) There is created a standing joint committee of the
29 Legislature designated the Legislative Budgeting Commission,
30 composed of 14 members as follows: 7 members of the Senate
31 appointed by the President of the Senate, to include the

1 Chairman of the Senate Budget Committee or its successor, and
2 7 members of the House of Representatives appointed by the
3 Speaker of the House of Representatives, to include the
4 Chairman of the Fiscal Responsibility Council or its
5 successor. The terms of members shall be for 2 years and shall
6 run from the organization of one Legislature to the
7 organization of the next Legislature. Vacancies occurring
8 during the interim period shall be filled in the same manner
9 as the original appointment. The members of the committee
10 shall elect a chair and vice chair. During the 2-year term, a
11 member of each house shall serve as chair for 1 year.

12 (2) The Legislative Budget Commission shall be
13 governed by joint rules of the Senate and the House of
14 Representatives which shall remain in effect until repealed or
15 amended by concurrent resolution.

16 (3) The commission shall meet at least quarterly and
17 more frequently at the direction of the presiding officers or
18 upon call of the chairman. A quorum shall consist of a
19 majority of members from each house, plus one additional
20 member from either house.

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

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

25 120.65 Administrative law judges.--

26 (2) The director has the right to appeal actions by
27 the Executive Office of the Governor that affect amendments to
28 the division's approved operating budget or any personnel
29 actions pursuant to chapter 216 to the Administration
30 Commission, which shall decide such issue by majority vote.
31 The appropriations committees may advise the Administration

1 Commission on the issue. If the President of the Senate and
2 the Speaker of the House of Representatives object in writing
3 to the effects of the appeal, the appeal may be affirmed by
4 the affirmative vote of two-thirds of the commission members
5 present. ~~The failure of the Executive Office of the Governor~~
6 ~~to act on a request for action by the director within 21 days~~
7 ~~after receiving a written request constitutes approval of the~~
8 ~~request.~~

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

11 121.031 Administration of system; appropriation;
12 oaths; actuarial studies; public records.--

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

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

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

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

29 (c)3. When substantial changes in actuarial
30 assumptions have been made, the study shall reflect the
31 results of an actuarial assumption as of the current date

1 based on the assumptions utilized in the prior actuarial
2 report.

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

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

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

31

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

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

5 186.002 Findings and intent.--

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

7 (a) The state planning process provide direction for
8 the delivery of governmental services, a means for defining
9 and achieving the specific goals and objectives of the state,
10 and a method for evaluating the accomplishment of those goals
11 and objectives.

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

15 (c) Long-range program ~~State agency strategic~~ plans
16 shall be effectively coordinated to ensure the establishment
17 of appropriate agency priorities and facilitate the orderly,
18 positive management of agency activities consistent with the
19 public interest. It is also intended that the implementation
20 of state and regional plans enhance the quality of life of the
21 citizens of the state.

22 (d) The state planning process shall be informed and
23 guided by the experience of public officials at all levels of
24 government. In preparing any plans or proposed revisions or
25 amendments required by this chapter, the Governor shall
26 consider the experience of and information provided by local
27 governments in their evaluation and appraisal reports pursuant
28 to s. 163.3191.

29 (e) All agencies and levels of government involved in
30 the integrated planning process shall provide sufficient
31 opportunities for meaningful public participation in the

1 preparation, implementation, evaluation, and revision of all
2 plans and programs.

3 Section 42. Section 186.003, Florida Statutes, is
4 amended to read:

5 186.003 Definitions.--As used in ss. 186.001-186.031
6 and 186.801-186.901, the term:

7 (1) "Executive Office of the Governor" means the
8 Office of Planning and Budgeting of the Executive Office of
9 the Governor.

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

12 (3) "Objective" means a specific, measurable,
13 intermediate end that is achievable and marks progress toward
14 a goal.

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

17 (5) "Regional planning agency" means the regional
18 planning council created pursuant to ss. 186.501-186.515 to
19 exercise responsibilities under ss. 186.001-186.031 and
20 186.801-186.901 in a particular region of the state.

21 (6) "State agency" or "agency" means any official,
22 officer, commission, board, authority, council, committee, or
23 department of the executive branch of state government. For
24 purposes of this chapter, "state agency" or "agency" includes
25 state attorneys, public defenders, the Capital Collateral
26 Regional Counsels, the Justice Administrative Commission, and
27 the Public Service Commission. ~~each executive department, the~~
28 ~~Fish and Wildlife Conservation Commission, the Parole~~
29 ~~Commission, and the Department of Military Affairs.~~

30 (7) ~~"State agency strategic plan" means the statement~~
31 ~~of priority directions that an agency will take to carry out~~

1 ~~its mission within the context of the state comprehensive plan~~
2 ~~and within the context of any other statutory mandates and~~
3 ~~authorizations given to the agency, pursuant to ss.~~
4 ~~186.021-186.022.~~

5 ~~(7)(8)~~ "State comprehensive plan" means the state
6 planning document required in s. 19, Art. III of the State
7 Constitution and published as ss. 187.101 and 187.201.

8 Section 43. Section 186.021, Florida Statutes, is
9 amended to read:

10 186.021 Long-range program State agency strategic
11 plans.--Pursuant to s. 216.013, each state agency shall
12 develop a long-range program plan on an annual basis. The plan
13 shall provide the framework and context for designing and
14 interpreting the agency budget request. The plan will be
15 developed through careful examination and justification of
16 programs, services, and activities and their associated costs.
17 It shall be used by the agency to implement the state's goals
18 and objectives. Indicators shall be developed to measure
19 service and activity performance.

20 ~~(1) A state agency strategic plan shall be a statement~~
21 ~~of the priority directions an agency will take to carry out~~
22 ~~its mission within the context of the state comprehensive plan~~
23 ~~and any other statutory mandates and authorizations given to~~
24 ~~the agency. Each state agency strategic plan must identify~~
25 ~~infrastructure needs, capital improvement needs, and~~
26 ~~information resources management projects or initiatives that~~
27 ~~involve more than one agency, that have an outcome that~~
28 ~~impacts another agency, or that exceed \$500,000 in total cost~~
29 ~~over a 1-year period, except for those projects that are a~~
30 ~~continuation of hardware or software maintenance or software~~
31 ~~licensing agreements, or that are for desktop replacement that~~

1 ~~is similar to the technology currently in use. Each agency~~
2 ~~strategic plan shall specify those objectives against which~~
3 ~~will be judged the agency's achievement of its goals and the~~
4 ~~goals of the state comprehensive plan. The state agency~~
5 ~~strategic plan shall be consistent with and shall further the~~
6 ~~goals of the state comprehensive plan.~~

7 ~~(2) A state agency strategic plan shall be developed~~
8 ~~with a 5-year outlook and shall provide the strategic~~
9 ~~framework within which an agency's legislative budget request~~
10 ~~is developed. An agency's budget shall be designed to further~~
11 ~~the agency's strategic plan.~~

12 ~~(3) All amendments, revisions, or updates to a state~~
13 ~~agency strategic plan shall be prepared in the same manner as~~
14 ~~the original and shall be prepared as needed because of~~
15 ~~changes in the state comprehensive plan or changes in the~~
16 ~~statutory authority and responsibility of the agency.~~

17 ~~(4) The Department of Environmental Protection, with~~
18 ~~regard to the plan required by s. 373.036, and the state land~~
19 ~~planning agency, with regard to the plan defined in s.~~
20 ~~380.031(17), shall prepare revisions to such plans no later~~
21 ~~than 6 months after the adoption of revisions to the growth~~
22 ~~management portion of the state comprehensive plan or by June~~
23 ~~1 of each even-numbered year, whichever is later.~~

24 ~~(5) Notwithstanding the provisions of this section and~~
25 ~~ss. 186.009 and 186.022, the short-range component of the~~
26 ~~Florida Transportation Plan and annual performance report~~
27 ~~developed pursuant to s. 339.155 shall serve as the state~~
28 ~~agency strategic plan and annual performance report for the~~
29 ~~Department of Transportation.~~

30 Section 44. Section 186.022, Florida Statutes, is
31 amended to read:

1 186.022 Information resource ~~State agency~~ strategic
2 plans; ~~preparation, form, and review.~~--

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

15 ~~(2) Each agency strategic plan must be in a form and~~
16 ~~manner prescribed in written instructions prepared by the~~
17 ~~Executive Office of the Governor after consultation with the~~
18 ~~President of the Senate and the Speaker of the House of~~
19 ~~Representatives. Each agency strategic plan must identify the~~
20 ~~specific legislative authority necessary to implement the~~
21 ~~provisions of the plan. An agency may only implement those~~
22 ~~portions of its strategic plan that are consistent with~~
23 ~~existing statutory or constitutional authority and for which~~
24 ~~funding, if needed, is available consistent with the~~
25 ~~provisions of chapter 216. An agency's budget request~~
26 ~~prescribed in s. 216.023(1) shall identify the financial~~
27 ~~resources necessary to further the provisions of the agency's~~
28 ~~strategic plan. Performance measures, as defined in s. 216.011~~
29 ~~and proposed by the agency pursuant to s. 216.0166(1), must be~~
30 ~~consistent with the objectives in the draft agency strategic~~
31 ~~plan and shall represent 1-year implementation efforts~~

1 ~~necessary to meet the 5-year agency strategic plan objectives.~~
2 ~~State agency strategic plans shall be amended by the agency,~~
3 ~~as necessary, to ensure consistency with the legislative~~
4 ~~actions prior to the effective date of the agency strategic~~
5 ~~plan.~~

6 ~~(3) The Executive Office of the Governor shall review~~
7 ~~the state agency strategic plans to ensure that they are~~
8 ~~consistent with the state comprehensive plan and other~~
9 ~~requirements as specified in the written instructions. In its~~
10 ~~review, the Executive Office of the Governor shall consider~~
11 ~~all comments received in formulating required revisions. This~~
12 ~~shall include:~~

13 ~~(a) The findings of the Technology Review Workgroup as~~
14 ~~to the consistency of the information resources management~~
15 ~~portion of agency strategic plans with the State Annual Report~~
16 ~~on Information Resources Management and statewide policies~~
17 ~~recommended by the State Technology Council; and~~

18 ~~(b) The findings and recommendations of the Criminal~~
19 ~~and Juvenile Justice Information Systems Council's review with~~
20 ~~respect to public safety system strategic information~~
21 ~~resources management issues.~~

22
23 ~~Within 60 days, reviewed plans shall be returned to the~~
24 ~~agency, together with any required revisions. However, any~~
25 ~~required revisions relating to information resources~~
26 ~~management needs identified in the agency strategic plans are~~
27 ~~subject to the notice and review procedures set forth in s.~~
28 ~~216.177 and must be approved by the Administration Commission~~
29 ~~for the executive branch and the Chief Justice for the~~
30 ~~judicial branch.~~

31

1 ~~(4) The state agency shall, within 30 days of the~~
2 ~~return of its state agency strategic plan, incorporate all~~
3 ~~revisions required by the Governor, or shall petition the~~
4 ~~Administration Commission to resolve any disputes regarding~~
5 ~~the consistency of the state agency strategic plan or the~~
6 ~~revisions recommended by the Governor with the state~~
7 ~~comprehensive plan or the written instructions. The~~
8 ~~Administration Commission shall resolve any disputes within 60~~
9 ~~days of the petition.~~

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

13 ~~(6) Each agency shall transmit copies of its strategic~~
14 ~~plan and all written comments on its plan to the President of~~
15 ~~the Senate and the Speaker of the House of Representatives not~~
16 ~~later than 30 days prior to the next regular session of the~~
17 ~~Legislature.~~

18 ~~(7) Agency strategic plans developed pursuant to this~~
19 ~~chapter are not rules and therefore are not subject to the~~
20 ~~provisions of chapter 120.~~

21 ~~(8) Each agency shall submit by September 1 of each~~
22 ~~year an annual performance report to the Executive Office of~~
23 ~~the Governor, with copies to the President of the Senate, the~~
24 ~~Speaker of the House of Representatives, the Auditor General,~~
25 ~~and the Office of Program Policy Analysis and Government~~
26 ~~Accountability. The purpose of this report is to evaluate the~~
27 ~~attainment of the agency objectives in the agency strategic~~
28 ~~plan and the performance measures approved by the Legislature~~
29 ~~pursuant to s. 216.0166(3) and established in the General~~
30 ~~Appropriations Act or implementing legislation for the General~~
31 ~~Appropriations Act for the previous fiscal year. In addition,~~

1 ~~each state agency must include a one-page summary of all~~
2 ~~moneys that were expended or encumbered by the agency, or for~~
3 ~~which the agency was otherwise responsible, during the~~
4 ~~preceding fiscal year and an estimate of such moneys projected~~
5 ~~by the agency for the current fiscal year. All such~~
6 ~~expenditures and estimates of such expenditures must be~~
7 ~~divided by program and expressed in line items by unit costs~~
8 ~~for each output measure approved pursuant to s. 216.0166(3)~~
9 ~~for those agencies and programs operating under~~
10 ~~performance-based program budgeting and for major services and~~
11 ~~products for those agencies and programs operating under~~
12 ~~traditional line-item budgeting. Unit cost totals must equal~~
13 ~~the total amount of moneys that were expended or projected to~~
14 ~~be expended by each agency and must include expenditures or~~
15 ~~projected expenditures of state funds by subordinate~~
16 ~~governmental entities and contractors, as applicable. Moneys~~
17 ~~that agencies receive but are not responsible for, such as~~
18 ~~reversions or pass-throughs to entities over which the agency~~
19 ~~has no authority or responsibility, shall be shown in separate~~
20 ~~line items and expressed in total amounts only. At the regular~~
21 ~~session immediately following the submission of the agency~~
22 ~~performance report, the Legislature shall reduce in the~~
23 ~~General Appropriations Act for the ensuing fiscal year, by an~~
24 ~~amount equal to at least 10 percent of the allocation for the~~
25 ~~fiscal year preceding the current fiscal year, the funding of~~
26 ~~each state agency that fails to submit the report required by~~
27 ~~this subsection. All reports must be submitted in the form and~~
28 ~~manner prescribed by the instructions prepared pursuant to~~
29 ~~subsection (2) and s. 216.0235(3).~~

30 (9) By June ~~March~~ 1 of each year, the Geographic
31 Information Board, the Financial Management Information Board,

1 the Criminal and Juvenile Justice Information Systems Council,
2 and the Health Information Systems Council shall each develop
3 and submit an information resource a strategic plan to the
4 Executive Office of the Governor in a form and manner
5 prescribed in written instructions prepared by the Executive
6 Office of the Governor in consultation with the legislative
7 appropriation committees. The Executive Office of the Governor
8 shall review the strategic plan and may provide comments
9 within 30 days. In its review, the Executive Office of the
10 Governor shall consider all comments and findings of the
11 Technology Review Workgroup as to whether the plan is
12 consistent with the State Annual Report on Information
13 Resources Management and statewide policies recommended by the
14 State Technology Council. If revisions are required, boards
15 and councils have 30 days to incorporate those revisions and
16 return the plan to the Executive Office of the Governor.
17 ~~following the general statutory requirements that are~~
18 ~~applicable to agencies pursuant to s. 186.021(1), (2), and~~
19 ~~(3). The strategic plan shall be subject to the requirements,~~
20 ~~and the review and approval processes, set forth in~~
21 ~~subsections (2) through (8), with the following exceptions:~~
22 ~~(a) The Executive Office of the Governor, after~~
23 ~~consultation with the President of the Senate and the Speaker~~
24 ~~of the House of Representatives, may prescribe a specific~~
25 ~~format and content for the strategic plans of coordinating~~
26 ~~boards and councils.~~
27 ~~(b) The time periods for review and return of any~~
28 ~~required strategic plan revisions, incorporation of such~~
29 ~~revisions by the boards or councils, and resolution of~~
30 ~~disputes shall be established by the Executive Office of the~~
31

1 ~~Governor, after consultation with the President of the Senate~~
2 ~~and the Speaker of the House of Representatives.~~

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

5 186.901 Population census determination.--

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

25 Section 46. Section 215.18, Florida Statutes, is
26 amended to read:

27 215.18 Transfers between funds; limitation.--Whenever
28 there exists in any fund provided for by s. 215.32 a
29 deficiency which would render such fund insufficient to meet
30 its just requirements, and there shall exist in the other
31 funds in the State Treasury moneys which are for the time

1 being or otherwise in excess of the amounts necessary to meet
2 the just requirements of such last-mentioned funds, ~~the~~
3 ~~Administration Commission, with the concurrence of the~~
4 Governor, may order a temporary transfer of moneys from one
5 fund to another in order to meet temporary deficiencies in a
6 particular fund without resorting to the necessity of
7 borrowing money and paying interest thereon. The fund from
8 which any money is temporarily transferred shall be repaid the
9 amount transferred from it not later than the end of the
10 fiscal year in which such transfer is made, the date of
11 repayment to be specified in the order of the Governor
12 ~~Administration Commission.~~

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

15 215.22 Certain income and certain trust funds
16 exempt.--

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

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

21 (b) Trust funds administered by the Department of the
22 Lottery.

23 (c) Departmental administrative assessments for
24 administrative divisions.

25 (d) Funds charged by a state agency for services
26 provided to another state agency, by a state agency for
27 services provided to the judicial branch, or by the judicial
28 branch for services provided to a state agency.

29 (e) State, agency, or political subdivision
30 investments by the Treasurer.

31 (f) Retirement or employee benefit funds.

1 (g) Self-insurance programs administered by the
2 Treasurer.

3 (h) Funds held for the payment of citrus canker
4 eradication and compensation.

5 (i) Medicaid, Medicare, or third-party receipts for
6 client custodial care.

7 (j) Bond proceeds or revenues dedicated for bond
8 repayment, except for the Documentary Stamp Clearing Trust
9 Fund administered by the Department of Revenue.

10 (k) Trust funds administered by the Department of
11 Education.

12 (l) Trust funds administered by the Department of
13 Transportation.

14 (m) Trust funds administered by the Department of
15 Agriculture and Consumer Services.

16 (n) The Motor Vehicle License Clearing Trust Fund.

17 (o) The Solid Waste Management Trust Fund.

18 (p) The Coconut Grove Playhouse Trust Fund.

19 (q) The Communications Working Capital Trust Fund of
20 the Department of Management Services.

21 (r) The Camp Blanding Management Trust Fund.

22 (s) The Indigent Criminal Defense Trust Fund.

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

26 (u) The Save the Manatee Trust Fund.

27 (v) Tobacco Settlement Trust Funds administered by any
28 agency.

29 Section 48. Paragraph (b) of subsection (2) of section
30 215.32, Florida Statutes, is amended to read:

31 215.32 State funds; segregation.--

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

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

16 2. In order to maintain a minimum number of trust
17 funds in the State Treasury, each state agency or the judicial
18 branch may consolidate, if permitted under the terms and
19 conditions of their receipt, the trust funds administered by
20 it; provided, however, the agency or judicial branch employs
21 effectively a uniform system of accounts sufficient to
22 preserve the integrity of such trust funds; and provided,
23 further, that consolidation of trust funds is approved by the
24 Governor ~~Administration Commission~~ or the Chief Justice.

25 3. All such moneys are hereby appropriated to be
26 expended in accordance with the law or trust agreement under
27 which they were received, subject always to the provisions of
28 chapter 216 relating to the appropriation of funds and to the
29 applicable laws relating to the deposit or expenditure of
30 moneys in the State Treasury.

31

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

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

24 Section 49. Paragraph (f) of subsection (3) of section
25 240.209, Florida Statutes, is amended to read:

26 240.209 Board of Regents; powers and duties.--

27 (3) The board shall:

28 (f) Establish and maintain systemwide personnel
29 programs for all State University System employees, including
30 a systemwide personnel classification and pay plan,
31 notwithstanding provisions of law that grant authority to the

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

25 Section 50. Section 240.20941, Florida Statutes, is
26 amended to read:

27 240.20941 Vacant faculty positions.--Notwithstanding
28 the provisions of s. 216.181(8) and (9)~~s. 216.181(7), (8),~~
29 ~~and (9)~~, and pursuant to the provisions of s. 216.351, actions
30 to reduce positions, rate, or salaries and benefits, excluding
31 salary lapse calculations, taken by the Legislature or~~by~~ the

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

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

10 240.279 Working capital trust funds established.--

11 (1) The Board of Regents, with the approval of the
12 Legislative Budget Administration Commission, is hereby
13 authorized to establish in the State Treasury a working
14 capital trust fund for each of the individual institutions in
15 the university system for the purpose of providing central
16 financing and cost controls for certain general services
17 necessary to the operation of all departments of the
18 respective universities, including the auxiliary enterprises.

19 Section 52. Section 288.7091, Florida Statutes, is
20 amended to read:

21 288.7091 Duties of the Florida Black Business
22 Investment Board.--The Florida Black Business Investment Board
23 shall:

24 (1) Establish certification criteria for black
25 business investment corporations. Certification criteria shall
26 include administrative capacity, fiduciary controls, and, in
27 the case of existing black business investment corporations,
28 solvency and soundness of prior loan decisions;

29 (2) Develop a memorandum of understanding with
30 Enterprise Florida, Inc., that outlines a strategy for
31

1 collaboration with the programs and boards of Enterprise
2 Florida, Inc.;

3 (3) Include in the criteria for loan decisions,
4 occupational forecasting results set forth in s. 216.136(9)~~s.~~
5 ~~216.136(10)~~ which target high growth jobs;

6 (4) Establish, in communities that are not currently
7 served by an existing black business investment corporation,
8 memoranda of understanding with local financial institutions
9 that will provide loan guarantees for loans to black business
10 enterprises;

11 (5) Develop memoranda of understanding with the
12 Departments of Labor and Employment Security, Education,
13 Transportation, and Management Services, as well as the State
14 Board of Regents, detailing efforts of common interest and
15 collaborations to expand black business development;

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

20 (7) Annually, prepare a report detailing the
21 performance of each black business investment corporation,
22 addressing the number of jobs created and/or retained, success
23 and failure rates among loan recipients, and the amount of
24 funds leveraged from other sources.

25 Section 53. Paragraph (b) of subsection (5) of section
26 320.20, Florida Statutes, is amended to read:

27 320.20 Disposition of license tax moneys.--The revenue
28 derived from the registration of motor vehicles, including any
29 delinquent fees and excluding those revenues collected and
30 distributed under the provisions of s. 320.081, must be
31 distributed monthly, as collected, as follows:

1 (5)

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

15 Section 54. Section 337.023, Florida Statutes, is
16 amended to read:

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

30 Section 55. Paragraph (a) of subsection (2) of section
31 339.135, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

7 Section 57. Section 216.3491, Florida Statutes, is
8 transferred, renumbered as section 215.97, Florida Statutes,
9 and amended to read:

10 215.97 ~~216.3491~~ Florida Single Audit Act.--

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

12 (a) Establish uniform state audit requirements for
13 state financial assistance provided by state agencies to
14 nonstate entities to carry out state projects.

15 (b) Promote sound financial management, including
16 effective internal controls, with respect to state financial
17 assistance administered by nonstate entities.

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

21 (d) Provide for identification of state financial
22 assistance transactions in the appropriations act, state
23 accounting records, and recipient organization records.

24 (e) Promote improved coordination and cooperation
25 within and between affected state agencies providing ~~making~~
26 state financial assistance awards and nonstate entities
27 receiving state assistance awards.

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

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

1 (a) "Audit threshold" means the amount to use in
2 determining when a state single audit of a nonstate entity
3 shall be conducted in accordance with this section. Each
4 nonstate entity that expends a total amount of state financial
5 assistance ~~awards~~ equal to or in excess of \$300,000 in any
6 fiscal year of such nonstate entity shall be required to have
7 a state single audit for such fiscal year in accordance with
8 the requirements of this section. Every 2 years the Auditor
9 General, after consulting with the Executive Office of the
10 Governor, the Comptroller, and all state agencies that provide
11 state financial assistance to nonstate entities, shall review
12 the amount for requiring audits under this section and may
13 adjust such dollar amount consistent with the purpose of this
14 section.

15 (b) "Auditing standards" means the auditing standards
16 as stated in the rules of the Auditor General as applicable to
17 for-profit organizations, nonprofit organizations, or local
18 governmental entities.

19 (c) "Catalog of State Financial Assistance" means a
20 comprehensive listing of ~~all major state projects and other~~
21 state projects. The Catalog of State Financial Assistance
22 shall be issued by the Executive Office of the Governor after
23 conferring with the Comptroller and all state agencies that
24 provide state financial assistance to nonstate entities. The
25 Catalog of State Financial Assistance shall include for each
26 listed state project: the responsible state agency; standard
27 state project number identifier; official title; legal
28 authorization; and description of the state project, including
29 objectives, restrictions, application and awarding procedures,
30 and other relevant information determined necessary.

31

1 (d) "Financial reporting package" means the nonstate
2 entities' financial statements, Schedule of State Financial
3 Assistance, auditor's reports, management letter, auditee's
4 written responses or corrective action plan, correspondence on
5 followup of prior years' corrective actions taken, and such
6 other information determined by the Auditor General to be
7 necessary and consistent with the purposes of this section.

8 (e) "Federal financial assistance" means financial
9 assistance from federal sources passed through the state and
10 provided to nonstate entities to carry out a federal program.
11 "Federal financial assistance" includes all types of federal
12 assistance as defined in applicable United States Office of
13 Management and Budget circulars.

14 (f) "For-profit organization" means any organization
15 or sole proprietor ~~individual that received a state award~~ but
16 is not a local governmental entity or a nonprofit
17 organization.

18 (g) "Independent auditor" means an external state or
19 local government auditor or a certified public accountant who
20 meets the independence standards.

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

- 25 1. Effectiveness and efficiency of operations.
- 26 2. Reliability of financial operations.
- 27 3. Compliance with applicable laws and regulations.

28 (i) "Local governmental entity" means a county agency,
29 municipality, or special district or any other entity (other
30 than a district school board or community college), however
31

1 styled, which independently exercises any type of governmental
2 function.

3 (j) "Major state project" means any state project
4 meeting the criteria as stated in the rules of the Executive
5 Office of the Governor. Such criteria shall be established
6 after consultation with the Comptroller and appropriate state
7 agencies that provide ~~make~~ state financial assistance ~~awards~~
8 and shall consider the amount of state project expenditures or
9 expenses or inherent risks. Each major state project shall be
10 audited in accordance with the requirements of this section.

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

13 1. Is operated primarily for scientific, educational
14 service, charitable, or similar purpose in the public
15 interest;

16 2. Is not organized primarily for profit;

17 3. Uses net proceeds to maintain, improve, or expand
18 the operations of the organization; and

19 4. Has no part of its income or profit distributable
20 to its members, directors, or officers.

21 (l) "Nonstate entity" means a local governmental
22 entity, nonprofit organization, or for-profit organization
23 that receives ~~a~~ state resources ~~award~~.

24 (m) "Recipient" means a nonstate entity that receives
25 ~~a~~ state financial assistance ~~award~~ directly from a state
26 awarding agency.

27 (n) "Schedule of State Financial Assistance" means a
28 document prepared in accordance with the rules of the
29 Comptroller and included in each financial reporting package
30 required by this section.

31

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

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

6 (p)~~(q)~~ "State financial assistance" means financial
7 assistance from state resources, not including federal
8 financial assistance and state matching, provided to nonstate
9 entities to carry out a state project. "State financial
10 assistance" includes all types of state assistance as stated
11 in the rules of the Executive Office of the Governor
12 established in consultation with the Comptroller and
13 appropriate state agencies that provide state financial
14 assistance ~~make state awards~~. It includes state financial
15 assistance provided ~~awards made~~ directly by state awarding
16 agencies or indirectly by recipients of state awards or
17 subrecipients. It does not include procurement contracts,
18 ~~under state awards~~, used to buy goods or services from
19 vendors. Audits of such procurement contracts with vendors are
20 outside of the scope of this section. Also, audits of
21 contracts to operate state-government-owned and
22 contractor-operated facilities are excluded from the audit
23 requirements of this section.

24 (q)~~(r)~~ "State matching" means state resources ~~awards~~
25 provided to nonstate entities to be used to meet federal
26 financial participation matching requirements of federal
27 programs.

28 (r)~~(s)~~ "State project" means all state financial
29 assistance ~~awards~~ to a nonstate entity assigned a single state
30 project number identifier in the Catalog of State Financial
31 Assistance.

1 ~~(s)(t)~~ "State Projects Compliance Supplement" means a
2 document issued by the Executive Office of the Governor, in
3 consultation with the Comptroller and all state agencies that
4 provide state financial assistance ~~make state awards~~. The
5 State Projects Compliance Supplement shall identify ~~each major~~
6 ~~state project and other~~ state projects, the significant
7 compliance requirements, eligibility requirements, matching
8 requirements, suggested audit procedures, and other relevant
9 information determined necessary.

10 ~~(t)(u)~~ "State project-specific audit" means an audit
11 of one state project performed in accordance with the
12 requirements of subsection (9)~~this section~~.

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

18 ~~(v)(w)~~ "Subrecipient" means a nonstate entity that
19 receives ~~a~~ state financial assistance award through another
20 nonstate entity, ~~but does not include an individual who~~
21 ~~receives state financial assistance through such state awards~~.

22 ~~(w)(x)~~ "Vendor" means a dealer, distributor, merchant,
23 or other seller providing goods or services that are required
24 for the conduct of a state project. These goods or services
25 may be for an organization's own use or for the use of
26 beneficiaries of the state project.

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

28 (a) Upon conferring with the Comptroller and all state
29 awarding agencies ~~that make state awards~~, adopt rules
30 necessary to provide appropriate guidance to state awarding
31 agencies, recipients and subrecipients, and independent

- 1 auditors of state financial assistance relating to the
2 requirements of this section, including:
- 3 1. The types or classes of financial assistance
4 considered to be state financial assistance which would be
5 subject to the requirements of this section. This would
6 include guidance to assist in identifying when the state
7 agency or recipient has contracted with a vendor rather than
8 with a recipient or subrecipient.
 - 9 2. The criteria for identifying a major state project.
 - 10 3. The criteria for selecting state projects for
11 audits based on inherent risk.
- 12 (b) Be responsible for coordinating the initial
13 preparation and subsequent revisions of the Catalog of State
14 Financial Assistance after consultation with the Comptroller
15 and all state awarding agencies ~~that award state financial~~
16 ~~assistance to nonstate entities.~~
- 17 (c) Be responsible for coordinating the initial
18 preparation and subsequent revisions of the State Projects
19 Compliance Supplement, after consultation with the Comptroller
20 and all state awarding agencies ~~that award state financial~~
21 ~~assistance to nonstate entities.~~
- 22 (4) The Comptroller shall:
- 23 (a) Make enhancements to the state's accounting system
24 to provide for the:
 - 25 1. Recording of state financial assistance and federal
26 financial assistance appropriations and expenditures ~~as~~
27 ~~separate categories~~ within the state awarding agencies'
28 operating funds.
 - 29 2. Recording of state project number identifiers, as
30 provided in the Catalog of State Financial Assistance, for
31 state financial assistance ~~awards.~~

1 3. Establishment and recording of an identification
2 code for each financial transaction, including state agencies'
3 disbursements ~~awards~~ of state financial assistance and federal
4 financial assistance, as to the corresponding type or
5 organization that is party to the transaction (e.g., other
6 governmental agencies, nonprofit organizations, and for-profit
7 organizations), and disbursements of federal financial
8 assistance, as to whether the party to the transaction is or
9 is not a recipient or subrecipient.

10 (b) Upon conferring with the Executive Office of the
11 Governor and all state awarding agencies ~~that make state~~
12 ~~awards~~, adopt rules necessary to provide appropriate guidance
13 to state awarding agencies, recipients and subrecipients, and
14 independent auditors of state financial assistance relating to
15 the format for the Schedule of State Financial Assistance.

16 (c) Perform any inspections, reviews, investigations,
17 or audits of state financial assistance considered necessary
18 in carrying out the Comptroller's legal responsibilities for
19 state financial assistance or to comply with the requirements
20 of this section.

21 (5) Each state awarding agency ~~that makes state awards~~
22 shall:

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

26 1. The audit and accountability requirements for state
27 projects as stated in this section and applicable rules of the
28 Executive Office of the Governor, rules of the Comptroller,
29 and rules of the Auditor General.

30 2. Information from the Catalog of State Financial
31 Assistance, including the standard state project number

1 identifier; official title; legal authorization; and
2 description of the state project including objectives,
3 restrictions, and other relevant information determined
4 necessary.

5 3. Information from the State Projects Compliance
6 Supplement, including the significant compliance requirements,
7 eligibility requirements, matching requirements, suggested
8 audit procedures, and other relevant information determined
9 necessary.

10 (b) Require the recipient, as a condition of receiving
11 state financial assistance, to allow the state awarding
12 agency, the Comptroller, and the Auditor General access to the
13 recipient's records and the recipient's independent auditor's
14 working papers as necessary for complying with the
15 requirements of this section.

16 (c) Notify the recipient that this section does not
17 limit the authority of the state awarding agency to conduct or
18 arrange for the conduct of additional audits or evaluations of
19 state financial assistance or limit the authority of any state
20 agency inspector general, the Auditor General, or any other
21 state official.

22 (d) Be provided one copy of each financial reporting
23 package prepared in accordance with the requirement of this
24 section.

25 (e) Review the recipient financial reporting package,
26 including the management letters and corrective action plans,
27 to the extent necessary to determine whether timely and
28 appropriate corrective action has been taken with respect to
29 audit findings and recommendations pertaining to state
30 financial assistance provided ~~awards made~~ by the state agency.

31

1 (6) As a condition of receiving state financial
2 assistance, each recipient that provides state financial
3 assistance to a subrecipient shall:

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

7 1. Identification of the state awarding agency.

8 2. The audit and accountability requirements for state
9 projects as stated in this section and applicable rules of the
10 Executive Office of the Governor, rules of the Comptroller,
11 and rules of the Auditor General.

12 3. Information from the Catalog of State Financial
13 Assistance, including the standard state project number
14 identifier; official title; legal authorization; and
15 description of the state project, including objectives,
16 restrictions, and other relevant information.

17 4. Information from the State Projects Compliance
18 Supplement including the significant compliance requirements,
19 eligibility requirements, matching requirements, and suggested
20 audit procedures, and other relevant information determined
21 necessary.

22 (b) Review the subrecipient audit reports, including
23 the management letters, to the extent necessary to determine
24 whether timely and appropriate corrective action has been
25 taken with respect to audit findings and recommendations
26 pertaining to state financial assistance provided ~~awards made~~
27 by the state agency.

28 (c) Perform such other procedures as specified in
29 terms and conditions of the written agreement with the state
30 awarding agency including any required monitoring of the
31 subrecipient's use of state financial assistance through

1 onsite visits, limited scope audits, or other specified
2 procedures.

3 (d) Require subrecipients, as a condition of receiving
4 state financial assistance, to permit the independent auditor
5 of the recipient, the state awarding agency, the Comptroller,
6 and the Auditor General access to the subrecipient's records
7 and the subrecipient's independent auditor's working papers as
8 necessary to comply with the requirements of this section.

9 (7) Each recipient or subrecipient of state financial
10 assistance shall comply ~~obtain an audit that complies~~ with the
11 following:

12 (a) Each nonstate entity that receives state financial
13 assistance ~~awards~~ and meets audit threshold requirements, in
14 any fiscal year of the nonstate entity, as stated in the rules
15 of the Auditor General, shall have a state single audit
16 conducted for such fiscal year in accordance with the
17 requirements of this act and with additional requirements
18 established in rules of the Executive Office of the Governor,
19 rules of the Comptroller, and rules of the Auditor General. If
20 only one state project is involved in a nonstate entity's
21 fiscal year, the nonstate entity may elect to have ~~require~~
22 only a state project-specific ~~compliance~~ audit of the state
23 project for that fiscal year.

24 (b) Each nonstate entity that receives state financial
25 assistance ~~awards~~ and does not meet the threshold
26 requirements, in any fiscal year of the nonstate entity, as
27 stated in this law or the rules of the Auditor General is
28 exempt for such fiscal year from the state single audit
29 requirements of this section. However, such nonstate entity
30 must meet terms and conditions specified in the written
31 agreement with the state awarding agency.

1 (c) Regardless of the amount of the state financial
2 assistance ~~award~~, the provisions of this section do not exempt
3 a nonstate entity from compliance with provisions of law
4 relating to maintaining records concerning state financial
5 assistance ~~awards~~ to such nonstate entity or allowing access
6 and examination of those records by the state awarding agency,
7 the Comptroller, or the Auditor General.

8 (d) Audits conducted pursuant to this section shall be
9 performed annually.

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

13 (f) Upon completion of the audit as required by this
14 section, a copy of the recipient's financial reporting package
15 shall be filed with the state awarding agency and the Auditor
16 General. Upon completion of the audit as required by this
17 section, a copy of the subrecipient's financial reporting
18 package shall be filed with the recipient that provided the
19 state financial assistance. The financial reporting package
20 shall be filed in accordance with the rules of the Auditor
21 General.

22 (g) All financial reporting packages prepared pursuant
23 to the requirements of this section shall be available for
24 public inspection.

25 (h) If an audit conducted pursuant to this section
26 discloses any significant audit findings relating to state
27 financial assistance, including material noncompliance with
28 individual ~~major~~ state project compliance requirements or
29 reportable conditions in internal controls of the nonstate
30 entity, the nonstate entity shall submit as part of the audit
31 package to the state awarding agency a plan for corrective

1 action to eliminate such audit findings or a statement
2 describing the reasons that corrective action is not
3 necessary.

4 (i) An audit conducted in accordance with this section
5 is in addition to any audit of federal awards required by the
6 federal Single Audit Act and other federal laws and
7 regulations. To the extent that such federally required audits
8 provide the state awarding agency with information it requires
9 to carry out its responsibilities under state law or other
10 guidance, a state agency shall rely upon and use that
11 information.

12 (j) Unless prohibited by law, the cost of audits
13 pursuant to this section are allowable charges to state
14 projects. However, any charges to state projects should be
15 limited to those incremental costs incurred as a result of the
16 audit requirements of this section in relation to other audit
17 requirements. The nonstate entity should allocate such
18 incremental costs to all state projects for which it expended
19 state financial assistance.

20 (k) Audit costs may not be charged to state projects
21 when audits required by this section have not been made or
22 have been made but not in accordance with this section. If a
23 nonstate entity fails to have an audit conducted consistent
24 with this section, state awarding agencies may take
25 appropriate corrective action to enforce compliance.

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

31

1 (m)~~(k)~~ A state awarding agency that provides state
2 financial assistance awards to nonstate entities and conducts
3 or arranges for audits of state financial assistance awards
4 that are in addition to the audits conducted under this act
5 shall, consistent with other applicable law, arrange for
6 funding the full cost of such additional audits.

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

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

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

16 (c) With respect to internal controls pertaining to
17 each major state project:

18 1. Obtain an understanding of internal controls;
19 2. Assess control risk;
20 3. Perform tests of controls unless the controls are
21 deemed to be ineffective; and

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

27 (d) Determine whether each major state project
28 complied with the provisions of laws, rules, and guidelines as
29 identified in the State Projects Compliance Supplement, or
30 otherwise identified by the state awarding agency, which have
31 a material effect on each major state project. When major

1 state projects are less than 50 percent of the nonstate
2 entity's total expenditures for all state financial assistance
3 ~~awards~~, the auditor shall select and test additional state
4 projects as major state projects as necessary to achieve audit
5 coverage of at least 50 percent of the expenditures for all
6 state financial assistance provided ~~awards~~ to the nonstate
7 entity. Additional state projects needed to meet the
8 50-percent requirement may be selected on an inherent risk
9 basis as stated in the rules of the Executive Office of the
10 Governor.

11 (e) Report on the results of any audit conducted
12 pursuant to this section in accordance with the rules of the
13 Executive Office of the Governor, rules of the Comptroller,
14 and rules of the Auditor General. Audit reports shall include
15 summaries of the auditor's results regarding the nonstate
16 entity's financial statements; Schedule of State Financial
17 Assistance; internal controls; and compliance with laws,
18 rules, and guidelines ~~other compliance guidance~~.

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

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

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

28 (a) Determine whether the nonstate entity's schedule
29 of state financial assistance is presented fairly in all
30 material respects in conformity with stated accounting
31 policies.

1 (b) Obtain an understanding of internal control and
2 perform tests of internal control over the state project
3 consistent with the requirements of a major state project.

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

9 (d) Report on the results of a state project-specific
10 audit consistent with the requirements of the state single
11 audit and issue a management letter as prescribed in the rules
12 of the Auditor General.

13 (e) Upon notification by the nonstate entity, make
14 available the working papers relating to the audit conducted
15 pursuant to the requirements of this section to the state
16 awarding agency, the Comptroller, or the Auditor General for
17 review or copying.

18 (10)(9) The Auditor General shall:

19 (a) Have the authority to audit state financial
20 assistance provided to any nonstate entity when determined
21 necessary by the Auditor General or when directed by the
22 Legislative Auditing Committee.

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

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

28 (d) Provide technical advice upon request of the
29 Comptroller, Executive Office of the Governor, and state
30 agencies relating to financial reporting and audit
31 responsibilities contained in this section.

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

4 (f) Perform ongoing reviews of a sample of financial
5 reporting packages filed pursuant to the requirements of this
6 section to determine compliance with the reporting
7 requirements of this section and applicable rules of the
8 Executive Office of the Governor, rules of the Comptroller,
9 and rules of the Auditor General.

10 Section 58. Section 216.331, Florida Statutes, is
11 transferred and renumbered as section 215.965, Florida
12 Statutes.

13 Section 59. Section 216.3505, Florida Statutes, is
14 transferred and renumbered as section 215.966, Florida
15 Statutes.

16 Section 60. Sections 27.38, 27.60, 216.001, 216.0154,
17 216.0162, 216.0166, 216.0172, 216.0235, 216.0315, 216.091,
18 216.111, 216.281, and 216.286, Florida Statutes, are repealed.

19 Section 61. This act shall take effect July 1, 2000,
20 and shall apply to preparation of the state budget beginning
21 with fiscal year 2001-2002.

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