

Bill No. HB 2377, 2nd Eng.

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Burt moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

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

216.011 Definitions.--

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

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

(b) "Appropriation" means a legal authorization to

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1 make expenditures for specific purposes within the amounts
2 authorized in the appropriations act.

3 (c) "Appropriations act" means the authorization of
4 the Legislature, based upon legislative budgets or based upon
5 legislative findings of the necessity for an authorization
6 when no legislative budget is filed, for the expenditure of
7 amounts of money by an agency, the judicial branch, or ~~and~~ the
8 legislative branch for stated purposes in the performance of
9 the functions it is authorized by law to perform. The
10 categories contained in the appropriations act include, but
11 are not limited to:

12 1. Data processing services.

13 2. Expenses.

14 3. Fixed capital outlay.

15 4. Food products.

16 5. Grants and aids.

17 6. Grants and aids to local governments and nonstate
18 entities-fixed capital outlay.

19 7. Lump-sum appropriations.

20 8. Operating capital outlay.

21 9. Other personal services.

22 10. Salaries and benefits.

23 11. Special categories.

24 (d) "Authorized position" means a position included in
25 an approved budget. In counting the number of authorized
26 positions, part-time positions shall be converted to full-time
27 equivalents.

28 ~~(e)~~ (e) "Baseline data" means indicators of a state
29 agency's current performance level, pursuant to guidelines
30 established by the Executive Office of the Governor, in
31 consultation with legislative appropriations and appropriate

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1 substantive committees.

2 (f)(e) "Budget entity" means a unit or function at the
3 lowest level to which funds are specifically appropriated in
4 the appropriations act. "Budget entity" and "service" have the
5 same meaning.

6 (g) "Chairs of the legislative appropriations
7 committees" means the chairs of the committees of the Senate
8 and the House of Representatives responsible for producing the
9 General Appropriations Act.

10 (h)(f) "Consultation" means to deliberate and seek
11 advice in an open and forthright manner with the full
12 committee, a subcommittee thereof, the chair, or the staff as
13 deemed appropriate by the chair of the respective
14 appropriations committee.

15 (i)(g) "Continuing appropriation" means an
16 appropriation automatically renewed without further
17 legislative action, period after period, until altered or
18 revoked by the Legislature.

19 (j)(h) "Data processing services" means the
20 appropriation category used to fund electronic data processing
21 services provided by ~~or to~~ state agencies or the judicial
22 branch, which services include, but are not limited to,
23 systems design, software development, or time-sharing by other
24 governmental units or budget entities.

25 (k)(i) "Disbursement" means the payment of an
26 expenditure.

27 (l)(j) "Disincentive" means a sanction as described in
28 s. 216.163.

29 ~~(k) "Established position" means an authorized~~
30 ~~position which has been classified in accordance with a~~
31 ~~classification and pay plan as provided by law.~~

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1 (m)~~(l)~~ "Expenditure" means the creation or incurring
2 of a legal obligation to disburse money.

3 (n)~~(m)~~ "Expense" means the appropriation category used
4 to fund the usual, ordinary, and incidental expenditures by an
5 agency or the judicial branch, including, ~~but not limited to,~~
6 such items as contractual services, commodities, and supplies
7 of a consumable nature, current obligations, and fixed
8 charges, and excluding expenditures classified as operating
9 capital outlay. Payments to other funds or local, state, or
10 federal agencies may be ~~are~~ included in this category ~~budget~~
11 ~~classification of expenditures.~~

12 (o)~~(n)~~ "Fiscal year of the state" means a period of
13 time beginning July 1 and ending on the following June 30,
14 both dates inclusive.

15 (p)~~(o)~~ "Fixed capital outlay" means the appropriation
16 category used to fund real property (land, buildings,
17 including appurtenances, fixtures and fixed equipment,
18 structures, etc.), including additions, replacements, major
19 repairs, and renovations to real property which materially
20 extend its useful life or materially improve or change its
21 functional use and including furniture and equipment necessary
22 to furnish and operate a new or improved facility, when
23 appropriated by the Legislature in the fixed capital outlay
24 appropriation category.

25 (q) "Food products" means the appropriation category
26 used to fund food consumed and purchased in state-run
27 facilities that provide housing to individuals.

28 ~~(p) "Full-time position" means a position authorized~~
29 ~~for the entire normally established work period, daily,~~
30 ~~weekly, monthly, or annually.~~

31 (r)~~(q)~~ "Grants and aids" means the appropriation

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1 category used to fund contributions to units of government
 2 ~~governments or nonstate entities nonprofit organizations~~ to be
 3 used for one or more specified purposes ~~or, activities, or~~
 4 ~~facilities~~. Funds appropriated to units of government and
 5 nonprofit entities under this category may be advanced.

6 ~~(s)(pp)~~ "Grants and aids to local governments and
 7 ~~nonstate entities-fixed Nonprofit Organizations-Fixed~~ capital
 8 outlay" means ~~the that~~ appropriation category used to fund
 9 ~~which includes:~~

10 1. Grants to local units of governments or nonstate
 11 entities ~~and nonprofit organizations~~ for the acquisition of
 12 real property (land, buildings, including appurtenances,
 13 fixtures and fixed equipment, structures, etc.); additions,
 14 replacements, major repairs, and renovations to real property
 15 which materially extend its useful life or materially improve
 16 or change its functional use; and operating capital outlay
 17 necessary to furnish and operate a new or improved facility;
 18 and

19 2. Grants to local units of government for their
 20 respective infrastructure and growth management needs related
 21 to local government comprehensive plans.

22
 23 Funds appropriated to local units of government and nonprofit
 24 organizations under this category may be advanced in part or
 25 in whole.

26 ~~(t)(r)~~ "Incentive" means a mechanism, as described in
 27 s. 216.163, for recognizing the achievement of performance
 28 standards or for motivating performance that exceeds
 29 performance standards.

30 ~~(u)(s)~~ "Independent judgment" means an evaluation of
 31 actual needs made separately and apart from the legislative

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1 budget request of any other agency or of the judicial branch,
2 or any assessments by the Governor. Such evaluation shall not
3 be limited by revenue estimates of the Revenue Estimating
4 Conference.

5 (v)~~(t)~~ "Judicial branch" means all officers,
6 employees, and offices of the Supreme Court, district courts
7 of appeal, circuit courts, county courts, and the Judicial
8 Qualifications Commission.

9 (w)~~(u)~~ "Legislative branch" means the various
10 officers, committees, and other units of the legislative
11 branch of state government.

12 (x) "Legislative budget instructions" means the annual
13 set of instructions developed to assist agencies in submitting
14 budget requests to the Legislature and to generate information
15 necessary for budgetary decisionmaking. Such instructions may
16 include program-based performance budget instructions.

17 (y)~~(v)~~ "Legislative budget request" means a request to
18 the Legislature, filed pursuant to s. 216.023, or supplemental
19 detailed requests filed with the Legislature, for the amounts
20 of money such agency or branch believes will be needed in the
21 performance of the functions that it is authorized, or which
22 it is requesting authorization by law, to perform.

23 (z) "Long-range program plan" means a plan developed
24 on an annual basis by each state agency that is policy based,
25 priority driven, accountable, and developed through careful
26 examination and justification of all programs and their
27 associated costs. Each plan is developed by examining the
28 needs of agency customers and clients and proposing programs
29 and associated costs to address those needs based on state
30 priorities as established by law, the agency mission, and
31 legislative authorization. The plan provides the framework and

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1 context for preparing the legislative budget request and
2 includes performance indicators for evaluating the impact of
3 programs and agency performance.

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

9 (bb)(x) "Operating capital outlay" means the
10 appropriation category used to fund equipment, fixtures, and
11 other tangible personal property of a nonconsumable and
12 nonexpendable nature, up to the value or cost specified in s.
13 273.02 of which is \$1,000 or more and the normal expected life
14 ~~of which is 1 year or more, and hardback-covered bound books~~
15 ~~that are circulated to students or the general public, the~~
16 ~~value or cost of which is \$25 or more, and hardback-covered~~
17 ~~bound books, the value or cost of which is \$250 or more.~~

18 (cc)(y) "Original approved budget" means the approved
19 plan of operation of an agency or of the judicial branch
20 consistent with the General Appropriations Act or special
21 appropriations acts.

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

31 ~~f~~ In distinguishing between payments to be made from

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1 salaries and benefits appropriations and
2 other-personal-services appropriations;7

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

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

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

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

18 ~~(gg)(xx)~~ "Performance-based program appropriation"
19 means the appropriation category used to fund funds
20 ~~appropriated for~~ a specific set of activities or
21 classification of expenditure within an approved
22 performance-based program.

23 ~~(hh)(tt)~~ "Performance-based program budget" means a
24 budget that incorporates approved programs and performance
25 measures.

26 ~~(ii)(uu)~~ "Performance measure" means a quantitative or
27 qualitative indicator used to assess state agency performance.

28 ~~(jj)(vv)~~ "Program" means a set of activities
29 undertaken in accordance with a plan of action organized to
30 realize identifiable goals and objectives based on legislative
31 authorization.

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

4 ~~(bb) "Pay plan" means a document which formally~~
5 ~~describes the philosophy, methods, procedures, and salary~~
6 ~~schedule for compensating employees for work performed.~~

7 ~~(cc) "Perquisites" means those things, or the use~~
8 ~~thereof, or services of a kind which confer on the officers or~~
9 ~~employees receiving same some benefit that is in the nature of~~
10 ~~additional compensation, or which reduces to some extent the~~
11 ~~normal personal expenses of the officer or employee receiving~~
12 ~~the same, and shall include, but not be limited to, such~~
13 ~~things as quarters, subsistence, utilities, laundry services,~~
14 ~~medical service, use of state-owned vehicles for other than~~
15 ~~state purposes, servants paid by the state, and other similar~~
16 ~~things.~~

17 ~~(dd) "Position" means the work, consisting of duties~~
18 ~~and responsibilities, assigned to be performed by an officer~~
19 ~~or employee.~~

20 ~~(ee) "Position number" means the identification number~~
21 ~~assigned to an established position.~~

22 (kk)~~(ff)~~ "Program component" means an aggregation of
23 generally related objectives which, because of their special
24 character, related workload, and interrelated output, can
25 logically be considered an entity for purposes of
26 organization, management, accounting, reporting, and
27 budgeting.

28 (ll)~~(gg)~~ "Proviso" means language that qualifies or
29 restricts a specific appropriation and which can be logically
30 and directly related to the specific appropriation.

31 (mm) "Salaries and benefits" means the appropriation

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1 category used to fund the monetary or cash-equivalent
2 compensation for work performed by state employees for a
3 specific period of time. Benefits shall be as provided by law.

4 ~~(hh) "Reclassification" means changing an established~~
5 ~~position in one class in a series to the next higher or lower~~
6 ~~class in the same series or to a class in a different series~~
7 ~~which is the result of a natural change in the duties and~~
8 ~~responsibilities of the position.~~

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

13 ~~(nn)(jj)~~ "Salary" means the cash compensation for
14 services rendered for a specific period of time.

15 ~~(kk) "Salary schedule" means an official document~~
16 ~~which contains a complete list of classes and their assigned~~
17 ~~salary ranges.~~

18 ~~(oo)(ll)~~ "Special category" means the appropriation
19 category used to fund amounts appropriated for a specific need
20 or classification of expenditures.

21 ~~(pp)(ww)~~ "Standard" means the level of performance of
22 an outcome or output.

23 ~~(qq)(mm)~~ "State agency" or "agency" means any
24 official, officer, commission, board, authority, council,
25 committee, or department of the executive branch of state
26 government. For purposes of this chapter and chapter 215,
27 "state agency" or "agency" includes, but is not limited to,
28 state attorneys, public defenders, the capital collateral
29 regional counsels ~~Representative, and~~ the Justice
30 Administrative Commission, the Florida Housing Finance
31 Corporation, and the Florida Public Service Commission. For

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1 purposes of implementing s. 19(h), Art. III of the State
 2 Constitution, "state agency" or "agency" includes the judicial
 3 branch.

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

6 ~~(oo) "Title of position," or "class of positions"~~
 7 ~~means the official name assigned to a position or class of~~
 8 ~~positions.~~

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

16 (2) For purposes of this chapter, terms related to
 17 personnel affairs of the state shall be defined as set forth
 18 in s. 110.203.

19 (3)(2) For purposes of this chapter, the term:

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

23 (b) "Commission" means the Legislative Budget
 24 Administration Commission created in s. 11.90 ~~composed of the~~
 25 ~~Governor and Cabinet.~~

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

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1 ~~or welfare. This definition shall not apply to the emergency~~
2 ~~provisions of chapter 252.~~

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

11 Section 2. Section 216.013, Florida Statutes, is
12 created to read:

13 216.013 Long-range program plan.--

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

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

24 (b) Identify and describe agency functions and how
25 they will be used to achieve designated outcomes;

26 (c) Identify demand, output, total costs, and unit
27 costs for each function;

28 (d) Provide information regarding performance
29 measurement, which includes, but is not limited to, how data
30 is collected, the methodology used to measure a performance
31 indicator, the validity and reliability of a measure, the

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

4 (e) Identify and justify facility and fixed capital
5 outlay projects and their associated costs; and

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

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

21 (3) Long-range program plans shall be submitted to the
22 Executive Office of the Governor by August 1 of each year in a
23 form and manner prescribed by the Executive Office of the
24 Governor and the chairs of the legislative appropriations
25 committees. Such long-range program plans for the Judicial
26 Branch shall be submitted by the Chief Justice of the Supreme
27 Court to the President of the Senate and the Speaker of the
28 House of Representatives, and a copy shall be provided to the
29 Executive Office of the Governor.

30 (4) The Executive Office of the Governor shall review
31 the long-range program plans for executive agencies to ensure

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

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

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

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

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

28 (9) Agencies and the Judicial Branch shall make
29 appropriate adjustments to their long-range program plans to
30 be consistent with the appropriations and performance measures
31 in the General Appropriations Act. Agencies and the Judicial

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1 Branch have until June 15 to make adjustments to their plans
2 and submit the adjusted plans to the Executive Office of the
3 Governor for review.

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

6 216.015 Capital facilities planning and budgeting
7 process.--

8 (2) The Legislature finds that+

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

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

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

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1 ~~(d) There is currently no mechanism in place for~~
2 ~~managing the debt structure of the state by matching the~~
3 ~~capital facility needs of the state with the amounts and~~
4 ~~sources of funds which could be made available to meet those~~
5 ~~needs.~~

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

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

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

24 216.0152 Inventory of state-owned facilities or
25 state-occupied facilities.--

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

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

3 216.0158 Assessment of facility needs.--

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

31 (4) ~~Each of The first year~~ 2 years of the plan

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1 referred to in subsection (2) shall comport with the
2 requirements of s. 216.043.

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

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

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

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

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

19 Section 6. Paragraph (a) of subsection (2) of section
20 216.016, Florida Statutes, is amended to read:

21 216.016 Evaluation of plans; determination of
22 financing method.--

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

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

30 216.023 Legislative budget requests to be furnished to
31 Legislature by agencies.--

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

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

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

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1 issue shall be resolved by the Governor, the President of the
2 Senate, and the Speaker of the House of Representatives.

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

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

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

12 (c) Details on trust funds and fees.

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

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

18 (f) Information resource requests.

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

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

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

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

30 (k) Proposed performance incentives and disincentives.

31 (5) Prior to September 15 of the fiscal year prior to

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

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

28 (7) Annually, by June 30, executive agencies shall
29 submit to the Executive Office of the Governor adjustments to
30 their performance standards based on the amounts appropriated
31 for each program by the Legislature. When such an adjustment

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1 is made, all performance standards, including any adjustments
2 made, shall be reviewed and revised as necessary by the
3 Executive Office of the Governor and, upon approval, submitted
4 to the Legislature pursuant to the review and approval process
5 provided in s. 216.177. The Senate Committee on Fiscal Policy
6 and the House of Representatives Fiscal Responsibility Council
7 shall advise Senate substantive committees and House of
8 Representatives substantive committees, respectively, of all
9 adjustments made to performance standards or measures. The
10 Executive Office of the Governor shall maintain both the
11 official record of adjustments to the performance standards as
12 part of the agency's approved operating budget and the
13 official performance ledger. As used in this section,
14 "performance ledger" means the official compilation of
15 information about state agency performance-based programs and
16 measures, including approved programs, approved outputs and
17 outcomes, baseline data, approved standards for each
18 performance measure and any approved adjustments thereto, as
19 well as actual agency performance for each measure.

20 ~~(4) Each agency and the judicial branch shall submit~~
21 ~~for review a preliminary legislative budget request to the~~
22 ~~Executive Office of the Governor, in the form and manner~~
23 ~~prescribed in ss. 216.031 and 216.043, in accordance with the~~
24 ~~legislative budget instructions, and at such time as may be~~
25 ~~prescribed by the Executive Office of the Governor.~~

26 (8) Annually, by June 30, the judicial branch shall
27 make adjustments to any performance standards for approved
28 programs based on the amount appropriated for each program,
29 which shall be submitted to the Legislature pursuant to the
30 notice and review process provided in s. 216.177. The Senate
31 Committee on Fiscal Policy and the House Fiscal Responsibility

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1 Council shall advise Senate substantive committees and House
2 substantive committees, respectively, of all adjustments made
3 to performance standards or measures.

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

17 (10)(6) At any time after the Governor and the Chief
18 Justice submit their recommended budgets to the Legislature,
19 the head of the agency or judicial branch may amend his or her
20 request by transmitting to the Governor and the Legislature an
21 amended request in the form and manner prescribed in the
22 legislative budget instructions.

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

31 (12) In order to ensure an integrated state planning

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1 and budgeting process, the agency long-range plan should be
2 reviewed by the Legislature.

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

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

28 ~~(c) The budget instructions required pursuant to~~
29 ~~subsection (3) shall include requirements that agency or~~
30 ~~judicial branch responses, major issue summaries contained in~~
31 ~~the Governor's recommended budget, and the Letter of Intent~~

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1 ~~issued with the General Appropriations Act set the~~
2 ~~point-by-point responses apart as major issues in the~~
3 ~~following manner:~~

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

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

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

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

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

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

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

8 216.031 Target budget request ~~Budgets for operational~~
9 ~~expenditures.--A legislative budget request, reflecting the~~
10 ~~independent judgment of the head of the state agency, and of~~
11 ~~the Chief Justice of the Supreme Court, with respect to the~~
12 ~~needs of the agency and the judicial branch for operational~~
13 ~~expenditures during the next fiscal year, shall be submitted~~
14 ~~by each head of a state agency and by the Chief Justice of the~~
15 ~~Supreme Court and shall contain the following:~~

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

29 (2) ~~For each program component within the budget~~
30 ~~entity, an exhibit showing, for each appropriation category,~~
31 ~~the summary explanation of expenditures for each detail issue~~

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

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

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

31 ~~(5) Detailed information for the next fiscal year~~

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

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

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

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

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

24
25 Either chair of a legislative appropriations committee, or the
26 Executive Office of the Governor for state agencies, may
27 require the agency or the Chief Justice to address major
28 issues separate from those outlined in s. 216.023, this
29 section, and s. 216.043 for inclusion in the requests of the
30 agency or of the judicial branch. The issues shall be
31 submitted to the agency no later than July 30 of each year and

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

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

21 216.044 Budget evaluation by Department of Management
22 Services.--

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

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

7 (3)~~(2)~~ The Department of Management Services shall
8 advise the Executive Office of the Governor, the Chief
9 Justice, and the Legislature regarding alternatives to the
10 proposed fixed capital outlay project and make recommendations
11 relating to the construction requirements and cost of the
12 project. These recommendations shall be provided to the
13 Legislature and Executive Office of the Governor at a time
14 specified by the Governor, but not less than 90 days prior to
15 the regular session of the Legislature. When evaluating
16 alternatives, the Department of Management Services shall
17 include information as to whether it would be more
18 cost-efficient to lease private property or facilities, to
19 construct facilities on property presently owned by the state,
20 or to acquire property on which to construct the facilities.
21 In determining the cost to the state of constructing
22 facilities on property presently owned by the state or the
23 cost of acquiring property on which to construct facilities,
24 the Department of Management Services shall include the costs
25 which would be incurred by a private person in acquiring the
26 property and constructing the facilities, including, but not
27 limited to, taxes and return on investment.

28 ~~(3) The Department of Management Services shall~~
29 ~~provide assistance to any state agency, the judicial branch,~~
30 ~~and the Executive Office of the Governor in fulfilling the~~
31 ~~requirements of s. 216.0442 as developed pursuant to ss.~~

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1 ~~216.031 and 216.043.~~

2 Section 10. Section 216.0446, Florida Statutes, is
3 amended to read:

4 216.0446 Review of information resources management
5 needs.--

6 (1) There is created within the Legislature the
7 Technology Review Workgroup.~~The workgroup shall~~ ~~Executive~~
8 ~~Office of the Governor may contract with the Legislature to~~
9 ~~provide a mechanism for review of and~~ make recommendations
10 with respect to the portion of agencies' long-range program
11 ~~strategic~~ plans which pertains to information resources
12 management needs and with respect to agencies' legislative
13 budget requests for information resources management. ~~This~~
14 ~~mechanism shall be referred to as~~ The Technology Review
15 Workgroup, ~~which~~ shall be responsible to the chairs of the
16 legislative appropriations committees ~~headed by a senior-level~~
17 ~~manager.~~

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

22 (a) To evaluate the information resource management
23 needs identified in the agency long-range program ~~strategic~~
24 plans for consistency with the State Annual Report on
25 Information Resources Management and statewide policies
26 recommended by the State Technology Council, and make
27 recommendations to the chairs of the legislative
28 appropriations committees ~~Executive Office of the Governor,~~
29 ~~pursuant to s. 186.022(3).~~

30 (b) To review and make recommendations to the
31 ~~Executive Office of the Governor and the~~ chairs of the

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1 legislative appropriations ~~fiscal~~ committees on proposed
 2 budget amendments and agency transfers associated with notices
 3 ~~of proposed action for budget items with respect to~~
 4 information resources management initiatives or projects that
 5 involve more than one agency, that have an outcome that
 6 impacts another agency, or that exceed \$500,000 in total cost
 7 over a 1-year period.

8 ~~(c) To make recommendations to the Executive Office of~~
 9 ~~the Governor on guidelines and best practices for information~~
 10 ~~resources management based on information received from the~~
 11 ~~State Technology Council.~~

12 Section 11. Section 216.052, Florida Statutes, is
 13 amended to read:

14 216.052 Community ~~Legislative~~ budget requests;
 15 appropriations; grants.--

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

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

26 ~~(1)(3)~~ A local, county, or regional governmental
 27 entity ~~government~~, private organization, or nonprofit
 28 organization may submit a request for ~~requesting~~ a state
 29 appropriation for a program, service, or capital outlay
 30 initiative that is local or regional in scope, is intended to
 31 meet a documented need, addresses a statewide interest, is

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1 intended to produce measurable results, and has tangible
2 community support to members of the Legislature, a state
3 agency, or the Governor.~~has not been formally recommended~~
4 ~~under procedures established by law or that has been formally~~
5 ~~recommended under such procedures but has not been recommended~~
6 ~~by an agency or by the judicial branch, or that promotes only~~
7 ~~a local or regional interest, may be allowed the opportunity~~
8 ~~to provide information or testimony to the appropriate~~
9 ~~subcommittee of each appropriations committee. Each such~~
10 ~~request must include a fiscal note that shows the estimated~~
11 ~~cost of operations and capital outlay for the project. The~~
12 ~~fiscal note shall indicate the percentage of the projected~~
13 ~~costs of operations and capital outlay that is to be provided~~
14 ~~through state funds.~~

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

31 (3) Each community budget request submitted pursuant

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1 to this section must receive a hearing before a body of duly
2 elected public officials before being submitted for
3 consideration.

4 (4) For requests submitted to members of the
5 Legislature, community budget requests shall be submitted in
6 the form and manner prescribed jointly by the President of the
7 Senate and the Speaker of the House of Representatives. If the
8 President of the Senate and the Speaker of the House of
9 Representatives do not agree on a form and manner of
10 submission to be used by both houses, each may prescribe a
11 form and manner of submission to be used in his or her house.

12 (5) Community budget requests shall be submitted to
13 the chairs of the legislative appropriations committees in
14 accordance with the schedule established jointly by the
15 President of the Senate and the Speaker of the House of
16 Representatives. If the President of the Senate and the
17 Speaker of the House of Representatives do not agree on a
18 schedule to be used by both houses, each may prescribe a
19 schedule to be used in his or her house.

20 (6) The Executive Office of the Governor shall
21 prescribe the form and manner of submission of requests to
22 state agencies and to the Governor.

23 (7)(5) The retention of interest earned on state funds
24 or the amount of interest income earned shall be applied
25 against the state entity's obligation to pay the appropriated
26 contracted amount.

27 (8)(6) Whenever possible, a loan must be made in lieu
28 of a grant to a local government, a private organization, or a
29 nonprofit organization. It is the intent of the Legislature
30 that a revolving loan program shall be established so that the
31 loan amount plus interest is paid back by the recipient to the

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1 state.

2 ~~(9)(7)~~ Any private or nonprofit organization that is
 3 to receive funds through a community budget request requesting
 4 funding shall, at the time of application for such funds,
 5 provide information regarding its organization, including a
 6 copy of its current budget, ~~and~~ a list of its board of
 7 directors, and, if available, a copy of its most recent annual
 8 audit report prepared by an independent certified public
 9 accountant licensed in this state, including management
 10 letters or other documents associated with the audit report.

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

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

23 216.081 Data on legislative and judicial branch
 24 expenses.--

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

30 Section 13. Section 216.131, Florida Statutes, is
 31 amended to read:

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1 216.131 Public hearings on legislative budgets.--The
2 Governor and the Chief Justice of the Supreme Court shall each
3 provide for at least one public hearing prior to submission of
4 budget recommendations to the Legislature on issues contained
5 in agency legislative budget requests or in the judicial
6 branch budget request and issues that ~~which~~ may be included in
7 budget recommendations to the Legislature, which hearing shall
8 be held at such time as the Governor or the Chief Justice may
9 fix. The Governor may require the attendance or participation,
10 or both, at his or her hearings of the heads or responsible
11 representatives of all state agencies supported by any form of
12 taxation or licenses, fees, imposts, or exactions. The
13 Governor and the Chief Justice may provide these hearings
14 simultaneously via electronic format, such as teleconference,
15 Internet, etc., provided that a means for active participation
16 and questions by the audience is accommodated.

17 Section 14. Section 216.133, Florida Statutes, is
18 amended to read:

19 216.133 Definitions; ss. 216.133-216.137.--As used in
20 ss. 216.133-216.137:

21 (1) "Consensus estimating conference" includes the
22 Economic Estimating Conference, the Demographic Estimating
23 Conference, the Revenue Estimating Conference, the Education
24 Estimating Conference, the Criminal Justice Estimating
25 Conference, the Juvenile Justice Estimating Conference, the
26 Child Welfare System Estimating Conference, the Occupational
27 Forecasting Conference, the School Readiness Program
28 Estimating Conference, the Self-Insurance Estimating
29 Conference, the Florida Retirement System Actuarial Assumption
30 Conference, and the Social Services Estimating Conference, ~~and~~
31 ~~the Transportation Estimating Conference.~~

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

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

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

10 Section 15. Section 216.134, Florida Statutes, is
11 amended to read:

12 216.134 Consensus estimating conferences; general
13 provisions.--

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

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

30 (3)~~(2)~~ The official information developed by the
31 Economic Estimating Conference and the official information

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1 developed by the Demographic Estimating Conference shall be
2 used by all other consensus estimating conferences in
3 developing their official information.

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

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

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

22 ~~(5)(4)~~ All sessions and meetings of a consensus
23 estimating conference shall be open to the public as provided
24 in chapter 286.

25 Section 16. Section 216.136, Florida Statutes, is
26 amended to read:

27 216.136 Consensus estimating conferences; duties and
28 principals.--

29 (1) ECONOMIC ESTIMATING CONFERENCE.--

30 (a) Duties.--

31 ~~1-~~ The Economic Estimating Conference shall develop

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

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

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 Economic Estimating
26 Conference. The responsibility of presiding over sessions of
27 the conference shall be rotated among the principals.

28 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

29 (a) Duties.--The Demographic Estimating Conference
30 shall develop such official information with respect to the
31 population of the nation and state by age, race, and sex as

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1 the conference determines is needed for the state planning and
2 budgeting system. The conference shall use the official
3 population estimates provided under s. 186.901 in developing
4 its official information.

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

12 (3) REVENUE ESTIMATING CONFERENCE.--

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

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

26 (4) EDUCATION ESTIMATING CONFERENCE.--

27 (a) Duties.--The Education Estimating Conference shall
28 develop such official information relating to the state public
29 educational system, including forecasts of student
30 enrollments, the number of students qualified for state
31 financial aid programs and the appropriation required to fund

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

28 (b) Adjustments.--No later than 2 months prior to the
29 start of the regular session of the Legislature, the
30 conference shall forward to each eligible postsecondary
31 education institution its initial projections of the number of

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

20 (c) Principals.--The ~~Associate Deputy~~ Commissioner of
21 Education for ~~Educational Management~~, the Executive Office of
22 the Governor, the coordinator of the Office of Economic and
23 Demographic Research, and professional staff of the Senate and
24 House of Representatives who have forecasting expertise, or
25 their designees, are the principals of the Education
26 Estimating Conference. The ~~Associate Deputy~~ Commissioner of
27 Education for ~~Educational Management~~ or his or her designee
28 shall preside over sessions of the conference.

29 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

30 (a) Duties.--The Criminal Justice Estimating
31 Conference shall develop such official information relating to

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1 the criminal justice system, including forecasts of prison
2 admissions by offense categories specified in Rule 3.701,
3 Florida Rules of Criminal Procedure, as the conference
4 determines is needed for the state planning and budgeting
5 system.

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

14 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

15 (a) Duties.--

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

24 2. In addition, the Social Services Estimating
25 Conference shall develop estimates and forecasts of the
26 unduplicated count of children eligible for subsidized child
27 care as defined in s. 402.3015(1). These estimates and
28 forecasts shall not include children enrolled in the
29 prekindergarten early intervention program established in s.
30 230.2305.

31 3. The Department of Children and Family Services and

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1 the Department of Education shall provide information on
2 caseloads and waiting lists for the subsidized child care and
3 prekindergarten early intervention programs requested by the
4 Social Services Estimating Conference or individual conference
5 principals, in a timely manner.

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

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

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

24 ~~(b) Principals.--The Executive Office of the Governor,~~
25 ~~the coordinator of the Office of Economic and Demographic~~
26 ~~Research, and professional staff with budgeting expertise from~~
27 ~~the Department of Transportation, the Senate, and the House of~~
28 ~~Representatives are the principals of the Transportation~~
29 ~~Estimating Conference. The principal representing the~~
30 ~~Executive Office of the Governor shall preside over sessions~~
31 ~~of the conference.~~

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1 ~~(7)~~~~(8)~~ CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

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

8 1. Estimates and projections of the number of initial
9 and additional reports of child abuse, abandonment, or neglect
10 made to the central abuse hotline maintained by the Department
11 of Children and Family Services as established in s.
12 39.201(4). Projections may take into account other factors
13 that may influence the number of future reports to the abuse
14 hotline.

15 2. Estimates and projections of the number of children
16 who are alleged to be victims of child abuse, abandonment, or
17 neglect and are in need of emergency shelter, foster care,
18 residential group care, adoptive services, or other
19 appropriate care.

20
21 In addition, the conference shall develop other official
22 information relating to the child welfare system of the state
23 which the conference determines is needed for the state
24 planning and budgeting system. The Department of Children and
25 Family Services shall provide information on the child welfare
26 system requested by the Child Welfare System Estimating
27 Conference, or individual conference principals, in a timely
28 manner.

29 (b) Principals.--The Executive Office of the Governor,
30 the coordinator of the Office of Economic and Demographic
31 Research, and professional staff who have forecasting

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1 expertise from the Department of Children and Family Services,
2 the Senate, and the House of Representatives, or their
3 designees, are the principals of the Child Welfare System
4 Estimating Conference. The principal representing the
5 Executive Office of the Governor shall preside over sessions
6 of the conference.

7 (8)~~(9)~~ JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

21 (b) Principals.--The Executive Office of the Governor,
22 the Office of Economic and Demographic Research, and
23 professional staff who have forecasting expertise from the
24 Department of Juvenile Justice, the Department of Children and
25 Family Services Alcohol, Drug Abuse, and Mental Health Program
26 Office, the Department of Law Enforcement, the Senate
27 Appropriations Committee staff, the House of Representatives
28 Appropriations Committee staff, or their designees, are the
29 principals of the Juvenile Justice Estimating Conference. The
30 responsibility of presiding over sessions of the conference
31 shall be rotated among the principals. To facilitate policy

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1 and legislative recommendations, the conference may call upon
2 professional staff of the Juvenile Justice Accountability
3 Board and appropriate legislative staff.

4 (9)~~(10)~~ OCCUPATIONAL FORECASTING CONFERENCE.--

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

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

24 (10)~~(11)~~ SCHOOL READINESS PROGRAM ESTIMATING
25 CONFERENCE.--

26 (a) Duties.--

27 1. The School Readiness Program Estimating Conference
28 shall develop such estimates and forecasts of the number of
29 individuals eligible for school readiness programs in
30 accordance with the standards of eligibility established by
31 state or federal statute or administrative rule as the

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1 conference determines are needed to support the state
2 planning, budgeting, and appropriations processes.

3 2. In addition, the School Readiness Program
4 Estimating Conference shall estimate the unduplicated count of
5 children who are eligible for services under the school
6 readiness program.

7 3. The Florida Partnership for School Readiness shall
8 provide information on needs and waiting lists for school
9 readiness program services requested by the School Readiness
10 Program Estimating Conference or individual conference
11 principals in a timely manner.

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

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

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

26 (b) Principals.--The Executive Office of the Governor,
27 the coordinator of the Office of Economic and Demographic
28 Research, and staff directors of the committees of the Senate
29 and the House of Representatives which have primary
30 responsibility for legislation dealing with taxation, or their
31 designees, are the principals of the Self-Insurance Estimating

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1 Conference. The responsibility of presiding over sessions of
 2 the conference shall be rotated among the principals.

3 (12) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION
 4 CONFERENCE.--

5 (a) Duties.--The Florida Retirement System Actuarial
 6 Assumption Conference shall develop official information with
 7 respect to the economic and noneconomic assumptions and
 8 funding methods of the Florida Retirement System necessary to
 9 perform the system actuarial study undertaken pursuant to s.
 10 121.031(3). Such information shall include: an analysis of
 11 the actuarial assumptions and actuarial methods used in the
 12 study and a determination of whether changes to the
 13 assumptions or methods need to be made due to experience
 14 changes or revised future forecasts.

15 (b) Principals.--The Executive Office of the Governor,
 16 the coordinator of the Office of Economic and Demographic
 17 Research, and professional staff of the Senate and House of
 18 Representatives who have forecasting expertise, or their
 19 designees, are the principals of the Florida Retirement System
 20 Actuarial Assumption Conference. The Executive Office of the
 21 Governor shall have the responsibility of presiding over the
 22 sessions of the conference. The State Board of Administration
 23 and the Division of Retirement shall be participants in the
 24 conference.

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

27 216.141 Budget system procedures; planning and
 28 programming by state agencies.--

29 (1) The Executive Office of the Governor, in
 30 consultation with the appropriations committees of the Senate
 31 and House of Representatives, and by utilizing the Florida

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

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

27 216.162 Governor's recommended budget to be furnished
28 Legislature; copies to members.--

29 (1) At least 45 days before the scheduled annual
30 legislative session ~~in each odd-numbered year,~~ the Governor
31 shall furnish each senator and representative a copy of his or

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

8 Section 19. Section 216.163, Florida Statutes, is
9 amended to read:

10 216.163 Governor's recommended budget; form and
11 content; declaration of collective bargaining impasses.--

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

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

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

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

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

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

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

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

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

26 ~~(g) Explanations and justification, expressed in terms~~
27 ~~of program-effectiveness measures, program-efficiency~~
28 ~~measures, workload, productivity adjustments, staffing~~
29 ~~standards, and any other criteria needed to evaluate the~~
30 ~~delivery of governmental services and to explain the~~
31 ~~Governor's recommendations or the Chief Justice's~~

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1 ~~recommendations, and such other supporting schedules and~~
2 ~~exhibits as may be determined by the Governor or the Chief~~
3 ~~Justice.~~

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

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

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

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

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

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

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

22 2. Additional flexibility in salary rate and position
23 management.

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

31 4. Additional funds to be used for, but not limited

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1 to, lump-sum bonuses, employee training, or productivity
2 enhancements, including technology and other improvements.

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

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

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

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

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

18 4. Reduction of total positions for a program.

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

21 6. Reduction of managerial salaries.

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

28 (6) At the time the Governor is required to furnish
29 copies of his or her recommended budget to each senator and
30 representative under s. 216.162(1), the Governor shall declare
31 an impasse in all collective bargaining negotiations for which

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1 he or she is deemed to be the public employer and for which a
2 collective bargaining agreement has not been executed. Within
3 14 days thereafter, the Governor shall furnish the legislative
4 appropriations committees with documentation relating to the
5 last offer he or she made during such collective bargaining
6 negotiations or recommended to a mediator or special master
7 appointed to resolve the impasse.

8 Section 20. Subsections (1) and (2) of section
9 216.177, Florida Statutes, are amended to read:

10 216.177 Appropriations acts, statement of intent,
11 violation, notice, review and objection procedures.--

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

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

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

23 (b)(c) The documents set forth in s. 216.0442(2)(a)
24 and (c),

25
26 to the Executive Office of the Governor, the Comptroller, the
27 Auditor General, the Chief Justice of the Supreme Court, and
28 each state agency. ~~The statement of intent constitutes a~~
29 ~~manifestation of how the Legislature, in its considered~~
30 ~~opinion as a representative of the people, thinks~~
31 ~~appropriations should be spent. The statement of intent is~~

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1 ~~not a law and may not allocate or appropriate any funds, or~~
2 ~~amend or correct any provision, in the General Appropriations~~
3 ~~Act, but the statement of intent may provide additional~~
4 ~~explanation to the Executive Office of the Governor, the~~
5 ~~judicial branch, the Administration Commission, and each~~
6 ~~affected state agency relative to the purpose, objectives,~~
7 ~~spending philosophy, and restrictions associated with any~~
8 ~~specific appropriation. The statement of intent shall compare~~
9 ~~the request of the agency or of the judicial branch or the~~
10 ~~recommendation of the Governor to the funds appropriated for~~
11 ~~the purpose of establishing intent in the development of the~~
12 ~~approved operating budget. A request for additional~~
13 explanation and direction regarding the legislative intent of
14 the General Appropriations Act during the fiscal year may be
15 made only by and through the Executive Office of the Governor
16 for state agencies, and by and through the Chief Justice of
17 the Supreme Court for the judicial branch, as is deemed
18 necessary. However, the Comptroller may also request further
19 clarification of legislative intent pursuant to the
20 Comptroller's responsibilities related to his or her preaudit
21 function of expenditures.

22 (2)(a) Whenever notice of action to be taken by the
23 Executive Office of the Governor or~~the~~ Chief Justice of the
24 Supreme Court,~~or the commission~~ is required by this chapter,
25 such notice shall be given to the chair of the Legislative
26 Budget Commission and chairs of the legislative appropriations
27 committees in writing, and shall be delivered to both such
28 chairs at least 14 ~~consecutive~~ days prior to the action
29 referred to, unless a shorter period is approved in writing by
30 the chair both such chairs. If the action is solely for the
31 release of funds appropriated by the Legislature, the notice

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1 shall be delivered at least 3 days before the effective date
2 of the action. Action shall not be taken on any budget item
3 for which this chapter requires notice to the Legislative
4 Budget Commission and appropriations committees without such
5 notice having been provided, even though there may be good
6 cause for considering such item.

7 (b) If the chair of the Legislative Budget Commission
8 ~~chairs of the legislative appropriations committees~~ or the
9 President of the Senate and the Speaker of the House of
10 Representatives timely advise, in writing, the Executive
11 Office of the Governor or, the Chief Justice of the Supreme
12 Court, ~~or the Administration Commission~~ that an action or a
13 proposed action, whether subject to the notice and review
14 requirements of this chapter or not, exceeds the delegated
15 authority of the Executive Office of the Governor for the
16 executive branch or, the Chief Justice for the judicial
17 branch, ~~or the Administration Commission~~, respectively, or is
18 contrary to legislative policy and intent, the Governor or,
19 the Chief Justice of the Supreme Court, ~~or the Administration~~
20 ~~Commission~~ shall void such action and instruct the affected
21 state agency or entity of the judicial branch to change
22 immediately its spending action or spending proposal until the
23 Legislature addresses the issue. The written documentation
24 shall indicate the specific reasons that an action or proposed
25 action exceeds the delegated authority or is contrary to
26 legislative policy and intent.

27 (c) The House of Representatives and the Senate shall
28 provide by rule that any member of the House of
29 Representatives or Senate may request, in writing, of either
30 the President of the Senate or the Speaker of the House of
31 Representatives or the chair of the ~~respective~~ Legislative

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1 ~~Budget Commission appropriations committee~~ to initiate the
2 procedures of paragraph (b).

3 Section 21. Section 216.178, Florida Statutes, is
4 amended to read:

5 216.178 General Appropriations Act; format; procedure+
6 ~~cost statement for new debt or obligation.--~~

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

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

31 ~~(3) The Governor shall submit to the Secretary of~~

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1 ~~State, along with the signed General Appropriations Act, a~~
 2 ~~statement which sets forth the estimated cost of each new~~
 3 ~~proposed state debt or obligation contained in the act. Each~~
 4 ~~statement shall be written in substantially the following~~
 5 ~~form:~~

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

16 Section 22. Section 216.179, Florida Statutes, is
 17 amended to read:

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

27 Section 23. Section 216.181, Florida Statutes, is
 28 amended to read:

29 216.181 Approved budgets for operations and fixed
 30 capital outlay.--

31 (1) The General Appropriations Act and any other acts

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1 containing appropriations shall be considered the original
2 approved operating budgets for operational and fixed capital
3 expenditures. Amendments to the approved operating budgets for
4 operational and fixed capital outlay expenditures from state
5 agencies may be requested only through the Executive Office of
6 the Governor and approved by the Governor and the Legislative
7 Budget Commission ~~or Administration Commission~~ as provided in
8 this chapter. Amendments from the judicial branch may be
9 requested only through, and approved by, the Chief Justice of
10 the Supreme Court. This includes amendments which are
11 necessary to implement the provisions of s. 216.212 or s.
12 216.221.

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

20 (a) The amendment must be consistent with legislative
21 policy and intent.

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

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

31 (d) For amendments that involve trust funds, there

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1 must be adequate and appropriate revenues available in the
2 trust fund and the amendment must be consistent with the laws
3 authorizing such trust funds and the laws relating to the use
4 of the trust funds. However, a trust fund shall not be
5 increased in excess of the original approved budget, except as
6 provided in subsection (11).

7 (e) The amendment shall not conflict with any
8 provision of law.

9 (f) The amendment must not provide funding for any
10 issue which was requested by the agency or branch in their
11 legislative budget request and not funded in the General
12 Appropriations Act.

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

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

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

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

26 ~~(5)(4) An All amendments to the original approved~~
27 ~~operating budgets, regardless of funding source, are subject~~
28 ~~to the notice and review procedures set forth in s. 216.177~~
29 ~~and must be approved by the Governor and Administration~~
30 ~~Commission as provided in this chapter for the executive~~
31 ~~branch and the Chief Justice for the judicial branch if the~~

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1 amendment ~~is~~ for an information resources management project
2 or initiative that involves more than one agency, has an
3 outcome that impacts another agency, or exceeds \$500,000 in
4 total cost over a 1-year period, except for those projects
5 that are a continuation of hardware or software maintenance or
6 software licensing agreements, or that are for desktop
7 replacement that is similar to the technology currently in use
8 must be reviewed by the Technology Review Workgroup pursuant
9 to s. 216.0466 and approved by the Executive Office of the
10 Governor for the executive branch or by the Chief Justice for
11 the judicial branch, and shall be subject to the notice and
12 review procedures set forth in s. 216.177.

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

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

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

31 (7)(6) The Executive Office of the Governor may, for

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1 the purpose of improved contract administration, authorize the
2 consolidation of two or more fixed capital outlay
3 appropriations for an agency, and the Chief Justice of the
4 Supreme Court for the judicial branch, except for projects
5 authorized under chapter 235, provided the original scope and
6 purpose of each project are not changed.

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

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

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

26 (b) Controlled by department or agency; except for the
27 Department of Education, which shall be controlled by division
28 and for the judicial branch, which shall be controlled at the
29 branch level budget entity.

30 (c) Assigned to the number of authorized positions,
31 ~~which may not be transferred between budget entities unless~~

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1 ~~the associated positions are also transferred pursuant to s.~~
2 ~~216.262(1)(c).~~

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

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

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

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

27 (11) The Executive Office of the Governor may approve
28 transfers of appropriations in the General Appropriations Act
29 within any state trust fund of an agency, and the Chief
30 Justice of the Supreme Court may approve such transfers for
31 the judicial branch. ~~The Governor and the Chief Justice of~~

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

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

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

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

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

27 (15)~~(14)~~ The provisions of this section do not apply
28 to the budgets for the legislative branch.

29 (16)~~(15)~~(a) Funds provided in any specific
30 appropriation in the General Appropriations Act may be
31 advanced if the General Appropriations Act specifically so

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1 provides.

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

25 ~~(c) For the 1999-2000 fiscal year only, funds~~
26 ~~appropriated to the Department of Children and Family Services~~
27 ~~in Specific Appropriations 292 through 425 and the Department~~
28 ~~of Health in Specific Appropriations 445 through 540 of the~~
29 ~~1999-2000 General Appropriations Act may be advanced, unless~~
30 ~~specifically prohibited in such General Appropriations Act,~~
31 ~~for those contracted services that were approved for~~

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1 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
2 ~~including those services contracted on a fixed-price or unit~~
3 ~~cost basis. This paragraph is repealed on July 1, 2000.~~

4 ~~(16) Notwithstanding any provision of this section to~~
5 ~~the contrary and for the 1999-2000 fiscal year only, the~~
6 ~~Department of Children and Family Services is authorized to~~
7 ~~use operating funds budgeted for Developmental Services~~
8 ~~Institutions for fixed capital outlay expenditures as needed~~
9 ~~to bring any currently unlicensed beds up to Federal~~
10 ~~Intermediate Care Facility for the Developmentally Disabled~~
11 ~~licensure standards. This subsection is repealed on July 1,~~
12 ~~2000.~~

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

26 ~~(18) Notwithstanding any other provision of this~~
27 ~~chapter to the contrary, the Florida Department of~~
28 ~~Transportation, in order to facilitate the transfer of~~
29 ~~personnel to the new turnpike headquarters location in Orange~~
30 ~~County, may transfer salary rate to the turnpike budget entity~~
31 ~~from other departmental budget entities. The department must~~

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1 ~~provide documentation of all transfers to the Executive Office~~
2 ~~of the Governor, the Chairman of the Senate Budget Committee,~~
3 ~~and the Chairman of the House of Representatives Committee on~~
4 ~~Transportation and Economic Development Appropriations. This~~
5 ~~subsection expires July 1, 2000.~~

6 Section 24. Section 216.1825, Florida Statutes, is
7 created to read:

8 216.1825 Zero-based budgeting.--

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

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

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

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

30 Section 25. Section 216.183, Florida Statutes, is
31 amended to read:

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1 216.183 Entities using performance-based program
2 budgets; chart of accounts.--State agencies and the judicial
3 branch for which a performance-based program budget has been
4 appropriated shall utilize the chart of accounts used by the
5 Florida Accounting Information Resource Subsystem in the
6 manner described in s. 215.93(3). The chart of accounts for
7 state agencies and the judicial branch for which a
8 performance-based program budget has been appropriated shall
9 be developed and amended, if necessary, in consultation with
10 the Department of Banking and Finance,and the Executive
11 Office of the Governor, and the chairs of the Legislative
12 Budget Commission.

13 Section 26. Subsection (1) of section 216.192, Florida
14 Statutes, is amended to read:

15 216.192 Release of appropriations; revision of
16 budgets.--

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

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1 budget for such agency or the judicial branch if less. The
2 Comptroller shall enter such releases in his or her records in
3 accordance with the release plans prescribed by the Executive
4 Office of the Governor and the Chief Justice, unless otherwise
5 amended as provided by law. The Executive Office of the
6 Governor and the Chief Justice shall transmit a copy of the
7 approved annual releases to the head of the state agency, the
8 chair of the Legislative Budget Commission, the chairs of the
9 legislative appropriations committees, and the Auditor
10 General. The Comptroller shall authorize all expenditures to
11 be made from the appropriations on the basis of such releases
12 and in accordance with the approved budget, and not otherwise.
13 Expenditures shall be authorized only in accordance with
14 legislative authorizations. Nothing herein precludes periodic
15 reexamination and revision by the Executive Office of the
16 Governor or by the Chief Justice of the annual plans for
17 release of appropriations and the notifications of the parties
18 of all such revisions.

19 Section 27. Section 216.195, Florida Statutes, is
20 amended to read:

21 216.195 Impoundment of funds; restricted.--The
22 Executive Office of the Governor, the Chief Justice of the
23 Supreme Court, any member of the Cabinet, ~~the Administration~~
24 ~~Commission~~, or any state agency shall not impound any
25 appropriation except as necessary to avoid or eliminate a
26 deficit pursuant to the provisions of s. 216.221. As used in
27 this section, the term "impoundment" means the omission of any
28 appropriation or part of an appropriation in the approved
29 operating plan prepared pursuant to s. 216.181 or in the
30 schedule of releases prepared pursuant to s. 216.192 or the
31 failure of any state agency or the judicial branch to spend an

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1 appropriation for the stated purposes authorized in the
 2 approved operating budget.The provisions of this section are
 3 subject to the notice and review procedures of s. 216.177.
 4 The Governor or either house of the Legislature may seek
 5 judicial review of any action or proposed action which
 6 violates the provisions of this section.

7 Section 28. Section 216.212, Florida Statutes, is
 8 amended to read:

9 216.212 Budgets for federal funds; restrictions on
 10 expenditure of federal funds.--

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

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

28 (b) Every office or court of the judicial branch, when
 29 making a request or preparing a budget to be submitted to the
 30 Federal Government for funds, equipment, material, or
 31 services, shall submit such request or budget to the Chief

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1 Justice of the Supreme Court for approval before submitting it
2 to the proper federal authority. However, the Chief Justice
3 may specifically authorize any court to submit specific types
4 of grant proposals directly to the Federal Government.

5 (2) When such federal authority has approved the
6 request or budget, the state agency or the judicial branch
7 shall submit to the Executive Office of the Governor such
8 documentation showing approval as that office prescribes.
9 ~~Beginning July 1, 1993,~~The Executive Office of the Governor
10 must acknowledge each approved request or budget by entering
11 that approval into an Automated Grant Management System
12 developed in consultation with the chairs of the House of
13 Representatives and Senate appropriations committees.

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

29 ~~(4) The Office of the Comptroller and the Executive~~
30 ~~Office of the Governor, in consultation with the Office of the~~
31 ~~Treasurer and the Office of the Auditor General, shall develop~~

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1 ~~and maintain a means to ensure the compatibility of the~~
2 ~~Florida Accounting Information Resource Subsystem and the~~
3 ~~Federal Aid Tracking System. Any successive systems serving~~
4 ~~identical or similar functions shall preserve such~~
5 ~~compatibility.~~

6 Section 29. Section 216.216, Florida Statutes, is
7 created to read:

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

22 Section 30. Subsections (2) and (6) of section
23 216.221, Florida Statutes, are amended to read:

24 216.221 Appropriations as maximum appropriations;
25 adjustment of budgets to avoid or eliminate deficits.--

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

30 (6) If the Revenue Estimating Conference projects a
31 deficit in the General Revenue Fund in excess of 1.5 percent

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1 of the moneys appropriated from the General Revenue Fund~~\$300~~
2 ~~million~~ during a fiscal year or when the cumulative total of a
3 series of projected deficits in the General Revenue Fund
4 exceeds 1.5 percent of the moneys appropriated from the
5 General Revenue Fund~~\$300 million~~, the deficit shall be
6 resolved by the Legislature.

7 Section 31. Paragraph (a) of subsection (2) of section
8 216.251, Florida Statutes, is amended to read:

9 216.251 Salary appropriations; limitations.--

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

13 1. Within the classification and pay plans provided
14 for in chapter 110.

15 2. Within the classification and pay plans established
16 by the Board of Trustees for the Florida School for the Deaf
17 and the Blind of the Department of Education and approved by
18 the State Board of Education for academic and academic
19 administrative personnel.

20 3. Within the classification and pay plan approved and
21 administered by the Board of Regents for those positions in
22 the State University System.

23 4. Within the classification and pay plan approved by
24 the President of the Senate and the Speaker of the House of
25 Representatives, ~~or by the Legislative Auditing Committee,~~ as
26 the case may be, for employees of the Legislature.

27 5. Within the approved classification and pay plan for
28 the judicial branch.

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

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1 Section 32. Paragraphs (a), (b), and (f) of subsection
2 (1) of section 216.262, Florida Statutes, are amended to read:

3 216.262 Authorized positions.--

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

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

28
29 The provisions of this paragraph are subject to the notice and
30 review procedures set forth in s. 216.177. A copy of the
31 application, the certification, and the final authorization

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1 shall be filed with the Legislative Budget Commission, the
2 appropriations committees and with the Auditor General.

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

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

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

16 Section 33. Subsection (1) of section 216.271, Florida
17 Statutes, is amended to read:

18 216.271 Revolving funds.--

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

27 Section 34. Section 216.292, Florida Statutes, is
28 amended to read:

29 216.292 Appropriations nontransferable; exceptions.--

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

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

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

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

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

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

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

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

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

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1 is greater, by all action taken under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 Section 35. Section 216.348, Florida Statutes, is
2 created to read:

3 216.348 Fixed capital outlay grants and aids
4 appropriations to certain nonprofit entities.--If a bill
5 appropriating a fixed capital outlay grants and aids
6 appropriation requires compliance with this section, the
7 following conditions shall apply, except to the extent that
8 such bill modifies these conditions:

9 (1) As used in this section, the term:

10 (a) "Administering agency" means the governmental
11 agency or entity which is charged by the bill appropriating
12 the fixed capital outlay grants and aids appropriation to a
13 grantee with administering that appropriation.

14 (b) "Grant" means a fixed capital outlay grants and
15 aids appropriation to a nonprofit entity other than a
16 governmental entity.

17 (c) "Grantee" means a nonprofit entity, other than a
18 governmental entity, to which the Legislature has appropriated
19 over \$50,000 pursuant to a fixed capital outlay grants and
20 aids appropriation.

21 (2) Prior to the receipt of any grant money from the
22 administering agency, a grantee must provide the administering
23 agency with an affidavit by an officer or director of the
24 grantee certifying under oath that the grantee is a nonprofit
25 entity and must execute a written agreement with the
26 administering agency, in a form approved by the administering
27 agency, pursuant to subsection (3).

28 (3)(a) If the grantee is acquiring real property with
29 the grant, or if the grantee owns the real property upon which
30 an improvement is being constructed, renovated, altered,
31 modified, or maintained with the grant, the grantee must

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1 execute, deliver, and record in the county in which the
2 subject property is located an agreement that:

3 1. States a correct legal description of the real
4 property.

5 2. Sets forth with specificity the buildings,
6 appurtenances, fixtures, fixed equipment, structures,
7 improvements, renovations, and personalty to be purchased
8 pursuant to the grant.

9 3. During the term of the agreement, prohibits the
10 grantee from selling, transferring, mortgaging, or assigning
11 the grantee's interest in the real property, unless the
12 administering agency approves the sale, transfer, mortgage, or
13 assignment; and, in the case of sale, transfer, or assignment,
14 the purchaser, transferor, or assignee must fully assume, in
15 writing, all of the terms and conditions of the agreement
16 required by this subsection. The administering agency, at its
17 discretion, may agree to subordination to a mortgage.

18 (b) If the grantee is not acquiring real property, or
19 does not own the real property being improved, the agreement
20 shall:

21 1. Specify the leasehold or other real property
22 interest the grantee has in the real property.

23 2. State the name of the owner of the real property.

24 3. Describe the relationship between the owner of the
25 real property and the grantee.

26 4. Set forth with specificity the improvements,
27 renovations, and personalty to be purchased pursuant to the
28 grant.

29 5. During the term of the agreement, prohibit the
30 grantee from selling, transferring, mortgaging, or assigning
31 the grantee's interest in the leasehold, improvements,

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1 renovations, or personalty, unless the administering agency
2 approves the sale, transfer, mortgage, or assignment; and, in
3 the case of sale, transfer, or assignment, the purchaser,
4 transferor, or assignee must fully assume, in writing, all of
5 the terms and conditions of the agreement required by this
6 subsection. Additionally, the grantee shall execute and
7 deliver a security instrument, financing statement, or other
8 appropriate document securing the interest of the
9 administering agency in the improvements, renovations, and
10 personalty associated with the grant. The administering
11 agency, in its discretion, may agree to subordination or
12 modification of a security interest.

13 (c) All agreements required by this subsection shall:

14 1. Require the grantee to continue the operation,
15 maintenance, repair, and administration of the property in
16 accordance with the purposes for which the funds were
17 originally appropriated and for the period of time expressly
18 specified by the bill appropriating the grant. If the bill
19 appropriating the grant does not specify a time period, the
20 administering agency shall determine a reasonable period of
21 time.

22 2. Provide that if the grantee fails, during the term
23 of the agreement, to operate, maintain, repair, and administer
24 the property in accordance with the purposes for which the
25 funds were originally granted, the grantee shall return to the
26 administering agency, no later than upon demand by the
27 administering agency, an amount calculated as follows:

28 a. If the bill appropriating the grant states a
29 specific repayment formula, that formula shall be used;

30 b. If the bill appropriating the grant states a
31 specific period of time but does not specify a repayment

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1 formula, the amount to be returned shall be calculated on a
2 pro rata basis for that period of time; or
3 c. If the bill appropriating the grant does not state
4 a specific period of time or formula, the amount to be
5 returned shall be specified by the administering agency, which
6 shall be no less than the full amount of the grant less
7 \$100,000 or 10 percent of the grant, whichever is more, for
8 each full year for which the property was used for such
9 purposes.

10

11 The administering agency shall deposit all funds returned by
12 the grantee into the state fund from which the grant was
13 originally made.

14 3. Require that the grantee adopt an accounting
15 system, in compliance with generally accepted accounting
16 principles, which shall provide for a complete record of the
17 use of the grant money. In addition, the provisions of s.
18 216.3491 shall apply.

19 4. Provide that the grantee shall indemnify, defend,
20 and hold the administering agency harmless from and against
21 any and all claims or demands for damages resulting from
22 personal injury, including death or damage to property,
23 arising out of or relating to the subject property or the use
24 of the grant money. The agreement shall require the grantee to
25 purchase and maintain insurance on behalf of directors,
26 officers, and employees of the grantee against any personal
27 liability or accountability by reason of actions taken while
28 acting within the scope of their authority. The administering
29 agency shall be immune from civil or criminal liability
30 resulting from acts or omissions of the grantee and the
31 grantee's agents, employees, or assigns.

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1 5. Require the grantee to return any portion of the
 2 grant money received that is not necessary to the purchase of
 3 the land, or to the cost of the improvements, renovations, and
 4 personalty, for which the grant was awarded.

5 (d) The administering agency may:

6 1. Require that, during any term or period of
 7 construction, or until such time as the grant money is fully
 8 and properly spent according to the bill appropriating the
 9 grant, the grantee obtain a blanket fidelity bond, in the
 10 amount of the grant, issued by a company authorized and
 11 licensed to do business in this state, which will reimburse
 12 the administering agency in the event that anyone handling the
 13 grant moneys either misappropriates or absconds with the grant
 14 moneys. All employees handling the grant moneys must be
 15 covered by the bond.

16 2. Include any other term or condition the
 17 administering agency deems reasonable and necessary for the
 18 effective and efficient administration of the grant.

19 3. Modify any condition required by this subsection,
 20 provided the administering agency deems that such modification
 21 is necessary in order to best effectuate the purpose of the
 22 grant and provided the bill appropriating the grant, or
 23 applicable law, does not otherwise require.

24 (e) The agreement must provide that the administering
 25 agency shall execute a satisfaction of the agreement in
 26 recordable form upon full compliance by the grantee with the
 27 terms of the agreement.

28 Section 36. Subsection (11) is added to section 11.45,
 29 Florida Statutes, to read:

30 11.45 Definitions; duties; audits; reports.--

31 (11) In addition to any other provision of law

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

10 Section 37. Section 11.90, Florida Statutes, is
11 created to read:

12 11.90 Legislative Budgeting Commission.--

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

28 (2) The Legislative Budget Commission shall be
29 governed by joint rules of the Senate and the House of
30 Representatives which shall remain in effect until repealed or
31 amended by concurrent resolution.

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1 (3) The commission shall meet at least quarterly and
2 more frequently at the direction of the presiding officers or
3 upon call of the chairman. A quorum shall consist of a
4 majority of members from each house, plus one additional
5 member from either house. Action by the commission requires a
6 majority vote of the members present of each house.

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

9 (5) The commission will be jointly staffed by the
10 appropriations committees of the House of Representatives and
11 the Senate. During even-numbered years, the Senate will serve
12 as lead staff, and during odd-numbered years, the House of
13 Representatives will serve as lead staff.

14 Section 38. Subsection (2) of section 120.65, Florida
15 Statutes, is amended to read:

16 120.65 Administrative law judges.--

17 (2) The director has the right to appeal actions by
18 the Executive Office of the Governor that affect amendments to
19 the division's approved operating budget or any personnel
20 actions pursuant to chapter 216 to the Administration
21 Commission, which shall decide such issue by majority vote.
22 The appropriations committees may advise the Administration
23 Commission on the issue. If the President of the Senate and
24 the Speaker of the House of Representatives object in writing
25 to the effects of the appeal, the appeal may be affirmed by
26 the affirmative vote of two-thirds of the commission members
27 present. ~~The failure of the Executive Office of the Governor~~
28 ~~to act on a request for action by the director within 21 days~~
29 ~~after receiving a written request constitutes approval of the~~
30 ~~request.~~

31 Section 39. Subsection (3) of section 121.031, Florida

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1 Statutes, is amended to read:

2 121.031 Administration of system; appropriation;
3 oaths; actuarial studies; public records.--

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

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

11 ~~(a)1.~~ The valuation of plan assets shall be based on a
12 5-year averaging methodology such as that specified in the
13 United States Department of Treasury Regulations, 26 C.F.R. s.
14 1.412(c)(2)-1, or a similar accepted approach designed to
15 attenuate fluctuations in asset values.

16 ~~(b)2.~~ The study shall include a narrative explaining
17 the changes in the covered group over the period between
18 actuarial valuations and the impact of those changes on
19 actuarial results.

20 ~~(c)3.~~ When substantial changes in actuarial
21 assumptions have been made, the study shall reflect the
22 results of an actuarial assumption as of the current date
23 based on the assumptions utilized in the prior actuarial
24 report.

25 ~~(d)4.~~ The study shall include an analysis of the
26 changes in actuarial valuation results by the factors
27 generating those changes. Such analysis shall reconcile the
28 current actuarial valuation results with those results from
29 the prior valuation.

30 ~~(e)5.~~ The study shall include measures of funding
31 status and funding progress designed to facilitate the

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1 assessment of trends over several actuarial valuations with
2 respect to the overall solvency of the system. Such measures
3 shall be adopted by the division and shall be used
4 consistently in all actuarial valuations performed on the
5 system.

6 ~~(b) The Florida Retirement System Actuarial Assumption
7 Conference which is hereby created shall by consensus develop
8 official information with respect to the economic and
9 noneconomic assumptions and funding methods of the Florida
10 Retirement System necessary to perform the study. Such
11 information shall include: an analysis of the actuarial
12 assumptions and actuarial methods and a determination of
13 whether changes to the assumptions or methods need to be made
14 due to experience changes or revised future forecasts. The
15 members of the conference shall include the Executive Office
16 of the Governor, the coordinator of the Office of Economic and
17 Demographic Research, and professional staff of the Senate and
18 House of Representatives who have forecasting expertise, or
19 their designees. The Executive Office of the Governor shall
20 have the responsibility of presiding over the sessions of the
21 conference. The State Board of Administration and the
22 Division of Retirement shall be participants, as defined in s.
23 216.134, in the conference.~~

24 Section 40. Subsection (2) of section 186.002, Florida
25 Statutes, is amended to read:

26 186.002 Findings and intent.--

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

28 (a) The state planning process provide direction for
29 the delivery of governmental services, a means for defining
30 and achieving the specific goals and objectives of the state,
31 and a method for evaluating the accomplishment of those goals

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1 and objectives.

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

5 (c) Long-range program ~~State agency strategic~~ plans
6 shall be effectively coordinated to ensure the establishment
7 of appropriate agency priorities and facilitate the orderly,
8 positive management of agency activities consistent with the
9 public interest. It is also intended that the implementation
10 of state and regional plans enhance the quality of life of the
11 citizens of the state.

12 (d) The state planning process shall be informed and
13 guided by the experience of public officials at all levels of
14 government. In preparing any plans or proposed revisions or
15 amendments required by this chapter, the Governor shall
16 consider the experience of and information provided by local
17 governments in their evaluation and appraisal reports pursuant
18 to s. 163.3191.

19 (e) All agencies and levels of government involved in
20 the integrated planning process shall provide sufficient
21 opportunities for meaningful public participation in the
22 preparation, implementation, evaluation, and revision of all
23 plans and programs.

24 Section 41. Section 186.003, Florida Statutes, is
25 amended to read:

26 186.003 Definitions.--As used in ss. 186.001-186.031
27 and 186.801-186.901, the term:

28 (1) "Executive Office of the Governor" means the
29 Office of Planning and Budgeting of the Executive Office of
30 the Governor.

31 (2) "Goal" means the long-term end toward which

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1 programs and activities are ultimately directed.

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

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

7 (5) "Regional planning agency" means the regional
8 planning council created pursuant to ss. 186.501-186.515 to
9 exercise responsibilities under ss. 186.001-186.031 and
10 186.801-186.901 in a particular region of the state.

11 (6) "State agency" or "agency" means any official,
12 officer, commission, board, authority, council, committee, or
13 department of the executive branch of state government. For
14 purposes of this chapter, "state agency" or "agency" includes
15 state attorneys, public defenders, the Capital Collateral
16 Regional Counsels, the Justice Administrative Commission, and
17 the Public Service Commission.~~each executive department, the~~
18 ~~Fish and Wildlife Conservation Commission, the Parole~~
19 ~~Commission, and the Department of Military Affairs.~~

20 ~~(7) "State agency strategic plan" means the statement~~
21 ~~of priority directions that an agency will take to carry out~~
22 ~~its mission within the context of the state comprehensive plan~~
23 ~~and within the context of any other statutory mandates and~~
24 ~~authorizations given to the agency, pursuant to ss.~~
25 ~~186.021-186.022.~~

26 (7)(8) "State comprehensive plan" means the state
27 planning document required in s. 19, Art. III of the State
28 Constitution and published as ss. 187.101 and 187.201.

29 Section 42. Section 186.021, Florida Statutes, is
30 amended to read:

31 186.021 Long-range program ~~State agency strategic~~

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1 plans.--Pursuant to s. 216.013, each state agency shall
2 develop a long-range program plan on an annual basis. The plan
3 shall provide the framework and context for designing and
4 interpreting the agency budget request. The plan will be
5 developed through careful examination and justification of
6 agency functions and their associated costs. It shall be used
7 by the agency to implement the state's goals and objectives.
8 Indicators shall be developed to measure service and activity
9 performance.

10 ~~(1) A state agency strategic plan shall be a statement~~
11 ~~of the priority directions an agency will take to carry out~~
12 ~~its mission within the context of the state comprehensive plan~~
13 ~~and any other statutory mandates and authorizations given to~~
14 ~~the agency. Each state agency strategic plan must identify~~
15 ~~infrastructure needs, capital improvement needs, and~~
16 ~~information resources management projects or initiatives that~~
17 ~~involve more than one agency, that have an outcome that~~
18 ~~impacts another agency, or that exceed \$500,000 in total cost~~
19 ~~over a 1-year period, except for those projects that are a~~
20 ~~continuation of hardware or software maintenance or software~~
21 ~~licensing agreements, or that are for desktop replacement that~~
22 ~~is similar to the technology currently in use. Each agency~~
23 ~~strategic plan shall specify those objectives against which~~
24 ~~will be judged the agency's achievement of its goals and the~~
25 ~~goals of the state comprehensive plan. The state agency~~
26 ~~strategic plan shall be consistent with and shall further the~~
27 ~~goals of the state comprehensive plan.~~

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

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1 ~~the agency's strategic plan.~~

2 ~~(3) All amendments, revisions, or updates to a state~~
3 ~~agency strategic plan shall be prepared in the same manner as~~
4 ~~the original and shall be prepared as needed because of~~
5 ~~changes in the state comprehensive plan or changes in the~~
6 ~~statutory authority and responsibility of the agency.~~

7 ~~(4) The Department of Environmental Protection, with~~
8 ~~regard to the plan required by s. 373.036, and the state land~~
9 ~~planning agency, with regard to the plan defined in s.~~
10 ~~380.031(17), shall prepare revisions to such plans no later~~
11 ~~than 6 months after the adoption of revisions to the growth~~
12 ~~management portion of the state comprehensive plan or by June~~
13 ~~1 of each even-numbered year, whichever is later.~~

14 ~~(5) Notwithstanding the provisions of this section and~~
15 ~~ss. 186.009 and 186.022, the short-range component of the~~
16 ~~Florida Transportation Plan and annual performance report~~
17 ~~developed pursuant to s. 339.155 shall serve as the state~~
18 ~~agency strategic plan and annual performance report for the~~
19 ~~Department of Transportation.~~

20 Section 43. Section 186.022, Florida Statutes, is
21 amended to read:

22 186.022 Information resource ~~State agency~~ strategic
23 ~~plans; preparation, form, and review.--~~

24 ~~(1) Beginning in 1992, 3 months prior to the annual~~
25 ~~submission of its final agency legislative budget request~~
26 ~~pursuant to s. 216.023(1), each state agency shall prepare and~~
27 ~~submit its agency strategic plan to the Executive Office of~~
28 ~~the Governor. Prior to the submission of its agency strategic~~
29 ~~plan to the Governor, each agency shall hold public workshops~~
30 ~~on the proposed agency strategic plan, and shall allow at~~
31 ~~least a 21-day period for public comment. At a minimum,~~

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1 ~~adequate public notice must be assured by publication of~~
2 ~~notice of the hearing and comment period in the Florida~~
3 ~~Administrative Weekly. Public participation must be further~~
4 ~~encouraged through procedures and instructions.~~

5 ~~(2) Each agency strategic plan must be in a form and~~
6 ~~manner prescribed in written instructions prepared by the~~
7 ~~Executive Office of the Governor after consultation with the~~
8 ~~President of the Senate and the Speaker of the House of~~
9 ~~Representatives. Each agency strategic plan must identify the~~
10 ~~specific legislative authority necessary to implement the~~
11 ~~provisions of the plan. An agency may only implement those~~
12 ~~portions of its strategic plan that are consistent with~~
13 ~~existing statutory or constitutional authority and for which~~
14 ~~funding, if needed, is available consistent with the~~
15 ~~provisions of chapter 216. An agency's budget request~~
16 ~~prescribed in s. 216.023(1) shall identify the financial~~
17 ~~resources necessary to further the provisions of the agency's~~
18 ~~strategic plan. Performance measures, as defined in s. 216.011~~
19 ~~and proposed by the agency pursuant to s. 216.0166(1), must be~~
20 ~~consistent with the objectives in the draft agency strategic~~
21 ~~plan and shall represent 1-year implementation efforts~~
22 ~~necessary to meet the 5-year agency strategic plan objectives.~~
23 ~~State agency strategic plans shall be amended by the agency,~~
24 ~~as necessary, to ensure consistency with the legislative~~
25 ~~actions prior to the effective date of the agency strategic~~
26 ~~plan.~~

27 ~~(3) The Executive Office of the Governor shall review~~
28 ~~the state agency strategic plans to ensure that they are~~
29 ~~consistent with the state comprehensive plan and other~~
30 ~~requirements as specified in the written instructions. In its~~
31 ~~review, the Executive Office of the Governor shall consider~~

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1 ~~all comments received in formulating required revisions. This~~
2 ~~shall include:~~

3 ~~(a) The findings of the Technology Review Workgroup as~~
4 ~~to the consistency of the information resources management~~
5 ~~portion of agency strategic plans with the State Annual Report~~
6 ~~on Information Resources Management and statewide policies~~
7 ~~recommended by the State Technology Council; and~~

8 ~~(b) The findings and recommendations of the Criminal~~
9 ~~and Juvenile Justice Information Systems Council's review with~~
10 ~~respect to public safety system strategic information~~
11 ~~resources management issues.~~

12

13 ~~Within 60 days, reviewed plans shall be returned to the~~
14 ~~agency, together with any required revisions. However, any~~
15 ~~required revisions relating to information resources~~
16 ~~management needs identified in the agency strategic plans are~~
17 ~~subject to the notice and review procedures set forth in s.~~
18 ~~216.177 and must be approved by the Administration Commission~~
19 ~~for the executive branch and the Chief Justice for the~~
20 ~~judicial branch.~~

21

22 ~~(4) The state agency shall, within 30 days of the~~
23 ~~return of its state agency strategic plan, incorporate all~~
24 ~~revisions required by the Governor, or shall petition the~~
25 ~~Administration Commission to resolve any disputes regarding~~
26 ~~the consistency of the state agency strategic plan or the~~
27 ~~revisions recommended by the Governor with the state~~
28 ~~comprehensive plan or the written instructions. The~~
29 ~~Administration Commission shall resolve any disputes within 60~~
30 ~~days of the petition.~~

31

31 ~~(5) Any differences between state agencies regarding~~
the programs, policies, or strategic plans of such agencies

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1 ~~shall be mediated by the Executive Office of the Governor.~~

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

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

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

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

19 ~~(9)~~ By June ~~March~~ 1 of each year, the Geographic
20 Information Board, the Financial Management Information Board,
21 the Criminal and Juvenile Justice Information Systems Council,
22 and the Health Information Systems Council shall each develop
23 and submit an information resource a strategic plan to the
24 Executive Office of the Governor in a form and manner
25 prescribed in written instructions prepared by the Executive
26 Office of the Governor in consultation with the legislative
27 appropriation committees. The Executive Office of the Governor
28 shall review the strategic plan and may provide comments
29 within 30 days. In its review, the Executive Office of the
30 Governor shall consider all comments and findings of the
31 Technology Review Workgroup as to whether the plan is

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1 consistent with the State Annual Report on Information
2 Resources Management and statewide policies recommended by the
3 State Technology Council. If revisions are required, boards
4 and councils have 30 days to incorporate those revisions and
5 return the plan to the Executive Office of the Governor.
6 ~~following the general statutory requirements that are~~
7 ~~applicable to agencies pursuant to s. 186.021(1), (2), and~~
8 ~~(3). The strategic plan shall be subject to the requirements,~~
9 ~~and the review and approval processes, set forth in~~
10 ~~subsections (2) through (8), with the following exceptions:~~

11 ~~(a) The Executive Office of the Governor, after~~
12 ~~consultation with the President of the Senate and the Speaker~~
13 ~~of the House of Representatives, may prescribe a specific~~
14 ~~format and content for the strategic plans of coordinating~~
15 ~~boards and councils.~~

16 ~~(b) The time periods for review and return of any~~
17 ~~required strategic plan revisions, incorporation of such~~
18 ~~revisions by the boards or councils, and resolution of~~
19 ~~disputes shall be established by the Executive Office of the~~
20 ~~Governor, after consultation with the President of the Senate~~
21 ~~and the Speaker of the House of Representatives.~~

22 Section 44. Subsection (1) of section 186.901, Florida
23 Statutes, is amended to read:

24 186.901 Population census determination.--

25 (1) The Office of Economic and Demographic Research
26 shall annually provide to the Executive Office of the
27 ~~Governor, either through its own resources or by contract,~~
28 ~~shall produce~~ population estimates of local governmental units
29 as of April 1 of each year, utilizing accepted statistical
30 practices. The population of local governments provided by the
31 Office of Economic and Demographic Research, ~~as determined by~~

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1 ~~the Executive Office of the Governor,~~ shall apply to any
2 revenue-sharing formula with local governments under the
3 provisions of ss. 218.20-218.26, part II of chapter 218. The
4 Office of Economic and Demographic Research shall additionally
5 provide the Executive Office of the Governor population
6 estimates for municipal annexations or consolidations
7 occurring during the period April 1 through February 28, and
8 the Executive Office of the Governor shall ~~determine the~~
9 ~~population count of the annexed areas as of April 1 and~~
10 include these estimates ~~such~~ in its certification to the
11 Department of Revenue for the annual revenue-sharing
12 calculation.

13 Section 45. Section 215.18, Florida Statutes, is
14 amended to read:

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

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1 Section 46. Subsection (1) of section 215.22, Florida
2 Statutes, is amended to read:

3 215.22 Certain income and certain trust funds
4 exempt.--

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

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

9 (b) Trust funds administered by the Department of the
10 Lottery.

11 (c) Departmental administrative assessments for
12 administrative divisions.

13 (d) Funds charged by a state agency for services
14 provided to another state agency, by a state agency for
15 services provided to the judicial branch, or by the judicial
16 branch for services provided to a state agency.

17 (e) State, agency, or political subdivision
18 investments by the Treasurer.

19 (f) Retirement or employee benefit funds.

20 (g) Self-insurance programs administered by the
21 Treasurer.

22 (h) Funds held for the payment of citrus canker
23 eradication and compensation.

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

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

29 (k) Trust funds administered by the Department of
30 Education.

31 (l) Trust funds administered by the Department of

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1 Transportation.

2 (m) Trust funds administered by the Department of
3 Agriculture and Consumer Services.

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

5 (o) The Solid Waste Management Trust Fund.

6 (p) The Coconut Grove Playhouse Trust Fund.

7 (q) The Communications Working Capital Trust Fund of
8 the Department of Management Services.

9 (r) The Camp Blanding Management Trust Fund.

10 (s) The Indigent Criminal Defense Trust Fund.

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

14 (u) The Save the Manatee Trust Fund.

15 (v) Tobacco Settlement Trust Funds administered by any
16 agency.

17 Section 47. Paragraph (b) of subsection (2) of section
18 215.32, Florida Statutes, is amended to read:

19 215.32 State funds; segregation.--

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

22 (b)1. The trust funds shall consist of moneys received
23 by the state which under law or under trust agreement are
24 segregated for a purpose authorized by law. The state agency
25 or branch of state government receiving or collecting such
26 moneys shall be responsible for their proper expenditure as
27 provided by law. Upon the request of the state agency or
28 branch of state government responsible for the administration
29 of the trust fund, the Comptroller may establish accounts
30 within the trust fund at a level considered necessary for
31 proper accountability. Once an account is established within a

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1 trust fund, the Comptroller may authorize payment from that
2 account only upon determining that there is sufficient cash
3 and releases at the level of the account.

4 2. In order to maintain a minimum number of trust
5 funds in the State Treasury, each state agency or the judicial
6 branch may consolidate, if permitted under the terms and
7 conditions of their receipt, the trust funds administered by
8 it; provided, however, the agency or judicial branch employs
9 effectively a uniform system of accounts sufficient to
10 preserve the integrity of such trust funds; and provided,
11 further, that consolidation of trust funds is approved by the
12 Governor ~~Administration Commission~~ or the Chief Justice.

13 3. All such moneys are hereby appropriated to be
14 expended in accordance with the law or trust agreement under
15 which they were received, subject always to the provisions of
16 chapter 216 relating to the appropriation of funds and to the
17 applicable laws relating to the deposit or expenditure of
18 moneys in the State Treasury.

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

24 b. This subparagraph does not apply to trust funds
25 required by federal programs or mandates; trust funds
26 established for bond covenants, indentures, or resolutions
27 whose revenues are legally pledged by the state or public body
28 to meet debt service or other financial requirements of any
29 debt obligations of the state or any public body; the State
30 Transportation Trust Fund; the trust fund containing the net
31 annual proceeds from the Florida Education Lotteries; the

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1 Florida Retirement Trust Fund; trust funds under the
2 management of the Board of Regents, where such trust funds are
3 for auxiliary enterprises, self-insurance, and contracts,
4 grants, and donations, as those terms are defined by general
5 law; trust funds that serve as clearing funds or accounts for
6 the Comptroller or state agencies; trust funds that account
7 for assets held by the state in a trustee capacity as an agent
8 or fiduciary for individuals, private organizations, or other
9 governmental units; and other trust funds authorized by the
10 State Constitution.

11 Section 48. Section 215.3208, Florida Statutes, is
12 amended to read:

13 215.3208 Trust funds; ~~schedule for termination;~~
14 legislative review.--

15 ~~(1) Except for those trust funds exempt from automatic~~
16 ~~termination pursuant to the provisions of s. 19(f)(3), Art.~~
17 ~~III of the State Constitution, trust funds administered by the~~
18 ~~following entities shall be reviewed and may be terminated or~~
19 ~~re-created by the Legislature, as appropriate, during the~~
20 ~~regular session of the Legislature in the year indicated:~~

21 ~~(a) In 1994:~~

- 22 ~~1. Department of Corrections.~~
- 23 ~~2. Department of Highway Safety and Motor Vehicles.~~
- 24 ~~3. Department of Law Enforcement.~~
- 25 ~~4. Department of Legal Affairs.~~
- 26 ~~5. Department of the Lottery.~~
- 27 ~~6. Department of Management Services.~~
- 28 ~~7. Department of Military Affairs.~~
- 29 ~~8. Department of Transportation.~~
- 30 ~~9. Game and Fresh Water Fish Commission.~~
- 31 ~~10. Judicial branch.~~

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1 ~~appropriate, during the 1996 Regular Session of the~~
2 ~~Legislature.~~

3 (1)(3) In order to implement s. 19(f), Art. III of the
4 State Constitution ~~For the purposes of this section, the~~
5 Legislature shall review all state trust funds at least once
6 every 4 years. The schedule for such review may be included in
7 the legislative budget instructions developed pursuant to the
8 requirements of s. 216.023. The Legislature shall review the
9 trust funds as they are identified by a unique 6-digit code in
10 the Florida Accounting Information Resource Subsystem at a
11 level composed of the 2-digit organization level 1, the
12 1-digit state fund type 2, and the first three digits of the
13 fund identifier. When a statutorily created trust fund that
14 was in existence on November 4, 1992, has more than one
15 6-digit code, the Legislature may treat it as a single trust
16 fund for the purposes of this section. The Legislature may
17 also conduct its review concerning accounts within such trust
18 funds.

19 (2)(4)(a) When the Legislature terminates a trust
20 fund, the agency or branch of state government that
21 administers the trust fund shall pay any outstanding debts or
22 obligations of the trust fund as soon as practicable, and the
23 Comptroller shall close out and remove the trust fund from the
24 various state accounting systems, using generally accepted
25 accounting principles concerning assets, liabilities, and
26 warrants outstanding.

27 (b) If the Legislature determines to terminate a trust
28 fund, it may provide for the distribution of moneys in that
29 trust fund. If such a distribution is not provided, the moneys
30 remaining after all outstanding obligations of the trust fund
31 are met shall be deposited in the General Revenue Fund.

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1 Section 49. Paragraph (f) of subsection (3) of section
2 240.209, Florida Statutes, is amended to read:
3 240.209 Board of Regents; powers and duties.--
4 (3) The board shall:
5 (f) Establish and maintain systemwide personnel
6 programs for all State University System employees, including
7 a systemwide personnel classification and pay plan,
8 notwithstanding provisions of law that grant authority to the
9 Department of Management Services over such programs for state
10 employees. The board shall consult with the legislative
11 appropriations committees regarding any major policy changes
12 related to classification and pay which are in conflict with
13 those policies in effect for career service employees with
14 similar job classifications and responsibilities. The board
15 may adopt rules delegating its authority to the Chancellor or
16 the universities. The board shall submit, in a manner
17 prescribed by law, any reports concerning State University
18 System personnel programs as shall be required of the
19 Department of Management Services for other state employees.
20 The Department of Management Services shall retain authority
21 over State University System employees for programs
22 established in ss. 110.116, 110.123, 110.1232, 110.1234,
23 110.1235, and 110.1238 and in chapters 121, 122, and 238. The
24 board shall adopt only those rules necessary to provide for a
25 coordinated, efficient systemwide program and shall delegate
26 to the universities all authority necessary for implementation
27 of the program consistent with these coordinating rules so
28 adopted and applicable collective bargaining agreements.
29 ~~Notwithstanding the provisions of s. 216.181(7),~~The salary
30 rate controls for positions in budgets under the Board of
31 Regents shall separately delineate the general faculty and all

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1 other categories.

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

4 240.20941 Vacant faculty positions.--Notwithstanding
5 the provisions of s. 216.181(8) and (9)~~s. 216.181(7), (8),~~
6 ~~and (9)~~, and pursuant to the provisions of s. 216.351, actions
7 to reduce positions, rate, or salaries and benefits, excluding
8 salary lapse calculations, taken by the Legislature or~~by the~~
9 ~~Executive Office of the Governor, or by the Administration~~
10 ~~Commission~~ which relate specifically to vacant positions, and
11 which are applied on a uniform basis to all state employee
12 positions, may affect the positions within the faculty pay
13 plan approved and administered by the Board of Regents only to
14 the extent that they do so by express reference to this
15 section.

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

18 240.279 Working capital trust funds established.--

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

27 Section 52. Subsection (2) of section 252.37, Florida
28 Statutes, is amended to read:

29 252.37 Financing.--

30 (2) It is the legislative intent that the first
31 recourse be made to funds regularly appropriated to state and

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1 local agencies. If the Governor finds that the demands placed
2 upon these funds in coping with a particular disaster declared
3 by the Governor as a state of emergency are unreasonably
4 great, she or he may make funds available by transferring and
5 expending moneys appropriated for other purposes, by
6 transferring and expending moneys out of any unappropriated
7 surplus funds, or from the Budget Stabilization Fund or
8 Working Capital Fund. Following the expiration or termination
9 of the state of emergency, the Governor may process a budget
10 amendment under the notice and review procedures set forth in
11 s. 216.177 to transfer moneys to satisfy the budget authority
12 granted for such emergency.

13 Section 53. Section 288.7091, Florida Statutes, is
14 amended to read:

15 288.7091 Duties of the Florida Black Business
16 Investment Board.--The Florida Black Business Investment Board
17 shall:

18 (1) Establish certification criteria for black
19 business investment corporations. Certification criteria shall
20 include administrative capacity, fiduciary controls, and, in
21 the case of existing black business investment corporations,
22 solvency and soundness of prior loan decisions;

23 (2) Develop a memorandum of understanding with
24 Enterprise Florida, Inc., that outlines a strategy for
25 collaboration with the programs and boards of Enterprise
26 Florida, Inc.;

27 (3) Include in the criteria for loan decisions,
28 occupational forecasting results set forth in s. 216.136(9)~~s.~~
29 ~~216.136(10)~~which target high growth jobs;

30 (4) Establish, in communities that are not currently
31 served by an existing black business investment corporation,

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1 memoranda of understanding with local financial institutions
2 that will provide loan guarantees for loans to black business
3 enterprises;

4 (5) Develop memoranda of understanding with the
5 Departments of Labor and Employment Security, Education,
6 Transportation, and Management Services, as well as the State
7 Board of Regents, detailing efforts of common interest and
8 collaborations to expand black business development;

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

13 (7) Annually, prepare a report detailing the
14 performance of each black business investment corporation,
15 addressing the number of jobs created and/or retained, success
16 and failure rates among loan recipients, and the amount of
17 funds leveraged from other sources.

18 Section 54. Paragraph (b) of subsection (5) of section
19 320.20, Florida Statutes, is amended to read:

20 320.20 Disposition of license tax moneys.--The revenue
21 derived from the registration of motor vehicles, including any
22 delinquent fees and excluding those revenues collected and
23 distributed under the provisions of s. 320.081, must be
24 distributed monthly, as collected, as follows:

25 (5)
26 (b) The State Comptroller each month shall deposit in
27 the State Transportation Trust Fund an amount, drawn from
28 other funds in the State Treasury which are not immediately
29 needed or are otherwise in excess of the amount necessary to
30 meet the requirements of the State Treasury, which when added
31 to such remaining revenues each month will equal one-twelfth

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1 of the amount of the anticipated annual revenues to be
2 deposited in the State Transportation Trust Fund under
3 paragraph (a) as estimated by the most recent revenue
4 estimating conference held pursuant to s. 216.136(3). The
5 transfers required hereunder may be suspended by action of the
6 Legislative Budget Administration Commission in the event of a
7 significant shortfall of state revenues.

8 Section 55. Section 337.023, Florida Statutes, is
9 amended to read:

10 337.023 Sale of building; acceptance of replacement
11 building.--Notwithstanding the provisions of s. 216.292(4)(b)
12 ~~s. 216.292(5)(b)~~, if the department sells a building, the
13 department may accept the construction of a replacement
14 building, in response to a request for proposals, totally or
15 partially in lieu of cash, and may do so without a specific
16 legislative appropriation. Such action is subject to the
17 approval of the Executive Office of the Governor, and is
18 subject to the notice, review, and objection procedures under
19 s. 216.177. The replacement building shall be consistent with
20 the current and projected needs of the department as agreed
21 upon by the department and the Department of Management
22 Services.

23 Section 56. Paragraph (a) of subsection (2) of section
24 339.135, Florida Statutes, is amended to read:

25 339.135 Work program; legislative budget request;
26 definitions; preparation, adoption, execution, and
27 amendment.--

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

30 (a) The department shall file the legislative budget
31 request in the manner required by chapter 216, setting forth

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

15 Section 57. Subsection (3) of section 392.69, Florida
16 Statutes, is amended to read:

17 392.69 Appropriation, sinking, and maintenance trust
18 funds; additional powers of the department.--

19 (3) In the execution of its public health program
20 functions, notwithstanding s. 216.292(4)(b)~~s. 216.292(5)(b)~~,
21 the department is hereby authorized to use any sums of money
22 which it may heretofore have saved or which it may hereafter
23 save from its regular operating appropriation, or use any sums
24 of money acquired by gift or grant, or any sums of money it
25 may acquire by the issuance of revenue certificates of the
26 hospital to match or supplement any state or federal funds, or
27 any moneys received by said department by gift or otherwise,
28 for the construction or maintenance of additional facilities
29 or improvement to existing facilities, as the department deems
30 necessary.

31 Section 58. Section 216.3491, Florida Statutes, is

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1 transferred, renumbered as section 215.97, Florida Statutes,
2 and amended to read:

3 215.97 ~~216.3491~~ Florida Single Audit Act.--

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

5 (a) Establish uniform state audit requirements for
6 state financial assistance provided by state agencies to
7 nonstate entities to carry out state projects.

8 (b) Promote sound financial management, including
9 effective internal controls, with respect to state financial
10 assistance administered by nonstate entities.

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

14 (d) Provide for identification of state financial
15 assistance transactions in the appropriations act, state
16 accounting records, and recipient organization records.

17 (e) Promote improved coordination and cooperation
18 within and between affected state agencies providing ~~making~~
19 state financial assistance awards and nonstate entities
20 receiving state assistance awards.

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

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

25 (a) "Audit threshold" means the amount to use in
26 determining when a state single audit of a nonstate entity
27 shall be conducted in accordance with this section. Each
28 nonstate entity that expends a total amount of state financial
29 assistance awards equal to or in excess of \$300,000 in any
30 fiscal year of such nonstate entity shall be required to have
31 a state single audit for such fiscal year in accordance with

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1 the requirements of this section. Every 2 years the Auditor
2 General, after consulting with the Executive Office of the
3 Governor, the Comptroller, and all state agencies that provide
4 state financial assistance to nonstate entities, shall review
5 the amount for requiring audits under this section and may
6 adjust such dollar amount consistent with the purpose of this
7 section.

8 (b) "Auditing standards" means the auditing standards
9 as stated in the rules of the Auditor General as applicable to
10 for-profit organizations, nonprofit organizations, or local
11 governmental entities.

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

24 (d) "Financial reporting package" means the nonstate
25 entities' financial statements, Schedule of State Financial
26 Assistance, auditor's reports, management letter, auditee's
27 written responses or corrective action plan, correspondence on
28 followup of prior years' corrective actions taken, and such
29 other information determined by the Auditor General to be
30 necessary and consistent with the purposes of this section.

31 (e) "Federal financial assistance" means financial

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1 assistance from federal sources passed through the state and
2 provided to nonstate entities to carry out a federal program.
3 "Federal financial assistance" includes all types of federal
4 assistance as defined in applicable United States Office of
5 Management and Budget circulars.

6 (f) "For-profit organization" means any organization
7 or sole proprietor individual that received a state award but
8 is not a local governmental entity or a nonprofit
9 organization.

10 (g) "Independent auditor" means an external state or
11 local government auditor or a certified public accountant who
12 meets the independence standards.

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

- 17 1. Effectiveness and efficiency of operations.
- 18 2. Reliability of financial operations.
- 19 3. Compliance with applicable laws and regulations.

20 (i) "Local governmental entity" means a county agency,
21 municipality, or special district or any other entity (other
22 than a district school board or community college), however
23 styled, which independently exercises any type of governmental
24 function.

25 (j) "Major state project" means any state project
26 meeting the criteria as stated in the rules of the Executive
27 Office of the Governor. Such criteria shall be established
28 after consultation with the Comptroller and appropriate state
29 agencies that provide ~~make~~ state financial assistance ~~awards~~
30 and shall consider the amount of state project expenditures or
31 expenses or inherent risks. Each major state project shall be

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1 audited in accordance with the requirements of this section.

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

4 1. Is operated primarily for scientific, educational
5 service, charitable, or similar purpose in the public
6 interest;

7 2. Is not organized primarily for profit;

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

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

12 (l) "Nonstate entity" means a local governmental
13 entity, nonprofit organization, or for-profit organization
14 that receives a state resources award.

15 (m) "Recipient" means a nonstate entity that receives
16 a state financial assistance award directly from a state
17 awarding agency.

18 (n) "Schedule of State Financial Assistance" means a
19 document prepared in accordance with the rules of the
20 Comptroller and included in each financial reporting package
21 required by this section.

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

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

27 ~~(p)(q) "State financial assistance" means financial~~
28 ~~assistance from state resources, not including federal~~
29 ~~financial assistance and state matching, provided to nonstate~~
30 ~~entities to carry out a state project. "State financial~~
31 ~~assistance" includes all types of state assistance as stated~~

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1 in the rules of the Executive Office of the Governor
2 established in consultation with the Comptroller and
3 appropriate state agencies that provide state financial
4 assistance ~~make state awards~~. It includes state financial
5 assistance provided ~~awards made~~ directly by state awarding
6 agencies or indirectly by recipients of state awards or
7 subrecipients. It does not include procurement contracts
8 ~~under state awards~~, used to buy goods or services from
9 vendors. Audits of such procurement contracts with vendors are
10 outside of the scope of this section. Also, audits of
11 contracts to operate state-government-owned and
12 contractor-operated facilities are excluded from the audit
13 requirements of this section.

14 (q)~~(r)~~ "State matching" means state resources ~~awards~~
15 provided to nonstate entities to be used to meet federal
16 financial participation matching requirements of federal
17 programs.

18 (r)~~(s)~~ "State project" means all state financial
19 assistance ~~awards~~ to a nonstate entity assigned a single state
20 project number identifier in the Catalog of State Financial
21 Assistance.

22 (s)~~(t)~~ "State Projects Compliance Supplement" means a
23 document issued by the Executive Office of the Governor, in
24 consultation with the Comptroller and all state agencies that
25 provide state financial assistance ~~make state awards~~. The
26 State Projects Compliance Supplement shall identify ~~each major~~
27 ~~state project and other~~ state projects, the significant
28 compliance requirements, eligibility requirements, matching
29 requirements, suggested audit procedures, and other relevant
30 information determined necessary.

31 (t)~~(u)~~ "State project-specific audit" means an audit

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1 of one state project performed in accordance with the
2 requirements of subsection (9)~~this section~~.

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

8 (v)~~(w)~~ "Subrecipient" means a nonstate entity that
9 receives ~~a~~ state financial assistance ~~award~~ through another
10 nonstate entity, ~~but does not include an individual who~~
11 ~~receives state financial assistance through such state awards.~~

12 (w)~~(x)~~ "Vendor" means a dealer, distributor, merchant,
13 or other seller providing goods or services that are required
14 for the conduct of a state project. These goods or services
15 may be for an organization's own use or for the use of
16 beneficiaries of the state project.

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

18 (a) Upon conferring with the Comptroller and all state
19 awarding agencies ~~that make state awards~~, adopt rules
20 necessary to provide appropriate guidance to state awarding
21 agencies, recipients and subrecipients, and independent
22 auditors of state financial assistance relating to the
23 requirements of this section, including:

24 1. The types or classes of financial assistance
25 considered to be state financial assistance which would be
26 subject to the requirements of this section. This would
27 include guidance to assist in identifying when the state
28 agency or recipient has contracted with a vendor rather than
29 with a recipient or subrecipient.

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

31 3. The criteria for selecting state projects for

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1 audits based on inherent risk.

2 (b) Be responsible for coordinating the initial
3 preparation and subsequent revisions of the Catalog of State
4 Financial Assistance after consultation with the Comptroller
5 and all state awarding agencies ~~that award state financial~~
6 ~~assistance to nonstate entities.~~

7 (c) Be responsible for coordinating the initial
8 preparation and subsequent revisions of the State Projects
9 Compliance Supplement, after consultation with the Comptroller
10 and all state awarding agencies ~~that award state financial~~
11 ~~assistance to nonstate entities.~~

12 (4) The Comptroller shall:

13 (a) Make enhancements to the state's accounting system
14 to provide for the:

15 1. Recording of state financial assistance and federal
16 financial assistance appropriations and expenditures ~~as~~
17 ~~separate categories~~ within the state awarding agencies'
18 operating funds.

19 2. Recording of state project number identifiers, as
20 provided in the Catalog of State Financial Assistance, for
21 state financial assistance awards.

22 3. Establishment and recording of an identification
23 code for each financial transaction, including state agencies'
24 disbursements awards of state financial assistance and federal
25 financial assistance, as to the corresponding type or
26 organization that is party to the transaction (e.g., other
27 governmental agencies, nonprofit organizations, and for-profit
28 organizations), and disbursements of federal financial
29 assistance, as to whether the party to the transaction is or
30 is not a recipient or subrecipient.

31 (b) Upon conferring with the Executive Office of the

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1 Governor and all state awarding agencies ~~that make state~~
2 ~~awards~~, adopt rules necessary to provide appropriate guidance
3 to state awarding agencies, recipients and subrecipients, and
4 independent auditors of state financial assistance relating to
5 the format for the Schedule of State Financial Assistance.

6 (c) Perform any inspections, reviews, investigations,
7 or audits of state financial assistance considered necessary
8 in carrying out the Comptroller's legal responsibilities for
9 state financial assistance or to comply with the requirements
10 of this section.

11 (5) Each state awarding agency ~~that makes state awards~~
12 shall:

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

16 1. The audit and accountability requirements for state
17 projects as stated in this section and applicable rules of the
18 Executive Office of the Governor, rules of the Comptroller,
19 and rules of the Auditor General.

20 2. Information from the Catalog of State Financial
21 Assistance, including the standard state project number
22 identifier; official title; legal authorization; and
23 description of the state project including objectives,
24 restrictions, and other relevant information determined
25 necessary.

26 3. Information from the State Projects Compliance
27 Supplement, including the significant compliance requirements,
28 eligibility requirements, matching requirements, suggested
29 audit procedures, and other relevant information determined
30 necessary.

31 (b) Require the recipient, as a condition of receiving

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1 state financial assistance, to allow the state awarding
2 agency, the Comptroller, and the Auditor General access to the
3 recipient's records and the recipient's independent auditor's
4 working papers as necessary for complying with the
5 requirements of this section.

6 (c) Notify the recipient that this section does not
7 limit the authority of the state awarding agency to conduct or
8 arrange for the conduct of additional audits or evaluations of
9 state financial assistance or limit the authority of any state
10 agency inspector general, the Auditor General, or any other
11 state official.

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

15 (e) Review the recipient financial reporting package,
16 including the management letters and corrective action plans,
17 to the extent necessary to determine whether timely and
18 appropriate corrective action has been taken with respect to
19 audit findings and recommendations pertaining to state
20 financial assistance provided ~~awards made~~ by the state agency.

21 (6) As a condition of receiving state financial
22 assistance, each recipient that provides state financial
23 assistance to a subrecipient shall:

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

- 27 1. Identification of the state awarding agency.
- 28 2. The audit and accountability requirements for state
29 projects as stated in this section and applicable rules of the
30 Executive Office of the Governor, rules of the Comptroller,
31 and rules of the Auditor General.

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1 3. Information from the Catalog of State Financial
2 Assistance, including the standard state project number
3 identifier; official title; legal authorization; and
4 description of the state project, including objectives,
5 restrictions, and other relevant information.

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

11 (b) Review the subrecipient audit reports, including
12 the management letters, to the extent necessary to determine
13 whether timely and appropriate corrective action has been
14 taken with respect to audit findings and recommendations
15 pertaining to state financial assistance provided ~~awards made~~
16 by the state agency.

17 (c) Perform such other procedures as specified in
18 terms and conditions of the written agreement with the state
19 awarding agency including any required monitoring of the
20 subrecipient's use of state financial assistance through
21 onsite visits, limited scope audits, or other specified
22 procedures.

23 (d) Require subrecipients, as a condition of receiving
24 state financial assistance, to permit the independent auditor
25 of the recipient, the state awarding agency, the Comptroller,
26 and the Auditor General access to the subrecipient's records
27 and the subrecipient's independent auditor's working papers as
28 necessary to comply with the requirements of this section.

29 (7) Each recipient or subrecipient of state financial
30 assistance shall comply ~~obtain an audit that complies~~ with the
31 following:

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1 (a) Each nonstate entity that receives state financial
2 assistance awards and meets audit threshold requirements, in
3 any fiscal year of the nonstate entity, as stated in the rules
4 of the Auditor General, shall have a state single audit
5 conducted for such fiscal year in accordance with the
6 requirements of this act and with additional requirements
7 established in rules of the Executive Office of the Governor,
8 rules of the Comptroller, and rules of the Auditor General. If
9 only one state project is involved in a nonstate entity's
10 fiscal year, the nonstate entity may elect to have ~~require~~
11 only a state project-specific ~~compliance~~ audit of the state
12 project for that fiscal year.

13 (b) Each nonstate entity that receives state financial
14 assistance awards and does not meet the threshold
15 requirements, in any fiscal year of the nonstate entity, as
16 stated in this law or the rules of the Auditor General is
17 exempt for such fiscal year from the state single audit
18 requirements of this section. However, such nonstate entity
19 must meet terms and conditions specified in the written
20 agreement with the state awarding agency.

21 (c) Regardless of the amount of the state financial
22 assistance award, the provisions of this section do not exempt
23 a nonstate entity from compliance with provisions of law
24 relating to maintaining records concerning state financial
25 assistance awards to such nonstate entity or allowing access
26 and examination of those records by the state awarding agency,
27 the Comptroller, or the Auditor General.

28 (d) Audits conducted pursuant to this section shall be
29 performed annually.

30 (e) Audits conducted pursuant to this section shall be
31 conducted by independent auditors in accordance with auditing

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1 standards as stated in rules of the Auditor General.

2 (f) Upon completion of the audit as required by this
3 section, a copy of the recipient's financial reporting package
4 shall be filed with the state awarding agency and the Auditor
5 General. Upon completion of the audit as required by this
6 section, a copy of the subrecipient's financial reporting
7 package shall be filed with the recipient that provided the
8 state financial assistance. The financial reporting package
9 shall be filed in accordance with the rules of the Auditor
10 General.

11 (g) All financial reporting packages prepared pursuant
12 to the requirements of this section shall be available for
13 public inspection.

14 (h) If an audit conducted pursuant to this section
15 discloses any significant audit findings relating to state
16 financial assistance, including material noncompliance with
17 individual ~~major~~ state project compliance requirements or
18 reportable conditions in internal controls of the nonstate
19 entity, the nonstate entity shall submit as part of the audit
20 package to the state awarding agency a plan for corrective
21 action to eliminate such audit findings or a statement
22 describing the reasons that corrective action is not
23 necessary.

24 (i) An audit conducted in accordance with this section
25 is in addition to any audit of federal awards required by the
26 federal Single Audit Act and other federal laws and
27 regulations. To the extent that such federally required audits
28 provide the state awarding agency with information it requires
29 to carry out its responsibilities under state law or other
30 guidance, a state agency shall rely upon and use that
31 information.

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1 (j) Unless prohibited by law, the cost of audits
2 pursuant to this section are allowable charges to state
3 projects. However, any charges to state projects should be
4 limited to those incremental costs incurred as a result of the
5 audit requirements of this section in relation to other audit
6 requirements. The nonstate entity should allocate such
7 incremental costs to all state projects for which it expended
8 state financial assistance.

9 (k) Audit costs may not be charged to state projects
10 when audits required by this section have not been made or
11 have been made but not in accordance with this section. If a
12 nonstate entity fails to have an audit conducted consistent
13 with this section, state awarding agencies may take
14 appropriate corrective action to enforce compliance.

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

20 (m)~~(k)~~ A state awarding agency that provides state
21 financial assistance ~~awards~~ to nonstate entities and conducts
22 or arranges for audits of state financial assistance ~~awards~~
23 that are in addition to the audits conducted under this act
24 shall, consistent with other applicable law, arrange for
25 funding the full cost of such additional audits.

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

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

31 (b) Determine whether state financial assistance

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1 ~~awards~~ shown on the Schedule of State Financial Assistance is
2 ~~are~~ presented fairly in all material respects in relation to
3 the nonstate entity's financial statements taken as a whole.

4 (c) With respect to internal controls pertaining to
5 each major state project:

- 6 1. Obtain an understanding of internal controls;
- 7 2. Assess control risk;
- 8 3. Perform tests of controls unless the controls are
9 deemed to be ineffective; and
- 10 4. Determine whether the nonstate entity has internal
11 controls in place to provide reasonable assurance of
12 compliance with the provisions of laws, ~~regulations,~~ and other
13 rules pertaining to state financial assistance ~~awards~~ that
14 have a material effect on each major state project.

15 (d) Determine whether each major state project
16 complied with the provisions of laws, rules, and guidelines as
17 identified in the State Projects Compliance Supplement, or
18 otherwise identified by the state awarding agency, which have
19 a material effect on each major state project. When major
20 state projects are less than 50 percent of the nonstate
21 entity's total expenditures for all state financial assistance
22 ~~awards~~, the auditor shall select and test additional state
23 projects as major state projects as necessary to achieve audit
24 coverage of at least 50 percent of the expenditures for all
25 state financial assistance provided ~~awards~~ to the nonstate
26 entity. Additional state projects needed to meet the
27 50-percent requirement may be selected on an inherent risk
28 basis as stated in the rules of the Executive Office of the
29 Governor.

30 (e) Report on the results of any audit conducted
31 pursuant to this section in accordance with the rules of the

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1 Executive Office of the Governor, rules of the Comptroller,
2 and rules of the Auditor General. Audit reports shall include
3 summaries of the auditor's results regarding the nonstate
4 entity's financial statements; Schedule of State Financial
5 Assistance; internal controls; and compliance with laws,
6 rules, and guidelines ~~other compliance guidance~~.

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

9 (g) Upon notification by the nonstate entity, make
10 available the working papers relating to the audit conducted
11 pursuant to the requirements of this section to the state
12 awarding agency, the Comptroller, or the Auditor General for
13 review or copying.

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

16 (a) Determine whether the nonstate entity's schedule
17 of state financial assistance is presented fairly in all
18 material respects in conformity with stated accounting
19 policies.

20 (b) Obtain an understanding of internal control and
21 perform tests of internal control over the state project
22 consistent with the requirements of a major state project.

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

28 (d) Report on the results of a state project-specific
29 audit consistent with the requirements of the state single
30 audit and issue a management letter as prescribed in the rules
31 of the Auditor General.

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

6 ~~(10)(9)~~ The Auditor General shall:

7 (a) Have the authority to audit state financial
8 assistance provided to any nonstate entity when determined
9 necessary by the Auditor General or when directed by the
10 Legislative Auditing Committee.

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

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

16 (d) Provide technical advice upon request of the
17 Comptroller, Executive Office of the Governor, and state
18 agencies relating to financial reporting and audit
19 responsibilities contained in this section.

20 (e) Be provided one copy of each financial reporting
21 package prepared in accordance with the requirements of this
22 section.

23 (f) Perform ongoing reviews of a sample of financial
24 reporting packages filed pursuant to the requirements of this
25 section to determine compliance with the reporting
26 requirements of this section and applicable rules of the
27 Executive Office of the Governor, rules of the Comptroller,
28 and rules of the Auditor General.

29 Section 59. Section 216.331, Florida Statutes, is
30 transferred and renumbered as section 215.965, Florida
31 Statutes.

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1 Section 60. Section 216.3505, Florida Statutes, is
2 transferred and renumbered as section 215.966, Florida
3 Statutes.

4 Section 61. Sections 27.38, 27.60, 216.001, 216.0154,
5 216.0162, 216.0166, 216.0172, 216.0235, 216.0315, 216.091,
6 216.111, 216.281, and 216.286, Florida Statutes, are repealed.

7 Section 62. This act shall take effect July 1, 2000,
8 and shall apply to preparation of the state budget beginning
9 with fiscal year 2001-2002.

10

11

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

15

16 and insert:

17

 A bill to be entitled

18

 An act relating to the state budgetary process;

19

 revising procedures used in submitting and

20

 reviewing requests for state funds; amending s.

21

 216.011, F.S.; revising, deleting, and adding

22

 definitions; creating s. 216.013, F.S.;

23

 requiring agencies to submit long-range program

24

 plans; amending s. 216.015, F.S.; revising

25

 legislative findings; amending s. 216.0152,

26

 F.S.; changing the date for publishing a

27

 certain report; amending s. 216.0158, F.S.;

28

 revising procedures for determination of

29

 facility needs; amending s. 216.016, F.S.;

30

 requiring additional information in the

31

 Governor's recommended budget; amending s.

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1 216.023, F.S.; prescribing procedures for
2 submitting agency budget requests to the
3 Legislature; amending s. 216.031, F.S.;
4 revising procedures relating to legislative
5 budget requests; amending s. 216.044, F.S.;
6 revising procedures relating to budget
7 evaluation by the Department of Management
8 Services; amending s. 216.0446, F.S.; revising
9 procedures relating to review of information
10 resources management needs; amending s.
11 216.052, F.S.; providing procedure for
12 submitting community budget requests; amending
13 s. 216.081, F.S.; revising the schedule for
14 submission of data relating to the judicial and
15 legislative branches; amending s. 216.131,
16 F.S.; revising procedures relating to public
17 hearings; amending s. 216.133, F.S.; revising,
18 deleting, and adding definitions; amending s.
19 216.134, F.S.; revising procedures to be used
20 by estimating conferences; amending s. 216.136,
21 F.S.; revising duties of the Economic
22 Estimating Conference; abolishing the
23 Transportation Estimating Conference; creating
24 the Self-Insurance Estimating Conference and
25 the Florida Retirement System Actuarial
26 Assumption Conference; amending s. 216.141,
27 F.S.; revising provisions relating to the
28 planning and budgeting system; amending s.
29 216.162, F.S.; revising procedures relating to
30 furnishing legislators with copies of the
31 Governor's recommended budget; amending s.

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1 216.163, F.S.; revising provisions relating to
2 form and content of the Governor's recommended
3 budget; amending s. 216.177, F.S.; revising
4 provisions relating to appropriation act
5 statements of intent and to required notices of
6 budgetary action; amending s. 216.178, F.S.;
7 requiring additional notice before the vote on
8 an appropriations act; revising duties of the
9 Governor with respect to statements of costs of
10 state debts and obligations; amending s.
11 216.179, F.S.; prohibiting reinstatement by a
12 state agency of vetoed appropriations
13 administratively; amending s. 216.181, F.S.;
14 revising procedures relating to approved
15 budgets for operations and fixed capital
16 outlay; revising restrictions on increases on
17 salary rate; prescribing procedures with
18 respect to nonoperating budgets; deleting
19 obsolete provisions; creating s. 216.1825,
20 F.S.; requiring zero-based budgeting reviews;
21 providing for use of zero-based budgeting
22 principles; amending s. 216.183, F.S.; revising
23 provisions relating to development of charts of
24 accounts; amending s. 216.192, F.S.; revising
25 procedures relating to release of
26 appropriations; amending s. 216.195, F.S.;
27 defining the term "impoundment" for purposes of
28 impoundment of funds; amending s. 216.212,
29 F.S.; revising duties of the Executive Office
30 of the Governor and the Office of the
31 Comptroller with respect to budgets for federal

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1 funds; creating s. 216.216, F.S.; prescribing
2 procedures to be used with respect to funds
3 subject to a court settlement negotiated by the
4 state; amending s. 212.221, F.S.; revising
5 procedures to be used in the event of budget
6 deficits; amending s. 216.251, F.S.; revising
7 procedures relating to salary appropriations
8 for certain employees; amending s. 216.262,
9 F.S.; revising provisions relating to increases
10 in authorized positions; defining the term
11 "perquisites" for purposes of limiting the
12 furnishing thereof; amending s. 216.271, F.S.;
13 defining the term "revolving fund"; amending s.
14 216.292, F.S.; revising provisions relating to
15 limits on and procedures for transfers of
16 appropriations; creating s. 216.348, F.S.;
17 providing conditions for receipt of certain
18 grants and aids appropriations by certain
19 nonprofit entities; providing definitions;
20 providing for an affidavit of nonprofit status;
21 providing for an agreement between the
22 administering agency and the nonprofit entity;
23 providing minimum requirements for the
24 agreement; providing that the nonprofit entity
25 continue operation of the property for the
26 purposes set forth in the grant; providing for
27 repayment of grant moneys received under
28 certain conditions; providing for the adoption
29 of an accounting system and providing for
30 audit; providing for liability insurance and
31 exempting the administering agency from

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1 liability; providing permissive conditions of
2 the agreement; providing for a satisfaction of
3 the agreement; amending s. 11.45, F.S.;
4 prescribing duties of the Auditor General with
5 respect to direct-support and citizen support
6 organizations; creating s. 11.90, F.S.;
7 creating the Legislative Budget Commission;
8 amending s. 120.65, F.S.; deleting 21-day time
9 limitation on action by the Executive Office of
10 the Governor; amending s. 121.031, F.S.;
11 deleting provisions relating to the Florida
12 Retirement System Actuarial Assumption
13 Conference; amending s. 186.002, F.S.; changing
14 "state agency strategic" plan to "long-range
15 program" plan; amending s. 186.003, F.S.;
16 redefining the term "state agency"; amending s.
17 186.021, F.S.; requiring each state agency to
18 develop a long-range program plan annually;
19 amending s. 186.022, F.S.; requiring submission
20 of information resource strategic plans;
21 amending s. 186.901, F.S.; revising provisions
22 relating to production of population estimates;
23 amending s. 215.18, F.S.; providing authority
24 for the Governor to approve transfers between
25 funds to avoid deficits; amending s. 215.22,
26 F.S.; exempting Tobacco Settlement Trust Funds
27 from service charge to general revenue;
28 amending s. 215.32, F.S.; authorizing the
29 Governor to combine trust funds under certain
30 conditions; amending ss. 215.3208, 240.209,
31 240.20941, 240.279, 252.37, 288.7091, 320.20,

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

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under the Florida Employment Opportunity Act;
providing applicability; providing an effective
date.