

Bill No. HB 2377, 2nd Eng.

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.
.

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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 ~~1-~~ In distinguishing between payments to be made from

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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,~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.--

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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:

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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:

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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,
27 performance-based program budgeting lump sums, acquisition of
28 motor vehicles, data processing services, operating and
29 maintenance of patrol vehicles, overtime payments, salary
30 incentive payments, compensation to retired judges, law
31 libraries, and juror and witness payments. Such transfers must

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

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

31 Section 35. Section 216.348, Florida Statutes, is

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 created to read:

2 216.348 Fixed capital outlay grants and aids
3 appropriations to certain nonprofit entities.--If a bill
4 appropriating a fixed capital outlay grants and aids
5 appropriation requires compliance with this section, the
6 following conditions shall apply, except to the extent that
7 such bill modifies these conditions:

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

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

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

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 subject property is located an agreement that:

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

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

8 3. During the term of the agreement, prohibits the
9 grantee from selling, transferring, mortgaging, or assigning
10 the grantee's interest in the real property, unless the
11 administering agency approves the sale, transfer, mortgage, or
12 assignment; and, in the case of sale, transfer, or assignment,
13 the purchaser, transferor, or assignee must fully assume, in
14 writing, all of the terms and conditions of the agreement
15 required by this subsection. The administering agency may not
16 agree to subordinate a mortgage.

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

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

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

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 approves the sale, transfer, mortgage, or assignment; and, in
2 the case of sale, transfer, or assignment, the purchaser,
3 transferor, or assignee must fully assume, in writing, all of
4 the terms and conditions of the agreement required by this
5 subsection. Additionally, the grantee shall execute and
6 deliver a security instrument, financing statement, or other
7 appropriate document securing the interest of the
8 administering agency in the improvements, renovations, and
9 personalty associated with the grant. The administering agency
10 may not subordinate or modify a security interest.

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

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

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

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

28 b. If the bill appropriating the grant states a
29 specific period of time but does not specify a repayment
30 formula, the amount to be returned shall be calculated on a
31 pro rata basis for that period of time; or

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

8
9 The administering agency shall deposit all funds returned by
10 the grantee into the state fund from which the grant was
11 originally made.

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

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

30 5. Require the grantee to return any portion of the
31 grant money received that is not necessary to the purchase of

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 the land, or to the cost of the improvements, renovations, and
 2 personalty, for which the grant was awarded.

3 (d) The administering agency may:

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

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

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

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

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

28 11.45 Definitions; duties; audits; reports.--

29 (11) In addition to any other provision of law
 30 granting access to records and accounts, the Auditor General
 31 may, pursuant to his or her own authority granted in this

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 subsection or at the direction of the Legislative Auditing
2 Committee, conduct audits of any direct-support organization
3 or citizen-support organization authorized by law. Independent
4 audits of direct-support organizations and citizen-support
5 organizations conducted by certified public accountants shall
6 be performed in accordance with rules adopted by the Auditor
7 General.

8 Section 37. Section 11.90, Florida Statutes, is
9 created to read:

10 11.90 Legislative Budgeting Commission.--

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

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

30 (3) The commission shall meet at least quarterly and
31 more frequently at the direction of the presiding officers or

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 upon call of the chairman. A quorum shall consist of a
2 majority of members from each house, plus one additional
3 member from either house. Action by the commission requires a
4 majority vote of the members present of each house.

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

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

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

14 120.65 Administrative law judges.--

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

29 Section 39. Subsection (3) of section 121.031, Florida
30 Statutes, is amended to read:

31 121.031 Administration of system; appropriation;

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 oaths; actuarial studies; public records.--

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

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

9 (a)1. The valuation of plan assets shall be based on a
10 5-year averaging methodology such as that specified in the
11 United States Department of Treasury Regulations, 26 C.F.R. s.
12 1.412(c)(2)-1, or a similar accepted approach designed to
13 attenuate fluctuations in asset values.

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

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

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

28 (e)5. The study shall include measures of funding
29 status and funding progress designed to facilitate the
30 assessment of trends over several actuarial valuations with
31 respect to the overall solvency of the system. Such measures

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 shall be adopted by the division and shall be used
2 consistently in all actuarial valuations performed on the
3 system.

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

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

24 186.002 Findings and intent.--

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

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

31 (b) The state comprehensive plan shall provide basic

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 policy direction to all levels of government regarding the
2 orderly social, economic, and physical growth of the state.

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

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

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

22 Section 41. Section 186.003, Florida Statutes, is
23 amended to read:

24 186.003 Definitions.--As used in ss. 186.001-186.031
25 and 186.801-186.901, the term:

26 (1) "Executive Office of the Governor" means the
27 Office of Planning and Budgeting of the Executive Office of
28 the Governor.

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

31 (3) "Objective" means a specific, measurable,

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 intermediate end that is achievable and marks progress toward
2 a goal.

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

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

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

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

24 (7)(8) "State comprehensive plan" means the state
25 planning document required in s. 19, Art. III of the State
26 Constitution and published as ss. 187.101 and 187.201.

27 Section 42. Section 186.021, Florida Statutes, is
28 amended to read:

29 186.021 Long-range program ~~State agency strategic~~
30 ~~plans.--Pursuant to s. 216.013, each state agency shall~~
31 develop a long-range program plan on an annual basis. The plan

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 shall provide the framework and context for designing and
2 interpreting the agency budget request. The plan will be
3 developed through careful examination and justification of
4 agency functions and their associated costs. It shall be used
5 by the agency to implement the state's goals and objectives.
6 Indicators shall be developed to measure service and activity
7 performance.

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

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

31 ~~(3) All amendments, revisions, or updates to a state~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 ~~agency strategic plan shall be prepared in the same manner as~~
2 ~~the original and shall be prepared as needed because of~~
3 ~~changes in the state comprehensive plan or changes in the~~
4 ~~statutory authority and responsibility of the agency.~~

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

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

18 Section 43. Section 186.022, Florida Statutes, is
19 amended to read:

20 186.022 Information resource ~~State agency strategic~~
21 ~~plans; preparation, form, and review.--~~

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 ~~Administrative Weekly. Public participation must be further~~
2 ~~encouraged through procedures and instructions.~~

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

25 ~~(3) The Executive Office of the Governor shall review~~
26 ~~the state agency strategic plans to ensure that they are~~
27 ~~consistent with the state comprehensive plan and other~~
28 ~~requirements as specified in the written instructions. In its~~
29 ~~review, the Executive Office of the Governor shall consider~~
30 ~~all comments received in formulating required revisions. This~~
31 ~~shall include:~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

10
11 ~~Within 60 days, reviewed plans shall be returned to the~~
12 ~~agency, together with any required revisions. However, any~~
13 ~~required revisions relating to information resources~~
14 ~~management needs identified in the agency strategic plans are~~
15 ~~subject to the notice and review procedures set forth in s.~~
16 ~~216.177 and must be approved by the Administration Commission~~
17 ~~for the executive branch and the Chief Justice for the~~
18 ~~judicial branch.~~

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

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

31 ~~(6) Each agency shall transmit copies of its strategic~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 ~~plan and all written comments on its plan to the President of~~
2 ~~the Senate and the Speaker of the House of Representatives not~~
3 ~~later than 30 days prior to the next regular session of the~~
4 ~~Legislature.~~

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 State Technology Council. If revisions are required, boards
2 and councils have 30 days to incorporate those revisions and
3 return the plan to the Executive Office of the Governor.
4 ~~following the general statutory requirements that are~~
5 ~~applicable to agencies pursuant to s. 186.021(1), (2), and~~
6 ~~(3). The strategic plan shall be subject to the requirements,~~
7 ~~and the review and approval processes, set forth in~~
8 ~~subsections (2) through (8), with the following exceptions:~~
9 ~~(a) The Executive Office of the Governor, after~~
10 ~~consultation with the President of the Senate and the Speaker~~
11 ~~of the House of Representatives, may prescribe a specific~~
12 ~~format and content for the strategic plans of coordinating~~
13 ~~boards and councils.~~
14 ~~(b) The time periods for review and return of any~~
15 ~~required strategic plan revisions, incorporation of such~~
16 ~~revisions by the boards or councils, and resolution of~~
17 ~~disputes shall be established by the Executive Office of the~~
18 ~~Governor, after consultation with the President of the Senate~~
19 ~~and the Speaker of the House of Representatives.~~
20 Section 44. Subsection (1) of section 186.901, Florida
21 Statutes, is amended to read:
22 186.901 Population census determination.--
23 (1) The Office of Economic and Demographic Research
24 shall annually provide to the Executive Office of the
25 ~~Governor, either through its own resources or by contract,~~
26 ~~shall produce~~ population estimates of local governmental units
27 as of April 1 of each year, utilizing accepted statistical
28 practices. The population of local governments provided by the
29 Office of Economic and Demographic Research, ~~as determined by~~
30 ~~the Executive Office of the Governor,~~ shall apply to any
31 revenue-sharing formula with local governments under the

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

11 Section 45. Section 215.18, Florida Statutes, is
12 amended to read:

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 215.22 Certain income and certain trust funds
2 exempt.--

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

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

7 (b) Trust funds administered by the Department of the
8 Lottery.

9 (c) Departmental administrative assessments for
10 administrative divisions.

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

15 (e) State, agency, or political subdivision
16 investments by the Treasurer.

17 (f) Retirement or employee benefit funds.

18 (g) Self-insurance programs administered by the
19 Treasurer.

20 (h) Funds held for the payment of citrus canker
21 eradication and compensation.

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

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

27 (k) Trust funds administered by the Department of
28 Education.

29 (l) Trust funds administered by the Department of
30 Transportation.

31 (m) Trust funds administered by the Department of

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 Agriculture and Consumer Services.
 2 (n) The Motor Vehicle License Clearing Trust Fund.
 3 (o) The Solid Waste Management Trust Fund.
 4 (p) The Coconut Grove Playhouse Trust Fund.
 5 (q) The Communications Working Capital Trust Fund of
 6 the Department of Management Services.
 7 (r) The Camp Blanding Management Trust Fund.
 8 (s) The Indigent Criminal Defense Trust Fund.
 9 (t) That portion of the Highway Safety Operating Trust
 10 Fund funded by the motorcycle safety education fee collected
 11 pursuant to s. 320.08(1)(d).
 12 (u) The Save the Manatee Trust Fund.
 13 (v) Tobacco Settlement Trust Funds administered by any
 14 agency.
 15 Section 47. Paragraph (b) of subsection (2) of section
 16 215.32, Florida Statutes, is amended to read:
 17 215.32 State funds; segregation.--
 18 (2) The source and use of each of these funds shall be
 19 as follows:
 20 (b)1. The trust funds shall consist of moneys received
 21 by the state which under law or under trust agreement are
 22 segregated for a purpose authorized by law. The state agency
 23 or branch of state government receiving or collecting such
 24 moneys shall be responsible for their proper expenditure as
 25 provided by law. Upon the request of the state agency or
 26 branch of state government responsible for the administration
 27 of the trust fund, the Comptroller may establish accounts
 28 within the trust fund at a level considered necessary for
 29 proper accountability. Once an account is established within a
 30 trust fund, the Comptroller may authorize payment from that
 31 account only upon determining that there is sufficient cash

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 and releases at the level of the account.

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

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

9 Section 48. Section 215.3208, Florida Statutes, is
10 amended to read:

11 215.3208 Trust funds; ~~schedule for termination~~
12 legislative review.--

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

19 ~~(a) In 1994:~~

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

- 1 ~~(b) In 1995:~~
- 2 ~~1. Department of Agriculture and Consumer Services.~~
- 3 ~~2. Department of Banking and Finance.~~
- 4 ~~3. Department of Citrus.~~
- 5 ~~4. Department of Education.~~
- 6 ~~5. Department of Environmental Protection.~~
- 7 ~~6. Department of Revenue.~~
- 8 ~~7. Executive Office of the Governor.~~
- 9 ~~8. Florida Public Service Commission.~~
- 10 ~~(c) In 1996:~~
- 11 ~~1. Agency for Health Care Administration.~~
- 12 ~~2. Commission on Ethics.~~
- 13 ~~3. Department of Business and Professional Regulation.~~
- 14 ~~4. Department of Children and Family Services.~~
- 15 ~~5. Department of Commerce.~~
- 16 ~~6. Department of Community Affairs.~~
- 17 ~~7. Department of Elderly Affairs.~~
- 18 ~~8. Department of Health.~~
- 19 ~~9. Department of Insurance.~~
- 20 ~~10. Department of Juvenile Justice.~~
- 21 ~~11. Department of Labor and Employment Security.~~
- 22 ~~12. Department of State.~~
- 23 ~~13. Department of Veterans' Affairs.~~
- 24 ~~14. Legislative branch.~~
- 25 ~~(2) All other trust funds not administered by the~~
- 26 ~~entities listed in subsection (1) and not exempt from~~
- 27 ~~automatic termination pursuant to the provisions of s.~~
- 28 ~~19(f)(3), Art. III of the State Constitution shall be reviewed~~
- 29 ~~and may be terminated or re-created by the Legislature, as~~
- 30 ~~appropriate, during the 1996 Regular Session of the~~
- 31 ~~Legislature.~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

17 ~~(2)(4)~~(a) When the Legislature terminates a trust
18 fund, the agency or branch of state government that
19 administers the trust fund shall pay any outstanding debts or
20 obligations of the trust fund as soon as practicable, and the
21 Comptroller shall close out and remove the trust fund from the
22 various state accounting systems, using generally accepted
23 accounting principles concerning assets, liabilities, and
24 warrants outstanding.

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

30 Section 49. Paragraph (f) of subsection (3) of section
31 240.209, Florida Statutes, is amended to read:

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 amended to read:

2 240.20941 Vacant faculty positions.--Notwithstanding
3 the provisions of s. 216.181(8) and (9)~~s. 216.181(7), (8),~~
4 ~~and (9)~~, and pursuant to the provisions of s. 216.351, actions
5 to reduce positions, rate, or salaries and benefits, excluding
6 salary lapse calculations, taken by the Legislature or~~by the~~
7 ~~Executive Office of the Governor, or by the Administration~~
8 ~~Commission~~ which relate specifically to vacant positions, and
9 which are applied on a uniform basis to all state employee
10 positions, may affect the positions within the faculty pay
11 plan approved and administered by the Board of Regents only to
12 the extent that they do so by express reference to this
13 section.

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

16 240.279 Working capital trust funds established.--

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

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

27 252.37 Financing.--

28 (2) It is the legislative intent that the first
29 recourse be made to funds regularly appropriated to state and
30 local agencies. If the Governor finds that the demands placed
31 upon these funds in coping with a particular disaster declared

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

11 Section 53. Section 288.7091, Florida Statutes, is
12 amended to read:

13 288.7091 Duties of the Florida Black Business
14 Investment Board.--The Florida Black Business Investment Board
15 shall:

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

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 enterprises;

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

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

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

16 Section 54. Paragraph (b) of subsection (5) of section
17 320.20, Florida Statutes, is amended to read:

18 320.20 Disposition of license tax moneys.--The revenue
19 derived from the registration of motor vehicles, including any
20 delinquent fees and excluding those revenues collected and
21 distributed under the provisions of s. 320.081, must be
22 distributed monthly, as collected, as follows:

23 (5)

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 paragraph (a) as estimated by the most recent revenue
2 estimating conference held pursuant to s. 216.136(3). The
3 transfers required hereunder may be suspended by action of the
4 Legislative Budget Administration Commission in the event of a
5 significant shortfall of state revenues.

6 Section 55. Section 337.023, Florida Statutes, is
7 amended to read:

8 337.023 Sale of building; acceptance of replacement
9 building.--Notwithstanding the provisions of s. 216.292(4)(b)
10 ~~s. 216.292(5)(b)~~, if the department sells a building, the
11 department may accept the construction of a replacement
12 building, in response to a request for proposals, totally or
13 partially in lieu of cash, and may do so without a specific
14 legislative appropriation. Such action is subject to the
15 approval of the Executive Office of the Governor, and is
16 subject to the notice, review, and objection procedures under
17 s. 216.177. The replacement building shall be consistent with
18 the current and projected needs of the department as agreed
19 upon by the department and the Department of Management
20 Services.

21 Section 56. Paragraph (a) of subsection (2) of section
22 339.135, Florida Statutes, is amended to read:

23 339.135 Work program; legislative budget request;
24 definitions; preparation, adoption, execution, and
25 amendment.--

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

28 (a) The department shall file the legislative budget
29 request in the manner required by chapter 216, setting forth
30 the department's proposed revenues and expenditures for
31 operational and fixed capital outlay needs to accomplish the

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

15 392.69 Appropriation, sinking, and maintenance trust
16 funds; additional powers of the department.--

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

29 Section 58. Section 216.3491, Florida Statutes, is
30 transferred, renumbered as section 215.97, Florida Statutes,
31 and amended to read:

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 215.97 ~~216.3491~~ Florida Single Audit Act.--

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

3 (a) Establish uniform state audit requirements for

4 state financial assistance provided by state agencies to

5 nonstate entities to carry out state projects.

6 (b) Promote sound financial management, including

7 effective internal controls, with respect to state financial

8 assistance administered by nonstate entities.

9 (c) Promote audit economy and efficiency by relying to

10 the extent possible on already required audits of federal

11 financial assistance provided to nonstate entities.

12 (d) Provide for identification of state financial

13 assistance transactions in the appropriations act, state

14 accounting records, and recipient organization records.

15 (e) Promote improved coordination and cooperation

16 within and between affected state agencies providing ~~making~~

17 state financial assistance awards and nonstate entities

18 receiving state assistance awards.

19 (f) Ensure, to the maximum extent possible, that state

20 agencies monitor, use, and followup on audits of state

21 financial assistance provided to nonstate entities.

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

23 (a) "Audit threshold" means the amount to use in

24 determining when a state single audit of a nonstate entity

25 shall be conducted in accordance with this section. Each

26 nonstate entity that expends a total amount of state financial

27 assistance awards equal to or in excess of \$300,000 in any

28 fiscal year of such nonstate entity shall be required to have

29 a state single audit for such fiscal year in accordance with

30 the requirements of this section. Every 2 years the Auditor

31 General, after consulting with the Executive Office of the

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 Governor, the Comptroller, and all state agencies that provide
2 state financial assistance to nonstate entities, shall review
3 the amount for requiring audits under this section and may
4 adjust such dollar amount consistent with the purpose of this
5 section.

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

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

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

29 (e) "Federal financial assistance" means financial
30 assistance from federal sources passed through the state and
31 provided to nonstate entities to carry out a federal program.

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 "Federal financial assistance" includes all types of federal
2 assistance as defined in applicable United States Office of
3 Management and Budget circulars.

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

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

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

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

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

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

31 (k) "Nonprofit organization" means any corporation,

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 trust, association, cooperative, or other organization that:

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

5 2. Is not organized primarily for profit;

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

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

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

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

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

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

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

25 ~~(p)(q) "State financial assistance" means financial
26 assistance from state resources, not including federal
27 financial assistance and state matching, provided to nonstate
28 entities to carry out a state project. "State financial
29 assistance" includes all types of state assistance as stated
30 in the rules of the Executive Office of the Governor
31 established in consultation with the Comptroller and~~

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

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

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

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

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

29 3. The criteria for selecting state projects for
30 audits based on inherent risk.

31 (b) Be responsible for coordinating the initial

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 preparation and subsequent revisions of the Catalog of State
2 Financial Assistance after consultation with the Comptroller
3 and all state awarding agencies ~~that award state financial~~
4 ~~assistance to nonstate entities.~~

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

10 (4) The Comptroller shall:

11 (a) Make enhancements to the state's accounting system
12 to provide for the:

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

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

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

29 (b) Upon conferring with the Executive Office of the
30 Governor and all state awarding agencies ~~that make state~~
31 ~~awards~~, adopt rules necessary to provide appropriate guidance

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 to state awarding agencies, recipients and subrecipients, and
2 independent auditors of state financial assistance relating to
3 the format for the Schedule of State Financial Assistance.

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

9 (5) Each state awarding agency ~~that makes state awards~~
10 shall:

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

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

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

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

29 (b) Require the recipient, as a condition of receiving
30 state financial assistance, to allow the state awarding
31 agency, the Comptroller, and the Auditor General access to the

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 recipient's records and the recipient's independent auditor's
2 working papers as necessary for complying with the
3 requirements of this section.

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

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

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

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

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

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

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

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

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

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

30 (a) Each nonstate entity that receives state financial
31 assistance ~~awards~~ and meets audit threshold requirements, in

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

26 (d) Audits conducted pursuant to this section shall be
27 performed annually.

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

31 (f) Upon completion of the audit as required by this

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

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

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

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

30 (j) Unless prohibited by law, the cost of audits
31 pursuant to this section are allowable charges to state

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 projects. However, any charges to state projects should be
2 limited to those incremental costs incurred as a result of the
3 audit requirements of this section in relation to other audit
4 requirements. The nonstate entity should allocate such
5 incremental costs to all state projects for which it expended
6 state financial assistance.

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

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

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

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

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

29 (b) Determine whether state financial assistance
30 ~~awards~~ shown on the Schedule of State Financial Assistance is
31 ~~are~~ presented fairly in all material respects in relation to

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 the nonstate entity's financial statements taken as a whole.

2 (c) With respect to internal controls pertaining to
3 each major state project:

4 1. Obtain an understanding of internal controls;

5 2. Assess control risk;

6 3. Perform tests of controls unless the controls are
7 deemed to be ineffective; and

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

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

28 (e) Report on the results of any audit conducted
29 pursuant to this section in accordance with the rules of the
30 Executive Office of the Governor, rules of the Comptroller,
31 and rules of the Auditor General. Audit reports shall include

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 summaries of the auditor's results regarding the nonstate
2 entity's financial statements; Schedule of State Financial
3 Assistance; internal controls; and compliance with laws,
4 rules, and guidelines ~~other compliance guidance~~.

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

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

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

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

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

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

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

30 (e) Upon notification by the nonstate entity, make
31 available the working papers relating to the audit conducted

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 pursuant to the requirements of this section to the state
2 awarding agency, the Comptroller, or the Auditor General for
3 review or copying.

4 ~~(10)(9)~~ The Auditor General shall:

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

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

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

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

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

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

27 Section 59. Section 216.331, Florida Statutes, is
28 transferred and renumbered as section 215.965, Florida
29 Statutes.

30 Section 60. Section 216.3505, Florida Statutes, is
31 transferred and renumbered as section 215.966, Florida

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 Statutes.

2 Section 61. Sections 27.38, 27.60, 216.001, 216.0154,
3 216.0162, 216.0166, 216.0172, 216.0235, 216.0315, 216.091,
4 216.111, 216.281, and 216.286, Florida Statutes, are repealed.

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

8
9

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

11 And the title is amended as follows:

12 Delete everything before the enacting clause

13

14 and insert:

15 A bill to be entitled
16 An act relating to the state budgetary process;
17 revising procedures used in submitting and
18 reviewing requests for state funds; amending s.
19 216.011, F.S.; revising, deleting, and adding
20 definitions; creating s. 216.013, F.S.;
21 requiring agencies to submit long-range program
22 plans; amending s. 216.015, F.S.; revising
23 legislative findings; amending s. 216.0152,
24 F.S.; changing the date for publishing a
25 certain report; amending s. 216.0158, F.S.;
26 revising procedures for determination of
27 facility needs; amending s. 216.016, F.S.;
28 requiring additional information in the
29 Governor's recommended budget; amending s.
30 216.023, F.S.; prescribing procedures for
31 submitting agency budget requests to the

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 Legislature; amending s. 216.031, F.S.;

2 revising procedures relating to legislative

3 budget requests; amending s. 216.044, F.S.;

4 revising procedures relating to budget

5 evaluation by the Department of Management

6 Services; amending s. 216.0446, F.S.; revising

7 procedures relating to review of information

8 resources management needs; amending s.

9 216.052, F.S.; providing procedure for

10 submitting community budget requests; amending

11 s. 216.081, F.S.; revising the schedule for

12 submission of data relating to the judicial and

13 legislative branches; amending s. 216.131,

14 F.S.; revising procedures relating to public

15 hearings; amending s. 216.133, F.S.; revising,

16 deleting, and adding definitions; amending s.

17 216.134, F.S.; revising procedures to be used

18 by estimating conferences; amending s. 216.136,

19 F.S.; revising duties of the Economic

20 Estimating Conference; abolishing the

21 Transportation Estimating Conference; creating

22 the Self-Insurance Estimating Conference and

23 the Florida Retirement System Actuarial

24 Assumption Conference; amending s. 216.141,

25 F.S.; revising provisions relating to the

26 planning and budgeting system; amending s.

27 216.162, F.S.; revising procedures relating to

28 furnishing legislators with copies of the

29 Governor's recommended budget; amending s.

30 216.163, F.S.; revising provisions relating to

31 form and content of the Governor's recommended

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 budget; amending s. 216.177, F.S.; revising
2 provisions relating to appropriation act
3 statements of intent and to required notices of
4 budgetary action; amending s. 216.178, F.S.;
5 requiring additional notice before the vote on
6 an appropriations act; revising duties of the
7 Governor with respect to statements of costs of
8 state debts and obligations; amending s.
9 216.179, F.S.; prohibiting reinstatement by a
10 state agency of vetoed appropriations
11 administratively; amending s. 216.181, F.S.;
12 revising procedures relating to approved
13 budgets for operations and fixed capital
14 outlay; revising restrictions on increases on
15 salary rate; prescribing procedures with
16 respect to nonoperating budgets; deleting
17 obsolete provisions; creating s. 216.1825,
18 F.S.; requiring zero-based budgeting reviews;
19 providing for use of zero-based budgeting
20 principles; amending s. 216.183, F.S.; revising
21 provisions relating to development of charts of
22 accounts; amending s. 216.192, F.S.; revising
23 procedures relating to release of
24 appropriations; amending s. 216.195, F.S.;
25 defining the term "impoundment" for purposes of
26 impoundment of funds; amending s. 216.212,
27 F.S.; revising duties of the Executive Office
28 of the Governor and the Office of the
29 Comptroller with respect to budgets for federal
30 funds; creating s. 216.216, F.S.; prescribing
31 procedures to be used with respect to funds

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

1 the agreement; amending s. 11.45, F.S.;

2 prescribing duties of the Auditor General with

3 respect to direct-support and citizen support

4 organizations; creating s. 11.90, F.S.;

5 creating the Legislative Budget Commission;

6 amending s. 120.65, F.S.; deleting 21-day time

7 limitation on action by the Executive Office of

8 the Governor; amending s. 121.031, F.S.;

9 deleting provisions relating to the Florida

10 Retirement System Actuarial Assumption

11 Conference; amending s. 186.002, F.S.; changing

12 "state agency strategic" plan to "long-range

13 program" plan; amending s. 186.003, F.S.;

14 redefining the term "state agency"; amending s.

15 186.021, F.S.; requiring each state agency to

16 develop a long-range program plan annually;

17 amending s. 186.022, F.S.; requiring submission

18 of information resource strategic plans;

19 amending s. 186.901, F.S.; revising provisions

20 relating to production of population estimates;

21 amending s. 215.18, F.S.; providing authority

22 for the Governor to approve transfers between

23 funds to avoid deficits; amending s. 215.22,

24 F.S.; exempting Tobacco Settlement Trust Funds

25 from service charge to general revenue;

26 amending s. 215.32, F.S.; authorizing the

27 Governor to combine trust funds under certain

28 conditions; amending ss. 215.3208, 240.209,

29 240.20941, 240.279, 252.37, 288.7091, 320.20,

30 337.023, 339.135, 376.15, 392.69, F.S., to

31 conform terminology and references to changes

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

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

Bill No. HB 2377, 2nd Eng.

Amendment No. ____

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31

date.