

1                   A bill to be entitled  
2           An act relating to the state budgetary process;  
3           revising procedures used in submitting and  
4           reviewing requests for state funds; amending s.  
5           216.011, F.S.; revising, deleting, and adding  
6           definitions; creating s. 216.013, F.S.;  
7           requiring agencies to develop long-range  
8           program plans and providing requirements with  
9           respect thereto, including submission, review,  
10          and revision requirements; amending s. 216.015,  
11          F.S.; revising legislative findings and duties  
12          of the Executive Office of the Governor  
13          relating to the capital facilities planning and  
14          budgeting process; amending s. 216.0152, F.S.;  
15          changing the date for submitting to the  
16          Governor the annual updated report on the state  
17          facilities inventory; amending s. 216.0158,  
18          F.S.; revising reporting times and procedures  
19          relating to assessment of facility needs;  
20          amending s. 216.016, F.S.; requiring additional  
21          information in the Governor's recommended  
22          budget; amending s. 216.0166, F.S.; conforming  
23          terminology; providing for identification and  
24          submission of proposed programs and associated  
25          performance measures of the judicial branch;  
26          providing for approval and revision of such  
27          programs and performance measures; amending s.  
28          216.0172, F.S.; revising a date for submission  
29          of performance-based budget requests by new  
30          agencies; excluding the judicial branch from  
31          such submission requirements; providing a

1 schedule for submission of a performance-based  
 2 program budget request by the judicial branch;  
 3 amending s. 216.023, F.S.; revising the date  
 4 and requirements for submission of final  
 5 legislative budget requests to the Legislature;  
 6 deleting obsolete provisions relating to  
 7 agencies subject to agency evaluation and  
 8 justification review; amending s. 216.0235,  
 9 F.S.; conforming the submission date for  
 10 legislative program budget requests; conforming  
 11 references, terminology, and dates; amending s.  
 12 216.031, F.S., to create s. 216.0312, F.S.,  
 13 therefrom; separating target budget request  
 14 provisions from provisions relating to  
 15 legislative budget requests; amending s.  
 16 216.044, F.S.; revising procedures relating to  
 17 budget evaluation by the Department of  
 18 Management Services; amending s. 216.0446,  
 19 F.S.; placing the Technology Review Workgroup  
 20 within the Legislature and revising procedures  
 21 relating to review of information resources  
 22 management needs; conforming terminology;  
 23 amending s. 216.052, F.S.; conforming  
 24 terminology; amending s. 216.081, F.S.;  
 25 revising the schedule for submission of  
 26 estimates of financial needs of the judicial  
 27 and legislative branches for the ensuing fiscal  
 28 year; amending s. 216.131, F.S.; revising  
 29 requirements and procedures relating to public  
 30 hearings on legislative budgets; amending s.  
 31 216.133, F.S.; revising, deleting, and adding

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

1 amending s. 216.181, F.S.; revising procedures  
 2 relating to approved budgets for operations and  
 3 fixed capital outlay; revising restrictions on  
 4 increases on salary rate; prescribing  
 5 procedures with respect to nonoperating  
 6 budgets; deleting obsolete provisions; amending  
 7 s. 216.183, F.S.; revising provisions relating  
 8 to development and amendment of charts of  
 9 accounts; amending s. 216.192, F.S.; revising  
 10 procedures relating to release of  
 11 appropriations; amending s. 216.195, F.S.;  
 12 defining the term "impoundment" for purposes of  
 13 impoundment of funds; amending s. 216.212,  
 14 F.S.; revising duties of the Executive Office  
 15 of the Governor and the Office of the  
 16 Comptroller with respect to budgets for federal  
 17 funds; creating s. 216.216, F.S.; prescribing  
 18 procedures to be used with respect to funds  
 19 subject to a court settlement negotiated by the  
 20 state; amending s. 216.221, F.S.; revising  
 21 procedures to be used in the event of budget  
 22 deficits; amending s. 216.251, F.S.; revising  
 23 procedures relating to salary appropriations  
 24 for certain employees; amending s. 216.262,  
 25 F.S.; revising provisions relating to increases  
 26 in authorized positions; defining the term  
 27 "perquisites" for purposes of limiting the  
 28 furnishing thereof; amending s. 216.271, F.S.;  
 29 defining the term "revolving fund"; amending s.  
 30 216.292, F.S.; revising provisions relating to  
 31 limits on and procedures for transfers of

1 appropriations; amending s. 216.301, F.S.;  
2 conforming the date for review of undisbursed  
3 appropriations certified as expended or  
4 contracted to be expended; creating s. 216.348,  
5 F.S.; providing conditions for receipt of  
6 certain grants and aids appropriations by  
7 certain nonprofit entities; providing  
8 definitions; providing for an affidavit of  
9 nonprofit status; providing for an agreement  
10 between the administering agency and the  
11 nonprofit entity; providing minimum  
12 requirements for the agreement; providing that  
13 the nonprofit entity continue operation of the  
14 property for the purposes set forth in the  
15 grant; providing for repayment of grant moneys  
16 received under certain conditions; providing  
17 for the adoption of an accounting system and  
18 providing for audit; providing for liability  
19 insurance and exempting the administering  
20 agency from liability; providing permissive  
21 conditions of the agreement; providing for a  
22 satisfaction of the agreement; amending s.  
23 120.65, F.S.; removing certain automatic  
24 approval of requests for action by the director  
25 of the Division of Administrative Hearings with  
26 respect to actions of the Executive Office of  
27 the Governor that affect amendments to the  
28 division's approved operating budget or  
29 personnel actions; amending s. 121.031, F.S.;  
30 deleting provisions relating to the Florida  
31 Retirement System Actuarial Assumption

1 Conference; amending s. 186.021, F.S.;  
 2 replacing state agency strategic plans with  
 3 long-range program plans and providing  
 4 requirements for development of the latter;  
 5 repealing s. 186.003(7), F.S., relating to the  
 6 definition of "state agency strategic plan," to  
 7 conform; amending ss. 186.002, 186.006,  
 8 186.007, and 186.502, F.S.; revising  
 9 terminology, to conform; amending s. 186.022,  
 10 F.S.; requiring information resource strategic  
 11 plans of certain boards and councils and  
 12 providing requirements with respect thereto;  
 13 amending s. 186.901, F.S.; revising provisions  
 14 relating to production of population estimates;  
 15 amending s. 215.22, F.S.; exempting the various  
 16 agency Tobacco Settlement Trust Funds from the  
 17 general revenue service charge; amending s.  
 18 252.37, F.S.; providing for the processing of  
 19 budget amendments to cover transfers of moneys  
 20 for declared states of emergency; amending ss.  
 21 11.45, 14.27, 20.19, 20.316, 23.22, 27.345,  
 22 27.3451, 110.1239, 121.021, 121.051, 145.021,  
 23 187.201, 215.196, 215.3206, 215.3208, 215.44,  
 24 215.95, 215.96, 229.053, 239.305, 240.209,  
 25 240.2601, 240.324, 240.383, 282.404, 286.30,  
 26 288.7091, 339.135, 339.155, 339.175, 365.173,  
 27 376.15, 381.90, 413.011, 413.405, 420.0003,  
 28 420.511, 420.6075, 494.0017, 624.307, 943.08,  
 29 and 946.002, F.S., to conform terminology,  
 30 dates, and references to changes made by the  
 31 act; amending s. 27.38, F.S., relating to state

1 attorneys budget transfer authority; amending  
 2 s. 27.60, F.S., relating to public defenders  
 3 budget transfer authority; 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 the 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. 216.0315, F.S.,  
 14 relating to budgets of state agencies that have  
 15 international programs; repealing s. 216.091,  
 16 F.S., relating to statements by the  
 17 Comptroller; repealing s. 216.111, F.S.,  
 18 relating to financial statements and schedules  
 19 and other reports; repealing ss.  
 20 216.235-216.238, F.S., relating to the  
 21 Innovation Investment Program; repealing s.  
 22 216.281, F.S., relating to construction of  
 23 terms; repealing s. 216.286, F.S., relating to  
 24 release of funds under the Florida Employment  
 25 Opportunity Act; repealing s. 240.20941, F.S.,  
 26 relating to vacant faculty positions; providing  
 27 applicability; providing an effective date.

28  
 29 Be It Enacted by the Legislature of the State of Florida:  
 30  
 31

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

3 216.011 Definitions.--

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

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

15 (b) "Appropriation" means a legal authorization to  
16 make expenditures for specific purposes within the amounts  
17 authorized in the appropriations act.

18 (c) "Appropriations act" means the authorization of  
19 the Legislature, based upon legislative budgets or based upon  
20 legislative findings of the necessity for an authorization  
21 when no legislative budget is filed, for the expenditure of  
22 amounts of money by an agency, the judicial branch, or ~~and~~ the  
23 legislative branch for stated purposes in the performance of  
24 the functions it is authorized by law to perform. The  
25 categories contained in the appropriations act include, but  
26 are not limited to:

- 27 1. Data processing services.
- 28 2. Expenses.
- 29 3. Fixed capital outlay.
- 30 4. Food products.
- 31 5. Grants and aids.



1           6. Grants and aids to local governments and nonstate  
2 entities-fixed capital outlay.

3           7. Lump-sum appropriations.

4           8. Operating capital outlay.

5           9. Other personal services.

6           10. Salaries and benefits.

7           11. Special categories.

8           (d) "Authorized position" means a position included in  
9 an approved budget. In counting the number of authorized  
10 positions, part-time positions shall be converted to full-time  
11 equivalents.

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

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

20           (g) "Chairs of the legislative appropriations  
21 committees" means the chairs of the committees of the Senate  
22 and the House of Representatives responsible for producing the  
23 General Appropriations Act.

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

29           (i)~~(g)~~ "Continuing appropriation" means an  
30 appropriation automatically renewed without further  
31

1 legislative action, period after period, until altered or  
2 revoked by the Legislature.

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

9 (k)~~(i)~~ "Disbursement" means the payment of an  
10 expenditure.

11 (l)~~(j)~~ "Disincentive" means a sanction as described in  
12 s. 216.163.

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

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

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

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

30 (p)~~(o)~~ "Fixed capital outlay" means the appropriation  
31 category used to fund real property (land, buildings,

1 including appurtenances, fixtures and fixed equipment,  
2 structures, etc.), including additions, replacements, major  
3 repairs, and renovations to real property which materially  
4 extend its useful life or materially improve or change its  
5 functional use and including furniture and equipment necessary  
6 to furnish and operate a new or improved facility, when  
7 appropriated by the Legislature in the fixed capital outlay  
8 appropriation category.

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

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

15 (r)(q) "Grants and aids" means the appropriation  
16 category used to fund contributions to units of government  
17 ~~governments or nonstate entities nonprofit organizations~~ to be  
18 used for one or more specified purposes ~~or, activities, or~~  
19 ~~facilities.~~ Funds appropriated to units of government and  
20 nonprofit entities under this category may be advanced.

21 (s)(pp) "Grants and aids to local governments and  
22 nonstate entities-fixed Nonprofit Organizations-Fixed capital  
23 outlay" means the that appropriation category used to fund  
24 which includes:

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

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

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

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

10           (t)~~(r)~~ "Incentive" means a mechanism, as described in  
11 s. 216.163, for recognizing the achievement of performance  
12 standards or for motivating performance that exceeds  
13 performance standards.

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

20           (v)~~(t)~~ "Judicial branch" means all officers,  
21 employees, and offices of the Supreme Court, district courts  
22 of appeal, circuit courts, county courts, and the Judicial  
23 Qualifications Commission.

24           (w)~~(u)~~ "Legislative branch" means the various  
25 officers, committees, and other units of the legislative  
26 branch of state government.

27           (x) "Legislative budget instructions" means the annual  
28 set of instructions developed to assist agencies in submitting  
29 budget requests to the Legislature and to generate information  
30 necessary for budgetary decisionmaking. Such instructions may  
31 include program-based performance budget instructions.

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

7           (z) "Long-range program plan" means a plan developed  
 8 on an annual basis by each state agency that is policy based,  
 9 priority driven, accountable, and developed through careful  
 10 examination and justification of all programs and their  
 11 associated costs. Each plan is developed by examining the  
 12 needs of agency customers and clients and proposing programs  
 13 and associated costs to address those needs based on state  
 14 priorities as established by law, the agency mission, and  
 15 legislative authorization. The plan provides the framework and  
 16 context for preparing the legislative budget request and  
 17 includes performance indicators for evaluating the impact of  
 18 programs and agency performance.

19           (aa)~~(w)~~ "Lump-sum appropriation" means the  
 20 appropriation category used to fund funds appropriated to  
 21 ~~accomplish~~ a specific activity or project which must be  
 22 transferred to one or more appropriation categories for  
 23 expenditure.

24           (bb)~~(x)~~ "Operating capital outlay" means the  
 25 appropriation category used to fund equipment, fixtures, and  
 26 other tangible personal property of a nonconsumable and  
 27 nonexpendable nature, up to the value or cost specified in s.  
 28 273.02 of which is \$1,000 or more and the normal expected life  
 29 ~~of which is 1 year or more, and hardback-covered bound books~~  
 30 ~~that are circulated to students or the general public, the~~  
 31

1 ~~value or cost of which is \$25 or more, and hardback-covered~~  
2 ~~bound books, the value or cost of which is \$250 or more.~~

3 (cc)(y) "Original approved budget" means the approved  
4 plan of operation of an agency or of the judicial branch  
5 consistent with the General Appropriations Act or special  
6 appropriations acts.

7 (dd)(z) "Other personal services" means the  
8 appropriation category used to fund the compensation for  
9 services rendered by a person who is not a regular or  
10 full-time employee filling an established position. This  
11 definition includes, but is not limited to, services of  
12 temporary employees, student or graduate assistants, persons  
13 on fellowships, part-time academic employees, board members,  
14 and consultants and other services specifically budgeted by  
15 each agency, or by the judicial branch, in this category.

16 ~~†~~ In distinguishing between payments to be made from  
17 salaries and benefits appropriations and  
18 other-personal-services appropriations:~~†~~

19 1. Those persons filling established positions shall  
20 be paid from salaries and benefits appropriations and those  
21 persons performing services for a state agency or for the  
22 judicial branch, but who are not filling established  
23 positions, shall be paid from other-personal-services  
24 appropriations.

25 ~~2. It is further intended that~~ Those persons paid from  
26 salaries and benefits appropriations shall be state officers  
27 or employees and shall be eligible for membership in a state  
28 retirement system and those paid from other-personal-services  
29 appropriations shall not be eligible for such membership.

30 (ee)(rr) "Outcome" means an indicator of the actual  
31 impact or public benefit of a program.

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

3            (gg)~~(xx)~~ "Performance-based program appropriation"  
4 means the appropriation category used to fund funds  
5 ~~appropriated for~~ a specific set of activities or  
6 classification of expenditure within an approved  
7 performance-based program.

8            (hh)~~(tt)~~ "Performance-based program budget" means a  
9 budget that incorporates approved programs and performance  
10 measures.

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

13           (jj)~~(vv)~~ "Program" means a set of activities  
14 undertaken in accordance with a plan of action organized to  
15 realize identifiable goals and objectives based on legislative  
16 authorization.

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

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

23           ~~(cc) "Perquisites" means those things, or the use~~  
24 ~~thereof, or services of a kind which confer on the officers or~~  
25 ~~employees receiving same some benefit that is in the nature of~~  
26 ~~additional compensation, or which reduces to some extent the~~  
27 ~~normal personal expenses of the officer or employee receiving~~  
28 ~~the same, and shall include, but not be limited to, such~~  
29 ~~things as quarters, subsistence, utilities, laundry services,~~  
30 ~~medical service, use of state-owned vehicles for other than~~  
31

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

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

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

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

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

17 ~~(mm)~~ "Salaries and benefits" means the appropriation  
18 category used to fund the monetary or cash-equivalent  
19 compensation for work performed by state employees for a  
20 specific period of time. Benefits shall be as provided by law.

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

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

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



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

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

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

9       (qq)~~(mm)~~ "State agency" or "agency" means any  
10 official, officer, commission, board, authority, council,  
11 committee, or department of the executive branch of state  
12 government. For purposes of this chapter and chapter 215,  
13 "state agency" or "agency" includes, but is not limited to,  
14 state attorneys, public defenders, the capital collateral  
15 regional counsels Representative, and the Justice  
16 Administrative Commission, the Florida Housing Finance  
17 Corporation, and the Florida Public Service Commission. For  
18 purposes of implementing s. 19(h), Art. III of the State  
19 Constitution, "state agency" or "agency" includes the judicial  
20 branch.

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

23       ~~(oo) "Title of position," or "class of positions"~~  
24 ~~means the official name assigned to a position or class of~~  
25 ~~positions.~~

26       ~~(yy) "Performance ledger" means the official~~  
27 ~~compilation of information about state agency~~  
28 ~~performance-based programs and measures, including approved~~  
29 ~~programs, approved outputs and outcomes, baseline data,~~  
30 ~~approved standards for each performance measure and any~~  
31

1 ~~approved adjustments thereto, as well as actual agency~~  
2 ~~performance for each measure.~~

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

6 ~~(3)(2)~~ For purposes of this chapter, the term:

7 (a) "Approved operating budget" or "approved budget"  
8 means the plan of operations consisting of the original  
9 approved operating budget ~~and statement of intent.~~

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

12 ~~(c) "Emergency situation" means a set of conditions~~  
13 ~~that were unforeseen at the time the General Appropriations~~  
14 ~~Act was adopted and that are essential to correct in order to~~  
15 ~~continue the operation of government, or a set of conditions~~  
16 ~~that were not considered in the General Appropriations Act and~~  
17 ~~that constitute an imminent threat to public health, safety,~~  
18 ~~or welfare. This definition shall not apply to the emergency~~  
19 ~~provisions of chapter 252.~~

20 ~~(d) "Impoundment" means the omission of any~~  
21 ~~appropriation or part of an appropriation in the approved~~  
22 ~~operating plan prepared pursuant to the provisions of s.~~  
23 ~~216.181 or in the schedule of releases prepared pursuant to~~  
24 ~~the provisions of s. 216.192 or the failure of any state~~  
25 ~~agency or the judicial branch to spend an appropriation for~~  
26 ~~the stated purposes authorized in the approved operating~~  
27 ~~budget.~~

28 Section 2. Section 216.013, Florida Statutes, is  
29 created to read:

30 216.013 Long-range program plans.--  
31

1           (1) State agencies shall develop long-range program  
2 plans to achieve state goals using an interagency planning  
3 process that includes the development of integrated agency  
4 program outcomes. The plan shall cover a period of 5 fiscal  
5 years and shall become effective July 1 each year. Long-range  
6 program plans shall provide the framework for the development  
7 of legislative budget requests and shall:

8           (a) Identify agency programs and address how agency  
9 programs will be used to implement state policy and achieve  
10 state goals and program objectives.

11           (b) Provide information regarding unit costs and  
12 performance measurement, which includes, but is not limited  
13 to, the manner of collecting data, the methodology used to  
14 measure a performance indicator, the validity and reliability  
15 of a measure, the appropriateness of a measure, and the  
16 assessment of the reliability and validity of agency  
17 performance measures by the agency inspector general pursuant  
18 to s. 20.055(2).

19           (c) Identify and justify facility and fixed capital  
20 outlay projects and their associated costs.

21           (d) Identify and justify information technology  
22 infrastructure and applications and their associated costs for  
23 information technology projects or initiatives.

24           (2) All agency programs and their costs shall be  
25 carefully evaluated and justified by the agency. The  
26 justification must clearly demonstrate the needs of agency  
27 customers and clients and the reasons the agency is proposing  
28 programs and their associated costs to address those needs  
29 based on state priorities as established by the Legislature or  
30 proposed by the Governor, the agency mission, and legislative  
31 authorization. Further, the justification must show how agency

1 programs are integrated and contribute to the overall  
2 achievement of state goals. Facility, fixed capital outlay,  
3 and information technology infrastructure and applications  
4 shall be evaluated pursuant to ss. 216.0158, 216.043, and  
5 216.0446, respectively.

6 (3) Long-range program plans must include a one-page  
7 summary of all moneys that were expended or encumbered by the  
8 agency, or for which the agency was otherwise responsible,  
9 during the preceding fiscal year and an estimate of such  
10 moneys projected by the agency for the current fiscal year.  
11 All such expenditures and estimates of such expenditures must  
12 be divided by program and expressed in line items by unit  
13 costs. Unit cost totals must equal the total amount of moneys  
14 that were expended or projected to be expended by each agency  
15 and must include expenditures or projected expenditures of  
16 state funds by subordinate governmental entities and  
17 contractors, as applicable. Moneys that agencies receive but  
18 are not responsible for, such as reversions or pass-throughs  
19 to entities over which the agency has no authority or  
20 responsibility, shall be shown in separate line items and  
21 expressed in total amounts only. At the regular session  
22 immediately following the submission of the agency performance  
23 report, the Legislature shall reduce in the General  
24 Appropriations Act for the ensuing fiscal year, by an amount  
25 equal to at least 10 percent of the allocation for the fiscal  
26 year preceding the current fiscal year, the funding of each  
27 state agency that fails to submit the report required by this  
28 subsection.

29 (4) Long-range program plans shall be submitted to the  
30 Executive Office of the Governor by August 1 each year in a  
31 form and manner prescribed in written instructions prepared by

1 the Executive Office of the Governor in consultation with the  
2 chairs of the legislative appropriations committees. Such  
3 long-range program plans for the judicial branch shall be  
4 submitted by the Chief Justice of the Supreme Court to the  
5 President of the Senate and the Speaker of the House of  
6 Representatives and a copy shall be provided to the Executive  
7 Office of the Governor.

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

23 (6) Executive agencies shall incorporate all revisions  
24 required by the Executive Office of the Governor within 14  
25 working days.

26 (7) Any differences between executive agencies  
27 regarding the programs, policies, or long-range program plans  
28 of such agencies shall be mediated by the Executive Office of  
29 the Governor.

30 (8) Each agency shall transmit copies of its  
31 long-range program plan and all written comments on its plan

1 to the President of the Senate and the Speaker of the House of  
2 Representatives not later than 30 days prior to the next  
3 regular session of the Legislature.

4 (9) Long-range program plans developed pursuant to  
5 this chapter are not rules and therefore are not subject to  
6 the provisions of chapter 120.

7 (10) Agencies shall make appropriate adjustments to  
8 their long-range program plans to be consistent with the  
9 appropriations and performance measures in the General  
10 Appropriations Act and the implementing bill. Agencies have  
11 until June 15 to make adjustments to their plans and submit  
12 the adjusted plans to the Executive Office of the Governor and  
13 to the President of the Senate and the Speaker of the House of  
14 Representatives for review.

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

17 216.015 Capital facilities planning and budgeting  
18 process.--

19 (2) The Legislature finds that+

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

28 ~~(b) The high degree of coordination among the various~~  
29 ~~branches of state government, local government, and public~~  
30 ~~benefit corporations which is necessary to maximize the~~  
31 ~~potential public benefits to be derived from the limited~~

1 ~~financial resources which will be dedicated to public capital~~  
2 ~~improvements within this state in the future is lacking.~~

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

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

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

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

31

1 the state toward meeting the state goals and objectives of the  
2 plans.

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

5 216.0152 Inventory of state-owned facilities or  
6 state-occupied facilities.--

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

13 Section 5. Subsections (2), (4), and (5) of section  
14 216.0158, Florida Statutes, are amended to read:

15 216.0158 Assessment of facility needs.--

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



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

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

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

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

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

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

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

31

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

3           216.016 Evaluation of plans; determination of  
4 financing method.--

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

10          Section 7. Paragraph (i) of subsection (2) of section  
11 216.0166, Florida Statutes, is amended, and subsection (6) is  
12 added to said section, to read:

13          216.0166 Submission by state agencies of  
14 performance-based budget requests, programs, and performance  
15 measures.--

16          (2) The following documentation shall accompany the  
17 list of proposed programs and measures submitted by the state  
18 agency:

19           (i) A description of the use of performance measures  
20 in agency decisionmaking, agency actions to allocate funds and  
21 manage programs, and the long-range program ~~agency strategic~~  
22 plan.

23          (6) Prior to September 15 of the fiscal year prior to  
24 which the judicial branch is required to submit a  
25 performance-based program budget request pursuant to s.  
26 216.0172, the Chief Justice of the Supreme Court shall  
27 identify and, after consultation with the Office of Program  
28 Policy Analysis and Government Accountability, submit to the  
29 President of the Senate and the Speaker of the House of  
30 Representatives a list of proposed programs and associated  
31 performance measures. The judicial branch shall provide

1 documentation to accompany the list of proposed programs and  
2 performance measures as provided under subsection (2). The  
3 judicial branch shall submit a performance-based program  
4 legislative budget request pursuant to s. 216.0172, using the  
5 programs and performance measures adopted by the Legislature.  
6 The Chief Justice may propose revisions to approved programs  
7 or performance measures for the judicial branch. The  
8 Legislature shall have final approval of all programs and  
9 associated performance measures and standards for the judicial  
10 branch through the General Appropriations Act or legislation  
11 implementing the General Appropriations Act.

12 Section 8. Subsection (8) of section 216.0172, Florida  
13 Statutes, is amended, and subsection (11) is added to said  
14 section, to read:

15 216.0172 Schedule for submission of performance-based  
16 program budgets.--In order to implement the provisions of  
17 chapter 94-249, Laws of Florida, state agencies shall submit  
18 performance-based program budget legislative budget requests  
19 for programs approved pursuant to s. 216.0166 to the Executive  
20 Office of the Governor and the Legislature based on the  
21 following schedule:

22 (8) Excluding the judicial branch, any new agency or  
23 portion thereof created after September 1, 2000, shall submit  
24 a performance-based program budget request for programs  
25 approved pursuant to s. 216.0166 to the Executive Office of  
26 the Governor and the Legislature by September 15 ~~±~~ of the year  
27 following the creation of the agency or portion thereof.

28 (11) By September 15, 2001, the Chief Justice of the  
29 Supreme Court shall submit to the President of the Senate and  
30 the Speaker of the House of Representatives a  
31 performance-based program budget request for programs of the

1 judicial branch approved by the Legislature and provide a copy  
2 to the Executive Office of the Governor.

3 Section 9. Section 216.023, Florida Statutes, is  
4 amended to read:

5 216.023 Legislative budget requests to be furnished by  
6 agencies.--

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

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

25 (3) The Executive Office of the Governor and the  
26 appropriations committees of the Legislature shall jointly  
27 develop legislative budget instructions from which each agency  
28 and the judicial branch, pursuant to ss. 216.031 and 216.043,  
29 shall prepare their legislative budget request. The budget  
30 instructions shall be consistent with s. 216.141 and shall be  
31 transmitted to each agency and to the judicial branch no later

1 than June 15 of each year. In the event that agreement cannot  
 2 be reached between the Executive Office of the Governor and  
 3 the appropriations committees of the Legislature regarding  
 4 legislative budget instructions, the issue shall be resolved  
 5 by the Governor, the President of the Senate, and the Speaker  
 6 of the House of Representatives.

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

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

25 (6) At any time after the Governor and the Chief  
 26 Justice submit their recommended budgets to the Legislature,  
 27 the head of the agency or judicial branch may amend his or her  
 28 request by transmitting to the Governor and the Legislature an  
 29 amended request in the form and manner prescribed in the  
 30 legislative budget instructions.

31

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

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

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

1 ~~point-by-point responses apart as major issues in the~~  
2 ~~following manner:~~

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

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

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

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

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

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

5 Section 10. Subsections (1), (2), and (3) of section  
6 216.0235, Florida Statutes, are amended to read:

7 216.0235 Performance-based legislative program budget  
8 requests to be furnished by agencies.--

9 (1) The head of each state agency, excluding the  
10 judicial branch, shall submit a final legislative program  
11 budget request to the Legislature and to the Governor, as  
12 chief budget officer of the state, in the form and manner  
13 prescribed in the program budget instructions and at such time  
14 as specified by the Executive Office of the Governor, based on  
15 the agency's independent judgment of its needs. However, a  
16 state agency may not submit its final legislative program  
17 budget request later than September 15 ± of each year. The  
18 provisions of s. 216.023 do not apply to programs within state  
19 agencies that have been approved to operate under a  
20 performance-based program budget.

21 (2) The judicial branch shall submit its final  
22 legislative program budget request directly to the Legislature  
23 with a copy to the Governor, as chief budget officer of the  
24 state, in the form and manner prescribed in the program budget  
25 instructions. However, the final legislative program budget  
26 requests shall be submitted no later than September 15 ± of  
27 each year.

28 (3) The Executive Office of the Governor and the  
29 legislative appropriations committees shall jointly develop  
30 legislative program budget instructions from which each agency  
31 that has an approved program and the judicial branch, pursuant



1 to ss. 216.0166 and 216.043, shall prepare its legislative  
 2 program budget request. The program budget instructions must  
 3 be consistent with s. 216.141 and must be transmitted to each  
 4 agency and to the judicial branch no later than June 15 of  
 5 each year. The budget instructions must include instructions  
 6 for agencies in submitting performance measures and standards  
 7 as required by s. 216.0166. The budget instructions must also  
 8 include instructions for agencies in submitting the assessment  
 9 of performance measures and the unit cost information required  
 10 to be included in the long-range program plan ~~agency annual~~  
 11 ~~performance report~~ under s. 216.013 ~~186.022(8)~~. The Executive  
 12 Office of the Governor, in consultation with the Office of  
 13 Program Policy Analysis and Government Accountability, the  
 14 Auditor General, the Department of Banking and Finance, and  
 15 the legislative appropriations committees, shall develop  
 16 instructions as to the calculation of the unit cost  
 17 information and the format and presentation of the summary  
 18 required under s. 216.013 ~~186.022(8)~~. For fiscal year  
 19 1999-2000, the Executive Office of the Governor may provide  
 20 interim instructions which allow for a phased-in  
 21 implementation of unit cost reporting by agencies. Full  
 22 implementation of unit cost reporting shall be effective with  
 23 the submission of the August ~~September~~ 1, 2000, long-range  
 24 program plan ~~agency performance report~~. In the event that  
 25 agreement cannot be reached between the Executive Office of  
 26 the Governor and the legislative appropriations committees  
 27 regarding legislative program budget instructions, the issue  
 28 shall be resolved by the Governor, the President of the  
 29 Senate, and the Speaker of the House of Representatives.

30  
 31

1           Section 11. Section 216.031, Florida Statutes, is  
2 amended, and section 216.0312, Florida Statutes, is created,  
3 to read:

4           216.031 Budgets for operational expenditures.--A  
5 legislative budget request, reflecting the independent  
6 judgment of the head of the state agency, and of the Chief  
7 Justice of the Supreme Court, with respect to the needs of the  
8 agency and the judicial branch for operational expenditures  
9 during the next fiscal year, shall be submitted by each head  
10 of a state agency and by the Chief Justice of the Supreme  
11 Court and shall contain the following:

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

25           (2) For each program component within the budget  
26 entity, an exhibit showing, for each appropriation category,  
27 the summary explanation of expenditures for each detail issue  
28 describing the amounts and positions for the next fiscal year  
29 for continuation of current programs, for improved programs,  
30 and for new programs, with a summary showing totals by fund  
31 for the next fiscal year.

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

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

27           (5) Detailed information for the next fiscal year  
 28 necessary for the Legislature and the Governor to evaluate:

29           (a) The effectiveness of current programs, including  
 30 justification for those programs.

31

1           (b) The justification for increasing costs to continue  
2 the operations of current programs.

3           (c) The justification for proposed improvements in  
4 existing programs.

5           (d) The justification for proposed new programs.

6           (e) The projected cost of the requested program for  
7 the following fiscal year.

8           (f) The needs of the agency or of the judicial branch  
9 for operational expenditures, by order of priority.

10          (6) Additional information providing a detailed  
11 description of the request of the agency and the corresponding  
12 calculations needed to support the request.

13          (7) Workload and other performance indicators, as  
14 prescribed by the legislative budget instructions.

15          (8) An information resources management schedule  
16 showing the agency's or judicial branch's total budget request  
17 for information resources management. The schedule shall be  
18 in the format provided for in the legislative budget  
19 instructions. The budget request for information resources  
20 management shall identify, if applicable, which parts of the  
21 request are in response to any information resources  
22 management issues included in the legislative budget  
23 instructions. This subsection is applicable only to those  
24 state agencies which are under the purview of ss.  
25 282.303-282.313 and to the judicial branch.

26          (9) A report separately listing the sources of  
27 receipts into each trust fund and the amounts of such  
28 receipts. In addition, the report shall identify the  
29 administrative and program costs expended from the trust fund,  
30 including salaries, other personal services, operating capital  
31

1 outlay, fixed capital outlay, other expenses, contractual  
2 services, and transfers to other trust funds.

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

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

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

22 216.0312 Target budget requests.--Either chair of a  
23 legislative appropriations committee, or the Executive Office  
24 of the Governor for state agencies, may require the agency or  
25 the Chief Justice to address major issues separate from those  
26 outlined in ss.s-216.023, 216.031 ~~this section~~, and ~~s.~~  
27 216.043 for inclusion in the requests of the agency or of the  
28 judicial branch. The issues shall be submitted to the agency  
29 no later than July 30 of each year and shall be displayed in  
30 its requests as provided in the budget instructions. The  
31 Executive Office of the Governor may request an agency, or the

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

17 Section 12. Section 216.044, Florida Statutes, is  
 18 amended to read:

19 216.044 Budget evaluation by Department of Management  
 20 Services.--Any state agency or judicial branch entity  
 21 requesting a fixed capital outlay project to be managed by the  
 22 Department of Management Services shall consult with that  
 23 department during the budget-development process. The  
 24 Department of Management Services shall provide  
 25 recommendations regarding construction requirements, cost of  
 26 the project, and project alternatives to be incorporated in  
 27 the agency's or entity's proposed fixed capital outlay budget  
 28 request and narrative justification.

29 ~~(1) Concurrently with the submission of the fixed~~  
 30 ~~capital outlay legislative budget request to the Executive~~  
 31 ~~Office of the Governor or to the Chief Justice of the Supreme~~

1 ~~Court, the agency or judicial branch shall submit a copy of~~  
2 ~~the legislative budget request to the Department of Management~~  
3 ~~Services for evaluation.~~

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

25 ~~(3) The Department of Management Services shall~~  
26 ~~provide assistance to any state agency, the judicial branch,~~  
27 ~~and the Executive Office of the Governor in fulfilling the~~  
28 ~~requirements of s. 216.0442 as developed pursuant to ss.~~  
29 ~~216.031 and 216.043.~~

30 Section 13. Section 216.0446, Florida Statutes, is  
31 amended to read:

1           216.0446 Technology Review Workgroup; review of  
2 information resources management needs.--

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

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

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

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



1 ~~of proposed action for budget items with respect to~~  
2 information resources management initiatives or projects that  
3 involve more than one agency, that have an outcome that  
4 impacts another agency, or that exceed \$500,000 in total cost  
5 over a 1-year period.

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

10 Section 14. Subsection (2) of section 216.052, Florida  
11 Statutes, is amended to read:

12 216.052 Legislative budget requests; appropriations;  
13 grants.--

14 (2) In order to ensure an integrated state planning  
15 and budgeting process, the long-range program ~~strategic~~ plan  
16 should be reviewed by the Legislature.

17 Section 15. Subsection (1) of section 216.081, Florida  
18 Statutes, is amended to read:

19 216.081 Data on legislative and judicial branch  
20 expenses.--

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

26 Section 16. Section 216.131, Florida Statutes, is  
27 amended to read:

28 216.131 Public hearings on legislative budgets.--The  
29 Governor and the Chief Justice of the Supreme Court may ~~shall~~  
30 each provide for at least one public hearing prior to  
31 submission of budget recommendations to the Legislature on

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

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

16 216.133 Definitions; ss. 216.133-216.137.--As used in  
17 ss. 216.133-216.137:

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

29 (2) "Official information" means the data, forecasts,  
30 estimates, analyses, studies, and other information which the  
31

1 principals of a consensus estimating conference unanimously  
2 adopt for purposes of the state planning and budgeting system.

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

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

8 Section 18. Section 216.134, Florida Statutes, is  
9 amended to read:

10 216.134 Consensus estimating conferences; general  
11 provisions.--

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

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

28 (3)~~(2)~~ The official information developed by the  
29 Economic Estimating Conference and the official information  
30 developed by the Demographic Estimating Conference shall be  
31

1 used by all other consensus estimating conferences in  
2 developing their official information.

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

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

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

21 (5)~~(4)~~ All sessions and meetings of a consensus  
22 estimating conference shall be open to the public as provided  
23 in chapter 286.

24 Section 19. Section 216.136, Florida Statutes, is  
25 amended to read:

26 216.136 Consensus estimating conferences; duties and  
27 principals.--

28 (1) ECONOMIC ESTIMATING CONFERENCE.--

29 (a) Duties.--

30 ~~1-~~ The Economic Estimating Conference shall develop  
31 such official information with respect to the national and

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

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

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

27 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

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

1 budgeting system. The conference shall use the official  
2 population estimates provided under s. 186.901 in developing  
3 its official information.

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

11 (3) REVENUE ESTIMATING CONFERENCE.--

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

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

25 (4) EDUCATION ESTIMATING CONFERENCE.--

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

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

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

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

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



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

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

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

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

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

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

1 ~~Executive Office of the Governor shall preside over sessions~~  
2 ~~of the conference.~~

3 (7)~~(8)~~ CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

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

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

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

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

31

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

10 (8)~~(9)~~ JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

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

1 principals of the Juvenile Justice Estimating Conference. The  
 2 responsibility of presiding over sessions of the conference  
 3 shall be rotated among the principals. To facilitate policy  
 4 and legislative recommendations, the conference may call upon  
 5 professional staff of the Juvenile Justice Accountability  
 6 Board and appropriate legislative staff.

7 (9)~~(10)~~ OCCUPATIONAL FORECASTING CONFERENCE.--

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

19 (b) Principals.--The Commissioner of Education, the  
 20 Executive Office of the Governor, the director of the Office  
 21 of Tourism, Trade, and Economic Development, the Secretary of  
 22 Labor, ~~and~~ 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 Occupational  
 26 Forecasting Conference. The Commissioner of Education, or the  
 27 commissioner's designee, shall preside over the sessions of  
 28 the conference.

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

31 (a) Duties.--

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

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

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

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

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

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

31

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

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

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

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

31

1           Section 20. Subsection (1) of section 216.141, Florida  
2 Statutes, is amended to read:

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

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



1           Section 21. Subsection (1) of section 216.162, Florida  
2 Statutes, is amended to read:

3           216.162 Governor's recommended budget to be furnished  
4 to the Legislature; copies to members.--

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

15           Section 22. Section 216.163, Florida Statutes, is  
16 amended to read:

17           216.163 Governor's recommended budget; form and  
18 content; declaration of collective bargaining impasses.--

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

29           (2) The Governor's recommended budget shall also  
30 include:

31

1 (a) The Governor's recommendations for operating each  
2 state agency, and those of the Chief Justice of the Supreme  
3 Court for operating the judicial branch, for the next fiscal  
4 year. These recommendations shall be displayed by  
5 appropriation category within each budget entity, ~~with detail~~  
6 ~~by program component within each budget entity~~, and shall also  
7 include the legislative budget request of the corresponding  
8 agency.

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

14 2. For each specific fixed capital outlay project or  
15 group of projects or operating capital outlay requests  
16 recommended to be funded from a proposed state debt or  
17 obligation, he or she shall make available pursuant to s.  
18 216.164(1)(a) the documents set forth in s. 216.0442(2).

19 (c) The evaluation of the fixed capital outlay request  
20 of each agency and the judicial branch and alternatives to the  
21 proposed projects as made by the Department of Management  
22 Services pursuant to s. 216.044.

23 (d) A summary statement of the amount of  
24 appropriations requested by each state agency and as  
25 recommended by the Governor and by the judicial branch.

26 (e) A distinct listing of all nonrecurring  
27 appropriations recommended by the Governor or the Chief  
28 Justice.

29 ~~(f) A listing of the general policies used to~~  
30 ~~calculate the amounts required for salaries, other personal~~  
31 ~~services, expenses, operating capital outlay, electronic data~~

1 ~~processing, and food products recommended by the Governor or~~  
2 ~~the Chief Justice.~~

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

12 ~~(h) With respect to the Department of Transportation,~~  
13 ~~a reconciliation of the Governor's recommendations for the~~  
14 ~~funding of the agency budget and tentative work program with~~  
15 ~~the budget and tentative work program submitted by the~~  
16 ~~department pursuant to s. 339.135 by project, by project~~  
17 ~~phase, by department district, and by appropriation category.~~

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

29 (g)(j) Any additional information which the Governor  
30 or Chief Justice feels is needed to justify his or her  
31 recommendations.

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

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

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

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

26           2. Additional flexibility in salary rate and position  
27 management.

28           3. Retention of up to 50 percent of all unencumbered  
29 balances of appropriations as of June 30, or undisbursed  
30 balances as of December 31, excluding special categories and  
31 grants and aids, which may be used for nonrecurring purposes

1 including, but not limited to, lump-sum bonuses, employee  
2 training, or productivity enhancements, including technology  
3 and other improvements.

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

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

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

12 1. Mandatory quarterly reports to the Executive Office  
13 of the Governor and the Legislature on the agency's progress  
14 in meeting performance standards.

15 2. Mandatory quarterly appearances before the  
16 Legislature, the Governor, or the Governor and Cabinet to  
17 report on the agency's progress in meeting performance  
18 standards.

19 3. Elimination or restructuring of the program, which  
20 may include, but not be limited to, transfer of the program or  
21 outsourcing all or a portion of the program.

22 4. Reduction of total positions for a program.

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

25 6. Reduction of managerial salaries.

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

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

12           Section 23. Subsections (1) and (2) of section  
13 216.177, Florida Statutes, are amended to read:

14           216.177 Appropriations acts, ~~statement of intent,~~  
15 violation, review and objection procedures.--

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

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

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

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

29  
30 to the Executive Office of the Governor, the Comptroller, the  
31 Auditor General, the Chief Justice of the Supreme Court, and

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

26 (2)(a) Whenever notice of action to be taken by the  
27 Executive Office of the Governor, the Chief Justice of the  
28 Supreme Court, or the commission is required by this chapter,  
29 such notice shall be given to the chairs of the legislative  
30 appropriations committees in writing, and shall be delivered  
31 to both such chairs at least 14 consecutive days before ~~prior~~

1 to the action referred to, unless a shorter period is approved  
 2 in writing by both such chairs. If the action is solely for  
 3 the release of funds appropriated by the Legislature, the  
 4 notice shall be delivered at least 3 working days before the  
 5 effective date of the action. Action shall not be taken on any  
 6 budget item for which this chapter requires notice to the  
 7 legislative appropriations committees without such notice  
 8 having been provided, even though there may be good cause for  
 9 considering such item.

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

30 ~~(c) The House of Representatives and the Senate shall~~  
 31 ~~provide by rule that any member of the House of~~



1 ~~Representatives or Senate may request, in writing, of either~~  
2 ~~the President of the Senate or the Speaker of the House of~~  
3 ~~Representatives or the chair of the respective legislative~~  
4 ~~appropriations committee to initiate the procedures of~~  
5 ~~paragraph (b).~~

6 Section 24. Section 216.178, Florida Statutes, is  
7 amended to read:

8 216.178 General Appropriations Act; format; procedure+  
9 ~~cost statement for new debt or obligation.--~~

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

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

1 member of the Legislature, to the head of each state agency,  
2 to the Auditor General, and to the public.

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

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

19 Section 25. Section 216.179, Florida Statutes, is  
20 amended to read:

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

30 Section 26. Section 216.181, Florida Statutes, is  
31 amended to read:

1           216.181 Approved budgets for operations and fixed  
2 capital outlay.--

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

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

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

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

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

1 (d) For amendments that involve trust funds, there  
2 must be adequate and appropriate revenues available in the  
3 trust fund and the amendment must be consistent with the laws  
4 authorizing such trust funds and the laws relating to the use  
5 of the trust funds. However, a trust fund shall not be  
6 increased in excess of the original approved budget, except as  
7 provided in subsection (10)~~(11)~~.

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

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

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

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

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

24 (4) An ~~All amendments to the original approved~~  
25 ~~operating budgets, regardless of funding source, are subject~~  
26 ~~to the notice and review procedures set forth in s. 216.177~~  
27 ~~and must be approved by the Governor and Administration~~  
28 ~~Commission as provided in this chapter for the executive~~  
29 ~~branch and the Chief Justice for the judicial branch if the~~  
30 ~~amendment is~~ for an information resources management project  
31 or initiative that involves more than one agency, has an

1 outcome that impacts another agency, or exceeds \$1 million  
 2 ~~\$500,000~~ in total cost over a 1-year period, except for those  
 3 projects that are a continuation of hardware or software  
 4 maintenance or software licensing agreements, ~~or~~ that are for  
 5 desktop replacement that is similar to the technology  
 6 currently in use, or that are an allocation of a lump-sum  
 7 appropriation, must be reviewed by the Technology Review  
 8 Workgroup pursuant to s. 216.0446 and approved by the  
 9 Executive Office of the Governor for the executive branch or  
 10 by the Chief Justice for the judicial branch and shall be  
 11 subject to the notice and review procedures set forth in s.  
 12 216.177.

13 (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 and special appropriations acts, ~~and the statement of~~  
 18 ~~intent~~ before transferring and releasing the balance of a  
 19 lump-sum appropriation. The provisions of this paragraph are  
 20 subject to the notice and review procedures set forth in s.  
 21 216.177.

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

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

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

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

13           (7)(8) As part of the approved operating budget, the  
14 Executive Office of the Governor shall furnish to each state  
15 agency, and the Chief Justice of the Supreme Court shall  
16 furnish to the entity of the judicial branch, an approved  
17 annual salary rate for each budget entity containing a salary  
18 appropriation. This rate shall be based upon the actual salary  
19 rate and shall be consistent with the General Appropriations  
20 Act or special appropriations acts. The annual salary rate  
21 shall be:

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

27           (b) Controlled by department or agency, except for the  
28 annual salary rate for the Department of Education, which  
29 shall be controlled by division ~~budget entity.~~

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

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

3 (8)(9)(a) The calculation for the annual salary rate  
4 for vacant and newly authorized positions shall be at no more  
5 than the midpoint of the range of the pay grade for the  
6 position or as provided in the General Appropriations Act.

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

16 (9)(a) Except as provided in paragraph (b), no rate or  
17 personnel action taken by an agency or entity of the judicial  
18 branch may result in an increase to the total recurring  
19 general revenue or trust fund salary and benefit cost of the  
20 agency or entity in the subsequent fiscal year.

21 (b)(10)(a) The Executive Office of the Governor and  
22 the Chief Justice of the Supreme Court may increase or  
23 decrease the approved salary rate for positions for the  
24 purpose of implementing the General Appropriations Act,  
25 special appropriations acts, and actions pursuant to s.  
26 216.262(1)(a)~~other adjustments if they are deemed to be~~  
27 ~~necessary and in the best interest of the state and consistent~~  
28 with legislative intent and policy. The provisions of this  
29 paragraph are subject to the notice and review procedures set  
30 forth in s. 216.177.

31

1           ~~(c)(b)~~ Lump-sum salary bonuses may be provided only if  
 2 specifically appropriated.

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

22           (11) For purposes of this section, the term  
 23 "nonoperating budgets" means disbursement authority for  
 24 purchase of investments, refunds, payments to the United  
 25 States Treasury, transfers of funds specifically required by  
 26 law, distributions of assets held by the state in a trustee  
 27 capacity as an agent or fiduciary, and other such disbursement  
 28 categories unrelated to the operational expenditures of an  
 29 agency or entity of the judicial branch, not otherwise  
 30 appropriated in the General Appropriations Act. There are  
 31 hereby appropriated nonoperating budgets for refunds, payments



1 to the United States Treasury, payments of the service charge  
 2 to the General Revenue Fund, and transfers of funds where the  
 3 amounts are specifically identifiable and required by law.  
 4 Such authorized budgets, together with related releases, shall  
 5 be transmitted by the state agency or by the judicial branch  
 6 to the Comptroller for entry in the Comptroller's records in  
 7 the manner and format prescribed by the Executive Office of  
 8 the Governor in consultation with the Comptroller. A copy of  
 9 such authorized budgets shall be furnished to the Executive  
 10 Office of the Governor or the Chief Justice, the chairs of the  
 11 legislative appropriations committees, and the Auditor  
 12 General. The Governor for the executive branch, and the Chief  
 13 Justice for the judicial branch, may establish nonoperating  
 14 budgets for transfers, purchase of investments, distributions,  
 15 and other such nonoperating budget categories as deemed  
 16 necessary and in the best interest of the state and consistent  
 17 with legislative intent and policy. Notwithstanding the  
 18 provisions of s. 18.125(3)(a) to the contrary, the Governor  
 19 shall prohibit the investment of certain trust funds when such  
 20 investment at the trust fund level conflicts with legislative  
 21 intent and policy. The provisions of this subsection are  
 22 subject to the notice, review, and objection procedures set  
 23 forth in s. 216.177.

24 (12) Each state agency and the judicial branch shall  
 25 develop the internal management procedures and budgets  
 26 necessary to assure compliance with the approved operating  
 27 budget.

28 (13) The Executive Office of the Governor and the  
 29 Chief Justice of the Supreme Court shall certify the amounts  
 30 approved for operations and fixed capital outlay, together  
 31 with any relevant supplementary materials or information, to

1 the Comptroller; and such certification shall be the  
 2 Comptroller's guide with reference to the expenditures of each  
 3 state agency pursuant to s. 216.192.

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

6 (15)(a) Funds provided in any specific appropriation  
 7 in the General Appropriations Act may be advanced if the  
 8 General Appropriations Act specifically so provides.

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

1           ~~(c) For the 1999-2000 fiscal year only, funds~~  
 2 ~~appropriated to the Department of Children and Family Services~~  
 3 ~~in Specific Appropriations 292 through 425 and the Department~~  
 4 ~~of Health in Specific Appropriations 445 through 540 of the~~  
 5 ~~1999-2000 General Appropriations Act may be advanced, unless~~  
 6 ~~specifically prohibited in such General Appropriations Act,~~  
 7 ~~for those contracted services that were approved for~~  
 8 ~~advancement by the Comptroller in fiscal year 1993-1994,~~  
 9 ~~including those services contracted on a fixed price or unit~~  
 10 ~~cost basis. This paragraph is repealed on July 1, 2000.~~

11           ~~(16) Notwithstanding any provision of this section to~~  
 12 ~~the contrary and for the 1999-2000 fiscal year only, the~~  
 13 ~~Department of Children and Family Services is authorized to~~  
 14 ~~use operating funds budgeted for Developmental Services~~  
 15 ~~institutions for fixed capital outlay expenditures as needed~~  
 16 ~~to bring any currently unlicensed beds up to Federal~~  
 17 ~~Intermediate Care Facility for the Developmentally Disabled~~  
 18 ~~licensure standards. This subsection is repealed on July 1,~~  
 19 ~~2000.~~

20           ~~(17) Notwithstanding any other provision of this~~  
 21 ~~section to the contrary, and for the 1999-2000 fiscal year~~  
 22 ~~only, the Florida Department of Law Enforcement may transfer~~  
 23 ~~up to 20 positions and associated budget between budget~~  
 24 ~~entities, provided the same funding source is used throughout~~  
 25 ~~each transfer. The department may also transfer up to 10~~  
 26 ~~percent of the initial approved salary rate between budget~~  
 27 ~~entities, provided the same funding source is used throughout~~  
 28 ~~each transfer. The department must provide notice to the~~  
 29 ~~Executive Office of the Governor, the chair of the Senate~~  
 30 ~~Budget Committee, and the chair of the House Committee on~~  
 31

1 ~~Criminal Justice Appropriations for all transfers of positions~~  
2 ~~or salary rate. This subsection is repealed on July 1, 2000.~~

3 ~~(18) Notwithstanding any other provision of this~~  
4 ~~chapter to the contrary, the Florida Department of~~  
5 ~~Transportation, in order to facilitate the transfer of~~  
6 ~~personnel to the new turnpike headquarters location in Orange~~  
7 ~~County, may transfer salary rate to the turnpike budget entity~~  
8 ~~from other departmental budget entities. The department must~~  
9 ~~provide documentation of all transfers to the Executive Office~~  
10 ~~of the Governor, the Chairman of the Senate Budget Committee,~~  
11 ~~and the Chairman of the House of Representatives Committee on~~  
12 ~~Transportation and Economic Development Appropriations. This~~  
13 ~~subsection expires July 1, 2000.~~

14 Section 27. Section 216.183, Florida Statutes, is  
15 amended to read:

16 216.183 Entities using performance-based program  
17 budgets; chart of accounts.--State agencies and the judicial  
18 branch for which a performance-based program budget has been  
19 appropriated shall utilize the chart of accounts used by the  
20 Florida Accounting Information Resource Subsystem in the  
21 manner described in s. 215.93(3). The chart of accounts for  
22 state agencies and the judicial branch for which a  
23 performance-based program budget has been appropriated shall  
24 be developed and amended, if necessary, in consultation with  
25 the Department of Banking and Finance, and the Executive  
26 Office of the Governor, and the chairs of the legislative  
27 appropriations committees.

28 Section 28. Subsection (1) of section 216.192, Florida  
29 Statutes, is amended to read:

30 216.192 Release of appropriations; revision of  
31 budgets.--

1           (1) Unless otherwise provided in the General  
2 Appropriations Act, on July 1 of each fiscal year, up to 25 ~~20~~  
3 percent of the original approved operating budget of each  
4 agency and of the judicial branch may ~~shall~~ be released until  
5 such time as annual plans for quarterly releases for all  
6 appropriations have been developed, approved, and furnished to  
7 the Comptroller by the Executive Office of the Governor for  
8 state agencies and by the Chief Justice of the Supreme Court  
9 for the judicial branch. The plans, including appropriate  
10 plans of releases for fixed capital outlay projects that  
11 correspond with each project schedule, shall attempt to  
12 maximize the use of trust funds and shall be transmitted to  
13 the Comptroller by August 1 of each fiscal year. Such releases  
14 shall at no time exceed the total appropriations available to  
15 a state agency or to the judicial branch, or the approved  
16 budget for such agency or the judicial branch if less. The  
17 Comptroller shall enter such releases in his or her records in  
18 accordance with the release plans prescribed by the Executive  
19 Office of the Governor and the Chief Justice, unless otherwise  
20 amended as provided by law. The Executive Office of the  
21 Governor and the Chief Justice shall transmit a copy of the  
22 approved annual releases to the head of the state agency, the  
23 chairs of the legislative appropriations committees, and the  
24 Auditor General. The Comptroller shall authorize all  
25 expenditures to be made from the appropriations on the basis  
26 of such releases and in accordance with the approved budget,  
27 and not otherwise. Expenditures shall be authorized only in  
28 accordance with legislative authorizations. Nothing herein  
29 precludes periodic reexamination and revision by the Executive  
30 Office of the Governor or by the Chief Justice of the annual  
31

1 plans for release of appropriations and the notifications of  
2 the parties of all such revisions.

3 Section 29. Section 216.195, Florida Statutes, is  
4 amended to read:

5 216.195 Impoundment of funds; restricted.--The  
6 Executive Office of the Governor, the Chief Justice of the  
7 Supreme Court, any member of the Cabinet, the Administration  
8 Commission, or any state agency shall not impound any  
9 appropriation except as necessary to avoid or eliminate a  
10 deficit pursuant to the provisions of s. 216.221. As used in  
11 this section, the term "impoundment" means the omission of any  
12 appropriation or part of an appropriation in the approved  
13 operating plan prepared pursuant to s. 216.181 or in the  
14 schedule of releases prepared pursuant to s. 216.192 or the  
15 failure of any state agency or the judicial branch to spend an  
16 appropriation for the stated purposes authorized in the  
17 approved operating budget.The provisions of this section are  
18 subject to the notice and review procedures of s. 216.177.  
19 The Governor or either house of the Legislature may seek  
20 judicial review of any action or proposed action which  
21 violates the provisions of this section.

22 Section 30. Section 216.212, Florida Statutes, is  
23 amended to read:

24 216.212 Budgets for federal funds; restrictions on  
25 expenditure of federal funds.--

26 (1) The Executive Office of the Governor, the office  
27 of the Comptroller, and the office of the Treasurer shall  
28 develop and implement procedures for accelerating the drawdown  
29 of, and minimizing the payment of interest on, federal funds.  
30 The Executive Office of the Governor shall establish a  
31 clearinghouse for federal programs and activities. The

1 clearinghouse shall develop the capacity to respond to federal  
2 grant opportunities and to coordinate the use of federal funds  
3 in the state.

4 (a) Every state agency, when making a request or  
5 preparing a budget to be submitted to the Federal Government  
6 for funds, equipment, material, or services, shall submit such  
7 request or budget to the Executive Office of the Governor for  
8 review ~~approval~~ before submitting it to the proper federal  
9 authority. However, the Executive Office of the Governor may  
10 specifically authorize any agency to submit specific types of  
11 grant proposals directly to the Federal Government.

12 (b) Every office or court of the judicial branch, when  
13 making a request or preparing a budget to be submitted to the  
14 Federal Government for funds, equipment, material, or  
15 services, shall submit such request or budget to the Chief  
16 Justice of the Supreme Court for approval before submitting it  
17 to the proper federal authority. However, the Chief Justice  
18 may specifically authorize any court to submit specific types  
19 of grant proposals directly to the Federal Government.

20 (2) When such federal authority has approved the  
21 request or budget, the state agency or the judicial branch  
22 shall submit to the Executive Office of the Governor such  
23 documentation showing approval as that office prescribes.  
24 ~~Beginning July 1, 1993,~~The Executive Office of the Governor  
25 must acknowledge each approved request or budget by entering  
26 that approval into an Automated Grant Management System  
27 developed in consultation with the chairs of the House of  
28 Representatives and Senate appropriations committees.

29 (3) Federal money appropriated by Congress or received  
30 from court settlements to be used for state purposes, whether  
31 by itself or in conjunction with moneys appropriated by the

1 Legislature, may not be expended unless appropriated by the  
 2 Legislature. However, the Executive Office of the Governor or  
 3 the Chief Justice of the Supreme Court may, after consultation  
 4 with the legislative appropriations committees, approve the  
 5 receipt and expenditure of funds from federal sources by state  
 6 agencies or by the judicial branch. Any federal programs  
 7 requiring state matching funds which funds were eliminated, or  
 8 were requested and were not approved, by the Legislature may  
 9 not be implemented during the interim. However, federal and  
 10 other fund sources for the State University System which do  
 11 not carry a continuing commitment of ~~on~~ future appropriations  
 12 are hereby appropriated for the purpose received.

13 ~~(4) The Office of the Comptroller and the Executive~~  
 14 ~~Office of the Governor, in consultation with the Office of the~~  
 15 ~~Treasurer and the Office of the Auditor General, shall develop~~  
 16 ~~and maintain a means to ensure the compatibility of the~~  
 17 ~~Florida Accounting Information Resource Subsystem and the~~  
 18 ~~Federal Aid Tracking System. Any successive systems serving~~  
 19 ~~identical or similar functions shall preserve such~~  
 20 ~~compatibility.~~

21 Section 31. Section 216.216, Florida Statutes, is  
 22 created to read:

23 216.216 Court settlement funds negotiated by the  
 24 state.--In any court settlement in which a state agency or  
 25 officer or any other counsel representing the interests of the  
 26 state negotiates settlement amounts to be expended on any  
 27 state operational or fixed capital outlay issue in the  
 28 judicial branch or the executive branch, such funds may not be  
 29 expended unless appropriated by the Legislature to the  
 30 appropriate agency responsible for the operational or fixed  
 31 capital outlay issue. When a state agency or officer settles



1 an action in which the state will receive moneys, the funds  
2 shall be placed unobligated in the General Revenue Fund or in  
3 the trust fund that is associated with the agency's or  
4 officer's authority to pursue the legal action. The provisions  
5 of this section are subject to the notice and review  
6 procedures set forth in s. 216.177.

7 Section 32. Subsection (2) of section 216.221, Florida  
8 Statutes, is amended to read:

9 216.221 Appropriations as maximum appropriations;  
10 adjustment of budgets to avoid or eliminate deficits.--

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

15 Section 33. Paragraph (a) of subsection (2) of section  
16 216.251, Florida Statutes, is amended to read:

17 216.251 Salary appropriations; limitations.--

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

21 1. Within the classification and pay plans provided  
22 for in chapter 110.

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

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

31

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

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

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

10           Section 34. Paragraphs (a) and (f) of subsection (1)  
11 of section 216.262, Florida Statutes, are amended to read:

12           216.262 Authorized positions.--

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

- 27           1. To implement or provide for continuing ~~federal~~  
28 grants or changes in grants not previously anticipated;  
29           2. To meet emergencies pursuant to s. 252.36;  
30           3. To satisfy new federal regulations or changes  
31 therein;

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

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

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

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

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

17 Section 35. Subsection (1) of section 216.271, Florida  
18 Statutes, is amended to read:

19 216.271 Revolving funds.--

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

28 Section 36. Section 216.292, Florida Statutes, is  
29 amended to read:

30 216.292 Appropriations nontransferable; exceptions.--

31

1           (1)(a) Funds provided in the General Appropriations  
 2 Act or as otherwise expressly provided by law shall be  
 3 expended only for the purpose for which appropriated, except  
 4 that if deemed necessary such moneys may be transferred as  
 5 provided in subsections (3), (4), and (5) when it is  
 6 determined to be in the best interest of the state.  
 7 Appropriations for fixed capital outlay may not be expended  
 8 for any other purpose, and appropriations may not be  
 9 transferred between state agencies, or between a state agency  
 10 and the judicial branch, unless specifically authorized by  
 11 law.

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

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

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

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

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

29 (b) Additionally, between budget entities within  
 30 identical categories of appropriations, if no category of  
 31 appropriation is increased or decreased by more than 5 percent

1 of the original approved budget or ~~\$150,000~~<sup>\$25,000</sup>, whichever  
2 is greater, by all action taken under this subsection.

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

8  
9 Such authorized revisions, together with related changes, if  
10 any, in the plan for release of appropriations, shall be  
11 transmitted by the state agency or by the judicial branch to  
12 the Comptroller for entry in the Comptroller's records in the  
13 manner and format prescribed by the Executive Office of the  
14 Governor in consultation with the Comptroller. A copy of such  
15 revision shall be furnished to the Executive Office of the  
16 Governor or the Chief Justice, the chairs of the legislative  
17 committees, 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  
22 appropriations categories without limitation so long as such a  
23 transfer does not result in an increase to the total recurring  
24 general revenue or trust fund cost of the agency or entity of  
25 the judicial branch in the subsequent fiscal year: other  
26 personal 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

1 be consistent with legislative policy and intent. Notice of  
 2 proposed transfers under this authority shall be provided to  
 3 the Executive Office of the Governor and the chairs of the  
 4 legislative appropriations committees at least 5 working days  
 5 prior to their implementation.

6 (b) The head of each department or the Chief Justice  
 7 of the Supreme Court may transfer funds, from identical  
 8 funding sources, between salaries and benefits appropriation  
 9 categories within programs identified in the General  
 10 Appropriations Act. Such transfers must be consistent with  
 11 legislative policy and intent. Notice of proposed transfers  
 12 under this authority shall be provided to the Executive Office  
 13 of the Governor and the chairs of the legislative  
 14 appropriations committees at least 5 working days prior to  
 15 their implementation.~~The head of each department or the Chief~~  
 16 ~~Justice of the Supreme Court, whenever it is deemed necessary~~  
 17 ~~by reason of changed conditions, may transfer funds,~~  
 18 ~~positions, and salary rate within and between program budget~~  
 19 ~~entities with performance-based program appropriations as~~  
 20 ~~defined in s. 216.011(1)(xx). Such transfers may include~~  
 21 ~~appropriations from any operating category, except~~  
 22 ~~appropriations for fixed capital outlay. However, the total~~  
 23 ~~program funds, positions, and salary rate shall not be~~  
 24 ~~increased or decreased by more than 5 percent by all action~~  
 25 ~~taken under this section. Authorized revisions of the original~~  
 26 ~~approved operating budget, together with related changes, if~~  
 27 ~~any, must be transmitted by the state agency or by the~~  
 28 ~~judicial branch to the Executive Office of the Governor or the~~  
 29 ~~Chief Justice, the chairs of the legislative appropriations~~  
 30 ~~committees, the Office of Program Policy Analysis and~~  
 31 ~~Government Accountability, and the Auditor General. Such~~



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

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

22           (b) When an appropriation for a named fixed capital  
 23 outlay project is found to be in excess of that needed to  
 24 complete that project, at the request of the Executive Office  
 25 of the Governor for state agencies or the Chief Justice of the  
 26 Supreme Court for the judicial branch the excess may be  
 27 transferred, with the approval of the commission or the Chief  
 28 Justice, to another project for which there has been an  
 29 appropriation in the same fiscal year from the same fund and  
 30 within the same department where a deficiency is found to  
 31 exist. Further, a fixed capital outlay project may not be

1 initiated without a specific legislative appropriation, nor  
2 may the scope of a fixed capital outlay project be changed by  
3 the transfer of funds. The provisions of this paragraph are  
4 subject to the notice, review, and objection procedures set  
5 forth in s. 216.177.

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

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

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

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

30 (b) Should any state agency or the judicial branch  
31 become more than 90 days delinquent in paying the Division of

1 Risk Management of the Department of Insurance for insurance  
2 coverage, the Department of Insurance may certify to the  
3 Comptroller the amount due; and the Comptroller shall transfer  
4 the amount due to the Division of Risk Management from any  
5 funds of the agency or the judicial branch available.

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

14 (10) The Comptroller shall report all such transfers  
15 and the reasons for such transfers to the legislative  
16 appropriations committees and the Executive Office of the  
17 Governor.

18 (11) Where any reorganization has been authorized by  
19 the Legislature and the necessary adjustments of  
20 appropriations and positions have not been provided in the  
21 General Appropriations Act, the Administration Commission may  
22 approve, consistent with legislative policy and intent, the  
23 necessary transfers to accomplish the purposes of such  
24 reorganization within state agencies. The Chief Justice of  
25 the Supreme Court may approve such transfers for the judicial  
26 branch. This subsection is subject to the notice and review  
27 procedures set forth in s. 216.177.

28 Section 37. Section 216.348, Florida Statutes, is  
29 created to read:

30 216.348 Fixed capital outlay grants and aids  
31 appropriations to certain nonprofit entities.--If a bill

1 appropriating a fixed capital outlay grants and aids  
2 appropriation requires compliance with this section, the  
3 following conditions shall apply, except to the extent that  
4 such bill modifies these conditions:

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

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

10 (b) "Grant" means a fixed capital outlay grants and  
11 aids appropriation to a nonprofit entity other than a  
12 governmental entity.

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

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

24 (3)(a) If the grantee is acquiring real property with  
25 the grant, or if the grantee owns the real property upon which  
26 an improvement is being constructed, renovated, altered,  
27 modified, or maintained with the grant, the grantee must  
28 execute, deliver, and record in the county in which the  
29 subject property is located an agreement that:

30 1. States a correct legal description of the real  
31 property.

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

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

14           (b) If the grantee is not acquiring real property, or  
15 does not own the real property being improved, the agreement  
16 shall:

17           1. Specify the leasehold or other real property  
18 interest the grantee has in the real property.

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

20           3. Describe the relationship between the owner of the  
21 real property and the grantee.

22           4. Set forth with specificity the improvements,  
23 renovations, and personalty to be purchased pursuant to the  
24 grant.

25           5. During the term of the agreement, prohibit the  
26 grantee from selling, transferring, mortgaging, or assigning  
27 the grantee's interest in the leasehold, improvements,  
28 renovations, or personalty, unless the administering agency  
29 approves the sale, transfer, mortgage, or assignment; and, in  
30 the case of sale, transfer, or assignment, the purchaser,  
31 transferor, or assignee must fully assume, in writing, all of

1 the terms and conditions of the agreement required by this  
2 subsection. Additionally, the grantee shall execute and  
3 deliver a security instrument, financing statement, or other  
4 appropriate document securing the interest of the  
5 administering agency in the improvements, renovations, and  
6 personalty associated with the grant. The administering  
7 agency, in its discretion, may agree to subordination or  
8 modification of a security interest.

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

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

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

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

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

30 c. If the bill appropriating the grant does not state  
31 a specific period of time or formula, the amount to be

1 returned shall be specified by the administering agency, which  
2 shall be no less than the full amount of the grant less  
3 \$100,000 or 10 percent of the grant, whichever is more, for  
4 each full year for which the property was used for such  
5 purposes.

6  
7 The administering agency shall deposit all funds returned by  
8 the grantee into the state fund from which the grant was  
9 originally made.

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

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

28 5. Require the grantee to return any portion of the  
29 grant money received that is not necessary to the purchase of  
30 the land, or to the cost of the improvements, renovations, and  
31 personalty, for which the grant was awarded.

- 1           (d) The administering agency may:  
2           1. Require that, during any term or period of  
3 construction, or until such time as the grant money is fully  
4 and properly spent according to the bill appropriating the  
5 grant, the grantee obtain a blanket fidelity bond, in the  
6 amount of the grant, issued by a company authorized and  
7 licensed to do business in this state, which will reimburse  
8 the administering agency in the event that anyone handling the  
9 grant moneys either misappropriates or absconds with the grant  
10 moneys. All employees handling the grant moneys must be  
11 covered by the bond.  
12           2. Include any other term or condition the  
13 administering agency deems reasonable and necessary for the  
14 effective and efficient administration of the grant.  
15           3. Modify any condition required by this subsection,  
16 provided the administering agency deems that such modification  
17 is necessary in order to best effectuate the purpose of the  
18 grant and provided the bill appropriating the grant, or  
19 applicable law, does not otherwise require.

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

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

26           120.65 Administrative law judges.--

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



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

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

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

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

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

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

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

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

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

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

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

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

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

3 Section 40. Paragraph (c) of subsection (2) of section  
4 186.002, Florida Statutes, is amended to read:

5 186.002 Findings and intent.--

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

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

14 Section 41. Subsection (7) of section 186.003, Florida  
15 Statutes, is repealed.

16 Section 42. Subsection (6) of section 186.006, Florida  
17 Statutes, is amended to read:

18 186.006 Powers and responsibilities of Executive  
19 Office of the Governor.--For the purpose of establishing  
20 consistency and uniformity in the state and regional planning  
21 process and in order to ensure that the intent of ss.  
22 186.001-186.031 and 186.801-186.901 is accomplished, the  
23 Executive Office of the Governor shall:

24 (6) Prepare or direct appropriate state or regional  
25 agencies to prepare such studies, reports, data collections,  
26 or analyses as are necessary or useful in the preparation or  
27 revision of the state comprehensive plan, long-range program  
28 ~~state agency functional~~ plans, or strategic regional policy  
29 plans.

30 Section 43. Subsection (6) of section 186.007, Florida  
31 Statutes, is amended to read:

1           186.007 State comprehensive plan; preparation;  
2 revision.--

3           (6) The adopted state comprehensive plan shall  
4 provide, in addition to other criteria established by law,  
5 standards and criteria for the review and approval of  
6 long-range program ~~state agency strategic~~ plans and strategic  
7 regional policy plans.

8           Section 44. Section 186.021, Florida Statutes, is  
9 amended to read:

10           (Substantial rewording of section. See  
11           s. 186.021, F.S., for present text.)

12           186.021 Long-range program plans.--Pursuant to s.  
13 216.013, each state agency shall develop a long-range program  
14 plan on an annual basis. The plan shall provide the framework  
15 and context for designing and interpreting the legislative  
16 budget request. The plan shall be developed through careful  
17 examination and justification of programs and their associated  
18 costs. It shall be used by an agency to implement the state's  
19 goals and objectives consistent with general law and the  
20 General Appropriations Act. Indicators shall be developed to  
21 measure program performance.

22           Section 45. Section 186.022, Florida Statutes, is  
23 amended to read:

24           (Substantial rewording of section. See  
25           s. 186.022, F.S., for present text.)

26           186.022 Information resource strategic plans.--

27           (1) By June 1 of each year, the Geographic Information  
28 Board, the Financial Management Information Board, the  
29 Criminal and Juvenile Justice Information Systems Council, and  
30 the Health Information Systems Council shall each develop and  
31 submit an information resource strategic plan to the Executive

1 Office of the Governor in a form and manner prescribed in  
2 written instructions prepared by the Executive Office of the  
3 Governor in consultation with the chairs of the legislative  
4 appropriations committees. The Executive Office of the  
5 Governor shall review those strategic plans and may provide  
6 comments within 30 days. In its review, the Executive Office  
7 of the Governor shall consider all comments and findings of  
8 the Technology Review Workgroup as to the consistency of the  
9 information technology with the State Annual Report on  
10 Information Resources Management and statewide policies  
11 recommended by the State Technology Council. If revisions are  
12 required, the boards and councils have 30 days to incorporate  
13 all revisions required by the Executive Office of the Governor  
14 and return their plans.

15 (2) Procedures for resolution of disputes shall be  
16 established by the Executive Office of the Governor.

17 Section 46. Paragraph (b) of subsection (1) of section  
18 186.502, Florida Statutes, is amended to read:

19 186.502 Legislative findings; public purpose.--

20 (1) The Legislature finds and declares that:

21 (b) There is a need for regional planning agencies to  
22 assist local governments to resolve their common problems,  
23 engage in areawide comprehensive and long-range program  
24 ~~functional~~ planning, administer certain federal and state  
25 grants-in-aid, and provide a regional focus in regard to  
26 multiple programs undertaken on an areawide basis.

27 Section 47. Subsection (1) of section 186.901, Florida  
28 Statutes, is amended to read:

29 186.901 Population census determination.--

30 (1) The Office of Economic and Demographic Research  
31 shall annually provide to the Executive Office of the

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

18 Section 48. Paragraph (v) is added to subsection (1)  
19 of section 215.22, Florida Statutes, to read:

20 215.22 Certain income and certain trust funds  
21 exempt.--

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

25 (v) Each Tobacco Settlement Trust Fund administered by  
26 a state agency.

27 Section 49. Subsection (2) of section 252.37, Florida  
28 Statutes, is amended to read:

29 252.37 Financing.--

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

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

13 Section 50. Paragraph (a) of subsection (3) of section  
 14 11.45, Florida Statutes, is amended to read:

15 11.45 Definitions; duties; audits; reports.--

16 (3)(a)1. The Auditor General shall annually make  
 17 financial audits of the accounts and records of all state  
 18 agencies, as defined in this section, of all district school  
 19 boards in counties with populations of fewer than 125,000,  
 20 according to the most recent federal decennial statewide  
 21 census, and of all district boards of trustees of community  
 22 colleges. The Auditor General shall, at least every other  
 23 year, make operational audits of the accounts and records of  
 24 all state agencies, as defined in this section. The Auditor  
 25 General shall, at least once every 3 years, make financial  
 26 audits of the accounts and records of all district school  
 27 boards in counties with populations of 125,000 or more. For  
 28 each of the 2 years that the Auditor General does not make the  
 29 financial audit, each district school board shall contract for  
 30 an independent certified public accountant to perform a  
 31 financial audit as defined in paragraph (1)(b). This section

1 does not limit the Auditor General's discretionary authority  
2 to conduct performance audits of these governmental entities  
3 as authorized in subparagraph 3. A district school board may  
4 select an independent certified public accountant to perform a  
5 financial audit as defined in paragraph (1)(b) notwithstanding  
6 the notification provisions of this section. In addition, a  
7 district school board may employ an internal auditor to  
8 perform ongoing financial verification of the financial  
9 records of a school district, who must report directly to the  
10 district school board or its designee. The Auditor General  
11 shall, at a minimum, provide to the successor independent  
12 certified public accountant of a district school board the  
13 prior year's working papers, including documentation of  
14 planning, internal control, audit results, and other matters  
15 of continuing accounting and auditing significance, such as  
16 the working paper analysis of balance sheet accounts and those  
17 relating to contingencies.

18         2. Each charter school established under s. 228.056  
19 shall have an annual financial audit of its accounts and  
20 records completed within 12 months after the end of its fiscal  
21 year by an independent certified public accountant retained by  
22 it and paid from its funds. The independent certified public  
23 accountant who is selected to perform an annual financial  
24 audit of the charter school shall provide a copy of the audit  
25 report to the district school board, the Department of  
26 Education, and the Auditor General. A management letter must  
27 be prepared and included as a part of each financial audit  
28 report. The Auditor General may, pursuant to his or her own  
29 authority or at the direction of the Joint Legislative  
30 Auditing Committee, conduct an audit of a charter school.

31



1           3. The Auditor General may at any time make financial  
2 audits and performance audits of the accounts and records of  
3 all governmental entities created pursuant to law. The audits  
4 referred to in this subparagraph must be made whenever  
5 determined by the Auditor General, whenever directed by the  
6 Legislative Auditing Committee, or whenever otherwise required  
7 by law or concurrent resolution. A district school board,  
8 expressway authority, or bridge authority may require that the  
9 annual financial audit of its accounts and records be  
10 completed within 12 months after the end of its fiscal year.  
11 If the Auditor General is unable to meet that requirement, the  
12 Auditor General shall notify the school board, the expressway  
13 authority, or the bridge authority pursuant to subparagraph 5.

14           4. The Office of Program Policy Analysis and  
15 Government Accountability within the Office of the Auditor  
16 General shall maintain a schedule of performance audits of  
17 state programs. In conducting a performance audit of a state  
18 program, the Office of Program Policy Analysis and Government  
19 Accountability, when appropriate, shall identify and comment  
20 upon alternatives for accomplishing the goals of the program  
21 being audited. Such alternatives may include funding  
22 techniques and, if appropriate, must describe how other states  
23 or governmental units accomplish similar goals.

24           5. If by July 1 in any fiscal year a district school  
25 board or local governmental entity has not been notified that  
26 a financial audit for that fiscal year will be performed by  
27 the Auditor General pursuant to subparagraph 3., each  
28 municipality with either revenues or expenditures of more than  
29 \$100,000, each special district with either revenues or  
30 expenditures of more than \$50,000, and each county agency  
31 shall, and each district school board may, require that an

1 annual financial audit of its accounts and records be  
2 completed, within 12 months after the end of its respective  
3 fiscal year, by an independent certified public accountant  
4 retained by it and paid from its public funds. An independent  
5 certified public accountant who is selected to perform an  
6 annual financial audit of a school district must report  
7 directly to the district school board or its designee. A  
8 management letter must be prepared and included as a part of  
9 each financial audit report. Each local government finance  
10 commission, board, or council, and each municipal power  
11 corporation, created as a separate legal or administrative  
12 entity by interlocal agreement under s. 163.01(7), shall  
13 provide the Auditor General, within 12 months after the end of  
14 its fiscal year, with an annual financial audit report of its  
15 accounts and records and a written statement or explanation or  
16 rebuttal concerning the auditor's comments, including  
17 corrective action to be taken. The county audit shall be one  
18 document that includes a separate audit of each county agency.  
19 The county audit must include an audit of the deposits into  
20 and expenditures from the Public Records Modernization Trust  
21 Fund. The Auditor General shall tabulate the results of the  
22 audits of the Public Records Modernization Trust Fund and  
23 report a summary of the audits to the Legislature annually.

24         6. The governing body of a municipality, special  
25 district, or charter school must establish an auditor  
26 selection committee and competitive auditor selection  
27 procedures. The governing board may elect to use its own  
28 competitive auditor selection procedures or the procedures  
29 outlined in subparagraph 7.

30         7. The governing body of a noncharter county or  
31 district school board that retains a certified public

1 accountant must establish an auditor selection committee and  
2 select an independent certified public accountant according to  
3 the following procedure:

4 a. For each noncharter county, the auditor selection  
5 committee must consist of the county officers elected pursuant  
6 to s. 1(d), Art. VIII of the State Constitution, and one  
7 member of the board of county commissioners or its designee.

8 b. The committee shall publicly announce, in a uniform  
9 and consistent manner, each occasion when auditing services  
10 are required to be purchased. Public notice must include a  
11 general description of the audit and must indicate how  
12 interested certified public accountants can apply for  
13 consideration.

14 c. The committee shall encourage firms engaged in the  
15 lawful practice of public accounting who desire to provide  
16 professional services to submit annually a statement of  
17 qualifications and performance data.

18 d. Any certified public accountant desiring to provide  
19 auditing services must first be qualified pursuant to law. The  
20 committee shall make a finding that the firm or individual to  
21 be employed is fully qualified to render the required  
22 services. Among the factors to be considered in making this  
23 finding are the capabilities, adequacy of personnel, past  
24 record, and experience of the firm or individual.

25 e. The committee shall adopt procedures for the  
26 evaluation of professional services, including, but not  
27 limited to, capabilities, adequacy of personnel, past record,  
28 experience, results of recent external quality control  
29 reviews, and such other factors as may be determined by the  
30 committee to be applicable to its particular requirements.

31

1 f. The public must not be excluded from the  
2 proceedings under this subparagraph.

3 g. The committee shall evaluate current statements of  
4 qualifications and performance data on file with the  
5 committee, together with those that may be submitted by other  
6 firms regarding the proposed audit, and shall conduct  
7 discussions with, and may require public presentations by, no  
8 fewer than three firms regarding their qualifications,  
9 approach to the audit, and ability to furnish the required  
10 services.

11 h. The committee shall select no fewer than three  
12 firms deemed to be the most highly qualified to perform the  
13 required services after considering such factors as the  
14 ability of professional personnel; past performance;  
15 willingness to meet time requirements; location; recent,  
16 current, and projected workloads of the firms; and the volume  
17 of work previously awarded to the firm by the agency, with the  
18 object of effecting an equitable distribution of contracts  
19 among qualified firms, provided such distribution does not  
20 violate the principle of selection of the most highly  
21 qualified firms. If fewer than three firms desire to perform  
22 the services, the committee shall recommend such firms as it  
23 determines to be qualified.

24 i. If the governing board receives more than one  
25 proposal for the same engagement, the board may rank, in order  
26 of preference, the firms to perform the engagement. The firm  
27 ranked first may then negotiate a contract with the board  
28 giving, among other things, a basis of its fee for that  
29 engagement. If the board is unable to negotiate a  
30 satisfactory contract with that firm, negotiations with that  
31 firm shall be formally terminated, and the board shall then

1 undertake negotiations with the second-ranked firm. Failing  
2 accord with the second-ranked firm, negotiations shall then be  
3 terminated with that firm and undertaken with the third-ranked  
4 firm. Negotiations with the other ranked firms shall be  
5 undertaken in the same manner. The board, in negotiating with  
6 firms, may reopen formal negotiations with any one of the  
7 three top-ranked firms, but it may not negotiate with more  
8 than one firm at a time. The board shall also negotiate on the  
9 scope and quality of services. In making such determination,  
10 the board shall conduct a detailed analysis of the cost of the  
11 professional services required in addition to considering  
12 their scope and complexity. For contracts over \$50,000, the  
13 board shall require the firm receiving the award to execute a  
14 truth-in-negotiation certificate stating that the rates of  
15 compensation and other factual unit costs supporting the  
16 compensation are accurate, complete, and current at the time  
17 of contracting. Such certificate shall also contain a  
18 description and disclosure of any understanding that places a  
19 limit on current or future years' audit contract fees,  
20 including any arrangements under which fixed limits on fees  
21 will not be subject to reconsideration if unexpected  
22 accounting or auditing issues are encountered. Such  
23 certificate shall also contain a description of any services  
24 rendered by the certified public accountant or firm of  
25 certified public accountants at rates or terms that are not  
26 customary. Any auditing service contract under which such a  
27 certificate is required must contain a provision that the  
28 original contract price and any additions thereto shall be  
29 adjusted to exclude any significant sums by which the board  
30 determines the contract price was increased due to inaccurate  
31 or incomplete factual unit costs. All such contract

1 adjustments shall be made within 1 year following the end of  
2 the contract.

3 j. If the board is unable to negotiate a satisfactory  
4 contract with any of the selected firms, the committee shall  
5 select additional firms, and the board shall continue  
6 negotiations in accordance with this subsection until an  
7 agreement is reached.

8 8. At the conclusion of the audit field work, the  
9 independent certified public accountant shall discuss with the  
10 head of each local governmental entity or the chair's designee  
11 or with the chair of the district school board or the chair's  
12 designee, or with the chair of the board of the charter school  
13 or the chair's designee, as appropriate, all of the auditor's  
14 comments that will be included in the audit report. If the  
15 officer is not available to discuss the auditor's comments,  
16 their discussion is presumed when the comments are delivered  
17 in writing to his or her office. The auditor shall notify each  
18 member of the governing body of a local governmental entity  
19 for which deteriorating financial conditions exist which may  
20 cause a condition described in s. 218.503(1) to occur if  
21 actions are not taken to address such conditions.

22 9. The officer's written statement of explanation or  
23 rebuttal concerning the auditor's comments, including  
24 corrective action to be taken, must be filed with the  
25 governing body of the local governmental entity, district  
26 school board, or charter school within 30 days after the  
27 delivery of the financial audit report.

28 10. The Auditor General, in consultation with the  
29 Board of Accountancy, shall adopt rules for the form and  
30 conduct of all financial audits subject to this section and  
31 conducted by independent certified public accountants. The

1 Auditor General, in consultation with the Department of  
2 Education, shall develop a compliance supplement for the  
3 financial audit of a district school board conducted by an  
4 independent certified public accountant. The rules for audits  
5 of local governmental entities and district school boards must  
6 include, but are not limited to, requirements for the  
7 reporting of information necessary to carry out the purposes  
8 of the Local Government Financial Emergencies Act as stated in  
9 s. 218.501.

10           11. Any local governmental entity or district school  
11 board financial audit report required under subparagraph 5. or  
12 charter school financial audit report required under  
13 subparagraph 2. and the officer's written statement of  
14 explanation or rebuttal concerning the auditor's comments,  
15 including corrective action to be taken, must be submitted to  
16 the Auditor General within 45 days after delivery of the audit  
17 report to the local governmental entity, district school  
18 board, or charter school, but no later than 12 months after  
19 the end of the fiscal year. If the Auditor General does not  
20 receive the financial audit report within the prescribed  
21 period, he or she must notify the Legislative Auditing  
22 Committee that the governmental entity or charter school has  
23 not complied with this subparagraph. Following notification of  
24 failure to submit the required audit report or items required  
25 by rule adopted by the Auditor General, a hearing must be  
26 scheduled by rule of the committee. After the hearing, the  
27 committee shall determine which governmental entities or  
28 charter schools will be subjected to further state action. If  
29 it finds that one or more governmental entities or charter  
30 schools should be subjected to further state action, the  
31 committee shall:

1           a. In the case of a local governmental entity,  
2 district school board, or charter school, request the  
3 Department of Revenue and the Department of Banking and  
4 Finance to withhold any funds payable to such governmental  
5 entity or charter school until the required financial audit is  
6 received by the Auditor General.

7           b. In the case of a special district, notify the  
8 Department of Community Affairs that the special district has  
9 failed to provide the required audits. Upon receipt of  
10 notification, the Department of Community Affairs shall  
11 proceed pursuant to ss. 189.421 and 189.422.

12           12.a. The Auditor General, in consultation with the  
13 Board of Accountancy, shall review all audit reports submitted  
14 pursuant to subparagraph 11. The Auditor General shall request  
15 any significant items that were omitted in violation of a rule  
16 adopted by the Auditor General. The items must be provided  
17 within 45 days after the date of the request. If the Auditor  
18 General does not receive the requested items, he or she shall  
19 notify the Joint Legislative Auditing Committee.

20           b. The Auditor General shall notify the Governor and  
21 the Joint Legislative Auditing Committee of any audit report  
22 reviewed by the Auditor General which contains a statement  
23 that the local governmental entity or district school board is  
24 in a state of financial emergency as provided in s. 218.503.  
25 If the Auditor General, in reviewing any audit report,  
26 identifies additional information which indicates that the  
27 local governmental entity or district school board may be in a  
28 state of financial emergency as provided in s. 218.503, the  
29 Auditor General shall request appropriate clarification from  
30 the local governmental entity or district school board. The  
31 requested clarification must be provided within 45 days after



1 the date of the request. If the Auditor General does not  
2 receive the requested clarification, he or she shall notify  
3 the Joint Legislative Auditing Committee. If, after obtaining  
4 the requested clarification, the Auditor General determines  
5 that the local governmental entity or district school board is  
6 in a state of financial emergency as provided in s. 218.503,  
7 he or she shall notify the Governor and the Joint Legislative  
8 Auditing Committee.

9 c. The Auditor General shall annually compile and  
10 transmit to the President of the Senate, the Speaker of the  
11 House of Representatives, and the Joint Legislative Auditing  
12 Committee a summary of significant findings and financial  
13 trends identified in audits of local governmental entities,  
14 district school boards, and charter schools performed by the  
15 independent certified public accountants.

16 13. In conducting a performance audit of any agency,  
17 the Auditor General shall use the long-range program ~~Agency~~  
18 ~~Strategic~~ plan of the agency in evaluating the performance of  
19 the agency.

20 Section 51. Paragraph (c) of subsection (4) of section  
21 14.27, Florida Statutes, is amended to read:

22 14.27 Florida Commission on African-American  
23 Affairs.--

24 (4) It shall be the role of the commission to develop  
25 specific strategies and plans to address the economic, social,  
26 educational, health, and welfare needs of African Americans in  
27 the state. Pursuant thereto, the commission's duties shall  
28 include, but not be limited to:

29 (c) Reviewing long-range program ~~state agency~~  
30 ~~functional~~ plans, legislative budget requests, and the master  
31 plans and policies of the State Board of Education, other

1 educational boards, panels, and commissions appointed by the  
2 Governor, and local school boards for their impact on African  
3 Americans.

4 Section 52. Paragraph (c) of subsection (1) of section  
5 20.19, Florida Statutes, is amended to read:

6 20.19 Department of Children and Family  
7 Services.--There is created a Department of Children and  
8 Family Services.

9 (1) MISSION AND PURPOSE.--

10 (c) In fulfillment of this mission and these purposes,  
11 the department shall create a long-range program ~~5-year~~  
12 ~~strategic~~ plan which reflects broad societal outcomes, sets  
13 forth a broad framework within which the district plans are  
14 developed, and establishes a set of measurable goals and  
15 objectives and operational performance standards to ensure  
16 that the department is accountable to the people of Florida.

17 Section 53. Paragraph (c) of subsection (6) of section  
18 20.316, Florida Statutes, is amended to read:

19 20.316 Department of Juvenile Justice.--There is  
20 created a Department of Juvenile Justice.

21 (6) INFORMATION SYSTEMS.--

22 (c) The department shall implement a distributed  
23 system architecture which shall be defined in its long-range  
24 program ~~agency~~ ~~strategic~~ plan.

25 Section 54. Section 23.22, Florida Statutes, is  
26 amended to read:

27 23.22 Paperwork reduction; activities of  
28 departments.--

29 (1) In order to reduce the amount of paperwork  
30 associated with the collection of information from  
31 individuals, private-sector organizations, and local

1 governments and to provide more efficient and effective  
2 assistance to such individuals and organizations in completing  
3 necessary paperwork required by the government, each  
4 department head shall, to the extent feasible:

5 (a) Integrate information systems between programs and  
6 departments to reduce the paperwork burden on such  
7 individuals, private-sector organizations, and local  
8 governments.

9 (b) Implement a department-wide paperwork review  
10 process designed to achieve the following outcomes:

11 1. Streamline information-collection processes that  
12 balance the cost and efficiency desired by the department with  
13 the cost and convenience to the reporting entities.

14 2. Ensure the reporting entities' participation in the  
15 identification of data elements, the estimation of the  
16 paperwork burden on them, and the design of  
17 information-collection instruments and processes.

18 3. Collect information necessary for the performance  
19 of agency functions without duplicating other information  
20 accessible to the agency.

21 (c) Coordinate information gathering through such  
22 techniques as one-stop permitting, licensing, and public  
23 services.

24 (d) Design information collection forms and similar  
25 instruments to make them easy to understand and  
26 "user-friendly" to the individuals, private-sector  
27 organizations, and local governments that are required to  
28 complete and return them. Departmental telephone numbers or  
29 electronic mail addresses for the public to obtain assistance  
30 in completing the forms must be provided on each form.

31

1 (e) Evaluate existing and prospective statutes and  
2 rules for the paperwork burden they generate and seek  
3 modification of the statutes and rules to reduce the paperwork  
4 burden being placed on individuals, private-sector  
5 organizations, and local government.

6 (f) Collaborate with the Division of Library and  
7 Information Services, pursuant to s. 119.09, to identify and  
8 index records retention requirements placed on private-sector  
9 organizations and local governments in Florida, clarify and  
10 reduce the requirements, and educate the affected entities  
11 through various communications media, including voice, data,  
12 video, radio, and image.

13 ~~(2) Departments shall consider applying to the~~  
14 ~~Innovation Investment Program, pursuant to s. 216.235, for~~  
15 ~~financial assistance required in streamlining and integrating~~  
16 ~~information systems to reduce paperwork requirements.~~

17 (2)~~(3)~~ Departments shall make available, upon request,  
18 a list of the initiatives taken to reduce paperwork associated  
19 with collecting information from individuals, private-sector  
20 organizations, and local governments.

21 Section 55. Subsection (2) of section 27.345, Florida  
22 Statutes, is amended to read:

23 27.345 State Attorney RICO Trust Fund; authorized use  
24 of funds; reporting.--

25 (2) There is created for each of the several state  
26 attorneys a trust fund to be known as the State Attorney RICO  
27 Trust Fund. The amounts awarded to a state attorney pursuant  
28 to this section shall be deposited in the trust fund for that  
29 state attorney. Funds deposited in such trust fund shall be  
30 used, when authorized by appropriation or action of the  
31 Executive Office of the Governor pursuant to s.

1 216.181(9)~~(10)~~, for investigation, prosecution, and  
2 enforcement by that state attorney of civil or criminal causes  
3 of action arising under the provisions of the Florida RICO  
4 (Racketeer Influenced and Corrupt Organization) Act.

5 Section 56. Section 27.3451, Florida Statutes, is  
6 amended to read:

7 27.3451 State Attorney's Forfeiture and Investigative  
8 Support Trust Fund.--There is created for each of the several  
9 state attorneys a trust fund to be known as the State  
10 Attorney's Forfeiture and Investigative Support Trust Fund.  
11 Revenues received by a state attorney as a result of  
12 forfeiture proceedings, as provided under s. 932.704, shall be  
13 deposited in such trust fund and shall be used, when  
14 authorized by appropriation or action of the Executive Office  
15 of the Governor pursuant to s. 216.181(9)~~(10)~~, for the  
16 investigation of crime, prosecution of criminals, or other law  
17 enforcement purposes.

18 Section 57. Subsection (1) of section 110.1239,  
19 Florida Statutes, is amended to read:

20 110.1239 State group health insurance program  
21 funding.--For the 1999-2000 fiscal year only, it is the intent  
22 of the Legislature that the state group health insurance  
23 program be managed, administered, operated, and funded in such  
24 a manner as to maximize the protection of state employee  
25 health insurance benefits. Inherent in this intent is the  
26 recognition that the health insurance liabilities attributable  
27 to the benefits offered state employees should be fairly,  
28 orderly, and equitably funded. Accordingly:

29 (1) The division shall determine the level of premiums  
30 necessary to fully fund the state group health insurance  
31 program for the next fiscal year. Such determination shall be

1 made after each Self-Insurance ~~revenue~~ Estimating Conference  
2 ~~on health insurance~~ as provided in s. 216.136(11)~~(1)~~, but not  
3 later than December 1 and April 1 of each fiscal year.

4 Section 58. Paragraph (a) of subsection (52) and  
5 paragraph (a) of subsection (53) of section 121.021, Florida  
6 Statutes, are amended to read:

7 121.021 Definitions.--The following words and phrases  
8 as used in this chapter have the respective meanings set forth  
9 unless a different meaning is plainly required by the context:

10 (52) "Regularly established position" is defined as  
11 follows:

12 (a) In a state agency, the term means a position which  
13 is authorized and established pursuant to law and is  
14 compensated from a salaries and benefits appropriation  
15 pursuant to s. 216.011(1)~~(dd)~~~~(z)~~1. and 2., or an established  
16 position which is authorized pursuant to s. 216.262(1)(a) and  
17 (b) and is compensated from a salaries account as provided by  
18 rule.

19 (53) "Temporary position" is defined as follows:

20 (a) In a state agency, the term means an employment  
21 position which is compensated from an other personal services  
22 (OPS) account, as provided for in s. 216.011(1)~~(dd)~~~~(z)~~.

23 Section 59. Subsection (8) of section 121.051, Florida  
24 Statutes, is amended to read:

25 121.051 Participation in the system.--

26 (8) DIVISION OF REHABILITATION AND LIQUIDATION  
27 EMPLOYEES MEMBERSHIP.--Effective July 1, 1994, the regular  
28 receivership employees of the Division of Rehabilitation and  
29 Liquidation who are assigned to established positions and are  
30 subject to established rules and regulations regarding  
31 discipline, pay, classification, and time and attendance are

1 hereby declared to be state employees within the meaning of  
2 this chapter and shall be compulsory members in compliance  
3 with this chapter, the provisions of s. 216.011(1)(dd)(~~z~~)2.,  
4 notwithstanding. Employment performed before July 1, 1994, as  
5 such a receivership employee may be claimed as creditable  
6 retirement service upon payment by the employee or employer of  
7 contributions required in s. 121.081(1), as applicable for the  
8 period claimed.

9 Section 60. Subsection (1) of section 145.021, Florida  
10 Statutes, is amended to read:

11 145.021 Definitions.--As used in this chapter:

12 (1) "Population" means the population according to the  
13 latest annual determination of population of local governments  
14 produced by the ~~Executive Office of the Governor~~ in accordance  
15 with s. 186.901.

16 Section 61. Paragraph (b) of subsection (26) of  
17 section 187.201, Florida Statutes, is amended to read:

18 187.201 State Comprehensive Plan adopted.--The  
19 Legislature hereby adopts as the State Comprehensive Plan the  
20 following specific goals and policies:

21 (26) PLAN IMPLEMENTATION.--

22 (b) Policies.--

23 1. Establish strong and flexible agency and regional  
24 planning functions at all levels of government capable of  
25 responding to changing state policies and goals.

26 2. Ensure that every level of government has the  
27 appropriate operational authority to implement the policy  
28 directives established in the plan.

29 3. Establish effective monitoring, incentive, and  
30 enforcement capabilities to see that the requirements  
31 established by regulatory programs are met.

1           4. Simplify, streamline, and make more predictable the  
2 existing permitting procedures.

3           5. Ensure that each agency's long-range program  
4 ~~functional~~ plan and management process is designed to achieve  
5 the policies and goals of the state plan consistent with state  
6 law.

7           6. Encourage citizen participation at all levels of  
8 policy development, planning, and operations.

9           7. Ensure the development of strategic regional policy  
10 plans and local plans that implement and accurately reflect  
11 state goals and policies and that address problems, issues,  
12 and conditions that are of particular concern in a region.

13           8. Encourage the continual cooperation among  
14 communities which have a unique natural area, irrespective of  
15 political boundaries, to bring the private and public sectors  
16 together for establishing an orderly, environmentally, and  
17 economically sound plan for future needs and growth.

18           Section 62. Subsection (2) of section 215.196, Florida  
19 Statutes, is amended to read:

20           215.196 Architects Incidental Trust Fund; creation;  
21 assessment.--

22           (2) The department is authorized to levy and assess an  
23 amount necessary to cover the cost of administration by the  
24 department of fixed capital outlay projects on which it serves  
25 as owner representative on behalf of the state. The  
26 assessment rate is to be provided in the General  
27 Appropriations Act ~~and statement of intent~~ and shall be based  
28 on estimated operating cost projections for the services  
29 rendered. The total assessment shall be transferred into the  
30 Architects Incidental Trust Fund at the beginning of each  
31 fiscal year.



1 Section 63. Subsection (3) of section 215.3206,  
2 Florida Statutes, is amended to read:

3 215.3206 Trust funds; termination or re-creation.--

4 (3) On or before September 1 of each year, the  
5 Comptroller shall submit to the Executive Office of the  
6 Governor, the President of the Senate, and the Speaker of the  
7 House of Representatives a list of trust funds that are  
8 scheduled to terminate within 12 months after that date and  
9 ~~also, beginning September 1, 1996,~~ a list of all trust funds  
10 that are exempt from automatic termination pursuant to the  
11 provisions of s. 19(f)(3), Art. III of the State Constitution,  
12 listing revenues of the trust funds by major revenue category  
13 for each of the last 4 fiscal years.

14 Section 64. Section 215.3208, Florida Statutes, is  
15 amended to read:

16 215.3208 Trust funds; ~~schedule for termination;~~  
17 legislative review.--

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

24 ~~(a) In 1994:~~

- 25 ~~1. Department of Corrections.~~
- 26 ~~2. Department of Highway Safety and Motor Vehicles.~~
- 27 ~~3. Department of Law Enforcement.~~
- 28 ~~4. Department of Legal Affairs.~~
- 29 ~~5. Department of the Lottery.~~
- 30 ~~6. Department of Management Services.~~
- 31 ~~7. Department of Military Affairs.~~

- 1           ~~8. Department of Transportation.~~  
2           ~~9. Game and Fresh Water Fish Commission.~~  
3           ~~10. Judicial branch.~~  
4           ~~11. Justice Administrative Commission.~~  
5           ~~12. Parole Commission.~~  
6           ~~(b) In 1995:~~  
7           ~~1. Department of Agriculture and Consumer Services.~~  
8           ~~2. Department of Banking and Finance.~~  
9           ~~3. Department of Citrus.~~  
10           ~~4. Department of Education.~~  
11           ~~5. Department of Environmental Protection.~~  
12           ~~6. Department of Revenue.~~  
13           ~~7. Executive Office of the Governor.~~  
14           ~~8. Florida Public Service Commission.~~  
15           ~~(c) In 1996:~~  
16           ~~1. Agency for Health Care Administration.~~  
17           ~~2. Commission on Ethics.~~  
18           ~~3. Department of Business and Professional Regulation.~~  
19           ~~4. Department of Children and Family Services.~~  
20           ~~5. Department of Commerce.~~  
21           ~~6. Department of Community Affairs.~~  
22           ~~7. Department of Elderly Affairs.~~  
23           ~~8. Department of Health.~~  
24           ~~9. Department of Insurance.~~  
25           ~~10. Department of Juvenile Justice.~~  
26           ~~11. Department of Labor and Employment Security.~~  
27           ~~12. Department of State.~~  
28           ~~13. Department of Veterans' Affairs.~~  
29           ~~14. Legislative branch.~~  
30           ~~(2) All other trust funds not administered by the~~  
31           ~~entities listed in subsection (1) and not exempt from~~

1 ~~automatic termination pursuant to the provisions of s.~~  
 2 ~~19(f)(3), Art. III of the State Constitution shall be reviewed~~  
 3 ~~and may be terminated or re-created by the Legislature, as~~  
 4 ~~appropriate, during the 1996 Regular Session of the~~  
 5 ~~Legislature.~~

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

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

30 (b) If the Legislature determines to terminate a trust  
 31 fund, it may provide for the distribution of moneys in that

1 trust fund. If such a distribution is not provided, the moneys  
2 remaining after all outstanding obligations of the trust fund  
3 are met shall be deposited in the General Revenue Fund.

4 Section 65. Subsection (1) of section 215.44, Florida  
5 Statutes, is amended to read:

6 215.44 Board of Administration; powers and duties in  
7 relation to investment of trust funds.--

8 (1) Except when otherwise specifically provided by the  
9 State Constitution and subject to any limitations of the trust  
10 agreement relating to a trust fund, the Board of  
11 Administration, hereinafter sometimes referred to as "board,"  
12 composed of the Governor as chair, the Treasurer, and the  
13 Comptroller, shall invest all the funds in the System Trust  
14 Fund, as defined in s. 121.021(36), and all other funds  
15 specifically required by law to be invested by the board  
16 pursuant to ss. 215.44-215.53 to the fullest extent that is  
17 consistent with the cash requirements, trust agreement, and  
18 investment objectives of the fund. Notwithstanding any other  
19 law to the contrary, the State Board of Administration may  
20 invest any funds of any state agency or any unit of local  
21 government pursuant to the terms of a trust agreement with the  
22 head of the state agency or the governing body of the unit of  
23 local government, which trust agreement shall govern the  
24 investment of such funds, provided that the board shall  
25 approve the undertaking of such investment before execution of  
26 the trust agreement by the State Board of Administration. The  
27 funds and the earnings therefrom are exempt from the service  
28 charge imposed by s. 215.20. As used in this subsection, the  
29 term "state agency" has the same meaning as that provided in  
30 s. 216.011 and includes all officers, employees, and offices  
31 of the Supreme Court, district courts of appeal, circuit

1 courts, county courts, Justice Data Center, and Judicial  
2 Qualifications Commission~~216.001~~, and the terms "governing  
3 body" and "unit of local government" have the same meaning as  
4 that provided in s. 218.403.

5 Section 66. Paragraph (d) of subsection (2) of section  
6 215.95, Florida Statutes, is amended to read:

7 215.95 Financial Management Information Board.--

8 (2) To carry out its duties and responsibilities, the  
9 board shall by majority vote:

10 (d) By June ~~March~~ 1 of each year, approve an  
11 information resource ~~a~~ strategic plan pursuant to the  
12 requirements set forth in s. 186.022~~(9)~~.

13 Section 67. Paragraph (a) of subsection (3) of section  
14 215.96, Florida Statutes, is amended to read:

15 215.96 Coordinating council and design and  
16 coordination staff.--

17 (3) The coordinating council, assisted by the design  
18 and coordination staff, shall have the following duties,  
19 powers, and responsibilities pertaining to the Florida  
20 Financial Management Information System:

21 (a) To conduct such studies and to establish  
22 committees, workgroups, and teams to develop recommendations  
23 for rules, policies, procedures, principles, and standards to  
24 the board as necessary to assist the board in its efforts to  
25 design, implement, and perpetuate a financial management  
26 information system, including, but not limited to, the  
27 establishment of common data codes, the development of  
28 integrated financial management policies that address the  
29 information and management needs of the functional owner  
30 subsystems, and the development of an information resource ~~a~~  
31 strategic plan pursuant to the requirements set forth in s.

1 186.022~~(9)~~. The coordinating council shall make available a  
2 copy of the approved plan in writing or through electronic  
3 means to each of the coordinating council members, the fiscal  
4 committees of the Legislature, and any interested person.

5 Section 68. Paragraph (e) of subsection (2) of section  
6 229.053, Florida Statutes, is amended to read:

7 229.053 General powers of state board.--

8 (2) The board has the following duties:

9 (e) To adopt and transmit to the Governor as chief  
10 budget officer of the state on official forms furnished for  
11 such purposes, on or before September 15 ~~±~~ of each year,  
12 estimates of expenditure requirements for the State Board of  
13 Education, the Commissioner of Education, and all of the  
14 boards, institutions, agencies, and services under the general  
15 supervision of the State Board of Education for the ensuing  
16 fiscal year.

17 Section 69. Paragraph (a) of subsection (2) and  
18 paragraph (a) of subsection (4) of section 239.305, Florida  
19 Statutes, are amended to read:

20 239.305 Adult literacy.--

21 (2)(a) The adult literacy program is intended to  
22 increase adult literacy as prescribed in the long-range  
23 program ~~agency functional~~ plan of the Department of Education.  
24 The commissioner shall establish guidelines for the purpose of  
25 determining achievement of this goal.

26 (4)(a) The commissioner shall submit a state adult  
27 literacy plan to the State Board of Education to serve as a  
28 reference for school boards and community colleges to increase  
29 adult literacy in their service areas as prescribed in the  
30 long-range program ~~agency functional~~ plan of the Department of  
31 Education. The plan must include, at a minimum:

- 1           1. Policies and objectives for adult literacy  
2 programs, including evaluative criteria.
- 3           2. Strategies for coordinating adult literacy  
4 activities with programs and services provided by other state  
5 and local nonprofit agencies, as well as strategies for  
6 maximizing other funding, resources, and expertise.
- 7           3. Procedures for identifying, recruiting, and  
8 retaining adults who possess literacy skills below the ninth  
9 grade level.
- 10          4. Sources of relevant demographic information and  
11 methods of projecting the number of adults who possess  
12 literacy skills below the ninth grade level.
- 13          5. Acceptable methods of demonstrating compliance with  
14 the provisions of this section.
- 15          6. Guidelines for the development and implementation  
16 of local adult literacy plans. At a minimum, such guidelines  
17 must address:
- 18           a. The recruitment and preparation of volunteer  
19 tutors.
- 20           b. Interagency and intraagency cooperation and  
21 coordination, especially with public libraries and other  
22 sponsors of literacy programs.
- 23           c. Desirable learning environments, including class  
24 size.
- 25           d. Program evaluation standards.
- 26           e. Methods for identifying, recruiting, and retaining  
27 adults in literacy programs.
- 28           f. Adult literacy through family literacy and  
29 workforce literacy programs.
- 30          Section 70. Paragraph (f) of subsection (3) of section  
31 240.209, Florida Statutes, is amended to read:

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



1           Section 71. Subsection (7) of section 240.2601,  
2 Florida Statutes, is amended to read:

3           240.2601 State University System Facility Enhancement  
4 Challenge Grant Program.--

5           (7) By September 15 ± of each year, the Board of  
6 Regents shall transmit to the Legislature a list of projects  
7 which meet all eligibility requirements to participate in the  
8 Alec P. Courtelis Capital Facilities Matching Trust Fund and a  
9 budget request which includes the recommended schedule  
10 necessary to complete each project.

11           Section 72. Subsection (2) of section 240.324, Florida  
12 Statutes, is amended to read:

13           240.324 Community college accountability process.--

14           (2) Beginning September 1, 1998, the State Board of  
15 Community Colleges shall submit an annual report, to coincide  
16 with the submission of the long-range program ~~agency strategic~~  
17 plan required by law, providing the results of initiatives  
18 taken during the prior year and the initiatives and related  
19 objective performance measures proposed for the next year.

20           Section 73. Subsection (8) of section 240.383, Florida  
21 Statutes, is amended to read:

22           240.383 State Community College System Facility  
23 Enhancement Challenge Grant Program.--

24           (8) By September 15 ± of each year, the Division of  
25 Community Colleges shall transmit to the Legislature a list of  
26 projects which meet all eligibility requirements to  
27 participate in the State Community College System Facility  
28 Enhancement Challenge Grant Program and a budget request which  
29 includes the recommended schedule necessary to complete each  
30 project.

31

1           Section 74. Paragraph (f) of subsection (5) of section  
2 282.404, Florida Statutes, is amended to read:

3           282.404 Geographic information board; definition;  
4 membership; creation; duties; advisory council; membership;  
5 duties.--

6           (5) The board shall:

7           (f) By June ~~March~~ 1 of each year, develop and approve  
8 an information resource ~~a~~ strategic plan pursuant to the  
9 requirements set forth in s. 186.022~~(9)~~. Copies of the plan  
10 shall be transmitted electronically or in writing to the  
11 Executive Office of the Governor, the Speaker of the House of  
12 Representatives, the President of the Senate, and the members  
13 of the Geographic Information Advisory Council as provided in  
14 subsection (7);

15           Section 75. Paragraph (a) of subsection (10) of  
16 section 286.30, Florida Statutes, is amended to read:

17           286.30 Commission on Government Accountability to the  
18 People.--

19           (10) The commission shall track the impact of state  
20 agency actions upon the well-being of Florida citizens by:

21           (a) Serving as a citizen board to review state agency  
22 performance, using long-range program ~~agency strategic~~ plans,  
23 reports from the Auditor General, the Executive Office of the  
24 Governor, and state agency internal auditors and inspectors  
25 general, and other sources as needed.

26  
27 State agencies shall cooperate with the commission and shall  
28 provide data and information available to enable the  
29 commission to perform its functions. The Executive Office of  
30 the Governor and the Auditor General may provide assistance,  
31 within available resources, to the commission as necessary.

1 Section 76. Subsection (3) of section 288.7091,  
2 Florida Statutes, is amended to read:

3 288.7091 Duties of the Florida Black Business  
4 Investment Board.--The Florida Black Business Investment Board  
5 shall:

6 (3) Include in the criteria for loan decisions,  
7 occupational forecasting results set forth in s.  
8 216.136(9)(10)which target high growth jobs;

9 Section 77. Paragraph (a) of subsection (2) of section  
10 339.135, Florida Statutes, is amended to read:

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

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

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

1           Section 78. Paragraph (b) of subsection (3) and  
2 subsection (4) of section 339.155, Florida Statutes, are  
3 amended to read:

4           339.155 Transportation planning.--

5           (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida  
6 Transportation Plan shall be a unified, concise planning  
7 document that clearly defines the state's long-range  
8 transportation goals and objectives and documents the  
9 department's short-range objectives developed to further such  
10 goals and objectives. The plan shall include a glossary that  
11 clearly and succinctly defines any and all phrases, words, or  
12 terms of art included in the plan, with which the general  
13 public may be unfamiliar and shall consist of, at a minimum,  
14 the following components:

15           (b) A short-range component documenting the short-term  
16 objectives and strategies necessary to implement the goals and  
17 long-term objectives contained in the long-range component.  
18 The short-range component must define the relationship between  
19 the long-range goals and the short-range objectives, specify  
20 those objectives against which the department's achievement of  
21 such goals will be measured, and identify transportation  
22 strategies necessary to efficiently achieve the goals and  
23 objectives in the plan. It must provide a policy framework  
24 within which the department's legislative budget request, the  
25 strategic information resource management plan, and the work  
26 program are developed. The short-range component shall serve  
27 as the department's annual long-range program ~~agency strategic~~  
28 plan pursuant to s. 186.021. The short-range component shall  
29 be developed consistent with the requirements of s. 216.013  
30 ~~186.022~~ and consistent with available and forecasted state and  
31 federal funds. In addition to those entities listed in s.

1 216.013 ~~186.022~~, the short-range component shall also be  
2 submitted to the Florida Transportation Commission.

3 (4) ANNUAL PERFORMANCE REPORT.--The department shall  
4 develop an annual performance report evaluating the operation  
5 of the department for the preceding fiscal year. The report,  
6 which shall meet the requirements of s. 216.013 ~~186.022~~, shall  
7 also include a summary of the financial operations of the  
8 department and shall annually evaluate how well the adopted  
9 work program meets the short-term objectives contained in the  
10 short-range component of the Florida Transportation Plan. In  
11 addition to the entities listed in s. 216.013 ~~186.022~~, this  
12 performance report shall also be submitted to the Florida  
13 Transportation Commission and the legislative appropriations  
14 and transportation committees.

15 Section 79. Paragraph (c) of subsection (10) of  
16 section 339.175, Florida Statutes, is amended to read:

17 339.175 Metropolitan planning organization.--It is the  
18 intent of the Legislature to encourage and promote the safe  
19 and efficient management, operation, and development of  
20 surface transportation systems that will serve the mobility  
21 needs of people and freight within and through urbanized areas  
22 of this state while minimizing transportation-related fuel  
23 consumption and air pollution. To accomplish these objectives,  
24 metropolitan planning organizations, referred to in this  
25 section as M.P.O.'s, shall develop, in cooperation with the  
26 state and public transit operators, transportation plans and  
27 programs for metropolitan areas. The plans and programs for  
28 each metropolitan area must provide for the development and  
29 integrated management and operation of transportation systems  
30 and facilities, including pedestrian walkways and bicycle  
31 transportation facilities that will function as an intermodal

1 transportation system for the metropolitan area. The process  
2 for developing such plans and programs shall provide for  
3 consideration of all modes of transportation and shall be  
4 continuing, cooperative, and comprehensive, to the degree  
5 appropriate, based on the complexity of the transportation  
6 problems to be addressed.

7 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY  
8 COUNCIL.--

9 (c) The powers and duties of the Metropolitan Planning  
10 Organization Advisory Council are to:

11 1. Enter into contracts with individuals, private  
12 corporations, and public agencies.

13 2. Acquire, own, operate, maintain, sell, or lease  
14 personal property essential for the conduct of business.

15 3. Accept funds, grants, assistance, gifts, or  
16 bequests from private, local, state, or federal sources.

17 4. Establish bylaws and adopt rules pursuant to ss.  
18 120.536(1) and 120.54 to implement provisions of law  
19 conferring powers or duties upon it.

20 5. Assist M.P.O.'s in carrying out the urbanized area  
21 transportation planning process by serving as the principal  
22 forum for collective policy discussion pursuant to law.

23 6. Serve as a clearinghouse for review and comment by  
24 M.P.O.'s on the Florida Transportation Plan and on other  
25 issues required to comply with federal or state law in  
26 carrying out the urbanized area transportation and systematic  
27 planning processes instituted pursuant to s. 339.155.

28 7. Employ an executive director and such other staff  
29 as necessary to perform adequately the functions of the  
30 council, within budgetary limitations. The executive director  
31 and staff are exempt from part II of chapter 110 and serve at

1 the direction and control of the council. The council is  
2 assigned to the Office of the Secretary of the Department of  
3 Transportation for fiscal and accountability purposes, but it  
4 shall otherwise function independently of the control and  
5 direction of the department.

6 8. Adopt a long-range program ~~an agency strategic plan~~  
7 that provides the priority directions the agency will take to  
8 carry out its mission within the context of the state  
9 comprehensive plan and any other statutory mandates and  
10 directions given to the agency.

11 Section 80. Paragraph (b) of subsection (2) of section  
12 365.173, Florida Statutes, is amended to read:

13 365.173 Wireless Emergency Telephone System Fund.--

14 (2) Subject to any modifications approved by the board  
15 pursuant to s. 365.172(8)(c), the moneys in the fund shall be  
16 distributed and used only as follows:

17 (b) Fifty-four percent of the moneys shall be held in  
18 escrow in an insured, interest-bearing account and distributed  
19 in response to sworn invoices submitted to the board by  
20 providers to reimburse such providers for the actual costs  
21 incurred to provide 911 or E911 service, including the costs  
22 of complying with the order. Such costs include costs and  
23 expenses incurred by providers to design, purchase, lease,  
24 program, install, test, upgrade, operate, and maintain all  
25 necessary data, hardware, and software required to provide  
26 E911 service. Up to 2 percent of the funds allocated to  
27 providers shall be retained by the board to be applied to  
28 costs and expenses incurred for the purposes of managing,  
29 administering, and overseeing the receipts and disbursements  
30 from the fund. Any funds retained for such purposes in a  
31 calendar year which are not applied to such costs and expenses

1 by March 31 of the following year shall be distributed to  
 2 providers pursuant to this paragraph. Beginning in state  
 3 fiscal year 2000-2001, each provider shall submit to the  
 4 board, by August 1 of each year, a detailed estimate of the  
 5 capital and operating expenses for which it anticipates that  
 6 it will seek reimbursement under this paragraph during the  
 7 ensuing state fiscal year. By September 15 ~~±~~ of each year, the  
 8 board shall submit to the Legislature its legislative budget  
 9 request for funds to be allocated to providers under this  
 10 paragraph during the ensuing state fiscal year. The budget  
 11 request shall be based on the information submitted by the  
 12 providers and estimated surcharge revenues.

13         1. Distributions of moneys in the fund by the board to  
 14 providers must be fair and nondiscriminatory. If the total  
 15 amount of moneys requested by providers pursuant to invoices  
 16 submitted to the board and approved for payment exceeds the  
 17 amount in the fund in any month, providers that have invoices  
 18 approved for payment shall receive a pro rata share of moneys  
 19 in the fund and the balance of the payments shall be carried  
 20 over to the following month or months until all of the  
 21 approved payments are made. The board may adopt rules  
 22 necessary to address the manner in which pro rata  
 23 distributions are made when the total amount of funds  
 24 requested by providers pursuant to invoices submitted to the  
 25 board exceeds the total amount of moneys on deposit in the  
 26 fund.

27         2. The board may not make any distributions to  
 28 providers before January 1, 2000.

29  
 30 The Legislature recognizes that the wireless E911 fee  
 31 authorized under s. 365.172 will not necessarily provide the



1 total funding required for establishing or providing the 911  
2 service. It is the intent of the Legislature that all revenue  
3 from the fee be used as specified in s. 365.171(13)(a)6.

4 Section 81. Paragraph (b) of subsection (2) of section  
5 376.15, Florida Statutes, is amended to read:

6 376.15 Derelict vessels; removal from public waters.--

7 (2)

8 (b) The commission may establish a program to provide  
9 grants to coastal local governments for the removal of  
10 derelict vessels from the public waters of the state. The  
11 program shall be funded from the Florida Coastal Protection  
12 Trust Fund. Notwithstanding the provisions in s.

13 216.181(9)(~~10~~), funds available for grants may only be  
14 authorized by appropriations acts of the Legislature.

15 Section 82. Paragraph (a) of subsection (7) of section  
16 381.90, Florida Statutes, is amended to read:

17 381.90 Health Information Systems Council; legislative  
18 intent; creation, appointment, duties.--

19 (7) The council's duties and responsibilities include,  
20 but are not limited to, the following:

21 (a) By June ~~March~~ 1 of each year, to develop and  
22 approve an information resource a strategic plan pursuant to  
23 the requirements set forth in s. 186.022(9). Copies of the  
24 plan shall be transmitted electronically or in writing to the  
25 Executive Office of the Governor, the Speaker of the House of  
26 Representatives, and the President of the Senate.

27 Section 83. Paragraph (h) of subsection (3) of section  
28 413.011, Florida Statutes, is amended to read:

29 413.011 Division of Blind Services, internal  
30 organizational structure; Advisory Council for the Blind.--

31

1           (3) There is hereby created in the department the  
2 Advisory Council for the Blind to assist the division in the  
3 planning and development of statewide rehabilitation programs  
4 and services, to recommend improvements to such programs and  
5 services, and to perform the functions provided in this  
6 section.

7           (h) In addition to the other functions specified in  
8 this section, the council shall:

9           1. Review, analyze, and advise the division regarding  
10 the performance of the responsibilities of the division under  
11 Title I of the act, particularly responsibilities relating to:

12           a. Eligibility, including order of selection;

13           b. The extent, scope, and effectiveness of services  
14 provided; and

15           c. Functions performed by state agencies that affect  
16 or potentially affect the ability of individuals who are blind  
17 to achieve rehabilitation goals and objectives under Title I.

18           2. Advise the department and the division, and, at the  
19 discretion of the department or division, assist in the  
20 preparation of applications, the state plan, the long-range  
21 program ~~strategic~~ plan, and amendments to the plans, reports,  
22 needs assessments, and evaluations required by Title I.

23           3. To the extent feasible, conduct a review and  
24 analysis of the effectiveness of, and consumer satisfaction  
25 with:

26           a. The functions performed by state agencies and other  
27 public and private entities responsible for performing  
28 functions for individuals who are blind.

29           b. Vocational rehabilitation services:

30           (I) Provided or paid for from funds made available  
31 under the act or through other public or private sources.

1 (II) Provided by state agencies and other public and  
2 private entities responsible for providing vocational  
3 rehabilitation services to individuals who are blind.

4 4. Prepare and submit an annual report on the status  
5 of vocational rehabilitation services for the blind in the  
6 state to the Governor and the Commissioner of the  
7 Rehabilitative Services Administration, established under s.  
8 702 of the act, and make the report available to the public.

9 5. Coordinate with other councils within the state,  
10 including the Independent Living Council, the advisory panel  
11 established under s. 613(a)(12) of the Individuals with  
12 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State  
13 Planning Council described in s. 124 of the Developmental  
14 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.  
15 6024, and the state mental health planning council established  
16 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.  
17 300X-4(e).

18 6. Advise the department and division and provide for  
19 coordination and the establishment of working relationships  
20 among the department, the division, the Independent Living  
21 Council, and centers for independent living in the state.

22 7. Perform such other functions consistent with the  
23 purposes of the act as the council determines to be  
24 appropriate that are comparable to functions performed by the  
25 council.

26 Section 84. Paragraph (b) of subsection (8) of section  
27 413.405, Florida Statutes, is amended to read:

28 413.405 Rehabilitation Advisory Council.--There is  
29 created the Rehabilitation Advisory Council to assist the  
30 division in the planning and development of statewide  
31 rehabilitation programs and services, to recommend

1 improvements to such programs and services, and to perform the  
2 functions listed in this section.

3 (8) In addition to the other functions specified in  
4 this section, the council shall:

5 (b) Advise the department and the division, and, at  
6 the discretion of the department or division, assist in the  
7 preparation of applications, the state plan, the long-range  
8 program ~~strategic~~ plan, and amendments to the plans, reports,  
9 needs assessments, and evaluations required by Title I.

10 Section 85. Paragraph (b) of subsection (4) of section  
11 420.0003, Florida Statutes, is amended to read:

12 420.0003 State housing strategy.--

13 (4) IMPLEMENTATION.--The Department of Community  
14 Affairs and the Florida Housing Finance Corporation in  
15 carrying out the strategy articulated herein shall have the  
16 following duties:

17 (b) The long-range program ~~agency strategic~~ plan of  
18 the Department of Community Affairs, prepared pursuant to the  
19 provisions of s. 216.013 ~~ss. 186.021 and 186.022~~, shall  
20 include specific goals, objectives, and strategies that  
21 implement the housing policies in this section and shall  
22 include the strategic plan for housing production prepared by  
23 the corporation pursuant to s. 420.511.

24 Section 86. Subsection (2) of section 420.511, Florida  
25 Statutes, is amended to read:

26 420.511 Business plan; strategic plan; annual  
27 report.--

28 (2) The corporation, in equal partnership with the  
29 department, shall develop annually a strategic plan for the  
30 provision of affordable housing in Florida as part of the  
31 department's long-range program ~~agency strategic~~ plan required

1 pursuant to s. 186.021 ~~chapter 186~~. In part, the plan shall  
2 include provisions that maximize the abilities of the  
3 corporation and the department to implement the state housing  
4 strategy established under s. 420.0003, to respond to federal  
5 housing initiatives, and to develop programs in a manner that  
6 is more responsive to the needs of public and private  
7 partners. The plan shall be developed on a schedule consistent  
8 with that established by s. 216.013 ~~ss. 186.021 and 186.022~~.  
9 For purposes of this act, the executive director or his or her  
10 designee shall serve as the corporation's representative to  
11 achieve a coordinated and integrated planning relationship  
12 with the department.

13 Section 87. Paragraph (b) of subsection (2) of section  
14 420.6075, Florida Statutes, is amended to read:

15 420.6075 Research and planning for affordable housing;  
16 annual housing report.--

17 (2) By December 31 of each year, the Shimberg Center  
18 for Affordable Housing shall submit to the Legislature an  
19 updated housing report describing the supply of and need for  
20 affordable housing. This annual housing report shall include:

21 (b) A status report on the degree of progress toward  
22 meeting the housing objectives of the department's long-range  
23 program ~~agency functional~~ plan.

24 Section 88. Subsection (4) of section 494.0017,  
25 Florida Statutes, is amended to read:

26 494.0017 Mortgage Brokerage Guaranty Fund.--

27 (4) Notwithstanding s. 215.965 ~~216.331~~, the department  
28 may disburse funds to a court or court-appointed person for  
29 distribution, if the conditions precedent for recovery exist  
30 and the distribution would be the fairest and most equitable  
31 manner of distributing the funds.

1           Section 89. Subsection (6) of section 624.307, Florida  
2 Statutes, is amended to read:

3           624.307 General powers; duties.--

4           (6) The department may employ actuaries who shall be  
5 at-will employees and who shall serve at the pleasure of the  
6 Insurance Commissioner. Actuaries employed pursuant to this  
7 paragraph shall be members of the Society of Actuaries or the  
8 Casualty Actuarial Society and shall be exempt from the Career  
9 Service System established under chapter 110. ~~The salaries of~~  
10 ~~the actuaries employed pursuant to this paragraph by the~~  
11 ~~department shall be set in accordance with s. 216.251(2)(a)5.~~  
12 ~~and shall be set at levels which are commensurate with salary~~  
13 ~~levels paid to actuaries by the insurance industry.~~

14           Section 90. Subsection (3) of section 943.08, Florida  
15 Statutes, is amended to read:

16           943.08 Duties; Criminal and Juvenile Justice  
17 Information Systems Council.--

18           (3) The council shall develop and approve an  
19 information resource ~~a~~ strategic plan pursuant to the  
20 requirements set forth in s. 186.022(9). Copies of the  
21 approved plan shall be transmitted, electronically or in  
22 writing, to the Executive Office of the Governor, the Speaker  
23 of the House of Representatives, the President of the Senate,  
24 and the council members.

25           Section 91. Paragraph (b) of subsection (1) of section  
26 946.002, Florida Statutes, is amended to read:

27           946.002 Requirement of labor; compensation; amount;  
28 crediting of account of prisoner; forfeiture; civil rights;  
29 prisoner not employee or entitled to compensation insurance  
30 benefits.--

31           (1)

1 (b) The department shall have as a continuous goal the  
2 reduction of inmate idleness in the prison system and shall  
3 incorporate this goal and that of maximizing the use of  
4 inmates while incarcerated in its long-range program ~~strategic~~  
5 plan. A goal of the department shall be for all inmates,  
6 except those inmates who pose a serious security risk or who  
7 are unable to work, to work at least 40 hours a week. Until  
8 this goal can be accomplished, the department shall maximize  
9 the utilization of inmates within existing resources.

10 Section 92. Paragraphs (a) and (b) of subsection (1)  
11 of section 27.38, Florida Statutes are amended to read:

12 27.38 Budget transfer authority.--

13 (1) Notwithstanding s. 216.292, each state attorney,  
14 whenever he or she deems it necessary by reason of changed  
15 conditions, may transfer appropriations funded from identical  
16 funds as prescribed in s. 215.32, except appropriations for  
17 fixed capital outlay, and transfer the amounts included within  
18 the total original approved budget and releases as furnished  
19 pursuant to ss. 216.181 and 216.192, as follows:

20 (a) Between categories of appropriations within a  
21 budget entity, if no category of appropriation is changed by  
22 more than ~~\$100,000~~ \$150,000 plus 5 percent of the original  
23 approved budget by all action taken under this subsection.

24 (b) Additionally, between budget entities within  
25 identical categories of appropriations, if no category of  
26 appropriation is changed by more than \$150,000 ~~\$100,000~~ plus 5  
27 percent of the original approved budget by all action taken  
28 under this subsection.

29 Section 93. Paragraphs (a) and (b) of subsection (1)  
30 of section 27.60, Florida Statutes are amended to read:

31 27.60 Budget transfer authority.--

1           (1) Notwithstanding s. 216.292, each public defender,  
2 whenever he or she deems it necessary by reason of changed  
3 conditions, may transfer appropriations funded from identical  
4 funds as prescribed in s. 215.32, except appropriations for  
5 fixed capital outlay, and transfer the amounts included within  
6 the total original approved budget and releases as furnished  
7 pursuant to ss. 216.181 and 216.192, as follows:

8           (a) Between categories of appropriations within a  
9 budget entity, if no category of appropriation is changed by  
10 more than \$150,000~~\$100,000~~ plus 5 percent of the original  
11 approved budget by all action taken under this subsection.

12           (b) Additionally, between budget entities within  
13 identical categories of appropriations, if no category of  
14 appropriation is changed by more than \$150,000~~\$100,000~~ plus 5  
15 percent of the original approved budget by all action taken  
16 under this subsection.

17           Section 94. Section 216.331, Florida Statutes, is  
18 transferred and renumbered as section 215.965, Florida  
19 Statutes.

20           Section 95. Section 216.3505, Florida Statutes, is  
21 transferred and renumbered as section 215.966, Florida  
22 Statutes.

23           Section 96. Sections 216.001, 216.0154, 216.0162,  
24 216.0315, 216.091, 216.111, 216.235, 216.236, 216.237,  
25 216.238, 216.281, 216.286, and 240.20941, Florida Statutes,  
26 are repealed.

27           Section 97. This act shall take effect July 1, 2000,  
28 and shall apply to preparation of the state budget beginning  
29 with fiscal year 2001-2002.

30  
31