

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; creating s. 216.348, F.S.;

2 providing conditions for receipt of certain

3 grants and aids appropriations by certain

4 nonprofit entities; providing definitions;

5 providing for an affidavit of nonprofit status;

6 providing for an agreement between the

7 administering agency and the nonprofit entity;

8 providing minimum requirements for the

9 agreement; providing that the nonprofit entity

10 continue operation of the property for the

11 purposes set forth in the grant; providing for

12 repayment of grant moneys received under

13 certain conditions; providing for the adoption

14 of an accounting system and providing for

15 audit; providing for liability insurance and

16 exempting the administering agency from

17 liability; providing permissive conditions of

18 the agreement; providing for a satisfaction of

19 the agreement; amending s. 120.65, F.S.;

20 removing certain automatic approval of requests

21 for action by the director of the Division of

22 Administrative Hearings with respect to actions

23 of the Executive Office of the Governor that

24 affect amendments to the division's approved

25 operating budget or personnel actions; amending

26 s. 121.031, F.S.; deleting provisions relating

27 to the Florida Retirement System Actuarial

28 Assumption Conference; amending s. 186.021,

29 F.S.; replacing state agency strategic plans

30 with long-range program plans and providing

31 requirements for development of the latter;

1 repealing s. 186.003(7), F.S., relating to the
 2 definition of "state agency strategic plan," to
 3 conform; amending ss. 186.002, 186.006,
 4 186.007, and 186.502, F.S.; revising
 5 terminology, to conform; amending s. 186.022,
 6 F.S.; requiring information resource strategic
 7 plans of certain boards and councils and
 8 providing requirements with respect thereto;
 9 amending s. 186.901, F.S.; revising provisions
 10 relating to production of population estimates;
 11 amending s. 215.22, F.S.; exempting the various
 12 agency Tobacco Settlement Trust Funds from the
 13 general revenue service charge; amending s.
 14 252.37, F.S.; providing for the processing of
 15 budget amendments to cover transfers of moneys
 16 for declared states of emergency; amending ss.
 17 11.45, 14.27, 20.19, 20.316, 23.22, 27.345,
 18 27.3451, 110.1239, 121.021, 121.051, 145.021,
 19 187.201, 215.196, 215.3206, 215.3208, 215.44,
 20 215.95, 215.96, 229.053, 239.305, 240.209,
 21 240.2601, 240.324, 240.383, 282.404, 286.30,
 22 288.7091, 339.135, 339.155, 339.175, 365.173,
 23 376.15, 381.90, 413.011, 413.405, 420.0003,
 24 420.511, 420.6075, 494.0017, 624.307, 943.08,
 25 and 946.002, F.S., to conform terminology,
 26 dates, and references to changes made by the
 27 act; amending s. 27.38, F.S., relating to state
 28 attorneys budget transfer authority; amending
 29 s. 27.60, F.S., relating to public defenders
 30 budget transfer authority; renumbering s.
 31 216.331, F.S., relating to disbursement of

1 state moneys; renumbering s. 216.3505, F.S.,
2 relating to refinancing of bonds; repealing s.
3 216.001, F.S., relating to definitions;
4 repealing s. 216.0154, F.S., relating to
5 assessment of trends and conditions affecting
6 the need for capital facilities; repealing s.
7 216.0162, F.S., relating to monitoring and
8 evaluation of capital facilities planning and
9 budgeting; repealing s. 216.0315, F.S.,
10 relating to budgets of state agencies that have
11 international programs; repealing s. 216.091,
12 F.S., relating to statements by the
13 Comptroller; repealing s. 216.111, F.S.,
14 relating to financial statements and schedules
15 and other reports; repealing ss.
16 216.235-216.238, F.S., relating to the
17 Innovation Investment Program; repealing s.
18 216.281, F.S., relating to construction of
19 terms; repealing s. 216.286, F.S., relating to
20 release of funds under the Florida Employment
21 Opportunity Act; repealing s. 240.20941, F.S.,
22 relating to vacant faculty positions; providing
23 applicability; providing an effective date.
24

25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 216.011, Florida Statutes, is
28 amended to read:

29 216.011 Definitions.--

30 (1) For the purpose of fiscal affairs of the state,
31 appropriations acts, legislative budgets, and approved

1 budgets, each of the following terms has the meaning
2 indicated:

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

10 (b) "Appropriation" means a legal authorization to
11 make expenditures for specific purposes within the amounts
12 authorized in the appropriations act.

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

- 22 1. Data processing services.
- 23 2. Expenses.
- 24 3. Fixed capital outlay.
- 25 4. Food products.
- 26 5. Grants and aids.
- 27 6. Grants and aids to local governments and nonstate
28 entities-fixed capital outlay.
- 29 7. Lump-sum appropriations.
- 30 8. Operating capital outlay.
- 31 9. Other personal services.

1 10. Salaries and benefits.

2 11. Special categories.

3 (d) "Authorized position" means a position included in
4 an approved budget. In counting the number of authorized
5 positions, part-time positions shall be converted to full-time
6 equivalents.

7 ~~(e)~~ ~~(cc)~~ "Baseline data" means indicators of a state
8 agency's current performance level, pursuant to guidelines
9 established by the Executive Office of the Governor, in
10 consultation with legislative appropriations and appropriate
11 substantive committees.

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

15 (g) "Chairs of the legislative appropriations
16 committees" means the chairs of the committees of the Senate
17 and the House of Representatives responsible for producing the
18 General Appropriations Act.

19 ~~(h)~~ ~~(f)~~ "Consultation" means to deliberate and seek
20 advice in an open and forthright manner with the full
21 committee, a subcommittee thereof, the chair, or the staff as
22 deemed appropriate by the chair of the respective
23 appropriations committee.

24 ~~(i)~~ ~~(g)~~ "Continuing appropriation" means an
25 appropriation automatically renewed without further
26 legislative action, period after period, until altered or
27 revoked by the Legislature.

28 ~~(j)~~ ~~(h)~~ "Data processing services" means the
29 appropriation category used to fund electronic data processing
30 services provided by ~~or to~~ state agencies or the judicial
31 branch, which services include, but are not limited to,

1 systems design, software development, or time-sharing by other
2 governmental units or budget entities.

3 (k)~~(i)~~ "Disbursement" means the payment of an
4 expenditure.

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

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

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

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

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

24 (p)~~(o)~~ "Fixed capital outlay" means the appropriation
25 category used to fund real property (land, buildings,
26 including appurtenances, fixtures and fixed equipment,
27 structures, etc.), including additions, replacements, major
28 repairs, and renovations to real property which materially
29 extend its useful life or materially improve or change its
30 functional use and including furniture and equipment necessary
31 to furnish and operate a new or improved facility, when

1 appropriated by the Legislature in the fixed capital outlay
2 appropriation category.

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

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

9 (r)(q) "Grants and aids" means the appropriation
10 category used to fund contributions to units of government
11 ~~governments or nonstate entities nonprofit organizations~~ to be
12 used for one or more specified purposes ~~or, activities, or~~
13 ~~facilities.~~ Funds appropriated to units of government and
14 nonprofit entities under this category may be advanced.

15 (s)(pp) "Grants and aids to local governments and
16 nonstate entities-fixed Nonprofit Organizations-Fixed capital
17 outlay" means the that appropriation category used to fund
18 ~~which includes:~~

19 1. Grants to local units of governments or nonstate
20 entities and nonprofit organizations for the acquisition of
21 real property (land, buildings, including appurtenances,
22 fixtures and fixed equipment, structures, etc.); additions,
23 replacements, major repairs, and renovations to real property
24 which materially extend its useful life or materially improve
25 or change its functional use; and operating capital outlay
26 necessary to furnish and operate a new or improved facility;
27 and

28 2. Grants to local units of government for their
29 respective infrastructure and growth management needs related
30 to local government comprehensive plans.

31

1 Funds appropriated to local units of government and nonprofit
2 organizations under this category may be advanced in part or
3 in whole.

4 (t)~~(r)~~ "Incentive" means a mechanism, as described in
5 s. 216.163, for recognizing the achievement of performance
6 standards or for motivating performance that exceeds
7 performance standards.

8 (u)~~(s)~~ "Independent judgment" means an evaluation of
9 actual needs made separately and apart from the legislative
10 budget request of any other agency or of the judicial branch,
11 or any assessments by the Governor. Such evaluation shall not
12 be limited by revenue estimates of the Revenue Estimating
13 Conference.

14 (v)~~(t)~~ "Judicial branch" means all officers,
15 employees, and offices of the Supreme Court, district courts
16 of appeal, circuit courts, county courts, and the Judicial
17 Qualifications Commission.

18 (w)~~(u)~~ "Legislative branch" means the various
19 officers, committees, and other units of the legislative
20 branch of state government.

21 (x) "Legislative budget instructions" means the annual
22 set of instructions developed to assist agencies in submitting
23 budget requests to the Legislature and to generate information
24 necessary for budgetary decisionmaking. Such instructions may
25 include program-based performance budget instructions.

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

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

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

18 ~~(bb)(x)~~ "Operating capital outlay" means the
 19 appropriation category used to fund equipment, fixtures, and
 20 other tangible personal property of a nonconsumable and
 21 nonexpendable nature, up to the value or cost specified in s.
 22 ~~273.02 of which is \$1,000 or more and the normal expected life~~
 23 ~~of which is 1 year or more, and hardback-covered bound books~~
 24 ~~that are circulated to students or the general public, the~~
 25 ~~value or cost of which is \$25 or more, and hardback-covered~~
 26 ~~bound books, the value or cost of which is \$250 or more.~~

27 ~~(cc)(y)~~ "Original approved budget" means the approved
 28 plan of operation of an agency or of the judicial branch
 29 consistent with the General Appropriations Act or special
 30 appropriations acts.

31

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

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

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

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

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

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

28 ~~(gg)(xx)~~ "Performance-based program appropriation"
29 means the appropriation category used to fund funds
30 ~~appropriated for~~ a specific set of activities or
31

1 classification of expenditure within an approved
2 performance-based program.

3 (hh)~~(tt)~~ "Performance-based program budget" means a
4 budget that incorporates approved programs and performance
5 measures.

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

8 (jj)~~(vv)~~ "Program" means a set of activities
9 undertaken in accordance with a plan of action organized to
10 realize identifiable goals and objectives based on legislative
11 authorization.

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

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

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

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

31

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

3 (kk)~~(ff)~~ "Program component" means an aggregation of
4 generally related objectives which, because of their special
5 character, related workload, and interrelated output, can
6 logically be considered an entity for purposes of
7 organization, management, accounting, reporting, and
8 budgeting.

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

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

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

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

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

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

30
31

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

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

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

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

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

23 ~~(yy)~~ "Performance ledger" ~~means the official~~
24 ~~compilation of information about state agency~~
25 ~~performance-based programs and measures, including approved~~
26 ~~programs, approved outputs and outcomes, baseline data,~~
27 ~~approved standards for each performance measure and any~~
28 ~~approved adjustments thereto, as well as actual agency~~
29 ~~performance for each measure.~~

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

4 ~~(3)(2)~~ For purposes of this chapter, the term:

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

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

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

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

26 Section 2. Section 216.013, Florida Statutes, is
27 created to read:

28 216.013 Long-range program plans.--

29 (1) State agencies shall develop long-range program
30 plans to achieve state goals using an interagency planning
31 process that includes the development of integrated agency

1 program outcomes. The plan shall cover a period of 5 fiscal
2 years and shall become effective July 1 each year. Long-range
3 program plans shall provide the framework for the development
4 of legislative budget requests and shall:

5 (a) Identify agency programs and address how agency
6 programs will be used to implement state policy and achieve
7 state goals and program objectives.

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

16 (c) Identify and justify facility and fixed capital
17 outlay projects and their associated costs.

18 (d) Identify and justify information technology
19 infrastructure and applications and their associated costs for
20 information technology projects or initiatives.

21 (2) All agency programs and their costs shall be
22 carefully evaluated and justified by the agency. The
23 justification must clearly demonstrate the needs of agency
24 customers and clients and the reasons the agency is proposing
25 programs and their associated costs to address those needs
26 based on state priorities as established by the Legislature or
27 proposed by the Governor, the agency mission, and legislative
28 authorization. Further, the justification must show how agency
29 programs are integrated and contribute to the overall
30 achievement of state goals. Facility, fixed capital outlay,
31 and information technology infrastructure and applications

1 shall be evaluated pursuant to ss. 216.0158, 216.043, and
 2 216.0446, respectively.

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

26 (4) Long-range program plans shall be submitted to the
 27 Executive Office of the Governor by August 1 each year in a
 28 form and manner prescribed in written instructions prepared by
 29 the Executive Office of the Governor in consultation with the
 30 chairs of the legislative appropriations committees. Such
 31 long-range program plans for the judicial branch shall be

1 submitted by the Chief Justice of the Supreme Court to the
2 President of the Senate and the Speaker of the House of
3 Representatives and a copy shall be provided to the Executive
4 Office of the Governor.

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

20 (6) Executive agencies shall incorporate all revisions
21 required by the Executive Office of the Governor within 14
22 working days.

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

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

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

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

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

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

16 (2) The Legislature finds that:

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

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

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

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

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

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

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

3 216.0152 Inventory of state-owned facilities or
4 state-occupied facilities.--

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

11 Section 5. Subsections (2), (4), and (5) of section
12 216.0158, Florida Statutes, are amended to read:

13 216.0158 Assessment of facility needs.--

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

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

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

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

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

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

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

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

29 Section 6. Paragraph (a) of subsection (2) of section
30 216.016, Florida Statutes, is amended to read:

31

1 216.016 Evaluation of plans; determination of
2 financing method.--

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

8 Section 7. Paragraph (i) of subsection (2) of section
9 216.0166, Florida Statutes, is amended, and subsection (6) is
10 added to said section, to read:

11 216.0166 Submission by state agencies of
12 performance-based budget requests, programs, and performance
13 measures.--

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

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

21 (6) Prior to September 15 of the fiscal year prior to
22 which the judicial branch is required to submit a
23 performance-based program budget request pursuant to s.
24 216.0172, the Chief Justice of the Supreme Court shall
25 identify and, after consultation with the Office of Program
26 Policy Analysis and Government Accountability, submit to the
27 President of the Senate and the Speaker of the House of
28 Representatives a list of proposed programs and associated
29 performance measures. The judicial branch shall provide
30 documentation to accompany the list of proposed programs and
31 performance measures as provided under subsection (2). The

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

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

13 216.0172 Schedule for submission of performance-based
14 program budgets.--In order to implement the provisions of
15 chapter 94-249, Laws of Florida, state agencies shall submit
16 performance-based program budget legislative budget requests
17 for programs approved pursuant to s. 216.0166 to the Executive
18 Office of the Governor and the Legislature based on the
19 following schedule:

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

26 (11) By September 15, 2001, the Chief Justice of the
27 Supreme Court shall submit to the President of the Senate and
28 the Speaker of the House of Representatives a
29 performance-based program budget request for programs of the
30 judicial branch approved by the Legislature and provide a copy
31 to the Executive Office of the Governor.

1 Section 9. Section 216.023, Florida Statutes, is
2 amended to read:

3 216.023 Legislative budget requests to be furnished by
4 agencies.--

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

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

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

1 the appropriations committees of the Legislature regarding
2 legislative budget instructions, the issue shall be resolved
3 by the Governor, the President of the Senate, and the Speaker
4 of the House of Representatives.

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

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

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

29 ~~(7)(a) The provisions of subsections (1) and (2) to~~
30 ~~the contrary notwithstanding, each agency subject to the~~
31 ~~provisions of this section shall submit its legislative budget~~

1 ~~request no later than September 1 of the year in which the~~
2 ~~agency is required to submit its point-by-point response~~
3 ~~pursuant to s. 216.0165(1)(d).~~

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

23 ~~(c) The budget instructions required pursuant to~~
24 ~~subsection (3) shall include requirements that agency or~~
25 ~~judicial branch responses, major issue summaries contained in~~
26 ~~the Governor's recommended budget, and the Letter of Intent~~
27 ~~issued with the General Appropriations Act set the~~
28 ~~point-by-point responses apart as major issues in the~~
29 ~~following manner:~~

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

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

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

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

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

1 ~~legislative budget requests as required by this subsection and~~
2 ~~in the Governor's recommended budget.~~

3 Section 10. Subsections (1), (2), and (3) of section
4 216.0235, Florida Statutes, are amended to read:

5 216.0235 Performance-based legislative program budget
6 requests to be furnished by agencies.--

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

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

26 (3) The Executive Office of the Governor and the
27 legislative appropriations committees shall jointly develop
28 legislative program budget instructions from which each agency
29 that has an approved program and the judicial branch, pursuant
30 to ss. 216.0166 and 216.043, shall prepare its legislative
31 program budget request. The program budget instructions must

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

28 Section 11. Section 216.031, Florida Statutes, is
29 amended, and section 216.0312, Florida Statutes, is created,
30 to read:

31

1 216.031 Budgets for operational expenditures.--A
2 legislative budget request, reflecting the independent
3 judgment of the head of the state agency, and of the Chief
4 Justice of the Supreme Court, with respect to the needs of the
5 agency and the judicial branch for operational expenditures
6 during the next fiscal year, shall be submitted by each head
7 of a state agency and by the Chief Justice of the Supreme
8 Court and shall contain the following:

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

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

29 (3) For each trust fund within the budget entity, a
30 schedule showing the trust funds available, providing the
31 source of receipts, detail of nonoperating disbursements,

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

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

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

26 (a) The effectiveness of current programs, including
27 justification for those programs.

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

30 (c) The justification for proposed improvements in
31 existing programs.

1 (d) The justification for proposed new programs.

2 (e) The projected cost of the requested program for
3 the following fiscal year.

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

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

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

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

22 (9) A report separately listing the sources of
23 receipts into each trust fund and the amounts of such
24 receipts. In addition, the report shall identify the
25 administrative and program costs expended from the trust fund,
26 including salaries, other personal services, operating capital
27 outlay, fixed capital outlay, other expenses, contractual
28 services, and transfers to other trust funds.

29 (10) For those agencies or the judicial branch
30 operating programs under a performance-based program budget,
31 an evaluation of the agency's progress in meeting the

1 performance standards for programs approved pursuant to s.
 2 216.0166. Such evaluation shall be developed as prescribed by
 3 the budget instructions, and shall include any responses by
 4 the agency or the Chief Justice to the findings of the Office
 5 of Program Policy Analysis and Government Accountability
 6 pursuant to s. 11.513.

7 (11) For performance-based program budgets, the
 8 baseline data, outcome measures, output measures, and
 9 standards for program measures, including justification for
 10 those programs in the format required by the legislative
 11 budget instructions.

12 (12) A prioritized listing of planned expenditures for
 13 review and possible reduction in the event of revenue
 14 shortfalls, as provided for in s. 216.221. Such list shall be
 15 in the format provided in the planning and budgeting
 16 instructions.

17 216.0312 Target budget requests.--Either chair of a
 18 legislative appropriations committee, or the Executive Office
 19 of the Governor for state agencies, may require the agency or
 20 the Chief Justice to address major issues separate from those
 21 outlined in ~~ss. s.~~216.023, 216.031 ~~this section~~, and ~~s.~~
 22 216.043 for inclusion in the requests of the agency or of the
 23 judicial branch. The issues shall be submitted to the agency
 24 no later than July 30 of each year and shall be displayed in
 25 its requests as provided in the budget instructions. The
 26 Executive Office of the Governor may request an agency, or the
 27 chair of the appropriations committees of the Senate or House
 28 of Representatives may request any agency or the judicial
 29 branch, to submit no later than September 30 ~~15~~ of each year a
 30 budget plan with respect to targets established by the
 31 Governor or either chair. The target budget shall require each

1 entity to establish an order of priorities for its budget
2 issues and may include requests for multiple options for the
3 budget issues. The target budget may also require each entity
4 to submit a program budget or a performance-based budget in
5 the format prescribed by the Executive Office of the Governor
6 or either chair; provided, however, the target budget format
7 shall be compatible with the planning and budgeting system
8 requirements set out in s. 216.141. Such a request shall not
9 influence the agencies' or judicial branch's independent
10 judgment in making legislative budget requests, as required by
11 law.

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

14 216.044 Budget evaluation by Department of Management
15 Services.--Any state agency or judicial branch entity
16 requesting a fixed capital outlay project to be managed by the
17 Department of Management Services shall consult with that
18 department during the budget-development process. The
19 Department of Management Services shall provide
20 recommendations regarding construction requirements, cost of
21 the project, and project alternatives to be incorporated in
22 the agency's or entity's proposed fixed capital outlay budget
23 request and narrative justification.

24 ~~(1) Concurrently with the submission of the fixed~~
25 ~~capital outlay legislative budget request to the Executive~~
26 ~~Office of the Governor or to the Chief Justice of the Supreme~~
27 ~~Court, the agency or judicial branch shall submit a copy of~~
28 ~~the legislative budget request to the Department of Management~~
29 ~~Services for evaluation.~~

30 ~~(2) The Department of Management Services shall advise~~
31 ~~the Executive Office of the Governor, the Chief Justice, and~~

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

20 ~~(3) The Department of Management Services shall~~
 21 ~~provide assistance to any state agency, the judicial branch,~~
 22 ~~and the Executive Office of the Governor in fulfilling the~~
 23 ~~requirements of s. 216.0442 as developed pursuant to ss.~~
 24 ~~216.031 and 216.043.~~

25 Section 13. Section 216.0446, Florida Statutes, is
 26 amended to read:

27 216.0446 Technology Review Workgroup; review of
 28 information resources management needs.--

29 (1) There is created within the Legislature the
 30 Technology Review Workgroup. The Technology Review Workgroup
 31 shall ~~The Executive Office of the Governor may contract with~~

1 ~~the Legislature to provide a mechanism for~~ review of and make
2 recommendations with respect to the portion of agencies'
3 long-range program strategic plans which pertains to
4 information resources management needs and with respect to
5 agencies' legislative budget requests for information
6 resources management. The Technology Review Workgroup shall
7 be responsible to the chairs of the legislative appropriations
8 committees. ~~This mechanism shall be referred to as the~~
9 ~~Technology Review Workgroup, which shall be headed by a~~
10 ~~senior-level manager.~~

11 (2) In addition to its primary duty specified in
12 subsection (1), the Technology Review Workgroup shall have
13 powers and duties that include, but are not limited to, the
14 following:

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

23 (b) To review and make recommendations to ~~the~~
24 ~~Executive Office of the Governor~~ and the chairs of the
25 legislative appropriations fiscal committees on proposed
26 budget amendments and agency transfers associated with notices
27 ~~of proposed action for budget items with respect to~~
28 information resources management initiatives or projects that
29 involve more than one agency, that have an outcome that
30 impacts another agency, or that exceed \$500,000 in total cost
31 over a 1-year period.

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

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

7 216.052 Legislative budget requests; appropriations;
8 grants.--

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

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

14 216.081 Data on legislative and judicial branch
15 expenses.--

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

21 Section 16. Section 216.131, Florida Statutes, is
22 amended to read:

23 216.131 Public hearings on legislative budgets.--The
24 Governor and the Chief Justice of the Supreme Court may ~~shall~~
25 each provide for at least one public hearing prior to
26 submission of budget recommendations to the Legislature on
27 issues contained in agency legislative budget requests or in
28 the judicial branch legislative budget request and issues that
29 ~~which~~ may be included in budget recommendations to the
30 Legislature, which hearing may ~~shall~~ be held at such time as
31 the Governor or the Chief Justice may fix. The Governor may

1 require the attendance or participation, or both,at his or
2 her hearings of the heads or responsible representatives of
3 all state agencies supported by any form of taxation or
4 licenses, fees, imposts, or exactions. The Governor and the
5 Chief Justice may provide these hearings via electronic
6 format, such as teleconference, Internet, and similar
7 electronic forums, provided that a means for active
8 participation and questions by the audience is provided.

9 Section 17. Section 216.133, Florida Statutes, is
10 amended to read:

11 216.133 Definitions; ss. 216.133-216.137.--As used in
12 ss. 216.133-216.137:

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

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

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

30
31

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

4 Section 18. Section 216.134, Florida Statutes, is
5 amended to read:

6 216.134 Consensus estimating conferences; general
7 provisions.--

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

21 (2) Whenever an estimating conference is convened, an
22 official estimate does not exist until a new consensus is
23 reached.

24 ~~(3)~~⁽²⁾ The official information developed by the
25 Economic Estimating Conference and the official information
26 developed by the Demographic Estimating Conference shall be
27 used by all other consensus estimating conferences in
28 developing their official information.

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

31

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

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

17 (5)~~(4)~~ All sessions and meetings of a consensus
18 estimating conference shall be open to the public as provided
19 in chapter 286.

20 Section 19. Section 216.136, Florida Statutes, is
21 amended to read:

22 216.136 Consensus estimating conferences; duties and
23 principals.--

24 (1) ECONOMIC ESTIMATING CONFERENCE.--

25 (a) Duties.--

26 ~~1.~~ The Economic Estimating Conference shall develop
27 such official information with respect to the national and
28 state economies as the conference determines is needed for the
29 state planning and budgeting system. The basic, long-term
30 forecasts which are a part of its official information shall
31 be trend forecasts. However, the conference may include cycle

1 forecasts as a part of its official information if the subject
2 matter of the forecast warrants a cycle forecast and if such
3 forecast is developed in a special impact session of the
4 conference.

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

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

23 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

24 (a) Duties.--The Demographic Estimating Conference
25 shall develop such official information with respect to the
26 population of the nation and state by age, race, and sex as
27 the conference determines is needed for the state planning and
28 budgeting system. The conference shall use the official
29 population estimates provided under s. 186.901 in developing
30 its official information.

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 of the Senate and House of
4 Representatives who have forecasting expertise, or their
5 designees, are the principals of the Demographic Estimating
6 Conference. The responsibility of presiding over sessions of
7 the conference shall be rotated among the principals.

8 (3) REVENUE ESTIMATING CONFERENCE.--

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

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

22 (4) EDUCATION ESTIMATING CONFERENCE.--

23 (a) Duties.--The Education Estimating Conference shall
24 develop such official information relating to the state public
25 educational system, including forecasts of student
26 enrollments, the number of students qualified for state
27 financial aid programs and the appropriation required to fund
28 the full award amounts for each program, fixed capital outlay
29 needs, and Florida Education Finance Program formula needs, as
30 the conference determines is needed for the state planning and
31 budgeting system. The conference's initial projections of

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

24 (b) Adjustments.--No later than 2 months prior to the
25 start of the regular session of the Legislature, the
26 conference shall forward to each eligible postsecondary
27 education institution its initial projections of the number of
28 students qualified for state financial aid programs and the
29 appropriation required to fund those students at the full
30 award amount. Each postsecondary education institution may
31 request, in writing, adjustments to the initial projection.

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

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

26 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

27 (a) Duties.--The Criminal Justice Estimating
 28 Conference shall develop such official information relating to
 29 the criminal justice system, including forecasts of prison
 30 admissions by offense categories specified in Rule 3.701,
 31 Florida Rules of Criminal Procedure, as the conference

1 determines is needed for the state planning and budgeting
2 system.

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

11 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

12 (a) Duties.--

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

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

28 3. The Department of Children and Family Services and
29 the Department of Education shall provide information on
30 caseloads and waiting lists for the subsidized child care and
31 prekindergarten early intervention programs requested by the

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

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

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

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

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

29 (7)(8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

30 (a) Duties.--The Child Welfare System Estimating
31 Conference shall develop such official information relating to

1 the child welfare system of the state, including forecasts of
2 child welfare caseloads, as the conference determines is
3 needed for the state planning and budgeting system. Such
4 official information may include, but is not limited to:

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

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

17
18 In addition, the conference shall develop other official
19 information relating to the child welfare system of the state
20 which the conference determines is needed for the state
21 planning and budgeting system. The Department of Children and
22 Family Services shall provide information on the child welfare
23 system requested by the Child Welfare System Estimating
24 Conference, or individual conference principals, in a timely
25 manner.

26 (b) Principals.--The Executive Office of the Governor,
27 the coordinator of the Office of Economic and Demographic
28 Research, and professional staff who have forecasting
29 expertise from the Department of Children and Family Services,
30 the Senate, and the House of Representatives, or their
31 designees, are the principals of the Child Welfare System

1 Estimating Conference. The principal representing the
2 Executive Office of the Governor shall preside over sessions
3 of the conference.

4 (8)~~(9)~~ JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

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

1 ~~(9)(10)~~ OCCUPATIONAL FORECASTING CONFERENCE.--

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

13 (b) Principals.--The Commissioner of Education, the
14 Executive Office of the Governor, the director of the Office
15 of Tourism, Trade, and Economic Development, the Secretary of
16 Labor, ~~and~~ the coordinator of the Office of Economic and
17 Demographic Research, and professional staff of the Senate and
18 House of Representatives who have forecasting expertise, or
19 their designees, are the principals of the Occupational
20 Forecasting Conference. The Commissioner of Education, or the
21 commissioner's designee, shall preside over the sessions of
22 the conference.

23 ~~(10)(11)~~ SCHOOL READINESS PROGRAM ESTIMATING
24 CONFERENCE.--

25 (a) Duties.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Section 22. Section 216.163, Florida Statutes, is
9 amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 2. Additional flexibility in salary rate and position
19 management.

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

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

30 5. Additional funds provided pursuant to law to be
31 released to an agency quarterly or incrementally contingent

1 upon the accomplishment of units of output or outcome
2 specified in the General Appropriations Act.

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

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

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

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

14 4. Reduction of total positions for a program.

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

17 6. Reduction of managerial salaries.

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

24 (6) At the time the Governor is required to furnish
25 copies of his or her recommended budget to each senator and
26 representative under s. 216.162(1), the Governor shall declare
27 an impasse in all collective bargaining negotiations for which
28 he or she is deemed to be the public employer and for which a
29 collective bargaining agreement has not been executed. Within
30 14 days thereafter, the Governor shall furnish the legislative
31 appropriations committees with documentation relating to the

1 last offer he or she made during such collective bargaining
2 negotiations or recommended to a mediator or special master
3 appointed to resolve the impasse.

4 Section 23. Subsections (1) and (2) of section
5 216.177, Florida Statutes, are amended to read:

6 216.177 Appropriations acts, ~~statement of intent,~~
7 violation, notice, review and objection procedures.--

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

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

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

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

21
22 to the Executive Office of the Governor, the Comptroller, the
23 Auditor General, the Chief Justice of the Supreme Court, and
24 each state agency. ~~The statement of intent constitutes a~~
25 ~~manifestation of how the Legislature, in its considered~~
26 ~~opinion as a representative of the people, thinks~~
27 ~~appropriations should be spent. The statement of intent is~~
28 ~~not a law and may not allocate or appropriate any funds, or~~
29 ~~amend or correct any provision, in the General Appropriations~~
30 ~~Act, but the statement of intent may provide additional~~
31 ~~explanation to the Executive Office of the Governor, the~~

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

18 (2)(a) Whenever notice of action to be taken by the
 19 Executive Office of the Governor, the Chief Justice of the
 20 Supreme Court, or the commission is required by this chapter,
 21 such notice shall be given to the chairs of the legislative
 22 appropriations committees in writing, and shall be delivered
 23 to both such chairs at least 14 consecutive days before ~~prior~~
 24 ~~to~~ the action referred to, unless a shorter period is approved
 25 in writing by both such chairs. If the action is solely for
 26 the release of funds appropriated by the Legislature, the
 27 notice shall be delivered at least 3 working days before the
 28 effective date of the action. Action shall not be taken on any
 29 budget item for which this chapter requires notice to the
 30 legislative appropriations committees without such notice
 31

1 having been provided, even though there may be good cause for
2 considering such item.

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

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

30 Section 24. Section 216.178, Florida Statutes, is
31 amended to read:

1 216.178 General Appropriations Act; format; procedure+
2 ~~cost statement for new debt or obligation.--~~

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

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

27 ~~(3) The Governor shall submit to the Secretary of~~
28 ~~State, along with the signed General Appropriations Act, a~~
29 ~~statement which sets forth the estimated cost of each new~~
30 ~~proposed state debt or obligation contained in the act. Each~~
31

1 ~~statement shall be written in substantially the following~~
2 ~~form:~~

3
4 ~~The General Appropriations Act for fiscal year~~
5 ~~...(insert years)... authorizes the issuance of \$...(insert~~
6 ~~principal)... of debt or obligation at a forecasted interest~~
7 ~~rate of ...(insert rate of interest).... The total interest~~
8 ~~paid over the life of this debt or obligation will be \$~~
9 ~~...(insert sum of interest payments).... Additionally, it is~~
10 ~~estimated that the 5-year operational costs associated with~~
11 ~~those capital outlay projects to be funded by the incurrence~~
12 ~~of this debt or obligation will be \$...(insert costs)....~~

13 Section 25. Section 216.179, Florida Statutes, is
14 amended to read:

15 216.179 Reinstatement of vetoed appropriations by
16 administrative means prohibited.--After the Governor has
17 vetoed a specific appropriation for an agency or the judicial
18 branch, neither the Governor, the Administration Commission,
19 ~~nor~~ the Chief Justice of the Supreme Court, nor a state
20 agency, in their various statutory and constitutional roles,
21 may authorize expenditures for or implementation in any manner
22 of the programs that were authorized by the vetoed
23 appropriation.

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

26 216.181 Approved budgets for operations and fixed
27 capital outlay.--

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

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

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

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

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

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

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

1 increased in excess of the original approved budget, except as
2 provided in subsection (10)~~(11)~~.

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

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

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

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

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

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

1 currently in use, or that are an allocation of a lump-sum
2 appropriation, must be reviewed by the Technology Review
3 Workgroup pursuant to s. 216.0446 and approved by the
4 Executive Office of the Governor for the executive branch or
5 by the Chief Justice for the judicial branch and shall be
6 subject to the notice and review procedures set forth in s.
7 216.177.

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

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

21
22 The Executive Office of the Governor shall transmit to each
23 state agency and the Comptroller, and the Chief Justice shall
24 transmit to each judicial branch component and the
25 Comptroller, any approved amendments to the approved operating
26 budgets.

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

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

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

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

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

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

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

29 (8)(9)(a) The calculation for the annual salary rate
30 for vacant and newly authorized positions shall be at no more
31

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

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

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

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

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

29 ~~(10)(11)~~ The Executive Office of the Governor may
 30 approve transfers of appropriations in the General
 31 Appropriations Act within any state trust fund of an agency,

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

17 (11) For purposes of this section, the term
18 "nonoperating budgets" means disbursement authority for
19 purchase of investments, refunds, payments to the United
20 States Treasury, transfers of funds specifically required by
21 law, distributions of assets held by the state in a trustee
22 capacity as an agent or fiduciary, and other such disbursement
23 categories unrelated to the operational expenditures of an
24 agency or entity of the judicial branch, not otherwise
25 appropriated in the General Appropriations Act. There are
26 hereby appropriated nonoperating budgets for refunds, payments
27 to the United States Treasury, payments of the service charge
28 to the General Revenue Fund, and transfers of funds where the
29 amounts are specifically identifiable and required by law.
30 Such authorized budgets, together with related releases, shall
31 be transmitted by the state agency or by the judicial branch

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

19 (12) Each state agency and the judicial branch shall
 20 develop the internal management procedures and budgets
 21 necessary to assure compliance with the approved operating
 22 budget.

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

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

1 (15)(a) Funds provided in any specific appropriation
 2 in the General Appropriations Act may be advanced if the
 3 General Appropriations Act specifically so provides.

4 (b) Any agency, or the judicial branch, that has been
 5 authorized by the General Appropriations Act or expressly
 6 authorized by other law to make advances for program startup
 7 or advances for contracted services, in total or periodically,
 8 shall limit such disbursements to other governmental entities
 9 and not-for-profit corporations. The amount which may be
 10 advanced shall not exceed the expected cash needs of the
 11 contractor or recipient within the initial 3 months.

12 Thereafter, disbursements shall only be made on a
 13 reimbursement basis. Any agreement that provides for
 14 advancements may contain a clause that permits the contractor
 15 or recipient to temporarily invest the proceeds, provided that
 16 any interest income shall either be returned to the agency or
 17 be applied against the agency's obligation to pay the contract
 18 amount. This paragraph does not constitute lawful authority
 19 to make any advance payment not otherwise authorized by laws
 20 relating to a particular agency or general laws relating to
 21 the expenditure or disbursement of public funds. The
 22 Comptroller may, after consultation with the legislative
 23 appropriations committees, advance funds beyond a 3-month
 24 requirement ~~waive the requirements of this paragraph which~~
 25 ~~apply to advances~~ if it is determined to be consistent with
 26 the intent of the approved operating budget.

27 ~~(c) For the 1999-2000 fiscal year only, funds~~
 28 ~~appropriated to the Department of Children and Family Services~~
 29 ~~in Specific Appropriations 292 through 425 and the Department~~
 30 ~~of Health in Specific Appropriations 445 through 540 of the~~
 31 ~~1999-2000 General Appropriations Act may be advanced, unless~~

1 ~~specifically prohibited in such General Appropriations Act,~~
 2 ~~for those contracted services that were approved for~~
 3 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
 4 ~~including those services contracted on a fixed-price or unit~~
 5 ~~cost basis. This paragraph is repealed on July 1, 2000.~~

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

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

28 ~~(18) Notwithstanding any other provision of this~~
 29 ~~chapter to the contrary, the Florida Department of~~
 30 ~~Transportation, in order to facilitate the transfer of~~
 31 ~~personnel to the new turnpike headquarters location in Orange~~

1 ~~County, may transfer salary rate to the turnpike budget entity~~
2 ~~from other departmental budget entities. The department must~~
3 ~~provide documentation of all transfers to the Executive Office~~
4 ~~of the Governor, the Chairman of the Senate Budget Committee,~~
5 ~~and the Chairman of the House of Representatives Committee on~~
6 ~~Transportation and Economic Development Appropriations. This~~
7 ~~subsection expires July 1, 2000.~~

8 Section 27. Section 216.183, Florida Statutes, is
9 amended to read:

10 216.183 Entities using performance-based program
11 budgets; chart of accounts.--State agencies and the judicial
12 branch for which a performance-based program budget has been
13 appropriated shall utilize the chart of accounts used by the
14 Florida Accounting Information Resource Subsystem in the
15 manner described in s. 215.93(3). The chart of accounts for
16 state agencies and the judicial branch for which a
17 performance-based program budget has been appropriated shall
18 be developed and amended, if necessary, in consultation with
19 the Department of Banking and Finance, and the Executive
20 Office of the Governor, and the chairs of the legislative
21 appropriations committees.

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

24 216.192 Release of appropriations; revision of
25 budgets.--

26 (1) Unless otherwise provided in the General
27 Appropriations Act, on July 1 of each fiscal year, up to 25 ~~20~~
28 percent of the original approved operating budget of each
29 agency and of the judicial branch may ~~shall~~ be released until
30 such time as annual plans for quarterly releases for all
31 appropriations have been developed, approved, and furnished to

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

27 Section 29. Section 216.195, Florida Statutes, is
28 amended to read:

29 216.195 Impoundment of funds; restricted.--The
30 Executive Office of the Governor, the Chief Justice of the
31 Supreme Court, any member of the Cabinet, the Administration

1 Commission, or any state agency shall not impound any
2 appropriation except as necessary to avoid or eliminate a
3 deficit pursuant to the provisions of s. 216.221. As used in
4 this section, the term "impoundment" means the omission of any
5 appropriation or part of an appropriation in the approved
6 operating plan prepared pursuant to s. 216.181 or in the
7 schedule of releases prepared pursuant to s. 216.192 or the
8 failure of any state agency or the judicial branch to spend an
9 appropriation for the stated purposes authorized in the
10 approved operating budget.The provisions of this section are
11 subject to the notice and review procedures of s. 216.177.
12 The Governor or either house of the Legislature may seek
13 judicial review of any action or proposed action which
14 violates the provisions of this section.

15 Section 30. Section 216.212, Florida Statutes, is
16 amended to read:

17 216.212 Budgets for federal funds; restrictions on
18 expenditure of federal funds.--

19 (1) The Executive Office of the Governor, the office
20 of the Comptroller, and the office of the Treasurer shall
21 develop and implement procedures for accelerating the drawdown
22 of, and minimizing the payment of interest on, federal funds.
23 The Executive Office of the Governor shall establish a
24 clearinghouse for federal programs and activities. The
25 clearinghouse shall develop the capacity to respond to federal
26 grant opportunities and to coordinate the use of federal funds
27 in the state.

28 (a) Every state agency, when making a request or
29 preparing a budget to be submitted to the Federal Government
30 for funds, equipment, material, or services, shall submit such
31 request or budget to the Executive Office of the Governor for

1 review approval before submitting it to the proper federal
2 authority. However, the Executive Office of the Governor may
3 specifically authorize any agency to submit specific types of
4 grant proposals directly to the Federal Government.

5 (b) Every office or court of the judicial branch, when
6 making a request or preparing a budget to be submitted to the
7 Federal Government for funds, equipment, material, or
8 services, shall submit such request or budget to the Chief
9 Justice of the Supreme Court for approval before submitting it
10 to the proper federal authority. However, the Chief Justice
11 may specifically authorize any court to submit specific types
12 of grant proposals directly to the Federal Government.

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

22 (3) Federal money appropriated by Congress or received
23 from court settlements to be used for state purposes, whether
24 by itself or in conjunction with moneys appropriated by the
25 Legislature, may not be expended unless appropriated by the
26 Legislature. However, the Executive Office of the Governor or
27 the Chief Justice of the Supreme Court may, after consultation
28 with the legislative appropriations committees, approve the
29 receipt and expenditure of funds from federal sources by state
30 agencies or by the judicial branch. Any federal programs
31 requiring state matching funds which funds were eliminated, or

1 were requested and were not approved, by the Legislature may
2 not be implemented during the interim. However, federal and
3 other fund sources for the State University System which do
4 not carry a continuing commitment of ~~on~~ future appropriations
5 are hereby appropriated for the purpose received.

6 ~~(4) The Office of the Comptroller and the Executive~~
7 ~~Office of the Governor, in consultation with the Office of the~~
8 ~~Treasurer and the Office of the Auditor General, shall develop~~
9 ~~and maintain a means to ensure the compatibility of the~~
10 ~~Florida Accounting Information Resource Subsystem and the~~
11 ~~Federal Aid Tracking System. Any successive systems serving~~
12 ~~identical or similar functions shall preserve such~~
13 ~~compatibility.~~

14 Section 31. Section 216.216, Florida Statutes, is
15 created to read:

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

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

3 216.221 Appropriations as maximum appropriations;
4 adjustment of budgets to avoid or eliminate deficits.--

5 (2) The Legislature may ~~shall~~ annually provide
6 direction in the General Appropriations Act regarding use of
7 the Budget Stabilization Fund and Working Capital Fund to
8 offset General Revenue Fund deficits.

9 Section 33. Paragraph (a) of subsection (2) of section
10 216.251, Florida Statutes, is amended to read:

11 216.251 Salary appropriations; limitations.--

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

15 1. Within the classification and pay plans provided
16 for in chapter 110.

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

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

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

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

31

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

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

6 216.262 Authorized positions.--

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

21 1. To implement or provide for continuing ~~federal~~
22 grants or changes in grants not previously anticipated;

23 2. To meet emergencies pursuant to s. 252.36;

24 3. To satisfy new federal regulations or changes
25 therein;

26 4. To take advantage of opportunities to reduce
27 operating expenditures or to increase the revenues of the
28 state or local government; and

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

31

1 The provisions of this paragraph are subject to the notice and
2 review procedures set forth in s. 216.177. A copy of the
3 application, the certification, and the final authorization
4 shall be filed with the legislative appropriations committees
5 and with the Auditor General.

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

1 means those things, or the use thereof, or services of a kind
2 that confer on the officers or employees receiving them some
3 benefit that is in the nature of additional compensation, or
4 that reduce to some extent the normal personal expenses of the
5 officer or employee receiving them. The term includes, but is
6 not limited to, such things as quarters, subsistence,
7 utilities, meals, telephone services, clothing, shoes,
8 domestic services, laundry services, medical service, use of
9 state-owned vehicles for other than state purposes, moving
10 expenses, and servants paid by the state.

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

13 216.271 Revolving funds.--

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

22 Section 36. Section 216.292, Florida Statutes, is
23 amended to read:

24 216.292 Appropriations nontransferable; exceptions.--

25 (1)(a) Funds provided in the General Appropriations
26 Act or as otherwise expressly provided by law shall be
27 expended only for the purpose for which appropriated, except
28 that if deemed necessary such moneys may be transferred as
29 provided in subsections (3), (4), and (5) when it is
30 determined to be in the best interest of the state.
31 Appropriations for fixed capital outlay may not be expended

1 for any other purpose, and appropriations may not be
 2 transferred between state agencies, or between a state agency
 3 and the judicial branch, unless specifically authorized by
 4 law.

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

12 (2) A lump sum appropriated for a performance-based
 13 program must be distributed by the Governor for state agencies
 14 or the Chief Justice for the judicial branch into the
 15 traditional expenditure categories in accordance with s.
 16 216.181(5)(b). At any time during the year, the agency head
 17 or Chief Justice may transfer funds between those categories
 18 with no limit on the amount of the transfer. Authorized
 19 revisions of the original approved operating budget, together
 20 with related changes, if any, must be transmitted by the state
 21 agency or by the judicial branch to the Executive Office of
 22 the Governor or the Chief Justice, the chairs of the
 23 legislative appropriations committees, the Office of Program
 24 Policy Analysis and Government Accountability, and the Auditor
 25 General. Such authorized revisions shall be consistent with
 26 the intent of the approved operating budget, shall be
 27 consistent with legislative policy and intent, and shall not
 28 conflict with specific spending policies specified in the
 29 General Appropriations Act. The Executive Office of the
 30 Governor shall forward a copy of the revisions within 7
 31 working days to the Comptroller for entry in his or her

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

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

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

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

27 (c) Such authorized revisions must be consistent with
28 the intent of the approved operating budget, must be
29 consistent with legislative policy and intent, and must not
30 conflict with specific spending policies specified in the
31 General Appropriations Act.

1
2 Such authorized revisions, together with related changes, if
3 any, in the plan for release of appropriations, shall be
4 transmitted by the state agency or by the judicial branch to
5 the Comptroller for entry in the Comptroller's records in the
6 manner and format prescribed by the Executive Office of the
7 Governor in consultation with the Comptroller. A copy of such
8 revision shall be furnished to the Executive Office of the
9 Governor or the Chief Justice, the chairs of the legislative
10 committees, and the Auditor General.

11 (4)(a) The head of each department or the Chief
12 Justice of the Supreme Court may transfer funds within
13 programs identified in the General Appropriations Act, from
14 identical funding sources, between the following
15 appropriations categories without limitation so long as such a
16 transfer does not result in an increase to the total recurring
17 general revenue or trust fund cost of the agency or entity of
18 the judicial branch in the subsequent fiscal year: other
19 personal services, expenses, operating capital outlay,
20 performance-based program budgeting lump sums, acquisition of
21 motor vehicles, data processing services, operating and
22 maintenance of patrol vehicles, overtime payments, salary
23 incentive payments, compensation to retired judges, law
24 libraries, and juror and witness payments. Such transfers must
25 be consistent with legislative policy and intent. Notice of
26 proposed transfers under this authority shall be provided to
27 the Executive Office of the Governor and the chairs of the
28 legislative appropriations committees at least 5 working days
29 prior to their implementation.

30 (b) The head of each department or the Chief Justice
31 of the Supreme Court may transfer funds, from identical

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

1 ~~prescribed by the Executive Office of the Governor in~~
2 ~~consultation with the Comptroller.~~

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

16 (b) When an appropriation for a named fixed capital
17 outlay project is found to be in excess of that needed to
18 complete that project, at the request of the Executive Office
19 of the Governor for state agencies or the Chief Justice of the
20 Supreme Court for the judicial branch the excess may be
21 transferred, with the approval of the commission or the Chief
22 Justice, to another project for which there has been an
23 appropriation in the same fiscal year from the same fund and
24 within the same department where a deficiency is found to
25 exist. Further, a fixed capital outlay project may not be
26 initiated without a specific legislative appropriation, nor
27 may the scope of a fixed capital outlay project be changed by
28 the transfer of funds. The provisions of this paragraph are
29 subject to the notice, review, and objection procedures set
30 forth in s. 216.177.

31

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

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

14 (7) Any transfers from the Working Capital Fund to the
15 General Revenue Fund may be approved provided such transfers
16 were identified or contemplated by the Legislature in the
17 original approved budget.

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

25 (b) Should any state agency or the judicial branch
26 become more than 90 days delinquent in paying the Division of
27 Risk Management of the Department of Insurance for insurance
28 coverage, the Department of Insurance may certify to the
29 Comptroller the amount due; and the Comptroller shall transfer
30 the amount due to the Division of Risk Management from any
31 funds of the agency or the judicial branch available.

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

9 (10) The Comptroller shall report all such transfers
10 and the reasons for such transfers to the legislative
11 appropriations committees and the Executive Office of the
12 Governor.

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

23 Section 37. Section 216.348, Florida Statutes, is
24 created to read:

25 216.348 Fixed capital outlay grants and aids
26 appropriations to certain nonprofit entities.--If a bill
27 appropriating a fixed capital outlay grants and aids
28 appropriation requires compliance with this section, the
29 following conditions shall apply, except to the extent that
30 such bill modifies these conditions:

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

1 (a) "Administering agency" means the governmental
2 agency or entity which is charged by the bill appropriating
3 the fixed capital outlay grants and aids appropriation to a
4 grantee with administering that appropriation.

5 (b) "Grant" means a fixed capital outlay grants and
6 aids appropriation to a nonprofit entity other than a
7 governmental entity.

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

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

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

25 1. States a correct legal description of the real
26 property.

27 2. Sets forth with specificity the buildings,
28 appurtenances, fixtures, fixed equipment, structures,
29 improvements, renovations, and personalty to be purchased
30 pursuant to the grant.

31

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

10 (b) If the grantee is not acquiring real property, or
11 does not own the real property being improved, the agreement
12 shall:

13 1. Specify the leasehold or other real property
14 interest the grantee has in the real property.

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

16 3. Describe the relationship between the owner of the
17 real property and the grantee.

18 4. Set forth with specificity the improvements,
19 renovations, and personalty to be purchased pursuant to the
20 grant.

21 5. During the term of the agreement, prohibit the
22 grantee from selling, transferring, mortgaging, or assigning
23 the grantee's interest in the leasehold, improvements,
24 renovations, or personalty, unless the administering agency
25 approves the sale, transfer, mortgage, or assignment; and, in
26 the case of sale, transfer, or assignment, the purchaser,
27 transferor, or assignee must fully assume, in writing, all of
28 the terms and conditions of the agreement required by this
29 subsection. Additionally, the grantee shall execute and
30 deliver a security instrument, financing statement, or other
31 appropriate document securing the interest of the

1 administering agency in the improvements, renovations, and
2 personalty associated with the grant. The administering
3 agency, in its discretion, may agree to subordination or
4 modification of a security interest.

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

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

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

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

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

26 c. If the bill appropriating the grant does not state
27 a specific period of time or formula, the amount to be
28 returned shall be specified by the administering agency, which
29 shall be no less than the full amount of the grant less
30 \$100,000 or 10 percent of the grant, whichever is more, for

31

1 each full year for which the property was used for such
2 purposes.

3
4 The administering agency shall deposit all funds returned by
5 the grantee into the state fund from which the grant was
6 originally made.

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

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

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

29 (d) The administering agency may:

30 1. Require that, during any term or period of
31 construction, or until such time as the grant money is fully

1 and properly spent according to the bill appropriating the
2 grant, the grantee obtain a blanket fidelity bond, in the
3 amount of the grant, issued by a company authorized and
4 licensed to do business in this state, which will reimburse
5 the administering agency in the event that anyone handling the
6 grant moneys either misappropriates or absconds with the grant
7 moneys. All employees handling the grant moneys must be
8 covered by the bond.

9 2. Include any other term or condition the
10 administering agency deems reasonable and necessary for the
11 effective and efficient administration of the grant.

12 3. Modify any condition required by this subsection,
13 provided the administering agency deems that such modification
14 is necessary in order to best effectuate the purpose of the
15 grant and provided the bill appropriating the grant, or
16 applicable law, does not otherwise require.

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

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

23 120.65 Administrative law judges.--

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

1 to the effects of the appeal, the appeal may be affirmed by
2 the affirmative vote of two-thirds of the commission members
3 present. ~~The failure of the Executive Office of the Governor~~
4 ~~to act on a request for action by the director within 21 days~~
5 ~~after receiving a written request constitutes approval of the~~
6 ~~request.~~

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

9 121.031 Administration of system; appropriation;
10 oaths; actuarial studies; public records.--

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

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

18 (a)1. The valuation of plan assets shall be based on a
19 5-year averaging methodology such as that specified in the
20 United States Department of Treasury Regulations, 26 C.F.R. s.
21 1.412(c)(2)-1, or a similar accepted approach designed to
22 attenuate fluctuations in asset values.

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

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

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

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

13 ~~(b) The Florida Retirement System Actuarial Assumption~~
 14 ~~Conference which is hereby created shall by consensus develop~~
 15 ~~official information with respect to the economic and~~
 16 ~~noneconomic assumptions and funding methods of the Florida~~
 17 ~~Retirement System necessary to perform the study. Such~~
 18 ~~information shall include: an analysis of the actuarial~~
 19 ~~assumptions and actuarial methods and a determination of~~
 20 ~~whether changes to the assumptions or methods need to be made~~
 21 ~~due to experience changes or revised future forecasts. The~~
 22 ~~members of the conference shall include the Executive Office~~
 23 ~~of the Governor, the coordinator of the Office of Economic and~~
 24 ~~Demographic Research, and professional staff of the Senate and~~
 25 ~~House of Representatives who have forecasting expertise, or~~
 26 ~~their designees. The Executive Office of the Governor shall~~
 27 ~~have the responsibility of presiding over the sessions of the~~
 28 ~~conference. The State Board of Administration and the~~
 29 ~~Division of Retirement shall be participants, as defined in s.~~
 30 ~~216.134, in the conference.~~

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

3 186.002 Findings and intent.--

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

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

12 Section 41. Subsection (7) of section 186.003, Florida
13 Statutes, is repealed.

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

16 186.006 Powers and responsibilities of Executive
17 Office of the Governor.--For the purpose of establishing
18 consistency and uniformity in the state and regional planning
19 process and in order to ensure that the intent of ss.
20 186.001-186.031 and 186.801-186.901 is accomplished, the
21 Executive Office of the Governor shall:

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

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

30 186.007 State comprehensive plan; preparation;
31 revision.--

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

6 Section 44. Section 186.021, Florida Statutes, is
7 amended to read:

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

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

20 Section 45. Section 186.022, Florida Statutes, is
21 amended to read:

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

24 186.022 Information resource strategic plans.--

25 (1) By June 1 of each year, the Geographic Information
26 Board, the Financial Management Information Board, the
27 Criminal and Juvenile Justice Information Systems Council, and
28 the Health Information Systems Council shall each develop and
29 submit an information resource strategic plan to the Executive
30 Office of the Governor in a form and manner prescribed in
31 written instructions prepared by the Executive Office of the

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

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

15 Section 46. Paragraph (b) of subsection (1) of section
16 186.502, Florida Statutes, is amended to read:

17 186.502 Legislative findings; public purpose.--

18 (1) The Legislature finds and declares that:

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

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

27 186.901 Population census determination.--

28 (1) The Office of Economic and Demographic Research
29 shall annually provide to the Executive Office of the
30 ~~Governor, either through its own resources or by contract,~~
31 ~~shall produce~~ population estimates of local governmental units

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

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

18 215.22 Certain income and certain trust funds
19 exempt.--

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

23 (v) Each Tobacco Settlement Trust Fund administered by
24 a state agency.

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

27 252.37 Financing.--

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

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

11 Section 50. Paragraph (a) of subsection (3) of section
12 11.45, Florida Statutes, is amended to read:

13 11.45 Definitions; duties; audits; reports.--

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

1 as authorized in subparagraph 3. A district school board may
 2 select an independent certified public accountant to perform a
 3 financial audit as defined in paragraph (1)(b) notwithstanding
 4 the notification provisions of this section. In addition, a
 5 district school board may employ an internal auditor to
 6 perform ongoing financial verification of the financial
 7 records of a school district, who must report directly to the
 8 district school board or its designee. The Auditor General
 9 shall, at a minimum, provide to the successor independent
 10 certified public accountant of a district school board the
 11 prior year's working papers, including documentation of
 12 planning, internal control, audit results, and other matters
 13 of continuing accounting and auditing significance, such as
 14 the working paper analysis of balance sheet accounts and those
 15 relating to contingencies.

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

29 3. The Auditor General may at any time make financial
 30 audits and performance audits of the accounts and records of
 31 all governmental entities created pursuant to law. The audits

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

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

21 5. If by July 1 in any fiscal year a district school
 22 board or local governmental entity has not been notified that
 23 a financial audit for that fiscal year will be performed by
 24 the Auditor General pursuant to subparagraph 3., each
 25 municipality with either revenues or expenditures of more than
 26 \$100,000, each special district with either revenues or
 27 expenditures of more than \$50,000, and each county agency
 28 shall, and each district school board may, require that an
 29 annual financial audit of its accounts and records be
 30 completed, within 12 months after the end of its respective
 31 fiscal year, by an independent certified public accountant

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

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

27 7. The governing body of a noncharter county or
 28 district school board that retains a certified public
 29 accountant must establish an auditor selection committee and
 30 select an independent certified public accountant according to
 31 the following procedure:

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

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

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

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

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

28 f. The public must not be excluded from the
29 proceedings under this subparagraph.

30 g. The committee shall evaluate current statements of
31 qualifications and performance data on file with the

1 committee, together with those that may be submitted by other
2 firms regarding the proposed audit, and shall conduct
3 discussions with, and may require public presentations by, no
4 fewer than three firms regarding their qualifications,
5 approach to the audit, and ability to furnish the required
6 services.

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

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

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

30 j. If the board is unable to negotiate a satisfactory
31 contract with any of the selected firms, the committee shall

1 select additional firms, and the board shall continue
2 negotiations in accordance with this subsection until an
3 agreement is reached.

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

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

24 10. The Auditor General, in consultation with the
25 Board of Accountancy, shall adopt rules for the form and
26 conduct of all financial audits subject to this section and
27 conducted by independent certified public accountants. The
28 Auditor General, in consultation with the Department of
29 Education, shall develop a compliance supplement for the
30 financial audit of a district school board conducted by an
31 independent certified public accountant. The rules for audits

1 of local governmental entities and district school boards must
2 include, but are not limited to, requirements for the
3 reporting of information necessary to carry out the purposes
4 of the Local Government Financial Emergencies Act as stated in
5 s. 218.501.

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

28 a. In the case of a local governmental entity,
29 district school board, or charter school, request the
30 Department of Revenue and the Department of Banking and
31 Finance to withhold any funds payable to such governmental

1 entity or charter school until the required financial audit is
2 received by the Auditor General.

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

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

16 b. The Auditor General shall notify the Governor and
17 the Joint Legislative Auditing Committee of any audit report
18 reviewed by the Auditor General which contains a statement
19 that the local governmental entity or district school board is
20 in a state of financial emergency as provided in s. 218.503.
21 If the Auditor General, in reviewing any audit report,
22 identifies additional information which indicates that the
23 local governmental entity or district school board may be in a
24 state of financial emergency as provided in s. 218.503, the
25 Auditor General shall request appropriate clarification from
26 the local governmental entity or district school board. The
27 requested clarification must be provided within 45 days after
28 the date of the request. If the Auditor General does not
29 receive the requested clarification, he or she shall notify
30 the Joint Legislative Auditing Committee. If, after obtaining
31 the requested clarification, the Auditor General determines

1 that the local governmental entity or district school board is
2 in a state of financial emergency as provided in s. 218.503,
3 he or she shall notify the Governor and the Joint Legislative
4 Auditing Committee.

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

12 13. In conducting a performance audit of any agency,
13 the Auditor General shall use the long-range program ~~Agency~~
14 ~~Strategic~~ plan of the agency in evaluating the performance of
15 the agency.

16 Section 51. Paragraph (c) of subsection (4) of section
17 14.27, Florida Statutes, is amended to read:

18 14.27 Florida Commission on African-American
19 Affairs.--

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

25 (c) Reviewing long-range program ~~state agency~~
26 ~~functional~~ plans, legislative budget requests, and the master
27 plans and policies of the State Board of Education, other
28 educational boards, panels, and commissions appointed by the
29 Governor, and local school boards for their impact on African
30 Americans.

31

1 Section 52. Paragraph (c) of subsection (1) of section
2 20.19, Florida Statutes, is amended to read:

3 20.19 Department of Children and Family
4 Services.--There is created a Department of Children and
5 Family Services.

6 (1) MISSION AND PURPOSE.--

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

14 Section 53. Paragraph (c) of subsection (6) of section
15 20.316, Florida Statutes, is amended to read:

16 20.316 Department of Juvenile Justice.--There is
17 created a Department of Juvenile Justice.

18 (6) INFORMATION SYSTEMS.--

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

22 Section 54. Section 23.22, Florida Statutes, is
23 amended to read:

24 23.22 Paperwork reduction; activities of
25 departments.--

26 (1) In order to reduce the amount of paperwork
27 associated with the collection of information from
28 individuals, private-sector organizations, and local
29 governments and to provide more efficient and effective
30 assistance to such individuals and organizations in completing
31

1 necessary paperwork required by the government, each
2 department head shall, to the extent feasible:

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

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

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

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

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

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

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

29 (e) Evaluate existing and prospective statutes and
30 rules for the paperwork burden they generate and seek
31 modification of the statutes and rules to reduce the paperwork

1 | burden being placed on individuals, private-sector
2 | organizations, and local government.

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

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

14 | (2)~~(3)~~ Departments shall make available, upon request,
15 | a list of the initiatives taken to reduce paperwork associated
16 | with collecting information from individuals, private-sector
17 | organizations, and local governments.

18 | Section 55. Subsection (2) of section 27.345, Florida
19 | Statutes, is amended to read:

20 | 27.345 State Attorney RICO Trust Fund; authorized use
21 | of funds; reporting.--

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

29 | 216.181(9)~~(10)~~, for investigation, prosecution, and
30 | enforcement by that state attorney of civil or criminal causes

31 |

1 of action arising under the provisions of the Florida RICO
2 (Racketeer Influenced and Corrupt Organization) Act.

3 Section 56. Section 27.3451, Florida Statutes, is
4 amended to read:

5 27.3451 State Attorney's Forfeiture and Investigative
6 Support Trust Fund.--There is created for each of the several
7 state attorneys a trust fund to be known as the State
8 Attorney's Forfeiture and Investigative Support Trust Fund.
9 Revenues received by a state attorney as a result of
10 forfeiture proceedings, as provided under s. 932.704, shall be
11 deposited in such trust fund and shall be used, when
12 authorized by appropriation or action of the Executive Office
13 of the Governor pursuant to s. 216.181(9)(10), for the
14 investigation of crime, prosecution of criminals, or other law
15 enforcement purposes.

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

18 110.1239 State group health insurance program
19 funding.--For the 1999-2000 fiscal year only, it is the intent
20 of the Legislature that the state group health insurance
21 program be managed, administered, operated, and funded in such
22 a manner as to maximize the protection of state employee
23 health insurance benefits. Inherent in this intent is the
24 recognition that the health insurance liabilities attributable
25 to the benefits offered state employees should be fairly,
26 orderly, and equitably funded. Accordingly:

27 (1) The division shall determine the level of premiums
28 necessary to fully fund the state group health insurance
29 program for the next fiscal year. Such determination shall be
30 made after each Self-Insurance ~~revenue~~ Estimating Conference

31

1 ~~on health insurance~~ as provided in s. 216.136(11)~~(1)~~, but not
2 later than December 1 and April 1 of each fiscal year.

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

6 121.021 Definitions.--The following words and phrases
7 as used in this chapter have the respective meanings set forth
8 unless a different meaning is plainly required by the context:

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

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

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

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

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

24 121.051 Participation in the system.--

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

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

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

10 145.021 Definitions.--As used in this chapter:

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

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

17 187.201 State Comprehensive Plan adopted.--The
18 Legislature hereby adopts as the State Comprehensive Plan the
19 following specific goals and policies:

20 (26) PLAN IMPLEMENTATION.--

21 (b) Policies.--

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

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

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

31

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. Subsection (1) of section 27.38, Florida
11 Statutes, is 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 \$150,000 ~~\$100,000~~ 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
30 Such authorized revisions, together with related changes, if
31 any, in the plan for release of appropriations, shall be

1 transmitted by the state attorney to the Comptroller for entry
2 in his or her records in the manner and format prescribed by
3 the Executive Office of the Governor in consultation with the
4 Comptroller. A copy of such revision shall be furnished the
5 Executive Office of the Governor, the chairs of the
6 legislative appropriations committees, and the Auditor
7 General.

8 Section 93. Subsection (1) of section 27.60, Florida
9 Statutes, is amended to read:

10 27.60 Budget transfer authority.--

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

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

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

27
28 Such authorized revisions, together with related changes, if
29 any, in the plan for release of appropriations, shall be
30 transmitted by the public defender to the Comptroller for
31 entry in his or her records in the manner and format

1 prescribed by the Executive Office of the Governor in
2 consultation with the Comptroller. A copy of such revision
3 shall be furnished the Executive Office of the Governor, the
4 chairs of the legislative appropriations committees, and the
5 Auditor General.

6 Section 94. Section 216.331, Florida Statutes, is
7 transferred and renumbered as section 215.965, Florida
8 Statutes.

9 Section 95. Section 216.3505, Florida Statutes, is
10 transferred and renumbered as section 215.966, Florida
11 Statutes.

12 Section 96. Sections 216.001, 216.0154, 216.0162,
13 216.0315, 216.091, 216.111, 216.235, 216.236, 216.237,
14 216.238, 216.281, 216.286, and 240.20941, Florida Statutes,
15 are repealed.

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

19
20
21
22
23
24
25
26
27
28
29
30
31