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2 An act relating to the state budgetary process;
3 revising procedures used in submitting and
4 reviewing requests for state funds; amending s.
5 216.011, F.S.; revising, deleting, and adding
6 definitions; creating s. 216.013, F.S.;
7 requiring agencies to submit long-range program
8 plans; amending s. 216.015, F.S.; revising
9 legislative findings; amending s. 216.0152,
10 F.S.; changing the date for publishing a
11 certain report; amending s. 216.0158, F.S.;
12 revising procedures for determination of
13 facility needs; amending s. 216.016, F.S.;
14 requiring additional information in the
15 Governor's recommended budget; amending s.
16 216.023, F.S.; prescribing procedures for
17 submitting agency budget requests to the
18 Legislature; amending s. 216.031, F.S.;
19 revising procedures relating to legislative
20 budget requests; amending s. 216.044, F.S.;
21 revising procedures relating to budget
22 evaluation by the Department of Management
23 Services; amending s. 216.0446, F.S.; revising
24 procedures relating to review of information
25 resources management needs; amending s.
26 216.052, F.S.; providing procedure for
27 submitting community budget requests; amending
28 s. 216.081, F.S.; revising the schedule for
29 submission of data relating to the judicial and
30 legislative branches; amending s. 216.131,
31 F.S.; revising procedures relating to public

1 hearings; amending s. 216.133, F.S.; revising,
2 deleting, and adding definitions; amending s.
3 216.134, F.S.; revising procedures to be used
4 by estimating conferences; amending s. 216.136,
5 F.S.; revising duties of the Economic
6 Estimating Conference; abolishing the
7 Transportation Estimating Conference; creating
8 the Self-Insurance Estimating Conference and
9 the Florida Retirement System Actuarial
10 Assumption Conference; amending s. 216.141,
11 F.S.; revising provisions relating to the
12 planning and budgeting system; amending s.
13 216.162, F.S.; revising procedures relating to
14 furnishing legislators with copies of the
15 Governor's recommended budget; amending s.
16 216.163, F.S.; revising provisions relating to
17 form and content of the Governor's recommended
18 budget; amending s. 216.177, F.S.; revising
19 provisions relating to appropriation act
20 statements of intent and to required notices of
21 budgetary action; amending s. 216.178, F.S.;
22 requiring additional notice before the vote on
23 an appropriations act; revising duties of the
24 Governor with respect to statements of costs of
25 state debts and obligations; amending s.
26 216.179, F.S.; prohibiting reinstatement by a
27 state agency of vetoed appropriations
28 administratively; amending s. 216.181, F.S.;
29 revising procedures relating to approved
30 budgets for operations and fixed capital
31 outlay; revising restrictions on increases on

1 salary rate; prescribing procedures with
2 respect to nonoperating budgets; deleting
3 obsolete provisions; creating s. 216.1825,
4 F.S.; requiring zero-based budgeting reviews;
5 providing for use of zero-based budgeting
6 principles; amending s. 216.183, F.S.; revising
7 provisions relating to development of charts of
8 accounts; amending s. 216.192, F.S.; revising
9 procedures relating to release of
10 appropriations; amending s. 216.195, F.S.;
11 defining the term "impoundment" for purposes of
12 impoundment of funds; amending s. 216.212,
13 F.S.; revising duties of the Executive Office
14 of the Governor and the Office of the
15 Comptroller with respect to budgets for federal
16 funds; creating s. 216.216, F.S.; prescribing
17 procedures to be used with respect to funds
18 subject to a court settlement negotiated by the
19 state; amending s. 212.221, F.S.; revising
20 procedures to be used in the event of budget
21 deficits; amending s. 216.251, F.S.; revising
22 procedures relating to salary appropriations
23 for certain employees; amending s. 216.262,
24 F.S.; revising provisions relating to increases
25 in authorized positions; defining the term
26 "perquisites" for purposes of limiting the
27 furnishing thereof; amending s. 216.271, F.S.;
28 defining the term "revolving fund"; amending s.
29 216.292, F.S.; revising provisions relating to
30 limits on and procedures for transfers of
31 appropriations; creating s. 216.348, F.S.;

1 providing conditions for receipt of certain
2 grants and aids appropriations by certain
3 nonprofit entities; providing definitions;
4 providing for an affidavit of nonprofit status;
5 providing for an agreement between the
6 administering agency and the nonprofit entity;
7 providing minimum requirements for the
8 agreement; providing that the nonprofit entity
9 continue operation of the property for the
10 purposes set forth in the grant; providing for
11 repayment of grant moneys received under
12 certain conditions; providing for the adoption
13 of an accounting system and providing for
14 audit; providing for liability insurance and
15 exempting the administering agency from
16 liability; providing permissive conditions of
17 the agreement; providing for a satisfaction of
18 the agreement; amending s. 11.45, F.S.;
19 prescribing duties of the Auditor General with
20 respect to direct-support and citizen support
21 organizations; creating s. 11.90, F.S.;
22 creating the Legislative Budget Commission;
23 amending s. 120.65, F.S.; deleting 21-day time
24 limitation on action by the Executive Office of
25 the Governor; amending s. 121.031, F.S.;
26 deleting provisions relating to the Florida
27 Retirement System Actuarial Assumption
28 Conference; amending s. 186.002, F.S.; changing
29 "state agency strategic" plan to "long-range
30 program" plan; amending s. 186.003, F.S.;
31 redefining the term "state agency"; amending s.

1 186.021, F.S.; requiring each state agency to
2 develop a long-range program plan annually;
3 amending s. 186.022, F.S.; requiring submission
4 of information resource strategic plans;
5 amending s. 186.901, F.S.; revising provisions
6 relating to production of population estimates;
7 amending s. 215.18, F.S.; providing authority
8 for the Governor to approve transfers between
9 funds to avoid deficits; amending s. 215.22,
10 F.S.; exempting Tobacco Settlement Trust Funds
11 from service charge to general revenue;
12 amending s. 215.32, F.S.; authorizing the
13 Governor to combine trust funds under certain
14 conditions; amending ss. 215.3208, 240.209,
15 240.20941, 240.279, 252.37, 288.7091, 320.20,
16 337.023, 339.135, 376.15, 392.69, F.S., to
17 conform terminology and references to changes
18 made by the act; transferring, renumbering, and
19 amending s. 216.3491, F.S.; providing for the
20 Florida Single Audit Act; renumbering s.
21 216.331, F.S., relating to disbursement of
22 state moneys; renumbering s. 216.3505, F.S.,
23 relating to refinancing of bonds; repealing s.
24 216.001, F.S., relating to definitions;
25 repealing s. 216.0154, F.S., relating to
26 assessment of trends and conditions affecting
27 need for capital facilities; repealing s.
28 216.0162, F.S., relating to monitoring and
29 evaluation of capital facilities planning and
30 budgeting; repealing s. 216.0166, F.S.,
31 relating to submission of performance-based

1 budget requests, programs, and performance
2 measures; repealing s. 216.0172, F.S., relating
3 to the schedule for submission of
4 performance-based program budgets; repealing s.
5 216.0235, F.S., relating to furnishing of
6 performance-based legislative program budget
7 requests; repealing s. 216.0315, F.S., relating
8 to budgets of state agencies that have
9 international programs; repealing s. 216.091,
10 F.S., relating to statements by the
11 Comptroller; repealing s. 216.111, F.S.,
12 relating to financial statements and schedules
13 and other reports; repealing s. 216.281, F.S.,
14 relating to construction of terms; repealing s.
15 216.286, F.S., relating to release of funds
16 under the Florida Employment Opportunity Act;
17 providing applicability; providing an effective
18 date.

19

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

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

24 216.011 Definitions.--

25 (1) For the purpose of fiscal affairs of the state,
26 appropriations acts, legislative budgets, and approved
27 budgets, each of the following terms has the meaning
28 indicated:29 (a) "Annual salary rate" means the monetary
30 compensation authorized ~~salary estimated~~ to be paid ~~or~~
31 ~~actually paid~~ a position ~~or positions~~ on an annualized basis.

1 The term does not include moneys authorized for benefits
2 associated with the position.In calculating salary rate, a
3 vacant position shall be calculated at the minimum of the pay
4 grade for that position.

5 (b) "Appropriation" means a legal authorization to
6 make expenditures for specific purposes within the amounts
7 authorized in the appropriations act.

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

- 17 1. Data processing services.
- 18 2. Expenses.
- 19 3. Fixed capital outlay.
- 20 4. Food products.
- 21 5. Grants and aids.
- 22 6. Grants and aids to local governments and nonstate
23 entities-fixed capital outlay.
- 24 7. Lump-sum appropriations.
- 25 8. Operating capital outlay.
- 26 9. Other personal services.
- 27 10. Salaries and benefits.
- 28 11. Special categories.

29 (d) "Authorized position" means a position included in
30 an approved budget. In counting the number of authorized
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1 positions, part-time positions shall be converted to full-time
2 equivalents.

3 (e)~~(g)~~ "Baseline data" means indicators of a state
4 agency's current performance level, pursuant to guidelines
5 established by the Executive Office of the Governor, in
6 consultation with legislative appropriations and appropriate
7 substantive committees.

8 (f)~~(e)~~ "Budget entity" means a unit or function at the
9 lowest level to which funds are specifically appropriated in
10 the appropriations act. "Budget entity" and "service" have the
11 same meaning.

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

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

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

25 (j)~~(h)~~ "Data processing services" means the
26 appropriation category used to fund electronic data processing
27 services provided by ~~or to~~ state agencies or the judicial
28 branch, which services include, but are not limited to,
29 systems design, software development, or time-sharing by other
30 governmental units or budget entities.

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1 (k)(i) "Disbursement" means the payment of an
2 expenditure.

3 (l)(j) "Disincentive" means a sanction as described in
4 s. 216.163.

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

8 (m)(l) "Expenditure" means the creation or incurring
9 of a legal obligation to disburse money.

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

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

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

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

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

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

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

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

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

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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.

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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
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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.~~

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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.

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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.~~

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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 Legislative Budget
9 ~~Administration~~ Commission created in s. 11.90 ~~composed of the~~
10 ~~Governor and Cabinet.~~

11 ~~(c) "Emergency situation" means 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, or a set of conditions~~
15 ~~that were not considered in the General Appropriations Act and~~
16 ~~that constitute an imminent threat to public health, safety,~~
17 ~~or welfare. This definition shall not apply to the emergency~~
18 ~~provisions of chapter 252.~~

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

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

29 216.013 Long-range program plan.--

30 (1) State agencies shall develop long-range program
31 plans to achieve state goals using an interagency planning

1 process that includes the development of integrated agency
2 program service outcomes. The plan shall cover a period of 5
3 fiscal years and shall become effective July 1 each year.
4 Long-range program plans shall provide the framework for the
5 development of agency budget requests and shall:
6 (a) Identify agency programs and address how agency
7 programs will be used to implement state policy and achieve
8 state goals and program component objectives;
9 (b) Identify and describe agency functions and how
10 they will be used to achieve designated outcomes;
11 (c) Identify demand, output, total costs, and unit
12 costs for each function;
13 (d) Provide information regarding performance
14 measurement, which includes, but is not limited to, how data
15 is collected, the methodology used to measure a performance
16 indicator, the validity and reliability of a measure, the
17 appropriateness of a measure, and whether the agency inspector
18 general has assessed the reliability and validity of agency
19 performance measures, pursuant to s. 20.055(2);
20 (e) Identify and justify facility and fixed capital
21 outlay projects and their associated costs; and
22 (f) Identify and justify information technology
23 infrastructure and applications and their associated costs for
24 information technology projects or initiatives.
25 (2) All agency functions and their costs shall be
26 carefully evaluated and justified by the agency. The
27 justification must clearly demonstrate the needs of agency
28 customers and clients and why the agency is proposing
29 functions and their associated costs to address the needs
30 based on state priorities, the agency mission, and legislative
31 authorization. Further, the justification must show how

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

6 (3) Long-range program plans shall be submitted to the
7 Executive Office of the Governor by August 1 of each year in a
8 form and manner prescribed by the Executive Office of the
9 Governor and the chairs of the legislative appropriations
10 committees. Such long-range program plans for the Judicial
11 Branch shall be submitted by the Chief Justice of the Supreme
12 Court to the President of the Senate and the Speaker of the
13 House of Representatives, and a copy shall be provided to the
14 Executive Office of the Governor.

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

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

1 (6) Any differences between executive agencies
2 regarding the programs, policies, or long-range program plans
3 of such agencies shall be mediated by the Executive Office of
4 the Governor.

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

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

13 (9) Agencies and the Judicial Branch shall make
14 appropriate adjustments to their long-range program plans to
15 be consistent with the appropriations and performance measures
16 in the General Appropriations Act. Agencies and the Judicial
17 Branch have until June 15 to make adjustments to their plans
18 and submit the adjusted plans to the Executive Office of the
19 Governor for review.

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

22 216.015 Capital facilities planning and budgeting
23 process.--

24 (2) The Legislature finds that+

25 ~~(a) The condition of the state's infrastructure,~~
26 ~~including its roads, water and sewer facilities, state office~~
27 ~~buildings, bridges, ports, airports, canals, prisons,~~
28 ~~educational facilities, park and recreational facilities, and~~
29 ~~other capital assets, are in need of repair, expansion, and~~
30 ~~replacement at a time when the fiscal resources of the state~~
31

1 ~~are increasingly being strained by the competing demands for~~
2 ~~state services and capital improvements.~~

3 ~~(b) The high degree of coordination among the various~~
4 ~~branches of state government, local government, and public~~
5 ~~benefit corporations which is necessary to maximize the~~
6 ~~potential public benefits to be derived from the limited~~
7 ~~financial resources which will be dedicated to public capital~~
8 ~~improvements within this state in the future is lacking.~~

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

18 ~~(d) There is currently no mechanism in place for~~
19 ~~managing the debt structure of the state by matching the~~
20 ~~capital facility needs of the state with the amounts and~~
21 ~~sources of funds which could be made available to meet those~~
22 ~~needs.~~

23
24 It is, therefore, the intent of the Legislature in enacting
25 this legislation that a comprehensive capital facilities
26 planning and budgeting process be established and maintained
27 to enable the state to better meet the demands for new and
28 properly maintained infrastructure in a fiscally responsible
29 manner.

30 (4) In order to carry out this act, the Executive
31 Office of the Governor is designated as the agency responsible

1 for the coordination, development, ~~and~~ direction, monitoring,
2 and evaluation of the comprehensive capital facilities
3 planning and budgeting process, including the plans revised
4 pursuant to that process. The Executive Office of the Governor
5 shall publish an annual report of the progress being made by
6 the state toward meeting the state goals and objectives of the
7 plans.

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

10 216.0152 Inventory of state-owned facilities or
11 state-occupied facilities.--

12 (3) The Department of Management Services shall, every
13 3 years, publish a complete report detailing this inventory
14 and shall publish an annual update of the report. The
15 department shall furnish the updated report to the Executive
16 Office of the Governor and the Legislature no later than
17 September 15 ~~±~~ of each year.

18 Section 5. Subsections (2), (4), and (5) of section
19 216.0158, Florida Statutes, are amended to read:

20 216.0158 Assessment of facility needs.--

21 (2) On or before September 15 ~~±~~ of each year, each
22 state agency, as defined in s. 216.011, shall submit to the
23 Executive Office of the Governor, and each district court of
24 appeal and the Marshal of the Supreme Court shall submit to
25 the Chief Justice of the Supreme Court, in a manner prescribed
26 by the legislative budget instructions, a short-term plan for
27 facility needs covering the next 5-year period. The
28 short-term plan shall list the agency's or judicial branch's
29 facility needs in order of priority and shall include
30 preventive maintenance strategies, expected replacement of
31 existing facilities, expected improvements or additions to

1 facilities on a specific project-by-project basis, estimated
2 cost, and other information as prescribed by the legislative
3 budget instructions. ~~At the same time, when directed in the~~
4 ~~legislative budget instructions as provided in s. 216.023(3),~~
5 ~~each agency shall submit to the Executive Office of the~~
6 ~~Governor, and each district court of appeal and the Marshal of~~
7 ~~the Supreme Court shall submit to the Chief Justice of the~~
8 ~~Supreme Court, who shall submit copies to the legislative~~
9 ~~appropriations committees, in a format prescribed by the~~
10 ~~instructions, a long-term plan for the 5 years following the~~
11 ~~period of the short-term plan. The long-term plan shall~~
12 ~~outline forecasted agency facility needs. The Chief Justice~~
13 shall certify the final approved plan for the judicial branch
14 to the Executive Office of the Governor which shall include
15 the plan, without modification, in the state comprehensive
16 plan.

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

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

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

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

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

1 (d) A request for a legislative appropriation to
2 provide such funding in the appropriate fiscal year, including
3 the need for advance funding of programming and design
4 activities.

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

7 216.016 Evaluation of plans; determination of
8 financing method.--

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

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

16 216.023 Legislative budget requests to be furnished to
17 Legislature by agencies.--

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

28 (2) The judicial branch and the Division of
29 Administrative Hearings shall submit their complete final
30 legislative budget requests directly to the Legislature with a
31 copy to the Governor, as chief budget officer of the state, in

1 the form and manner as prescribed in the budget instructions.
2 However, the complete final legislative budget requests,
3 including all supporting forms and schedules required by this
4 chapter, shall be submitted no later than September 15 of
5 each year.

6 (3) The Executive Office of the Governor and the
7 appropriations committees of the Legislature shall jointly
8 develop legislative budget instructions for preparing the
9 exhibits and schedules that make up the agency budget from
10 which each agency and the judicial branch, ~~pursuant to ss.~~
11 ~~216.031 and 216.043~~, shall prepare their legislative budget
12 request. The budget instructions shall be consistent with s.
13 216.141 and shall be transmitted to each agency and to the
14 judicial branch no later than June 15 of each year. In the
15 event that agreement cannot be reached between the Executive
16 Office of the Governor and the appropriations committees of
17 the Legislature regarding legislative budget instructions, the
18 issue shall be resolved by the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives.

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

22 (a) The constitutional or statutory authority for a
23 program, a brief purpose statement, and approved program
24 components.

25 (b) Information on expenditures for 3 fiscal years
26 (actual prior-year expenditures, current-year estimated
27 expenditures, and agency budget requested expenditures for the
28 next fiscal year) by appropriation category.

29 (c) Details on trust funds and fees.

30 (d) The total number of positions (authorized, fixed,
31 or requested).

1 (e) An issue narrative describing and justifying
2 changes in amounts and positions requested for current and
3 proposed programs for the next fiscal year.

4 (f) Information resource requests.

5 (g) Legislatively approved output and outcome
6 performance measures and any proposed revisions to measures.

7 (h) Proposed performance standards for each
8 performance measure and justification for the standards and
9 the sources of data to be used for measurement.

10 (i) Prior-year performance data on approved
11 performance measures and an explanation of deviation from
12 expected performance. Performance data must be assessed for
13 reliability in accordance with s. 20.055.

14 (j) Unit costs for approved output measures pursuant
15 to s. 186.022.

16 (k) Proposed performance incentives and disincentives.

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

1 Legislature shall have final approval of all programs and
2 associated performance measures and standards for the judicial
3 branch through the General Appropriations Act or legislation
4 implementing the General Appropriations Act. By September 15,
5 2001, the Chief Justice of the Supreme Court shall submit to
6 the President of the Senate and the Speaker of the House of
7 Representatives a performance-based program budget request for
8 programs of the judicial branch approved by the Legislature
9 and provide a copy to the Executive Office of the Governor.

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

14 (7) Annually, by June 30, executive agencies shall
15 submit to the Executive Office of the Governor adjustments to
16 their performance standards based on the amounts appropriated
17 for each program by the Legislature. When such an adjustment
18 is made, all performance standards, including any adjustments
19 made, shall be reviewed and revised as necessary by the
20 Executive Office of the Governor and, upon approval, submitted
21 to the Legislature pursuant to the review and approval process
22 provided in s. 216.177. The Senate Committee on Fiscal Policy
23 and the House of Representatives Fiscal Responsibility Council
24 shall advise Senate substantive committees and House of
25 Representatives substantive committees, respectively, of all
26 adjustments made to performance standards or measures. The
27 Executive Office of the Governor shall maintain both the
28 official record of adjustments to the performance standards as
29 part of the agency's approved operating budget and the
30 official performance ledger. As used in this section,
31 "performance ledger" means the official compilation of

1 information about state agency performance-based programs and
2 measures, including approved programs, approved outputs and
3 outcomes, baseline data, approved standards for each
4 performance measure and any approved adjustments thereto, as
5 well as actual agency performance for each measure.

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

12 (8) Annually, by June 30, the judicial branch shall
13 make adjustments to any performance standards for approved
14 programs based on the amount appropriated for each program,
15 which shall be submitted to the Legislature pursuant to the
16 notice and review process provided in s. 216.177. The Senate
17 Committee on Fiscal Policy and the House Fiscal Responsibility
18 Council shall advise Senate substantive committees and House
19 substantive committees, respectively, of all adjustments made
20 to performance standards or measures.

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

1 the appropriate technical corrections in the format of the
2 request.

3 (10)(6) At any time after the Governor and the Chief
4 Justice submit their recommended budgets to the Legislature,
5 the head of the agency or judicial branch may amend his or her
6 request by transmitting to the Governor and the Legislature an
7 amended request in the form and manner prescribed in the
8 legislative budget instructions.

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

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

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

26 ~~(b) Each agency and branch subject to the provisions~~
27 ~~of this section and s. 216.0165 shall provide as part of its~~
28 ~~budget request a point-by-point response to all funding~~
29 ~~recommendations prepared and submitted by the Director of the~~
30 ~~Office of Program Policy Analysis and Government~~
31 ~~Accountability pursuant to s. 11.513. If the recommendations~~

1 ~~of the director contain recommendations that specifically~~
2 ~~apply to an agency or branch other than the agency or branch~~
3 ~~that is the subject of the evaluation and review, the agency~~
4 ~~that is not the subject of the evaluation and review shall~~
5 ~~provide as part of its budget request a point-by-point~~
6 ~~response to any funding recommendations which apply to such~~
7 ~~agency or branch. The point-by-point response to the~~
8 ~~director's recommended funding levels shall be displayed~~
9 ~~numerically as major issues in the agency's legislative budget~~
10 ~~request. Each point-by-point response to the director's~~
11 ~~funding recommendations shall be specifically cross-referenced~~
12 ~~to the agency's responses to the director's recommendations~~
13 ~~required in s. 216.0165(1)(d).~~

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

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

24 ~~2. Agency requests to restore the director's~~
25 ~~recommendations for reduced funding shall be separately~~
26 ~~identified as agency requests to restore the director's~~
27 ~~recommendations and treated as improved programs.~~

28 ~~3. The director's recommendations for increased~~
29 ~~funding shall be separately identified as the director's~~
30 ~~recommendations and treated as major issues for continuation~~
31 ~~of current programs.~~

1 ~~4. All other agency requests that would provide~~
2 ~~funding levels above the director's recommendations shall be~~
3 ~~separately identified as agency requests for funding above the~~
4 ~~director's recommendations and treated as new or improved~~
5 ~~programs.~~

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

23 Section 8. Section 216.031, Florida Statutes, is
24 amended to read:

25 216.031 Target budget request ~~Budgets for operational~~
26 ~~expenditures.--A legislative budget request, reflecting the~~
27 ~~independent judgment of the head of the state agency, and of~~
28 ~~the Chief Justice of the Supreme Court, with respect to the~~
29 ~~needs of the agency and the judicial branch for operational~~
30 ~~expenditures during the next fiscal year, shall be submitted~~
31

1 ~~by each head of a state agency and by the Chief Justice of the~~
2 ~~Supreme Court and shall contain the following:~~

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

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

23 ~~(3) For each trust fund within the budget entity, a~~
24 ~~schedule showing the trust funds available, providing the~~
25 ~~source of receipts, detail of nonoperating disbursements,~~
26 ~~operating expenditures, fixed capital outlay, and unencumbered~~
27 ~~cash balances, for 1 prior year's actual, the current year's~~
28 ~~estimated, and the request for the next fiscal year. In~~
29 ~~addition, for each trust fund established in connection with~~
30 ~~legislative action authorizing the collection of a fee or~~
31 ~~other charge to support a governmental service or activity~~

1 ~~being performed by the agency involved, there shall be~~
2 ~~submitted a schedule showing the full cost of such service or~~
3 ~~activity, the total fees or charges collected to fund such~~
4 ~~costs, and the amount of excess collections or any deficit.~~
5 ~~The sources and amounts of any funds used to cover a deficit~~
6 ~~shall also be shown. The service or activity being performed~~
7 ~~shall be reviewed by the appropriations committees in the~~
8 ~~Senate and House of Representatives for the express purpose of~~
9 ~~making adjustments in fees or other charges in order to make~~
10 ~~such activities as nearly self-supporting as possible.~~

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

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

20 ~~(a) The effectiveness of current programs, including~~
21 ~~justification for those programs.~~

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

24 ~~(c) The justification for proposed improvements in~~
25 ~~existing programs.~~

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

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

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

31

1 ~~(6) Additional information providing a detailed~~
2 ~~description of the request of the agency and the corresponding~~
3 ~~calculations needed to support the request.~~

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

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

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

24 ~~(10) For those agencies or the judicial branch~~
25 ~~operating programs under a performance-based program budget,~~
26 ~~an evaluation of the agency's progress in meeting the~~
27 ~~performance standards for programs approved pursuant to s.~~
28 ~~216.0166. Such evaluation shall be developed as prescribed by~~
29 ~~the budget instructions, and shall include any responses by~~
30 ~~the agency or the Chief Justice to the findings of the Office~~

31

1 ~~of Program Policy Analysis and Government Accountability~~
2 ~~pursuant to s. 11.513.~~

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

8 ~~(12) A prioritized listing of planned expenditures for~~
9 ~~review and possible reduction in the event of revenue~~
10 ~~shortfalls, as provided for in s. 216.221. Such list shall be~~
11 ~~in the format provided in the planning and budgeting~~
12 ~~instructions.~~

13

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

1 performance-based budget in the format prescribed by the
2 Executive Office of the Governor or either chair; provided,
3 however, the target budget format shall be compatible with the
4 planning and budgeting system requirements set out in s.
5 216.141. Such a request shall not influence the agencies' or
6 judicial branch's independent judgment in making legislative
7 budget requests, as required by law.

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

10 216.044 Budget evaluation by Department of Management
11 Services.--

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

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

27 ~~(3)(2)~~ The Department of Management Services shall
28 advise the Executive Office of the Governor, the Chief
29 Justice, and the Legislature regarding alternatives to the
30 proposed fixed capital outlay project and make recommendations
31 relating to the construction requirements and cost of the

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

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

22 Section 10. Section 216.0446, Florida Statutes, is
23 amended to read:

24 216.0446 Review of information resources management
25 needs.--

26 (1) There is created within the Legislature the
27 Technology Review Workgroup.The workgroup shall ~~Executive~~
28 ~~Office of the Governor may contract with the Legislature to~~
29 ~~provide a mechanism for review of and~~ make ~~recommendations~~
30 ~~with respect to the portion of agencies' long-range program~~
31 ~~strategic~~ plans which pertains to information resources

1 management needs and with respect to agencies' legislative
2 budget requests for information resources management. ~~This~~
3 ~~mechanism shall be referred to as~~ The Technology Review
4 Workgroup, ~~which~~ shall be responsible to the chairs of the
5 legislative appropriations committees ~~headed by a senior level~~
6 ~~manager.~~

7 (2) In addition to its primary duty specified in
8 subsection (1), the Technology Review Workgroup shall have
9 powers and duties that include, but are not limited to, the
10 following:

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

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

28 (c) ~~To make recommendations to the Executive Office of~~
29 ~~the Governor on guidelines and best practices for information~~
30 ~~resources management based on information received from the~~
31 ~~State Technology Council.~~

1 Section 11. Section 216.052, Florida Statutes, is
2 amended to read:

3 216.052 Community ~~Legislative~~ budget requests;
4 appropriations; grants.--

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

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

15 ~~(1)(3) A~~ local, county, or regional governmental
16 entity government, private organization, or nonprofit
17 organization may submit a request for ~~requesting~~ a state
18 appropriation for a program, service, or capital outlay
19 initiative that is local or regional in scope, is intended to
20 meet a documented need, addresses a statewide interest, is
21 intended to produce measurable results, and has tangible
22 community support to members of the Legislature, a state
23 agency, or the Governor.~~has not been formally recommended~~
24 ~~under procedures established by law or that has been formally~~
25 ~~recommended under such procedures but has not been recommended~~
26 ~~by an agency or by the judicial branch, or that promotes only~~
27 ~~a local or regional interest, may be allowed the opportunity~~
28 ~~to provide information or testimony to the appropriate~~
29 ~~subcommittee of each appropriations committee. Each such~~
30 ~~request must include a fiscal note that shows the estimated~~
31 ~~cost of operations and capital outlay for the project. The~~

1 ~~fiscal note shall indicate the percentage of the projected~~
2 ~~costs of operations and capital outlay that is to be provided~~
3 ~~through state funds.~~

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

20 (3) Each community budget request submitted pursuant
21 to this section must receive a hearing before a body of duly
22 elected public officials before being submitted for
23 consideration.

24 (4) For requests submitted to members of the
25 Legislature, community budget requests shall be submitted in
26 the form and manner prescribed jointly by the President of the
27 Senate and the Speaker of the House of Representatives. If the
28 President of the Senate and the Speaker of the House of
29 Representatives do not agree on a form and manner of
30 submission to be used by both houses, each may prescribe a
31 form and manner of submission to be used in his or her house.

1 (5) Community budget requests shall be submitted to
2 the chairs of the legislative appropriations committees in
3 accordance with the schedule established jointly by the
4 President of the Senate and the Speaker of the House of
5 Representatives. If the President of the Senate and the
6 Speaker of the House of Representatives do not agree on a
7 schedule to be used by both houses, each may prescribe a
8 schedule to be used in his or her house.

9 (6) The Executive Office of the Governor shall
10 prescribe the form and manner of submission of requests to
11 state agencies and to the Governor.

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

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

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

31

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

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

13 216.081 Data on legislative and judicial branch
14 expenses.--

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

20 Section 13. Section 216.131, Florida Statutes, is
21 amended to read:

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

1 representatives of all state agencies supported by any form of
2 taxation or licenses, fees, imposts, or exactions. The
3 Governor and the Chief Justice may provide these hearings
4 simultaneously via electronic format, such as teleconference,
5 Internet, etc., provided that a means for active participation
6 and questions by the audience is accommodated.

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

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

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

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

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

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

31

1 Section 15. Section 216.134, Florida Statutes, is
2 amended to read:

3 216.134 Consensus estimating conferences; general
4 provisions.--

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

18 (2) Whenever an estimating conference is convened, an
19 official estimate does not exist until a new consensus is
20 reached.

21 (3)~~(2)~~ The official information developed by the
22 Economic Estimating Conference and the official information
23 developed by the Demographic Estimating Conference shall be
24 used by all other consensus estimating conferences in
25 developing their official information.

26 (4)~~(3)~~ The membership of each consensus estimating
27 conference consists of principals and participants.

28 (a) A person designated by law as a principal may
29 preside over conference sessions, convene conference sessions,
30 request information, specify topics to be included on the
31 conference agenda, agree or withhold agreement on whether

1 information is to be official information of the conference,
2 release official information of the conference, interpret
3 official information of the conference, and monitor errors in
4 official information of the conference.

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

13 ~~(5)~~(4) All sessions and meetings of a consensus
14 estimating conference shall be open to the public as provided
15 in chapter 286.

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

18 216.136 Consensus estimating conferences; duties and
19 principals.--

20 (1) ECONOMIC ESTIMATING CONFERENCE.--

21 (a) Duties.--

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

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

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

19 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

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

27 (b) Principals.--The Executive Office of the Governor,
28 the coordinator of the Office of Economic and Demographic
29 Research, and professional staff of the Senate and House of
30 Representatives who have forecasting expertise, or their
31 designees, are the principals of the Demographic Estimating

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

3 (3) REVENUE ESTIMATING CONFERENCE.--

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

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

17 (4) EDUCATION ESTIMATING CONFERENCE.--

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

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

19 (b) Adjustments.--No later than 2 months prior to the
20 start of the regular session of the Legislature, the
21 conference shall forward to each eligible postsecondary
22 education institution its initial projections of the number of
23 students qualified for state financial aid programs and the
24 appropriation required to fund those students at the full
25 award amount. Each postsecondary education institution may
26 request, in writing, adjustments to the initial projection.
27 Any adjustment request must be submitted to the conference no
28 later than 1 month prior to the start of the regular session
29 of the Legislature and shall be considered by the principals
30 of the conference. For any adjustment so requested, the
31 postsecondary education institution shall indicate and

1 explain, using definitions adopted by the conference, the
2 components of anticipated changes that correspond to
3 continuation of current programs with enrollment changes,
4 program reduction or elimination, initiation of new programs,
5 award amount increases or decreases, and any other information
6 that is considered by the conference. The conference shall
7 submit its consensus estimate to the Legislature no later than
8 1 month after the start of the regular session of the
9 Legislature. No conference estimate may be changed without the
10 agreement of the full conference.

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

20 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

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

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

1 the Supreme Court, or their designees, are the principals of
2 the Criminal Justice Estimating Conference. The principal
3 representing the Executive Office of the Governor shall
4 preside over sessions of the conference.

5 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

6 (a) Duties.--

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

15 2. In addition, the Social Services Estimating
16 Conference shall develop estimates and forecasts of the
17 unduplicated count of children eligible for subsidized child
18 care as defined in s. 402.3015(1). These estimates and
19 forecasts shall not include children enrolled in the
20 prekindergarten early intervention program established in s.
21 230.2305.

22 3. The Department of Children and Family Services and
23 the Department of Education shall provide information on
24 caseloads and waiting lists for the subsidized child care and
25 prekindergarten early intervention programs requested by the
26 Social Services Estimating Conference or individual conference
27 principals, in a timely manner.

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

1 Services, the Senate, and the House of Representatives, or
2 their designees, are the principals of the Social Services
3 Estimating Conference. The principal representing the
4 Executive Office of the Governor shall preside over sessions
5 of the conference.

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

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

15 ~~(b) Principals.--The Executive Office of the Governor,~~
16 ~~the coordinator of the Office of Economic and Demographic~~
17 ~~Research, and professional staff with budgeting expertise from~~
18 ~~the Department of Transportation, the Senate, and the House of~~
19 ~~Representatives are the principals of the Transportation~~
20 ~~Estimating Conference. The principal representing the~~
21 ~~Executive Office of the Governor shall preside over sessions~~
22 ~~of the conference.~~

23 (7)~~(8)~~ CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

24 (a) Duties.--The Child Welfare System Estimating
25 Conference shall develop such official information relating to
26 the child welfare system of the state, including forecasts of
27 child welfare caseloads, as the conference determines is
28 needed for the state planning and budgeting system. Such
29 official information may include, but is not limited to:

30 1. Estimates and projections of the number of initial
31 and additional reports of child abuse, abandonment, or neglect

1 made to the central abuse hotline maintained by the Department
2 of Children and Family Services as established in s.
3 39.201(4). Projections may take into account other factors
4 that may influence the number of future reports to the abuse
5 hotline.

6 2. Estimates and projections of the number of children
7 who are alleged to be victims of child abuse, abandonment, or
8 neglect and are in need of emergency shelter, foster care,
9 residential group care, adoptive services, or other
10 appropriate care.

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

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

29 (8)~~(9)~~ JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

1 the juvenile justice system of the state as is determined by
2 the conference principals to be needed for the state planning
3 and budgeting system. This information shall include, but is
4 not limited to: estimates of juvenile delinquency caseloads
5 and workloads; estimates for secure, nonsecure, and home
6 juvenile detention placements; estimates of workloads in the
7 juvenile sections in the offices of the state attorneys and
8 public defenders; estimates of mental health and substance
9 abuse treatment relating to juveniles; and such other
10 information as is determined by the conference principals to
11 be needed for the state planning and budgeting system.

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

26 (9)~~(10)~~ OCCUPATIONAL FORECASTING CONFERENCE.--

27 (a) Duties.--The Occupational Forecasting Conference
28 shall develop such official information on the workforce
29 development system planning process as it relates to the
30 personnel needs of current, new, and emerging industries as
31 the conference determines is needed by the state planning and

1 budgeting system. Such information must include at least:
2 short-term and long-term forecasts of employment demand for
3 high-skills/high-wage jobs by occupation and industry;
4 relative wage forecasts among those occupations; and estimates
5 of the supply of trained and qualified individuals available
6 for employment in those occupations.

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

15 (10)~~(11)~~ SCHOOL READINESS PROGRAM ESTIMATING
16 CONFERENCE.--

17 (a) Duties.--

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

25 2. In addition, the School Readiness Program
26 Estimating Conference shall estimate the unduplicated count of
27 children who are eligible for services under the school
28 readiness program.

29 3. The Florida Partnership for School Readiness shall
30 provide information on needs and waiting lists for school
31 readiness program services requested by the School Readiness

1 Program Estimating Conference or individual conference
2 principals in a timely manner.

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

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

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

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

25 (12) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION
26 CONFERENCE.--

27 (a) Duties.--The Florida Retirement System Actuarial
28 Assumption Conference shall develop official information with
29 respect to the economic and noneconomic assumptions and
30 funding methods of the Florida Retirement System necessary to
31 perform the system actuarial study undertaken pursuant to s.

1 121.031(3). Such information shall include: an analysis of
2 the actuarial assumptions and actuarial methods used in the
3 study and a determination of whether changes to the
4 assumptions or methods need to be made due to experience
5 changes or revised future forecasts.

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

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

18 216.141 Budget system procedures; planning and
19 programming by state agencies.--

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

1 ~~those applications relating to part I of chapter 23 and part I~~
2 ~~of chapter 252 which are funded by the Legislature. The~~
3 Legislature ~~Executive Office of the Governor~~ may contract with
4 the Executive Office of the Governor ~~Legislature~~ to develop
5 the planning and budgeting system and to provide services to
6 the Legislature for the support and use of the legislative
7 appropriations system. The contract shall include the
8 policies and procedures for combining the legislative
9 appropriations system with the planning and budgeting
10 information system established pursuant to s. 215.94(1). At a
11 minimum, the contract shall require the use of common data
12 codes. The combined legislative appropriations and planning
13 and budgeting information subsystem shall support the
14 legislative appropriations and legislative oversight functions
15 without data code conversion or modification.

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

18 216.162 Governor's recommended budget to be furnished
19 Legislature; copies to members.--

20 (1) At least 45 days before the scheduled annual
21 legislative session ~~in each odd-numbered year,~~ the Governor
22 shall furnish each senator and representative a copy of his or
23 her recommended balanced budget for the state, based on the
24 Governor's own conclusions and judgment; provided, however,
25 that in his or her first year in office a new Governor may
26 request, subject to approval of the President of the Senate
27 and the Speaker of the House of Representatives, that his or
28 her recommended balanced budget be submitted at a later time
29 prior to the Governor's first regular legislative session.

30 Section 19. Section 216.163, Florida Statutes, is
31 amended to read:

1 216.163 Governor's recommended budget; form and
2 content; declaration of collective bargaining impasses.--

3 (1) The Governor's recommended budget shall be
4 referenced to the legislative budget requests prescribed in
5 ss. 216.023 ~~216.031~~ and 216.043 and shall be consistent with
6 the format of the current fiscal year General Appropriations
7 Act ~~or shall be distinctly separated into four sections. If~~
8 ~~separated into four sections, Section One of the budget shall~~
9 ~~be entitled "Operations"; Section Two shall be entitled~~
10 ~~"Revenue Sharing, Distributions and Transfers"; Section Three~~
11 ~~shall be entitled "Fixed Capital Outlay"; and Section Four~~
12 ~~shall be entitled "Debt Service."~~

13 (2) The Governor's recommended budget shall also
14 include:

15 (a) The Governor's recommendations for operating each
16 state agency, and those of the Chief Justice of the Supreme
17 Court for operating the judicial branch, for the next fiscal
18 year. These recommendations shall be displayed by
19 appropriation category within each budget entity, ~~with detail~~
20 ~~by program component within each budget entity,~~ and shall also
21 include the legislative budget request of the corresponding
22 agency.

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

28 2. For each specific fixed capital outlay project or
29 group of projects or operating capital outlay requests
30 recommended to be funded from a proposed state debt or
31

1 obligation, he or she shall make available pursuant to s.
2 216.164(1)(a) the documents set forth in s. 216.0442(2).

3 (c) The evaluation of the fixed capital outlay request
4 of each agency and the judicial branch and alternatives to the
5 proposed projects as made by the Department of Management
6 Services pursuant to s. 216.044.

7 (d) A summary statement of the amount of
8 appropriations requested by each state agency and as
9 recommended by the Governor and by the judicial branch.

10 (e) A distinct listing of all nonrecurring
11 appropriations recommended by the Governor or the Chief
12 Justice.

13 ~~(f) A listing of the general policies used to~~
14 ~~calculate the amounts required for salaries, other personal~~
15 ~~services, expenses, operating capital outlay, electronic data~~
16 ~~processing, and food products recommended by the Governor or~~
17 ~~the Chief Justice.~~

18 ~~(g) Explanations and justification, expressed in terms~~
19 ~~of program effectiveness measures, program efficiency~~
20 ~~measures, workload, productivity adjustments, staffing~~
21 ~~standards, and any other criteria needed to evaluate the~~
22 ~~delivery of governmental services and to explain the~~
23 ~~Governor's recommendations or the Chief Justice's~~
24 ~~recommendations, and such other supporting schedules and~~
25 ~~exhibits as may be determined by the Governor or the Chief~~
26 ~~Justice.~~

27 ~~(h) With respect to the Department of Transportation,~~
28 ~~a reconciliation of the Governor's recommendations for the~~
29 ~~funding of the agency budget and tentative work program with~~
30 ~~the budget and tentative work program submitted by the~~
31

1 ~~department pursuant to s. 339.135 by project, by project~~
2 ~~phase, by department district, and by appropriation category.~~

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

14 (g)~~(j)~~ Any additional information which the Governor
15 or Chief Justice feels is needed to justify his or her
16 recommendations.

17 (3) The Governor shall provide to the Legislature a
18 performance-based program budget ~~for approved programs~~
19 ~~according to the schedule provided in s. 216.0172.~~ Information
20 submitted to the Legislature shall be provided in a fashion
21 that will allow comparison of the requested information with
22 the agency request and legislative appropriation by the
23 automated legislative appropriation planning and budgeting
24 system.

25 (4) The Executive Office of the Governor shall review
26 ~~the evaluation report required by s. 216.031(10) and the~~
27 findings of the Office of Program Policy Analysis and
28 Government Accountability, to the extent they are available,
29 request any reports or additional analyses as necessary, and
30 submit a recommendation for executive agencies, which may
31 include a recommendation regarding incentives or disincentives

1 for agency performance. Incentives or disincentives may apply
2 to all or part of a state agency. The Chief Justice shall
3 review the findings of the Office of Program Policy Analysis
4 and Government Accountability regarding judicial branch
5 performance and make appropriate recommendations for the
6 judicial branch.

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

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

15 2. Additional flexibility in salary rate and position
16 management.

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

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

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

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

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

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

8 3. Elimination or restructuring of the program, which
9 may include, but not be limited to, transfer of the program or
10 outsourcing all or a portion of the program.

11 4. Reduction of total positions for a program.

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

14 6. Reduction of managerial salaries.

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

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

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

3 216.177 Appropriations acts, statement of intent,
4 violation, notice, review and objection procedures.--

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

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

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

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

18
19 to the Executive Office of the Governor, the Comptroller, the
20 Auditor General, the Chief Justice of the Supreme Court, and
21 each state agency. ~~The statement of intent constitutes a~~
22 ~~manifestation of how the Legislature, in its considered~~
23 ~~opinion as a representative of the people, thinks~~
24 ~~appropriations should be spent. The statement of intent is~~
25 ~~not a law and may not allocate or appropriate any funds, or~~
26 ~~amend or correct any provision, in the General Appropriations~~
27 ~~Act, but the statement of intent may provide additional~~
28 ~~explanation to the Executive Office of the Governor, the~~
29 ~~judicial branch, the Administration Commission, and each~~
30 ~~affected state agency relative to the purpose, objectives,~~
31 ~~spending philosophy, and restrictions associated with any~~

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

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

31

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

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

28 Section 21. Section 216.178, Florida Statutes, is
29 amended to read:

30 216.178 General Appropriations Act; format; procedure+
31 ~~cost statement for new debt or obligation.--~~

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

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

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

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

10 Section 22. Section 216.179, Florida Statutes, is
11 amended to read:

12 216.179 Reinstatement of vetoed appropriations by
13 administrative means prohibited.--After the Governor has
14 vetoed a specific appropriation for an agency or the judicial
15 branch, neither the Governor, ~~the Administration Commission,~~
16 nor the Chief Justice of the Supreme Court, nor a state
17 agency, in their various statutory and constitutional roles,
18 may authorize expenditures for or implementation in any manner
19 of the programs that were authorized by the vetoed
20 appropriation.

21 Section 23. Section 216.181, Florida Statutes, is
22 amended to read:

23 216.181 Approved budgets for operations and fixed
24 capital outlay.--

25 (1) The General Appropriations Act and any other acts
26 containing appropriations shall be considered the original
27 approved operating budgets for operational and fixed capital
28 expenditures. Amendments to the approved operating budgets for
29 operational and fixed capital outlay expenditures from state
30 agencies may be requested only through the Executive Office of
31 the Governor and approved by the Governor and the Legislative

1 Budget Commission ~~or Administration Commission~~ as provided in
2 this chapter. Amendments from the judicial branch may be
3 requested only through, and approved by, the Chief Justice of
4 the Supreme Court. This includes amendments which are
5 necessary to implement the provisions of s. 216.212 or s.
6 216.221.

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

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

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

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

25 (d) For amendments that involve trust funds, there
26 must be adequate and appropriate revenues available in the
27 trust fund and the amendment must be consistent with the laws
28 authorizing such trust funds and the laws relating to the use
29 of the trust funds. However, a trust fund shall not be
30 increased in excess of the original approved budget, except as
31 provided in subsection (11).

1 (e) The amendment shall not conflict with any
2 provision of law.

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

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

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

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

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

20 ~~(5)(4) An All amendments to the original approved~~
21 ~~operating budgets, regardless of funding source, are subject~~
22 ~~to the notice and review procedures set forth in s. 216.177~~
23 ~~and must be approved by the Governor and Administration~~
24 ~~Commission as provided in this chapter for the executive~~
25 ~~branch and the Chief Justice for the judicial branch if the~~
26 ~~amendment is for an information resources management project~~
27 ~~or initiative that involves more than one agency, has an~~
28 ~~outcome that impacts another agency, or exceeds \$500,000 in~~
29 ~~total cost over a 1-year period, except for those projects~~
30 ~~that are a continuation of hardware or software maintenance or~~
31 ~~software licensing agreements, or that are for desktop~~

1 replacement that is similar to the technology currently in use
2 must be reviewed by the Technology Review Workgroup pursuant
3 to s. 216.0466 and approved by the Executive Office of the
4 Governor for the executive branch or by the Chief Justice for
5 the judicial branch, and shall be subject to the notice and
6 review procedures set forth in s. 216.177.

7 (6)(5)(a) The Executive Office of the Governor or the
8 Chief Justice of the Supreme Court may require the submission
9 of a detailed plan from the agency or entity of the judicial
10 branch affected, consistent with the General Appropriations
11 Act, special appropriations acts, and the statement of intent
12 before transferring and releasing the balance of a lump-sum
13 appropriation. The provisions of this paragraph are subject to
14 the notice and review procedures set forth in s. 216.177.

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

19
20 The Executive Office of the Governor shall transmit to each
21 state agency and the Comptroller, and the Chief Justice shall
22 transmit to each judicial branch component and the
23 Comptroller, any approved amendments to the approved operating
24 budgets.

25 (7)(6) The Executive Office of the Governor may, for
26 the purpose of improved contract administration, authorize the
27 consolidation of two or more fixed capital outlay
28 appropriations for an agency, and the Chief Justice of the
29 Supreme Court for the judicial branch, except for projects
30 authorized under chapter 235, provided the original scope and
31 purpose of each project are not changed.

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

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

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

20 (b) Controlled by department or agency; except for the
21 Department of Education, which shall be controlled by division
22 and for the judicial branch, which shall be controlled at the
23 branch level budget entity.

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

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

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

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

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

21 (11) The Executive Office of the Governor may approve
22 transfers of appropriations in the General Appropriations Act
23 within any state trust fund of an agency, and the Chief
24 Justice of the Supreme Court may approve such transfers for
25 the judicial branch. ~~The Governor and the Chief Justice of~~
26 ~~the Supreme Court may establish nonoperating budgets if deemed~~
27 ~~necessary and in the best interest of the state and consistent~~
28 ~~with legislative intent and policy.~~ The Executive Office of
29 the Governor and the Chief Justice of the Supreme Court may
30 approve changes in the amounts appropriated from state trust
31 funds in excess of those in the approved operating budget only

1 pursuant to the federal funds provisions of s. 216.212, when
2 grants and donations are received after April 1, or when
3 deemed necessary due to a set of conditions that were
4 unforeseen at the time the General Appropriations Act was
5 adopted and that are essential to correct in order to continue
6 the operation of government. The provisions of this subsection
7 are subject to the notice, review, and objection procedures
8 set forth in s. 216.177.

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

1 purposes of this section, the term "nonoperating budgets"
2 means nonoperating disbursement authority for purchase of
3 investments, refunds, payments to the U.S. Treasury, transfers
4 of funds specifically required by law, distributions of assets
5 held by the state in a trustee capacity as an agent of
6 fiduciary, special expenses, and other nonoperating budget
7 categories as determined necessary by the Executive Office of
8 the Governor, not otherwise appropriated in the General
9 Appropriations Act.

10 ~~(13)~~~~(12)~~ Each state agency and the judicial branch
11 shall develop the internal management procedures and budgets
12 necessary to assure compliance with the approved operating
13 budget.

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

21 ~~(15)~~~~(14)~~ The provisions of this section do not apply
22 to the budgets for the legislative branch.

23 ~~(16)~~~~(15)~~(a) Funds provided in any specific
24 appropriation in the General Appropriations Act may be
25 advanced if the General Appropriations Act specifically so
26 provides.

27 (b) Any agency, or the judicial branch, that has been
28 authorized by the General Appropriations Act or expressly
29 authorized by other law to make advances for program startup
30 or advances for contracted services, in total or periodically,
31 shall limit such disbursements to other governmental entities

1 and not-for-profit corporations. The amount which may be
2 advanced shall not exceed the expected cash needs of the
3 contractor or recipient within the initial 3 months.
4 Thereafter, disbursements shall only be made on a
5 reimbursement basis. Any agreement that provides for
6 advancements may contain a clause that permits the contractor
7 or recipient to temporarily invest the proceeds, provided that
8 any interest income shall either be returned to the agency or
9 be applied against the agency's obligation to pay the contract
10 amount. This paragraph does not constitute lawful authority
11 to make any advance payment not otherwise authorized by laws
12 relating to a particular agency or general laws relating to
13 the expenditure or disbursement of public funds. The
14 Comptroller may, after consultation with the legislative
15 appropriations committees, advance funds beyond a 3-month
16 requirement ~~waive the requirements of this paragraph which~~
17 ~~apply to advances~~ if it is determined to be consistent with
18 the intent of the approved operating budget.

19 ~~(c) For the 1999-2000 fiscal year only, funds~~
20 ~~appropriated to the Department of Children and Family Services~~
21 ~~in Specific Appropriations 292 through 425 and the Department~~
22 ~~of Health in Specific Appropriations 445 through 540 of the~~
23 ~~1999-2000 General Appropriations Act may be advanced, unless~~
24 ~~specifically prohibited in such General Appropriations Act,~~
25 ~~for those contracted services that were approved for~~
26 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
27 ~~including those services contracted on a fixed-price or unit~~
28 ~~cost basis. This paragraph is repealed on July 1, 2000.~~

29 ~~(16) Notwithstanding any provision of this section to~~
30 ~~the contrary and for the 1999-2000 fiscal year only, the~~
31 ~~Department of Children and Family Services is authorized to~~

1 ~~use operating funds budgeted for Developmental Services~~
2 ~~Institutions for fixed capital outlay expenditures as needed~~
3 ~~to bring any currently unlicensed beds up to Federal~~
4 ~~Intermediate Care Facility for the Developmentally Disabled~~
5 ~~licensure standards. This subsection is repealed on July 1,~~
6 ~~2000.~~

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

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

31

1 Section 24. Section 216.1825, Florida Statutes, is
2 created to read:

3 216.1825 Zero-based budgeting.--

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

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

13 (3) The commission shall provide its reports of
14 zero-based budgeting reviews to the President of the Senate
15 and the Speaker of the House of Representatives on or before
16 December 31.

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

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

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

1 manner described in s. 215.93(3). The chart of accounts for
2 state agencies and the judicial branch for which a
3 performance-based program budget has been appropriated shall
4 be developed and amended, if necessary, in consultation with
5 the Department of Banking and Finance, ~~and~~ the Executive
6 Office of the Governor, and the chairs of the Legislative
7 Budget Commission.

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

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

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

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

14 Section 27. Section 216.195, Florida Statutes, is
15 amended to read:

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

1 judicial review of any action or proposed action which
2 violates the provisions of this section.

3 Section 28. Section 216.212, Florida Statutes, is
4 amended to read:

5 216.212 Budgets for federal funds; restrictions on
6 expenditure of federal funds.--

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

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

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

1 (2) When such federal authority has approved the
2 request or budget, the state agency or the judicial branch
3 shall submit to the Executive Office of the Governor such
4 documentation showing approval as that office prescribes.

5 ~~Beginning July 1, 1993,~~The Executive Office of the Governor
6 must acknowledge each approved request or budget by entering
7 that approval into an Automated Grant Management System
8 developed in consultation with the chairs of the House of
9 Representatives and Senate appropriations committees.

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

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

31

1 ~~identical or similar functions shall preserve such~~
2 ~~compatibility.~~

3 Section 29. Section 216.216, Florida Statutes, is
4 created to read:

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

19 Section 30. Subsections (2) and (6) of section
20 216.221, Florida Statutes, are amended to read:

21 216.221 Appropriations as maximum appropriations;
22 adjustment of budgets to avoid or eliminate deficits.--

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

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

1 exceeds 1.5 percent of the moneys appropriated from the
2 General Revenue Fund~~\$300 million~~, the deficit shall be
3 resolved by the Legislature.

4 Section 31. Paragraph (a) of subsection (2) of section
5 216.251, Florida Statutes, is amended to read:

6 216.251 Salary appropriations; limitations.--

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

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

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

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

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

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

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

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

31 216.262 Authorized positions.--

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

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

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

31

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

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

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

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

16 216.271 Revolving funds.--

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

25 Section 34. Section 216.292, Florida Statutes, is
26 amended to read:

27 216.292 Appropriations nontransferable; exceptions.--

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

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

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

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

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

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

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

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

31

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

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

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

1 adversely affect achievement of approved performance outcomes
2 or outputs in any program. Notice of proposed transfers under
3 this authority shall be provided to the Executive Office of
4 the Governor and the chairs of the legislative appropriations
5 committees at least 5 working days prior to their
6 implementation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 Section 35. Section 216.348, Florida Statutes, is
31 created to read:

1 216.348 Fixed capital outlay grants and aids
2 appropriations to certain nonprofit entities.--If a bill
3 appropriating a fixed capital outlay grants and aids
4 appropriation requires compliance with this section, the
5 following conditions shall apply, except to the extent that
6 such bill modifies these conditions:

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

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

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

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

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

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

- 1 1. States a correct legal description of the real
2 property.
- 3 2. Sets forth with specificity the buildings,
4 appurtenances, fixtures, fixed equipment, structures,
5 improvements, renovations, and personalty to be purchased
6 pursuant to the grant.
- 7 3. During the term of the agreement, prohibits the
8 grantee from selling, transferring, mortgaging, or assigning
9 the grantee's interest in the real property, unless the
10 administering agency approves the sale, transfer, mortgage, or
11 assignment; and, in the case of sale, transfer, or assignment,
12 the purchaser, transferor, or assignee must fully assume, in
13 writing, all of the terms and conditions of the agreement
14 required by this subsection. The administering agency may not
15 agree to subordinate a mortgage.
- 16 (b) If the grantee is not acquiring real property, or
17 does not own the real property being improved, the agreement
18 shall:
- 19 1. Specify the leasehold or other real property
20 interest the grantee has in the real property.
- 21 2. State the name of the owner of the real property.
- 22 3. Describe the relationship between the owner of the
23 real property and the grantee.
- 24 4. Set forth with specificity the improvements,
25 renovations, and personalty to be purchased pursuant to the
26 grant.
- 27 5. During the term of the agreement, prohibit the
28 grantee from selling, transferring, mortgaging, or assigning
29 the grantee's interest in the leasehold, improvements,
30 renovations, or personalty, unless the administering agency
31 approves the sale, transfer, mortgage, or assignment; and, in

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

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

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

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

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

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

31

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

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

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

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

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

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

3 (d) The administering agency may:

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

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

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

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

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

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

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

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

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

10 11.90 Legislative Budgeting Commission.--

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

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

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

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

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

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

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

14 120.65 Administrative law judges.--

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

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

31

1 121.031 Administration of system; appropriation;
2 oaths; actuarial studies; public records.--

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

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

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

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

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

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

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

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

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

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

25 186.002 Findings and intent.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 186.021 Long-range program State agency strategic
31 plans.--Pursuant to s. 216.013, each state agency shall

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

30
31

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

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

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

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

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

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

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

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

15 Section 45. Section 215.18, Florida Statutes, is
16 amended to read:

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

1 repayment to be specified in the order of the Governor
2 ~~Administration Commission.~~

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

5 215.22 Certain income and certain trust funds
6 exempt.--

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

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

11 (b) Trust funds administered by the Department of the
12 Lottery.

13 (c) Departmental administrative assessments for
14 administrative divisions.

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

19 (e) State, agency, or political subdivision
20 investments by the Treasurer.

21 (f) Retirement or employee benefit funds.

22 (g) Self-insurance programs administered by the
23 Treasurer.

24 (h) Funds held for the payment of citrus canker
25 eradication and compensation.

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

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

31

- 1 (k) Trust funds administered by the Department of
2 Education.
- 3 (l) Trust funds administered by the Department of
4 Transportation.
- 5 (m) Trust funds administered by the Department of
6 Agriculture and Consumer Services.
- 7 (n) The Motor Vehicle License Clearing Trust Fund.
- 8 (o) The Solid Waste Management Trust Fund.
- 9 (p) The Coconut Grove Playhouse Trust Fund.
- 10 (q) The Communications Working Capital Trust Fund of
11 the Department of Management Services.
- 12 (r) The Camp Blanding Management Trust Fund.
- 13 (s) The Indigent Criminal Defense Trust Fund.
- 14 (t) That portion of the Highway Safety Operating Trust
15 Fund funded by the motorcycle safety education fee collected
16 pursuant to s. 320.08(1)(d).
- 17 (u) The Save the Manatee Trust Fund.
- 18 (v) Tobacco Settlement Trust Funds administered by any
19 agency.

20 Section 47. Paragraph (b) of subsection (2) of section
21 215.32, Florida Statutes, is amended to read:

22 215.32 State funds; segregation.--

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

25 (b)1. The trust funds shall consist of moneys received
26 by the state which under law or under trust agreement are
27 segregated for a purpose authorized by law. The state agency
28 or branch of state government receiving or collecting such
29 moneys shall be responsible for their proper expenditure as
30 provided by law. Upon the request of the state agency or
31 branch of state government responsible for the administration

1 of the trust fund, the Comptroller may establish accounts
2 within the trust fund at a level considered necessary for
3 proper accountability. Once an account is established within a
4 trust fund, the Comptroller may authorize payment from that
5 account only upon determining that there is sufficient cash
6 and releases at the level of the account.

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

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

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

27 b. This subparagraph does not apply to trust funds
28 required by federal programs or mandates; trust funds
29 established for bond covenants, indentures, or resolutions
30 whose revenues are legally pledged by the state or public body
31 to meet debt service or other financial requirements of any

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

14 Section 48. 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 49. Paragraph (f) of subsection (3) of section
5 240.209, Florida Statutes, is amended to read:

6 240.209 Board of Regents; powers and duties.--

7 (3) The board shall:

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

1 ~~Notwithstanding the provisions of s. 216.181(7),~~The salary
2 rate controls for positions in budgets under the Board of
3 Regents shall separately delineate the general faculty and all
4 other categories.

5 Section 50. Section 240.20941, Florida Statutes, is
6 amended to read:

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

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

21 240.279 Working capital trust funds established.--

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

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

1 252.37 Financing.--

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

16 Section 53. Section 288.7091, Florida Statutes, is
17 amended to read:

18 288.7091 Duties of the Florida Black Business
19 Investment Board.--The Florida Black Business Investment Board
20 shall:

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

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

30
31

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

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

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

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

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

23 Section 54. Paragraph (b) of subsection (5) of section
24 320.20, Florida Statutes, is amended to read:

25 320.20 Disposition of license tax moneys.--The revenue
26 derived from the registration of motor vehicles, including any
27 delinquent fees and excluding those revenues collected and
28 distributed under the provisions of s. 320.081, must be
29 distributed monthly, as collected, as follows:

30 (5)

31

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

14 Section 55. Section 337.023, Florida Statutes, is
15 amended to read:

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

29 Section 56. Paragraph (a) of subsection (2) of section
30 339.135, Florida Statutes, is amended to read:

31

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

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

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

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

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

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

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

7 Section 58. Section 216.3491, Florida Statutes, is
8 transferred, renumbered as section 215.97, Florida Statutes,
9 and amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

16 2. Is not organized primarily for profit;

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

1 auditors of state financial assistance relating to the
2 requirements of this section, including:

3 1. The types or classes of financial assistance
4 considered to be state financial assistance which would be
5 subject to the requirements of this section. This would
6 include guidance to assist in identifying when the state
7 agency or recipient has contracted with a vendor rather than
8 with a recipient or subrecipient.

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

10 3. The criteria for selecting state projects for
11 audits based on inherent risk.

12 (b) Be responsible for coordinating the initial
13 preparation and subsequent revisions of the Catalog of State
14 Financial Assistance after consultation with the Comptroller
15 and all state awarding agencies ~~that award state financial~~
16 ~~assistance to nonstate entities.~~

17 (c) Be responsible for coordinating the initial
18 preparation and subsequent revisions of the State Projects
19 Compliance Supplement, after consultation with the Comptroller
20 and all state awarding agencies ~~that award state financial~~
21 ~~assistance to nonstate entities.~~

22 (4) The Comptroller shall:

23 (a) Make enhancements to the state's accounting system
24 to provide for the:

25 1. Recording of state financial assistance and federal
26 financial assistance appropriations and expenditures ~~as~~
27 ~~separate categories~~ within the state awarding agencies'
28 operating funds.

29 2. Recording of state project number identifiers, as
30 provided in the Catalog of State Financial Assistance, for
31 state financial assistance ~~awards.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

7 1. Identification of the state awarding agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

- 18 1. Obtain an understanding of internal controls;
- 19 2. Assess control risk;
- 20 3. Perform tests of controls unless the controls are
21 deemed to be ineffective; and
- 22 4. Determine whether the nonstate entity has internal
23 controls in place to provide reasonable assurance of
24 compliance with the provisions of laws, ~~regulations,~~ and ~~other~~
25 rules pertaining to state financial assistance awards that
26 have a material effect on each major state project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Section 59. Section 216.331, Florida Statutes, is
11 transferred and renumbered as section 215.965, Florida
12 Statutes.

13 Section 60. Section 216.3505, Florida Statutes, is
14 transferred and renumbered as section 215.966, Florida
15 Statutes.

16 Section 61. Sections 27.38, 27.60, 216.001, 216.0154,
17 216.0162, 216.0166, 216.0172, 216.0235, 216.0315, 216.091,
18 216.111, 216.281, and 216.286, Florida Statutes, are repealed.

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

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