

By Senator King

41-1100A-01

1 A bill to be entitled
2 An act relating to state planning and
3 budgeting; amending ss. 186.003, 186.021,
4 186.022, F.S.; revising provisions governing
5 state comprehensive planning; amending s.
6 215.32, F.S.; requiring agencies responsible
7 for the administration of trust funds to
8 maintain a reserve; providing exceptions;
9 amending s. 216.011, F.S.; revising definitions
10 of terms applicable to fiscal affairs of the
11 state; amending s. 216.013, F.S.; revising
12 provisions governing the long-range program
13 plans of state agencies; amending s. 216.0158,
14 F.S.; specifying information to be included in
15 agencies' short-term plans for facility needs;
16 amending s. 216.023, F.S.; revising provisions
17 governing legislative budget requests; amending
18 s. 216.0446, F.S.; revising provisions
19 governing the review of
20 information-resources-management needs;
21 amending s. 216.136, F.S.; providing staffing
22 responsibilities for the Juvenile Justice
23 Estimating Conference; amending s. 216.177,
24 F.S.; revising provisions governing legislative
25 review and objection to certain budgetary
26 actions taken by agencies; amending s. 216.231,
27 F.S.; revising procedures governing review of
28 applications to release emergency
29 appropriations; authorizing state agencies to
30 transfer positions and appropriations necessary
31 to comply with specified provisions of the

1 General Appropriations Act; providing an
2 effective date.

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

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6 Section 1. Subsections (1), (2), and (4) of section
7 186.003, Florida Statutes, are amended to read:

8 186.003 Definitions; ss. 186.001-186.031,
9 186.801-186.901.--As used in ss. 186.001-186.031 and
10 186.801-186.901, the term:

11 (1) "Executive Office of the Governor" means the
12 Office of Policy Planning and Budget ~~Budgeting~~ of the
13 Executive Office of the Governor.

14 (2) "Goal" means the long-term end toward which
15 programs and services ~~activities~~ are ultimately directed.

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

18 Section 2. Section 186.021, Florida Statutes, is
19 amended to read:

20 186.021 Long-range program plans.--Pursuant to s.
21 216.013, each state agency shall develop a long-range program
22 plan on an annual basis. The plan shall provide the framework
23 and context for designing and interpreting the agency budget
24 request. The plan will be developed through careful
25 examination and justification of agency services and
26 activities ~~functions~~ and their associated costs. It shall be
27 used by the agency to implement the state's goals and
28 objectives. Indicators shall be developed to measure service
29 and activity performance.

30 Section 3. Section 186.022, Florida Statutes, is
31 amended to read:

1 186.022 Information resource strategic plans.--By June
2 1 of each year, the Geographic Information Board, the
3 Financial Management Information Board, the Criminal and
4 Juvenile Justice Information Systems Council, and the Health
5 Information Systems Council shall each develop and submit an
6 information resource strategic plan to the Executive Office of
7 the Governor in a form and manner prescribed in written
8 instructions prepared by the Executive Office of the Governor
9 in consultation with the legislative appropriations
10 committees. The Executive Office of the Governor shall review
11 the strategic plan and may provide comments within 30 days. In
12 its review, the Executive Office of the Governor shall
13 consider all comments and findings of the Technology Review
14 Workgroup as to whether the plan is consistent with the State
15 Annual Report on Enterprise Resource Planning and Information
16 ~~Resources~~ Management and statewide policies recommended by the
17 State Technology Office Council. If revisions are required,
18 boards and councils have 30 days to incorporate those
19 revisions and return the plan to the Executive Office of the
20 Governor.

21 Section 4. Paragraph (b) of subsection (2) of section
22 215.32, Florida Statutes, is amended to read:

23 215.32 State funds; segregation.--

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

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

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

8 b. Each state agency or the judicial branch
9 responsible for the administration of a trust fund that is not
10 exempted in whole or in part from this subparagraph shall
11 create a reserve equal to at least 5 percent of estimated
12 recurring receipts during the current fiscal year. Estimated
13 recurring receipts shall be reduced in the trust fund for
14 recurring appropriations authorizing transfers to other state
15 agencies or entities within a state agency, and the trust fund
16 receiving revenues as a result of those transfers shall
17 include those receipts in estimated recurring receipts, prior
18 to the 5 percent calculation being applied for the purposes of
19 this section. Such reserve shall be created at the time the
20 agency or branch is preparing its legislative budget request
21 for submission to the Governor pursuant to s. 216.023. State
22 funds with revenue sources from premiums or assessments from
23 other state agencies or other entities within an agency, with
24 the exception of trust funds established for administrative
25 and management of information technology; federal funds;
26 General Revenue funds provided as match to federal funds when
27 the general revenue is a result of a direct transfer to the
28 trust fund established for management of the federal program
29 and interest earned thereon; bond proceeds; receipts collected
30 for distribution to local governments; clearing funds; funds
31 for which the excess balances over operating costs and a

1 statutorily created reserve are transferred to the General
2 Revenue Fund or the Educational Enhancement Trust Fund; and
3 pension funds with previously defined rules governing the
4 fund, are excluded from the 5-percent reserve requirements of
5 this section. Administrative funds and funds established for
6 management of information technology will not require a
7 5-percent reserve but shall reduce their operating budgets if
8 the trust fund providing the cash to those funds requires a
9 reduction as a result of insufficient cash to support the
10 5-percent reserve requirement. Reductions in administrative
11 and information-technology operating budgets must be no
12 greater than the percentage decrease of budget necessary to a
13 fund to meet the 5-percent reserve requirement under this
14 section.

15 2. In order to maintain a minimum number of trust
16 funds in the State Treasury, each state agency or the judicial
17 branch may consolidate, if permitted under the terms and
18 conditions of their receipt, the trust funds administered by
19 it; provided, however, the agency or judicial branch employs
20 effectively a uniform system of accounts sufficient to
21 preserve the integrity of such trust funds; and provided,
22 further, that consolidation of trust funds is approved by the
23 Governor or the Chief Justice.

24 3. All such moneys are hereby appropriated to be
25 expended in accordance with the law or trust agreement under
26 which they were received, subject always to the provisions of
27 chapter 216 relating to the appropriation of funds and to the
28 applicable laws relating to the deposit or expenditure of
29 moneys in the State Treasury.

30 4.a. Notwithstanding any provision of law restricting
31 the use of trust funds to specific purposes, unappropriated

1 cash balances from selected trust funds may be authorized by
2 the Legislature for transfer to the Budget Stabilization Fund
3 and Working Capital Fund in the General Appropriations Act.
4 b. This subparagraph does not apply to trust funds
5 required by federal programs or mandates; trust funds
6 established for bond covenants, indentures, or resolutions
7 whose revenues are legally pledged by the state or public body
8 to meet debt service or other financial requirements of any
9 debt obligations of the state or any public body; the State
10 Transportation Trust Fund; the trust fund containing the net
11 annual proceeds from the Florida Education Lotteries; the
12 Florida Retirement System Trust Fund; trust funds under the
13 management of the Board of Regents, where such trust funds are
14 for auxiliary enterprises, self-insurance, and contracts,
15 grants, and donations, as those terms are defined by general
16 law; trust funds that serve as clearing funds or accounts for
17 the Comptroller or state agencies; trust funds that account
18 for assets held by the state in a trustee capacity as an agent
19 or fiduciary for individuals, private organizations, or other
20 governmental units; and other trust funds authorized by the
21 State Constitution.

22 Section 5. Paragraphs (f), (bb), and (jj) of
23 subsection (1) of section 216.011, Florida Statutes, are
24 amended to read:

25 216.011 Definitions.--

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

30 (f) "Budget entity" means a unit or service function
31 at the lowest level to which funds are specifically

1 appropriated in the appropriations act. "Budget entity" and
2 "service" have the same meaning.

3 (bb) "Operating capital outlay" means the
4 appropriation category used to fund equipment, fixtures, and
5 other tangible personal property of a nonconsumable and
6 nonexpendable nature, according ~~up~~ to the value or cost
7 specified in s. 273.02.

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

12 Section 6. Section 216.013, Florida Statutes, is
13 amended to read:

14 216.013 Long-range program plan.--

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

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

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

27 (c) Identify need ~~demand~~, output, total costs, and
28 unit costs for each activity ~~function~~;

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

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

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

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

10 (2) All agency services or activities ~~functions~~ and
11 their costs shall be carefully evaluated and justified by the
12 agency. The justification must clearly demonstrate the needs
13 of agency customers and clients and why the agency is
14 proposing services or activities ~~functions~~ and their
15 associated costs to address the needs based on state
16 priorities, the agency mission, and legislative authorization.
17 Further, the justification must show how agency services or
18 activities ~~functions~~ are integrated and contribute to the
19 overall achievement of state goals. Facilities, fixed capital
20 outlay and information technology infrastructure, and
21 applications shall be evaluated pursuant to ss. 216.0158,
22 216.043, and 216.0446, respectively.

23 (3) Long-range program plans shall be submitted to the
24 Executive Office of the Governor on a schedule to be set by
25 the Executive Office of the Governor and included in the
26 written instructions, but no later than September 15 ~~by August~~
27 ~~†~~ of each year. The in a form and manner of the long-range
28 program plans must be prescribed by the Executive Office of
29 the Governor and the chairs of the legislative appropriations
30 committees. Such long-range program plans for the Judicial
31 Branch shall be submitted by the Chief Justice of the Supreme

1 Court to the President of the Senate and the Speaker of the
2 House of Representatives, and a copy shall be provided to the
3 Executive Office of the Governor.

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

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

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

25 (7) Each executive agency shall transmit copies of its
26 long-range program plan and all written comments on its plan
27 to the President of the Senate and the Speaker of the House of
28 Representatives by December 1 of each year ~~not later than 60~~
29 ~~days prior to the next regular session of the Legislature.~~

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

4 (9) Agencies and the judicial branch shall make
5 appropriate adjustments to their long-range program plans to
6 be consistent with ~~the appropriations and performance measures~~
7 in the General Appropriations Act and other legislative
8 actions. Agencies and the judicial branch have until June 30
9 ~~15~~ to make adjustments to their plans and submit the adjusted
10 plans to the Executive Office of the Governor for review and
11 approval. Upon approval by the Executive Office of the
12 Governor, the adjusted plans shall be submitted to the
13 Legislature pursuant to the review and approval process
14 provided in s. 216.177.

15 Section 7. Paragraph (a) of subsection (5) of section
16 216.0158, Florida Statutes, is amended to read:

17 216.0158 Assessment of facility needs.--

18 (5) Each plan for years 2 through 5 shall provide the
19 following information:

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

26 Section 8. Paragraphs (d), (i), and (j) of subsection
27 (4) and subsection (7) of section 216.023, Florida Statutes,
28 are amended to read:

29 216.023 Legislative budget requests to be furnished to
30 Legislature by agencies.--

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

3 (d) The total number of positions (authorized, fixed,
4 and ~~or~~ requested).

5 (i) Prior-year performance data on approved
6 performance measures and an explanation of deviation from
7 expected performance. Performance data must be assessed for
8 reliability and validity in accordance with s. 20.055.

9 (j) Unit costs for approved output measures pursuant
10 to s. 186.021 ~~s. 186.022~~.

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

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

3 Section 9. Paragraph (a) of subsection (2) of section
4 216.0446, Florida Statutes, is amended to read:

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

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 plans for
13 consistency with the State Annual Report on Enterprise
14 Resource Planning and Information Resources Management and
15 statewide policies recommended by the State Technology Office
16 Council, and make recommendations to the chairs of the
17 legislative appropriations committees.

18 Section 10. Paragraph (b) of subsection (8) of section
19 216.136, Florida Statutes, is amended to read:

20 216.136 Consensus estimating conferences; duties and
21 principals.--

22 (8) JUVENILE JUSTICE ESTIMATING CONFERENCE.--

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

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

6 Section 11. Paragraphs (a) and (b) of subsection (2)
7 of section 216.177, Florida Statutes, are amended to read:

8 216.177 Appropriations acts, statement of intent,
9 violation, notice, review and objection procedures.--

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

25 (b) If ~~the chair of~~ the Legislative Budget Commission
26 or the President of the Senate and the Speaker of the House of
27 Representatives timely advise, in writing, the Executive
28 Office of the Governor or the Chief Justice of the Supreme
29 Court that an action or a proposed action, ~~whether subject to~~
30 ~~the notice and review requirements of this chapter or not,~~
31 exceeds the delegated authority of the Executive Office of the

1 Governor for the executive branch or the Chief Justice for the
2 judicial branch, respectively, or is contrary to legislative
3 policy and intent, the Governor or the Chief Justice of the
4 Supreme Court shall void such action and instruct the affected
5 state agency or entity of the judicial branch to change
6 immediately its spending action or spending proposal until the
7 Legislature addresses the issue. The written documentation
8 shall indicate the specific reasons that an action or proposed
9 action exceeds the delegated authority or is contrary to
10 legislative policy and intent.

11 Section 12. Paragraph (a) of subsection (1) of section
12 216.231, Florida Statutes, is amended to read:

13 216.231 Release of certain classified
14 appropriations.--

15 (1)(a) Any appropriation to the Executive Office of
16 the Governor which is classified as "emergency," as defined in
17 s. 252.34(3), may be released only with the approval of the
18 Governor. The state agency, or the judicial branch, desiring
19 the use of the emergency appropriation shall submit to the
20 Executive Office of the Governor application therefor in
21 writing setting forth the facts from which the alleged need
22 arises. The Executive Office of the Governor shall, ~~at a~~
23 ~~public hearing,~~ review such application promptly and approve
24 or disapprove the applications as the circumstances may
25 warrant. All actions of the Executive Office of the Governor
26 shall be reported to the legislative appropriations
27 committees, and the committees may advise the Executive Office
28 of the Governor relative to the release of such funds.

29 Section 13. Notwithstanding the provisions of sections
30 216.292(1)(a) and 216.351, Florida Statutes, for Fiscal Year
31 2001-2002, state agencies may transfer positions and

1 appropriations as necessary to comply with any provision of
2 the General Appropriations Act which requires or specifically
3 authorizes the transfer of positions and appropriations in the
4 consolidation of information-technology resources to the State
5 Technology Office.

6 Section 14. This act shall take effect July 1, 2001.

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9 SENATE SUMMARY

10 Revises provisions governing state planning and
11 budgeting. (See bill for details.)
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