

By the Committee on Appropriations and Senator Horne

309-1923-01

1 A bill to be entitled
2 An act relating to state planning and
3 budgeting; amending s. 216.011, F.S.; modifying
4 the definition of the term "operating capital
5 outlay"; amending s. 216.013, F.S.; removing
6 the requirement for the Executive Office of the
7 Governor to consider certain findings relating
8 to information technology in its review of
9 long-range program plans of executive agencies;
10 requiring long-range program plans to be
11 consistent with legislation implementing the
12 General Appropriations Act; amending s.
13 216.023, F.S.; revising requirements of
14 legislative budget requests; requiring
15 legislative budget requests to include an
16 inventory of litigation requiring additional
17 appropriations or changes in the law; providing
18 for update of such inventory; revising
19 requirements of legislative budget requests
20 relating to the total number of positions and
21 to unit-cost data; providing for reducing
22 funding of agencies that do not comply;
23 amending s. 216.0446, F.S.; correcting
24 terminology; amending s. 216.136, F.S.;
25 revising provisions relating to estimating
26 conferences; amending s. 216.177, F.S.;
27 revising the manner in which requests regarding
28 legislative intent on the General
29 Appropriations Act are to be made; revising
30 requirements relating to notice of action on
31 appropriations to be taken by the Executive

1 Office of the Governor or the Chief Justice of
2 the Supreme Court; amending s. 216.181, F.S.;
3 authorizing the Chief Justice to amend, without
4 approval of the Legislative Budget Commission,
5 judicial branch entity budgets to reflect
6 transferred funds based on the approved plans
7 for lump-sum appropriations; requiring approval
8 of the Legislative Budget Commission for
9 certain adjustments to approved salary rate;
10 providing circumstances under which lump-sum
11 bonuses may be provided; requiring quarterly
12 reporting of positions filled, positions
13 vacant, and the salary rate associated with
14 each category; granting the Legislative Budget
15 Commission authority to approve specified state
16 trust fund appropriations; creating s.
17 216.1815, F.S.; providing for an agency and
18 judicial branch incentive and savings program;
19 providing requirements; creating s. 216.1826,
20 F.S.; providing for activity-based planning and
21 budgeting; amending s. 216.192, F.S.;
22 conforming provisions; amending s. 216.216,
23 F.S.; providing restrictions on the expenditure
24 of funds for court settlements negotiated by
25 the state; amending s. 216.221, F.S.; providing
26 requirements for the elimination of a deficit
27 in a trust fund; amending s. 216.262, F.S.;
28 specifying authority of the Executive Office of
29 the Governor to increase the number of
30 positions; amending s. 216.292, F.S.;
31 conforming provisions; adding food products as

1 an allowable fund transfer category;
2 authorizing transfer of positions under certain
3 circumstances; authorizing transfers of
4 appropriations for operations from trust funds
5 in excess of certain amounts under certain
6 conditions; amending s. 11.90, F.S.;
7 establishing the chair and vice chair of the
8 Legislative Budget Commission each year;
9 eliminating the election of such officers;
10 amending ss. 27.345, 27.3451, F.S.; correcting
11 cross-references; creating s. 27.385, F.S.;
12 reenacting provisions related to expenditures
13 of appropriated funds by state attorneys;
14 requiring a report; creating s. 27.605, F.S.;
15 reenacting provisions related to expenditures
16 of appropriated funds by public defenders;
17 requiring a report; amending s. 45.062, F.S.;
18 requiring certain notification and reporting
19 with respect to executive branch settlements;
20 saving s. 215.20(3), F.S., relating to an
21 additional trust fund service charge, from
22 scheduled repeal; amending s. 284.385, F.S.;
23 requiring assigned counsel to report to the
24 covered department on the status of casualty
25 claims or litigation; prohibiting compromise or
26 settlement of a casualty claim without prior
27 notification to the covered department;
28 amending s. 376.15, F.S.; correcting a
29 cross-reference; providing an effective date.

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

1 Section 1. Paragraph (bb) of subsection (1) of section
2 216.011, Florida Statutes, is amended to read:

3 216.011 Definitions.--

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

8 (bb) "Operating capital outlay" means the
9 appropriation category used to fund equipment, fixtures, and
10 other tangible personal property of a nonconsumable and
11 nonexpendable nature, according to the value or cost
12 specified in s. 273.02.

13 Section 2. Subsections (4) and (9) of section 216.013,
14 Florida Statutes, are amended to read:

15 216.013 Long-range program plan.--

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

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1 (9) Agencies and the judicial branch shall make
2 appropriate adjustments to their long-range program plans to
3 be consistent with the appropriations and performance measures
4 in the General Appropriations Act and legislation implementing
5 the General Appropriations Act. Agencies and the judicial
6 branch have until June 15 to make adjustments to their plans
7 and submit the adjusted plans to the Executive Office of the
8 Governor for review.

9 Section 3. Paragraphs (d) and (j) of subsection (4) of
10 section 216.023, Florida Statutes, are amended, present
11 subsections (8) through (12) of that section are renumbered as
12 subsections (9) through (13), respectively, and a new
13 subsection (8) is added to that section, to read:

14 216.023 Legislative budget requests to be furnished to
15 Legislature by agencies.--

16 (4) The legislative budget request must contain for
17 each program:

18 (d) The total number of positions (authorized, fixed,
19 and or requested).

20 (j) Unit costs for major activities for the budget
21 entities as defined in the General Appropriations Act. It is
22 the intent of the Legislature to use unit-cost data not only
23 as a budgeting tool but also as a policymaking tool and an
24 accountability tool. Therefore, each budget entity must also
25 submit a one-page summary of information related to itself,
26 subordinate entities, and contracting entities which includes:

- 27 1. The budget for each entity;
- 28 2. The total amount of revenue received or otherwise
29 passed through each entity;

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1 3. The line-item listings of major activities along
2 with total amounts spent for each major activity and unit
3 costs for each such activity; and

4 4. The total amount of reversions or actual
5 pass-throughs without unit-cost data.~~approved output measures~~
6 ~~pursuant to s. 186.022.~~

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8 At the regular session immediately following the submission of
9 the agency unit cost summary, the Legislature shall reduce in
10 the General Appropriations Act for the ensuing fiscal year, by
11 an amount equal to at least 10 percent of the allocation for
12 the fiscal year preceding the current fiscal year, the funding
13 of each state agency that fails to submit the report required
14 under this paragraph.

15 (8) As a part of the legislative budget request, the
16 head of each state agency and the Chief Justice of the Supreme
17 Court for the judicial branch shall include an inventory of
18 all litigation in which the agency is involved that may
19 require additional appropriations to the agency or amendments
20 to the law under which the agency operates. No later than
21 March 1 following the submission of the legislative budget
22 request, the head of the state agency and the Chief Justice of
23 the Supreme Court shall provide an update of any additions or
24 changes to the inventory. Such inventory shall include
25 information specified annually in the legislative budget
26 instructions.

27 Section 4. Paragraph (a) of subsection (2) of section
28 216.0446, Florida Statutes, is amended to read:

29 216.0446 Review of information resources management
30 needs.--

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

5 (a) To evaluate the information resource management
6 needs identified in the agency long-range program plans for
7 consistency with the State Annual Report on Information
8 Resources Management and statewide policies recommended by the
9 State Technology Office ~~Council~~, and make recommendations to
10 the chairs of the legislative appropriations committees.

11 Section 5. Subsections (5) and (6) of section 216.136,
12 Florida Statutes, are amended to read:

13 216.136 Consensus estimating conferences; duties and
14 principals.--

15 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

16 (a) Duties.--The Criminal Justice Estimating
17 Conference shall:

18 1. Develop such official information relating to the
19 criminal justice system, including forecasts of prison
20 admissions and population and of supervised felony offender
21 admissions and population ~~by offense categories specified in~~
22 ~~Rule 3.701, Florida Rules of Criminal Procedure~~, as the
23 conference determines is needed for the state planning and
24 budgeting system.

25 2. Develop such official information relating to the
26 number of eligible discharges and the projected number of
27 civil commitments for determining space needs pursuant to the
28 civil proceedings provided under part V of chapter 394.

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

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

6 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

7 (a) Duties.--

8 1. The Social Services Estimating Conference shall
9 develop such official information relating to the social
10 services system of the state, including forecasts of social
11 services caseloads, utilization, and expenditures, as the
12 conference determines is needed for the state planning and
13 budgeting system. Such official information shall include,
14 but not be limited to, cash assistance and Medicaid ~~subsidized~~
15 ~~child care caseloads mandated by the Family Support Act of~~
16 ~~1988.~~

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

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

30 2.4. The Social Services Estimating Conference shall
31 develop information relating to the Florida Kidcare program,

1 including, but not limited to, outreach impacts, enrollment,
2 caseload, utilization, and expenditure information that the
3 conference determines is needed to plan for and project future
4 budgets and the drawdown of federal matching funds. The
5 agencies required to collect and analyze Florida Kidcare
6 program data under s. 409.8134 shall be participants in the
7 Social Services Estimating Conference for purposes of
8 developing information relating to the Florida Kidcare
9 program.

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

19 Section 6. Section 216.177, Florida Statutes, is
20 amended to read:

21 216.177 Appropriations acts, statement of intent,
22 violation, notice, review and objection procedures.--

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

29 (a) The official list of General Revenue Fund
30 appropriations determined in consultation with the Executive
31 Office of the Governor to be nonrecurring; and

1 (b) The documents set forth in s. 216.0442(2)(a) and
2 (c),
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4 to the Executive Office of the Governor, the Comptroller, the
5 Auditor General, the Chief Justice of the Supreme Court, and
6 each state agency. A request for additional explanation and
7 direction regarding the legislative intent of the General
8 Appropriations Act during the fiscal year may be made to the
9 chair and vice chair of the Legislative Budget Commission or
10 the President of the Senate and the Speaker of the House of
11 Representatives only by and through the Executive Office of
12 the Governor for state agencies, and by and through the Chief
13 Justice of the Supreme Court for the judicial branch, as is
14 deemed necessary. However, the Comptroller may also request
15 further clarification of legislative intent pursuant to the
16 Comptroller's responsibilities related to his or her preaudit
17 function of expenditures.

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

3 (b) If the chair and vice chair of the Legislative
4 Budget Commission or the President of the Senate and the
5 Speaker of the House of Representatives timely advise, in
6 writing, the Executive Office of the Governor or the Chief
7 Justice of the Supreme Court that an action or a proposed
8 action, whether subject to the notice and review requirements
9 of this chapter or not, exceeds the delegated authority of the
10 Executive Office of the Governor for the executive branch or
11 the Chief Justice for the judicial branch, respectively, or is
12 contrary to legislative policy and intent, the Governor or the
13 Chief Justice of the Supreme Court shall void such action and
14 instruct the affected state agency or entity of the judicial
15 branch to change immediately its spending action or spending
16 proposal until the Legislative Budget Commission or 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 Legislative Budget~~
26 ~~Commission~~ to initiate the procedures of paragraph (b).

27 (3) The Legislature may annually specify any
28 incentives and disincentives for agencies operating programs
29 under performance-based program budgets pursuant to this
30 chapter in the General Appropriations Act or legislation
31 implementing the General Appropriations Act.

1 (4) Notwithstanding the 14-day notice requirements of
2 this section, ~~and for the 2000-2001 fiscal year only,~~the
3 Department of Children and Family Services is required to
4 provide notice of proposed transfers submitted pursuant to s.
5 20.19(10)(c)8. to the Executive Office of the Governor and the
6 chairs of the legislative appropriations committees at least 3
7 working days prior to their implementation.

8 Section 7. Subsections (6), (10), and (11) of section
9 216.181, Florida Statutes, are amended to read:

10 216.181 Approved budgets for operations and fixed
11 capital outlay.--

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

20 (b) The Executive Office of the Governor and the Chief
21 Justice of the Supreme Court may amend, without approval of
22 the Legislative Budget Commission, state agency and judicial
23 branch entity budgets, respectively, to reflect the
24 transferred funds based on the approved plans for lump-sum
25 appropriations.

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

1 (10)(a) The Executive Office of the Governor and the
2 Chief Justice of the Supreme Court may increase or decrease
3 the approved salary rate for positions for the purpose of
4 implementing the General Appropriations Act, special
5 appropriations acts, and actions pursuant to s. 216.262
6 consistent with legislative intent and policy. Other
7 adjustments to approved salary rate must be approved by the
8 Legislative Budget Commission pursuant to the request of the
9 agency filed with the Executive Office of the Governor or
10 pursuant to the request of an entity of the judicial branch
11 filed with the Chief Justice of the Supreme Court, if deemed
12 necessary and in the best interest of the state and consistent
13 with legislative policy and intent.The provisions of this
14 paragraph are subject to the notice and review procedures set
15 forth in s. 216.177.

16 (b) Lump-sum salary bonuses may be provided only if
17 specifically appropriated or provided pursuant to s. 216.1815
18 or s. 110.1245.

19 (c) State agencies and the judicial branch shall
20 report, each fiscal quarter, the number of filled positions,
21 the number of vacant positions, and the salary rate associated
22 with each category to the Legislative Budget Commission in a
23 form and manner prescribed by the commission.

24 ~~(11) The Executive Office of the Governor may approve~~
25 ~~transfers of appropriations in the General Appropriations Act~~
26 ~~within any state trust fund of an agency, and the Chief~~
27 ~~Justice of the Supreme Court may approve such transfers for~~
28 ~~the judicial branch.~~The Executive Office of the Governor and
29 the Chief Justice of the Supreme Court may approve changes in
30 the amounts appropriated from state trust funds in excess of
31 those in the approved operating budget up to \$1 million 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. Changes in the amounts
7 appropriated from state trust funds in excess of those in the
8 approved operating budget which are in excess of \$1 million
9 may be approved only by the Legislative Budget Commission
10 pursuant to the request of a state agency filed with the
11 Executive Office of the Governor or pursuant to the request of
12 an entity of the judicial branch filed with the Chief Justice
13 of the Supreme Court.The provisions of this subsection are
14 subject to the notice, review, and objection procedures set
15 forth in s. 216.177.

16 Section 8. Section 216.1815, Florida Statutes, is
17 created to read:

18 216.1815 Agency incentive and savings program.--

19 (1) In order to provide an incentive for agencies and
20 the judicial branch to re-engineer business processes and
21 otherwise increase operating efficiency, it is the intent of
22 the Legislature to allow agencies and the judicial branch to
23 retain a portion of the savings produced by internally
24 generated agency or judicial branch program efficiencies and
25 cost reductions.

26 (2) To be eligible to retain funds, an agency or the
27 Chief Justice of the Supreme Court must submit a plan and an
28 associated request to amend its approved operating budget to
29 the Legislative Budget Commission specifying:

30 (a) The modifications to approved programs resulting
31 in efficiencies and cost savings;

1 (b) The amount and source of the funds and positions
2 saved;

3 (c) The specific positions, rate, amounts, and sources
4 of funds the agency or the judicial branch wishes to include
5 in its incentive expenditures;

6 (d) How the agency or the judicial branch will meet
7 the goals and objectives established in its long-range program
8 plan;

9 (e) How the agency or the judicial branch will meet
10 performance standards established by the Legislature and those
11 in its long-range program plan; and

12 (f) Any other incentive expenditures which the agency
13 or the judicial branch believes will enhance its performance.

14 (3) Notwithstanding the 14-day notice requirement
15 contained in s. 216.177(2)(a), all plans and budget amendments
16 submitted to the Legislative Budget Commission pursuant to
17 this section shall be delivered at least 30 days prior to the
18 date of the commission meeting at which the request will be
19 considered.

20 (4) In determining the amount the agency or the
21 judicial branch will be allowed to retain, the commission
22 shall consider the actual savings projected for the current
23 budget year and the annualized savings.

24 (5) The amount to be retained by the agency or the
25 judicial branch shall be no less than 5 percent and no more
26 than 25 percent of the annual savings and may be used by the
27 agency or the judicial branch for salary increases or other
28 expenditures specified in the agency's or the judicial
29 branch's plan if the salary increases or other expenditures do
30 not create a recurring cost to the state in excess of the

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1 recurring savings achieved by the agency or the judicial
2 branch in the plan.

3 (6) Each agency or judicial branch allowed to retain
4 funds pursuant to this section shall submit in its next
5 legislative budget request a schedule showing how it used such
6 funds.

7 Section 9. Section 216.1826, Florida Statutes, is
8 created to read:

9 216.1826 Activity-based planning and
10 budgeting.--Agencies are directed to work in consultation with
11 the Executive Office of the Governor and the appropriations
12 and appropriate substantive committees of the Legislature, and
13 the Chief Justice of the Supreme Court is directed to work
14 with the appropriations and appropriate substantive committees
15 of the Legislature, to identify and reach consensus on the
16 appropriate services and activities for activity-based
17 budgeting. It is the intent of the Legislature that all
18 dollars within an agency or the judicial branch be allocated
19 to the appropriate activity for budgeting purposes.
20 Additionally, agencies or the judicial branch shall examine
21 approved performance measures and recommend any changes so
22 that outcomes are clearly delineated for each service or
23 program, as appropriate, and outputs are aligned with
24 activities. Output measures should be capable of being used
25 to generate a unit cost for each activity resulting in a true
26 accounting of what the state should spend on each activity it
27 provides and what the state should expect to accomplish with
28 those funds.

29 Section 10. Subsection (1) of section 216.192, Florida
30 Statutes, is amended to read:

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1 216.192 Release of appropriations; revision of
2 budgets.--

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

1 precludes periodic reexamination and revision by the Executive
2 Office of the Governor or by the Chief Justice of the annual
3 plans for release of appropriations and the notifications of
4 the parties of all such revisions.

5 Section 11. Section 216.216, Florida Statutes, is
6 amended to read:

7 216.216 Court settlement funds negotiated by the
8 state.--In any court settlement in which a state agency or
9 officer or any other counsel representing the interests of the
10 state negotiates settlement amounts to be expended by ~~on any~~
11 ~~state operational or fixed capital issue~~ in the judicial
12 branch or the executive branch, such funds may not be expended
13 unless the Legislature has appropriated funds to the agency in
14 the appropriate category or the Legislative Budget Commission
15 has approved a budget amendment for such funds. In either
16 instance, the funding source identified must be sufficient to
17 cover both the anticipated program costs and the amount of the
18 settlement, the settlement must not be contrary to the intent
19 of the Legislature, and, if the settlement amount is
20 substantial, good reason must exist for entering into the
21 settlement prior to the next legislative session and no
22 significant amount of recurring funding shall be committed
23 ~~appropriated by the Legislature to the appropriate agency~~
24 ~~responsible for the operational or fixed capital issue~~. When a
25 state agency or officer settles an action in which the state
26 will receive moneys, the funds shall be placed in the General
27 Revenue Fund or in the trust fund that is associated with the
28 agency's or officer's authority to pursue the legal action.
29 The provisions of this section are subject to the notice and
30 review procedures set forth in s. 216.177.

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1 Section 12. Present subsection (10) of section
2 216.221, Florida Statutes, is renumbered as subsection (11),
3 and a new subsection (10) is added to that section to read:

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

6 (10) When advised by the Revenue Estimating
7 Conference, the Comptroller, or any agency responsible for a
8 trust fund that a deficit will occur with respect to the
9 appropriations from a specific trust fund in the current
10 fiscal year, the Governor for the executive branch, or the
11 Chief Justice for the judicial branch, shall develop a plan of
12 action to eliminate the deficit. Before implementing the plan
13 of action, the Governor or the Chief Justice must comply with
14 the provisions of s. 216.177(2). In developing the plan of
15 action, the Governor or the Chief Justice shall, to the extent
16 possible, preserve legislative policy and intent, and, absent
17 any specific directions to the contrary in the General
18 Appropriations Act, any reductions in appropriations from the
19 trust fund for the fiscal year shall be prorated among the
20 specific appropriations made from the trust fund for the
21 current fiscal year.

22 Section 13. Paragraph (a) of subsection (1) of section
23 216.262, Florida Statutes, is amended to read:

24 216.262 Authorized positions.--

25 (1)(a) Unless otherwise expressly provided by law, the
26 total number of authorized positions may not exceed the total
27 provided in the appropriations acts. In the event any state
28 agency or entity of the judicial branch finds that the number
29 of positions so provided is not sufficient to administer its
30 authorized programs, it may file an application with the
31 Executive Office of the Governor or the Chief Justice; and, if

1 the Executive Office of the Governor ~~office~~ or Chief Justice
2 certifies that there are no authorized positions available for
3 addition, deletion, or transfer within the agency as provided
4 in paragraph (c) and recommends an increase in the number of
5 positions, the Governor or the Chief Justice may, after a
6 public hearing, authorize an increase in the number of
7 positions for the following reasons only:

8 1. To implement or provide for continuing federal
9 grants or changes in grants not previously anticipated;

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

11 3. To satisfy new federal regulations or changes
12 therein;

13 4. To take advantage of opportunities to reduce
14 operating expenditures or to increase the revenues of the
15 state or local government; and

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

18

19 The provisions of this paragraph are subject to the notice and
20 review procedures set forth in s. 216.177. A copy of the
21 application, the certification, and the final authorization
22 shall be filed with the Legislative Budget Commission, the
23 appropriations committees, and with the Auditor General.

24 Section 14. Subsections (2), (3), (4), and (5) of
25 section 216.292, Florida Statutes, are amended to read:

26 216.292 Appropriations nontransferable; exceptions.--

27 (2) A lump sum appropriated for a performance-based
28 program must be distributed by the Governor for state agencies
29 or the Chief Justice for the judicial branch into the
30 traditional expenditure categories in accordance with s.
31 216.181(6)(b). At any time during the year, the agency head

1 or Chief Justice may transfer funds between those categories
2 with no limit on the amount of the transfer. Authorized
3 revisions of the original approved operating budget, together
4 with related changes, if any, must be transmitted by the state
5 agency or by the judicial branch to the Executive Office of
6 the Governor or the Chief Justice, the chair and vice chair of
7 the Legislative Budget Commission, ~~the chairs of the~~
8 ~~legislative appropriations committees,~~ the Office of Program
9 Policy Analysis and Government Accountability, and the Auditor
10 General. Such authorized revisions shall be consistent with
11 the intent of the approved operating budget, shall be
12 consistent with legislative policy and intent, and shall not
13 conflict with specific spending policies specified in the
14 General Appropriations Act. The Executive Office of the
15 Governor shall forward a copy of the revisions within 7
16 working days to the Comptroller for entry in his or her
17 records in the manner and format prescribed by the Executive
18 Office of the Governor in consultation with the Comptroller.
19 Such authorized revisions shall be consistent with the intent
20 of the approved operating budget, shall be consistent with
21 legislative policy and intent, and shall not conflict with
22 specific spending policies specified in the General
23 Appropriations Act.

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

31

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

6 (b) Additionally, between budget entities within
7 identical categories of appropriations, if no category of
8 appropriation is increased or decreased by more than 5 percent
9 of the original approved budget or \$150,000, whichever is
10 greater, by all action taken under this subsection.

11 (c) Such authorized revisions must be consistent with
12 the intent of the approved operating budget, must be
13 consistent with legislative policy and intent, and must not
14 conflict with specific spending policies specified in the
15 General Appropriations Act.

16
17 Such authorized revisions, together with related changes, if
18 any, in the plan for release of appropriations, shall be
19 transmitted by the state agency or by the judicial branch to
20 the Comptroller for entry in the Comptroller's records in the
21 manner and format prescribed by the Executive Office of the
22 Governor in consultation with the Comptroller. A copy of such
23 revision shall be furnished to the Executive Office of the
24 Governor or the Chief Justice, the chair and vice chair of the
25 Legislative Budget Commission, ~~the chairs of the legislative~~
26 ~~committees~~, and the Auditor General.

27 (4)(a) The head of each department or the Chief
28 Justice of the Supreme Court may transfer funds within
29 programs identified in the General Appropriations Act from
30 identical funding sources between the following appropriation
31 categories without limitation so long as such a transfer does

1 not result in an increase to the total recurring general
2 revenue or trust fund cost of the agency or entity of the
3 judicial branch in the subsequent fiscal year: other personal
4 services, expenses, operating capital outlay, food products,
5 performance-based program budgeting lump sums, acquisition of
6 motor vehicles, data processing services, operating and
7 maintenance of patrol vehicles, overtime payments, salary
8 incentive payments, compensation to retired judges, law
9 libraries, and juror and witness payments. Such transfers must
10 be consistent with legislative policy and intent and must not
11 adversely affect achievement of approved performance outcomes
12 or outputs in any program. Notice of proposed transfers under
13 this authority shall be provided to the Executive Office of
14 the Governor and the chairs of the legislative appropriations
15 committees at least 5 working days prior to their
16 implementation.

17 (b) The head of each department or the Chief Justice
18 of the Supreme Court may transfer funds and positions from
19 identical funding sources between salaries and benefits
20 appropriation categories within programs identified in the
21 General Appropriations Act. Such transfers must be consistent
22 with legislative policy and intent and must not adversely
23 affect achievement of approved performance outcomes or outputs
24 in any program. Notice of proposed transfers under this
25 authority shall be provided to the Executive Office of the
26 Governor and the chairs of the legislative appropriations
27 committees at least 5 working days prior to their
28 implementation.

29 (5)(a) Transfers of appropriations for operations from
30 the General Revenue Fund in excess of those provided in
31 subsections (3) and (4) but within a state agency or within

1 the judicial branch may be authorized by the commission for
2 the executive branch and the Chief Justice for the judicial
3 branch, pursuant to the request of the agency filed with the
4 Executive Office of the Governor, or pursuant to the request
5 of an entity of the judicial branch filed with the Chief
6 Justice of the Supreme Court, if deemed necessary and in the
7 best interest of the state and consistent with legislative
8 policy and intent. The provisions of this paragraph are
9 subject to the notice, review, and objection procedures set
10 forth in s. 216.177.

11 (b) Transfers of appropriations for operations from
12 trust funds in excess of those provided in subsection (4)
13 which are greater than 5 percent of the original approved
14 budget or \$1 million, whichever is greater, but within a state
15 agency or within the judicial branch may be authorized by the
16 commission, pursuant to the request of the agency filed with
17 the Executive Office of the Governor or pursuant to the
18 request of an entity of the judicial branch filed with the
19 Chief Justice of the Supreme Court, if deemed necessary and in
20 the best interest of the state and consistent with legislative
21 policy and intent. The provisions of this paragraph are
22 subject to the notice, review, and objection procedures set
23 forth in s. 216.177.

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

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

9 (d) A fixed capital outlay project may not be
10 initiated without a specific legislative appropriation.

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

18 Section 15. Section 11.90, Florida Statutes, is
19 amended to read:

20 11.90 Legislative Budget ~~Budgeting~~ Commission.--

21 (1) There is created a standing joint committee of the
22 Legislature designated the Legislative Budget ~~Budgeting~~
23 Commission, composed of 14 members as follows: seven members
24 of the Senate appointed by the President of the Senate, to
25 include the Chairman of the Senate Budget Committee or its
26 successor, and seven members of the House of Representatives
27 appointed by the Speaker of the House of Representatives, to
28 include the Chairman of the Fiscal Responsibility Council or
29 its successor. The terms of members shall be for 2 years and
30 shall run from the organization of one Legislature to the
31 organization of the next Legislature. Vacancies occurring

1 during the interim period shall be filled in the same manner
2 as the original appointment. During even-numbered years, the
3 chair of the commission shall be the chair of the Senate
4 Budget Committee or its successor, and the vice chair of the
5 commission shall be the chair of the House Fiscal
6 Responsibility Council or its successor. During odd-numbered
7 years, the chair of the commission shall be the chair of the
8 House Fiscal Responsibility Council or its successor, and the
9 vice chair of the commission shall be the chair of the Senate
10 Budget Committee or its successor. ~~The members of the~~
11 ~~committee shall elect a chair and vice chair. During the~~
12 ~~2-year term, a member of each house shall serve as chair for 1~~
13 ~~year.~~

14 (2) The Legislative Budget Commission shall be
15 governed by joint rules of the Senate and the House of
16 Representatives which shall remain in effect until repealed or
17 amended by concurrent resolution.

18 (3) The commission shall meet at least quarterly and
19 more frequently at the direction of the presiding officers or
20 upon call of the chairman. A quorum shall consist of a
21 majority of members from each house, plus one additional
22 member from either house. Action by the commission requires a
23 majority vote of the members present of each house.

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

26 (5) The commission will be jointly staffed by the
27 appropriations committees of the House of Representatives and
28 the Senate. During even-numbered years, the Senate will serve
29 as lead staff, and during odd-numbered years, the House of
30 Representatives will serve as lead staff.

31

1 Section 16. Subsection (2) of section 27.345, Florida
2 Statutes, is amended to read:

3 27.345 State Attorney RICO Trust Fund; authorized use
4 of funds; reporting.--

5 (2) There is created for each of the several state
6 attorneys a trust fund to be known as the State Attorney RICO
7 Trust Fund. The amounts awarded to a state attorney pursuant
8 to this section shall be deposited in the trust fund for that
9 state attorney. Funds deposited in such trust fund shall be
10 used, when authorized by appropriation or action of the
11 Executive Office of the Governor pursuant to s.
12 216.181~~(11)(10)~~, for investigation, prosecution, and
13 enforcement by that state attorney of civil or criminal causes
14 of action arising under the provisions of the Florida RICO
15 (Racketeer Influenced and Corrupt Organization) Act.

16 Section 17. Section 27.3451, Florida Statutes, is
17 amended to read:

18 27.3451 State Attorney's Forfeiture and Investigative
19 Support Trust Fund.--There is created for each of the several
20 state attorneys a trust fund to be known as the State
21 Attorney's Forfeiture and Investigative Support Trust Fund.
22 Revenues received by a state attorney as a result of
23 forfeiture proceedings, as provided under s. 932.704, shall be
24 deposited in such trust fund and shall be used, when
25 authorized by appropriation or action of the Executive Office
26 of the Governor pursuant to s. 216.181~~(11)(10)~~, for the
27 investigation of crime, prosecution of criminals, or other law
28 enforcement purposes.

29 Section 18. Section 27.385, Florida Statutes, is
30 created to read:

31 27.385 Budget expenditures.--

1 (1) Notwithstanding provisions to the contrary in s.
2 27.34(2), a state attorney may expend appropriated state funds
3 for items that are enumerated in that subsection.

4 (2) Each state attorney shall, by October 1 of each
5 fiscal year, submit a report to the Legislative Budget
6 Commission showing the amount of state funds expended during
7 the previous fiscal year ending in June for the items
8 enumerated in s. 27.34(2). The Justice Administrative
9 Commission shall prescribe the format of this report.

10 Section 19. Section 27.605, Florida Statutes, is
11 created to read:

12 27.605 Budget expenditures.--

13 (1) Notwithstanding provisions to the contrary in s.
14 27.54(3), a public defender may expend appropriated state
15 funds for items that are enumerated in that subsection.

16 (2) Each public defender shall, by October 1 of each
17 fiscal year, submit a report to the Legislative Budget
18 Commission showing the amount of state funds expended during
19 the previous fiscal year ending in June for the items
20 enumerated in s. 27.54(3).

21 Section 20. Section 45.062, Florida Statutes, is
22 amended to read:

23 45.062 Settlements, conditions, or orders when an
24 agency of the executive branch is a party.--

25 (1) In any civil action in which a state executive
26 branch agency or officer is a party in state or federal court,
27 the officer, agent, official, or attorney who represents or is
28 acting on behalf of such agency or officer may not settle such
29 action, consent to any condition, or agree to any order in
30 connection therewith, if the settlement, condition, or order
31 requires the expenditure of or the obligation to expend any

1 state funds or other state resources, or the establishment of
2 any new program, unless:

3 (a) The expenditure is provided for by an existing
4 appropriation or program established by law; and

5 (b) Prior written notification is given within 5
6 business days of the date the settlement or presettlement
7 agreement or order is to be made final to the President of the
8 Senate, the Speaker of the House of Representatives, the
9 Senate and House minority leaders, and the Attorney General.
10 Such notification shall specify how the agency involved will
11 address the costs in future years within the limits of current
12 appropriations.

13 (2) The state executive branch agency or officer shall
14 negotiate a closure date as soon as possible for the civil
15 action.

16 (3) The state executive branch agency or officer may
17 not pledge any current or future action of another branch of
18 state government as a condition for settling the civil action.

19 (4) State executive branch agencies and officers shall
20 report to each substantive and fiscal committee of the
21 Legislature having jurisdiction over the reporting agency on
22 all potential settlements which may commit the state to:

23 (a) Spend in excess of current appropriations; or

24 (b) Make policy changes inconsistent with current law.

25
26 The state executive branch agency or officer shall provide
27 periodic updates to the appropriate legislative committees on
28 these issues during the settlement process.

29 Section 21. Notwithstanding the provisions of section
30 10 of chapter 90-110, Laws of Florida, subsection (3) of
31

1 section 215.20, Florida Statutes, shall not stand repealed on
2 October 1, 2001, and shall continue in full force and effect.

3 Section 22. Section 284.385, Florida Statutes, is
4 amended to read:

5 284.385 Reporting and handling of claims.--All
6 departments covered by the State Risk Management Trust Fund
7 under this part shall immediately report all known or
8 potential claims to the Department of Insurance for handling,
9 except employment complaints which have not been filed with
10 the Florida Human Relations Commission, Equal Employment
11 Opportunity Commission, or any similar agency. When deemed
12 necessary, the Department of Insurance shall assign or
13 reassign the claim to counsel. The assigned counsel shall
14 report regularly to the Department of Insurance or to the
15 covered department on the status of any such claims or
16 litigation as required by the Department of Insurance. No
17 such claim shall be compromised or settled for monetary
18 compensation without the prior approval of the Department of
19 Insurance and prior notification to the covered department.
20 All departments shall cooperate with the Department of
21 Insurance in its handling of claims. The Department of
22 Insurance, the Department of Management Services, and the
23 Department of Banking and Finance, with the cooperation of the
24 state attorneys and the clerks of the courts, shall develop a
25 system to coordinate the exchange of information concerning
26 claims for and against the state, its agencies, and its
27 subdivisions, to assist in collection of amounts due to them.
28 The covered department shall have the responsibility for the
29 settlement of any claim for injunctive or affirmative relief
30 under 42 U.S.C. s. 1983 or similar federal or state statutes.
31 The payment of a settlement or judgment for any claim covered

1 and reported under this part shall be made only from the State
2 Risk Management Trust Fund.

3 Section 23. Paragraph (b) of subsection (2) of section
4 376.15, Florida Statutes, is amended to read:

5 376.15 Derelict vessels; removal from public waters.--

6 (2)

7 (b) The commission may establish a program to provide
8 grants to coastal local governments for the removal of
9 derelict vessels from the public waters of the state. The
10 program shall be funded from the Florida Coastal Protection
11 Trust Fund. Notwithstanding the provisions in s.
12 216.181(11)(10), funds available for grants may only be
13 authorized by appropriations acts of the Legislature.

14 Section 24. This act shall take effect July 1, 2001.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1784
4 Specifies legislative intent to implement activity-based
5 planning and budgeting;
6 Requires agencies to submit a unit cost summary report and
7 provides for a funding penalty for failure to submit the
8 report;
9 Provides for an agency and judicial branch incentive and
10 shared savings program;
11 Authorizes lump sum bonuses pursuant to the incentive and
12 shared savings program;
13 Requires the Legislative Budget Commission to review and act
14 upon Trust Fund increases in excess of 5% of the original
15 approved budget or \$1,000,000 whichever is greater;
16 Requires agencies to include in their legislative budget
17 request an inventory of all litigation in which the agency is
18 involved that may require additional appropriations;
19 Requires agencies to have a specific appropriation or approval
20 from the Legislative Budget Commission in order to spend funds
21 obtained through court settlements;
22 Requires the Governor or Chief Justice to develop a plan to
23 eliminate deficits in trust funds;
24 Clarifies the schedule of appointing chairs to the Legislative
25 Budget Commission;
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