

1                                   A bill to be entitled  
2           An act relating to state planning and  
3           budgeting; amending s. 110.227, F.S.; providing  
4           that "bumping" or certain special protection  
5           may not be prohibited in a collective  
6           bargaining agreement; amending s. 216.011,  
7           F.S.; modifying the definition of the term  
8           "operating capital outlay"; amending s.  
9           216.013, F.S.; removing the requirement for the  
10          Executive Office of the Governor to consider  
11          certain findings relating to information  
12          technology in its review of long-range program  
13          plans of executive agencies; requiring  
14          long-range program plans to be consistent with  
15          legislation implementing the General  
16          Appropriations Act; amending s. 216.023, F.S.;  
17          revising requirements of legislative budget  
18          requests; requiring legislative budget requests  
19          to include an inventory of litigation requiring  
20          additional appropriations or changes in the  
21          law; providing for update of such inventory;  
22          revising requirements of legislative budget  
23          requests relating to the total number of  
24          positions and to unit-cost data; providing for  
25          reducing funding of agencies that do not  
26          comply; amending s. 216.0446, F.S.; correcting  
27          terminology; amending s. 216.136, F.S.;  
28          revising provisions relating to estimating  
29          conferences; amending s. 216.177, F.S.;  
30          revising the manner in which requests regarding  
31          legislative intent on the General

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

1 the Governor to increase the number of  
2 positions; amending s. 216.292, F.S.;  
3 conforming provisions; adding food products as  
4 an allowable fund transfer category;  
5 authorizing transfer of positions under certain  
6 circumstances; authorizing transfers of  
7 appropriations for operations from trust funds  
8 in excess of certain amounts under certain  
9 conditions; amending s. 11.90, F.S.;  
10 establishing the chair and vice chair of the  
11 Legislative Budget Commission each year;  
12 eliminating the election of such officers;  
13 amending ss. 27.345, 27.3451, F.S.; correcting  
14 cross-references; creating s. 27.385, F.S.;  
15 reenacting provisions related to expenditures  
16 of appropriated funds by state attorneys;  
17 requiring a report; creating s. 27.605, F.S.;  
18 reenacting provisions related to expenditures  
19 of appropriated funds by public defenders;  
20 requiring a report; amending s. 45.062, F.S.;  
21 requiring certain notification and reporting  
22 with respect to executive branch settlements;  
23 saving s. 215.20(3), F.S., relating to an  
24 additional trust fund service charge, from  
25 scheduled repeal; amending s. 284.385, F.S.;  
26 requiring assigned counsel to report to the  
27 covered department on the status of casualty  
28 claims or litigation; prohibiting compromise or  
29 settlement of a casualty claim without prior  
30 notification to the covered department;  
31 amending s. 376.15, F.S.; correcting a

1 cross-reference; creating s. 215.98, F.S.;  
2 providing a declaration of public policy;  
3 requiring the Division of Bond Finance of the  
4 State Board of Administration to conduct an  
5 annual debt affordability analysis; requiring a  
6 report; specifying report requirements;  
7 amending s. 11.90, F.S.; providing additional  
8 powers and duties of the Legislative Budget  
9 Commission relating to the state's debt;  
10 providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (2) of section 110.227, Florida  
15 Statutes, is amended to read:

16 110.227 Suspensions, dismissals, reductions in pay,  
17 demotions, layoffs, transfers, and grievances.--

18 (2) The department shall establish rules and  
19 procedures for the suspension, reduction in pay, transfer,  
20 layoff, demotion, and dismissal of employees in the career  
21 service. Such rules shall be approved by the Administration  
22 Commission prior to their adoption by the department. This  
23 subsection does not prohibit bumping in a collective  
24 bargaining agreement nor does it prevent or abrogate any  
25 collective bargaining provisions that recognize special  
26 protection on the basis of seniority or job experience.

27 Section 2. Paragraph (bb) of subsection (1) of section  
28 216.011, Florida Statutes, is amended to read:

29 216.011 Definitions.--

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

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

3 (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 to ~~up~~ to the value or cost  
7 specified in s. 273.02.

8 Section 3. Subsections (4) and (9) of section 216.013,  
9 Florida Statutes, are amended to read:

10 216.013 Long-range program plan.--

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

26 (9) Agencies and the judicial branch shall make  
27 appropriate adjustments to their long-range program plans to  
28 be consistent with the appropriations and performance measures  
29 in the General Appropriations Act and legislation implementing  
30 the General Appropriations Act. Agencies and the judicial  
31 branch have until June 15 to make adjustments to their plans

1 and submit the adjusted plans to the Executive Office of the  
2 Governor for review.

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

8 216.023 Legislative budget requests to be furnished to  
9 Legislature by agencies.--

10 (4) The legislative budget request must contain for  
11 each program:

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

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

21 1. The budget for each entity;

22 2. The total amount of revenue received or otherwise  
23 passed through each entity;

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

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

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1 At the regular session immediately following the submission of  
2 the agency unit cost summary, the Legislature shall reduce in  
3 the General Appropriations Act for the ensuing fiscal year, by  
4 an amount equal to at least 10 percent of the allocation for  
5 the fiscal year preceding the current fiscal year, the funding  
6 of each state agency that fails to submit the report required  
7 under this paragraph.

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

20 Section 5. Paragraph (a) of subsection (2) of section  
21 216.0446, Florida Statutes, is amended to read:

22 216.0446 Review of information resources management  
23 needs.--

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

28 (a) To evaluate the information resource management  
29 needs identified in the agency long-range program plans for  
30 consistency with the State Annual Report on Information  
31 Resources Management and statewide policies recommended by the

1 State Technology Office Council, and make recommendations to  
2 the chairs of the legislative appropriations committees.

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

5 216.136 Consensus estimating conferences; duties and  
6 principals.--

7 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

8 (a) Duties.--The Criminal Justice Estimating  
9 Conference shall:

10 1. Develop such official information relating to the  
11 criminal justice system, including forecasts of prison  
12 admissions and population and of supervised felony offender  
13 admissions and population ~~by offense categories specified in~~  
14 ~~Rule 3.701, Florida Rules of Criminal Procedure~~, as the  
15 conference determines is needed for the state planning and  
16 budgeting system.

17 2. Develop such official information relating to the  
18 number of eligible discharges and the projected number of  
19 civil commitments for determining space needs pursuant to the  
20 civil proceedings provided under part V of chapter 394.

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

29 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

30 (a) Duties.--

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

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

17           ~~3. The Department of Children and Family Services and~~  
18 ~~the Department of Education shall provide information on~~  
19 ~~caseloads and waiting lists for the subsidized child care and~~  
20 ~~prekindergarten early intervention programs requested by the~~  
21 ~~Social Services Estimating Conference or individual conference~~  
22 ~~principals, in a timely manner.~~

23           2.4. The Social Services Estimating Conference shall  
24 develop information relating to the Florida Kidcare program,  
25 including, but not limited to, outreach impacts, enrollment,  
26 caseload, utilization, and expenditure information that the  
27 conference determines is needed to plan for and project future  
28 budgets and the drawdown of federal matching funds. The  
29 agencies required to collect and analyze Florida Kidcare  
30 program data under s. 409.8134 shall be participants in the  
31 Social Services Estimating Conference for purposes of

1 developing information relating to the Florida Kidcare  
2 program.

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

12 Section 7. Section 216.177, Florida Statutes, is  
13 amended to read:

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

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

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

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

27  
28 to the Executive Office of the Governor, the Comptroller, the  
29 Auditor General, the Chief Justice of the Supreme Court, and  
30 each state agency. A request for additional explanation and  
31 direction regarding the legislative intent of the General

1 Appropriations Act during the fiscal year may be made to the  
2 chair and vice chair of the Legislative Budget Commission or  
3 the President of the Senate and the Speaker of the House of  
4 Representatives only by and through the Executive Office of  
5 the Governor for state agencies, and by and through the Chief  
6 Justice of the Supreme Court for the judicial branch, as is  
7 deemed necessary. However, the Comptroller may also request  
8 further clarification of legislative intent pursuant to the  
9 Comptroller's responsibilities related to his or her preaudit  
10 function of expenditures.

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

26 (b) If the chair and vice chair of the Legislative  
27 Budget Commission or the President of the Senate and the  
28 Speaker of the House of Representatives timely advise, in  
29 writing, the Executive Office of the Governor or the Chief  
30 Justice of the Supreme Court that an action or a proposed  
31 action, whether subject to the notice and review requirements

1 of this chapter or not, exceeds the delegated authority of the  
2 Executive Office of the Governor for the executive branch or  
3 the Chief Justice for the judicial branch, respectively, or is  
4 contrary to legislative policy and intent, the Governor or the  
5 Chief Justice of the Supreme Court shall void such action and  
6 instruct the affected state agency or entity of the judicial  
7 branch to change immediately its spending action or spending  
8 proposal until the Legislative Budget Commission or the  
9 Legislature addresses the issue. The written documentation  
10 shall indicate the specific reasons that an action or proposed  
11 action exceeds the delegated authority or is contrary to  
12 legislative policy and intent.

13 (c) The House of Representatives and the Senate shall  
14 provide by rule that any member of the House of  
15 Representatives or Senate may request, in writing, of either  
16 the President of the Senate or the Speaker of the House of  
17 Representatives ~~or the chair of the Legislative Budget~~  
18 ~~Commission~~ to initiate the procedures of paragraph (b).

19 (3) The Legislature may annually specify any  
20 incentives and disincentives for agencies operating programs  
21 under performance-based program budgets pursuant to this  
22 chapter in the General Appropriations Act or legislation  
23 implementing the General Appropriations Act.

24 (4) Notwithstanding the 14-day notice requirements of  
25 this section, ~~and for the 2000-2001 fiscal year only,~~ the  
26 Department of Children and Family Services is required to  
27 provide notice of proposed transfers submitted pursuant to s.  
28 20.19(10)(c)8. to the Executive Office of the Governor and the  
29 chairs of the legislative appropriations committees at least 3  
30 working days prior to their implementation.

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1           Section 8. Subsections (6), (10), and (11) of section  
2 216.181, Florida Statutes, are amended to read:

3           216.181 Approved budgets for operations and fixed  
4 capital outlay.--

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

13           (b) The Executive Office of the Governor and the Chief  
14 Justice of the Supreme Court may amend, without approval of  
15 the Legislative Budget Commission, state agency and judicial  
16 branch entity budgets, respectively, to reflect the  
17 transferred funds based on the approved plans for lump-sum  
18 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           (10)(a) The Executive Office of the Governor and the  
26 Chief Justice of the Supreme Court may increase or decrease  
27 the approved salary rate for positions for the purpose of  
28 implementing the General Appropriations Act, special  
29 appropriations acts, and actions pursuant to s. 216.262  
30 consistent with legislative intent and policy. Other  
31 adjustments to approved salary rate must be approved by the

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

9 (b) Lump-sum salary bonuses may be provided only if  
10 specifically appropriated or provided pursuant to s. 216.1815  
11 or s. 110.1245.

12 (c) State agencies and the judicial branch shall  
13 report, each fiscal quarter, the number of filled positions,  
14 the number of vacant positions, and the salary rate associated  
15 with each category to the Legislative Budget Commission in a  
16 form and manner prescribed by the commission.

17 ~~(11) The Executive Office of the Governor may approve~~  
18 ~~transfers of appropriations in the General Appropriations Act~~  
19 ~~within any state trust fund of an agency, and the Chief~~  
20 ~~Justice of the Supreme Court may approve such transfers for~~  
21 ~~the judicial branch.~~The Executive Office of the Governor and  
22 the Chief Justice of the Supreme Court may approve changes in  
23 the amounts appropriated from state trust funds in excess of  
24 those in the approved operating budget up to \$1 million only  
25 pursuant to the federal funds provisions of s. 216.212, when  
26 grants and donations are received after April 1, or when  
27 deemed necessary due to a set of conditions that were  
28 unforeseen at the time the General Appropriations Act was  
29 adopted and that are essential to correct in order to continue  
30 the operation of government. Changes in the amounts  
31 appropriated from state trust funds in excess of those in the

1 approved operating budget which are in excess of \$1 million  
2 may be approved only by the Legislative Budget Commission  
3 pursuant to the request of a state agency filed with the  
4 Executive Office of the Governor or pursuant to the request of  
5 an entity of the judicial branch filed with the Chief Justice  
6 of the Supreme Court.The provisions of this subsection are  
7 subject to the notice, review, and objection procedures set  
8 forth in s. 216.177.

9 Section 9. Section 216.1815, Florida Statutes, is  
10 created to read:

11 216.1815 Agency incentive and savings program.--

12 (1) In order to provide an incentive for agencies and  
13 the judicial branch to re-engineer business processes and  
14 otherwise increase operating efficiency, it is the intent of  
15 the Legislature to allow agencies and the judicial branch to  
16 retain a portion of the savings produced by internally  
17 generated agency or judicial branch program efficiencies and  
18 cost reductions.

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

23 (a) The modifications to approved programs resulting  
24 in efficiencies and cost savings;

25 (b) The amount and source of the funds and positions  
26 saved;

27 (c) The specific positions, rate, amounts, and sources  
28 of funds the agency or the judicial branch wishes to include  
29 in its incentive expenditures;  
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1           (d) How the agency or the judicial branch will meet  
2 the goals and objectives established in its long-range program  
3 plan;

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

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

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

15           (4) In determining the amount the agency or the  
16 judicial branch will be allowed to retain, the commission  
17 shall consider the actual savings projected for the current  
18 budget year and the annualized savings.

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

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



1           Section 10. Section 216.1826, Florida Statutes, is  
2 created to read:

3           216.1826 Activity-based planning and  
4 budgeting.--Agencies are directed to work in consultation with  
5 the Executive Office of the Governor and the appropriations  
6 and appropriate substantive committees of the Legislature, and  
7 the Chief Justice of the Supreme Court is directed to work  
8 with the appropriations and appropriate substantive committees  
9 of the Legislature, to identify and reach consensus on the  
10 appropriate services and activities for activity-based  
11 budgeting. It is the intent of the Legislature that all  
12 dollars within an agency or the judicial branch be allocated  
13 to the appropriate activity for budgeting purposes.  
14 Additionally, agencies or the judicial branch shall examine  
15 approved performance measures and recommend any changes so  
16 that outcomes are clearly delineated for each service or  
17 program, as appropriate, and outputs are aligned with  
18 activities. Output measures should be capable of being used  
19 to generate a unit cost for each activity resulting in a true  
20 accounting of what the state should spend on each activity it  
21 provides and what the state should expect to accomplish with  
22 those funds.

23           Section 11. Subsection (1) of section 216.192, Florida  
24 Statutes, is amended to read:

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

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

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

29 Section 12. Section 216.216, Florida Statutes, is  
30 amended to read:

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1           216.216 Court settlement funds negotiated by the  
2 state.--In any court settlement in which a state agency or  
3 officer or any other counsel representing the interests of the  
4 state negotiates settlement amounts to be expended by ~~on any~~  
5 ~~state operational or fixed capital issue~~ in the judicial  
6 branch or the executive branch, such funds may not be expended  
7 unless the Legislature has appropriated funds to the agency in  
8 the appropriate category or the Legislative Budget Commission  
9 has approved a budget amendment for such funds. In either  
10 instance, the funding source identified must be sufficient to  
11 cover both the anticipated program costs and the amount of the  
12 settlement, the settlement must not be contrary to the intent  
13 of the Legislature, and, if the settlement amount is  
14 substantial, good reason must exist for entering into the  
15 settlement prior to the next legislative session and no  
16 significant amount of recurring funding shall be committed  
17 ~~appropriated by the Legislature to the appropriate agency~~  
18 ~~responsible for the operational or fixed capital issue~~. When a  
19 state agency or officer settles an action in which the state  
20 will receive moneys, the funds shall be placed in the General  
21 Revenue Fund or in the trust fund that is associated with the  
22 agency's or officer's authority to pursue the legal action.  
23 The provisions of this section are subject to the notice and  
24 review procedures set forth in s. 216.177.

25           Section 13. Present subsection (10) of section  
26 216.221, Florida Statutes, is renumbered as subsection (11),  
27 and a new subsection (10) is added to that section to read:

28           216.221 Appropriations as maximum appropriations;  
29 adjustment of budgets to avoid or eliminate deficits.--

30           (10) When advised by the Revenue Estimating  
31 Conference, the Comptroller, or any agency responsible for a

1 trust fund that a deficit will occur with respect to the  
2 appropriations from a specific trust fund in the current  
3 fiscal year, the Governor for the executive branch, or the  
4 Chief Justice for the judicial branch, shall develop a plan of  
5 action to eliminate the deficit. Before implementing the plan  
6 of action, the Governor or the Chief Justice must comply with  
7 the provisions of s. 216.177(2). In developing the plan of  
8 action, the Governor or the Chief Justice shall, to the extent  
9 possible, preserve legislative policy and intent, and, absent  
10 any specific directions to the contrary in the General  
11 Appropriations Act, any reductions in appropriations from the  
12 trust fund for the fiscal year shall be prorated among the  
13 specific appropriations made from the trust fund for the  
14 current fiscal year.

15 Section 14. Paragraph (a) of subsection (1) of section  
16 216.262, Florida Statutes, is amended to read:

17 216.262 Authorized positions.--

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

- 1 1. To implement or provide for continuing federal
- 2 grants or changes in grants not previously anticipated;
- 3 2. To meet emergencies pursuant to s. 252.36;
- 4 3. To satisfy new federal regulations or changes
- 5 therein;
- 6 4. To take advantage of opportunities to reduce
- 7 operating expenditures or to increase the revenues of the
- 8 state or local government; and
- 9 5. To authorize positions which were not fixed by the
- 10 Legislature through error in drafting the appropriations acts.
- 11

12 The provisions of this paragraph are subject to the notice and  
13 review procedures set forth in s. 216.177. A copy of the  
14 application, the certification, and the final authorization  
15 shall be filed with the Legislative Budget Commission, the  
16 appropriations committees, and with the Auditor General.

17 Section 15. Subsections (2), (3), (4), and (5) of  
18 section 216.292, Florida Statutes, are amended to read:

19 216.292 Appropriations nontransferable; exceptions.--

20 (2) A lump sum appropriated for a performance-based  
21 program must be distributed by the Governor for state agencies  
22 or the Chief Justice for the judicial branch into the  
23 traditional expenditure categories in accordance with s.  
24 216.181(6)(b). At any time during the year, the agency head  
25 or Chief Justice may transfer funds between those categories  
26 with no limit on the amount of the transfer. Authorized  
27 revisions of the original approved operating budget, together  
28 with related changes, if any, must be transmitted by the state  
29 agency or by the judicial branch to the Executive Office of  
30 the Governor or the Chief Justice, the chair and vice chair of  
31 the Legislative Budget Commission, ~~the chairs of the~~

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

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

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

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

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

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

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

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

1 libraries, and juror and witness payments. Such transfers must  
2 be consistent with legislative policy and intent and must not  
3 adversely affect achievement of approved performance outcomes  
4 or outputs in any program. Notice of proposed transfers under  
5 this authority shall be provided to the Executive Office of  
6 the Governor and the chairs of the legislative appropriations  
7 committees at least 5 working days prior to their  
8 implementation.

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

21 (5)(a) Transfers of appropriations for operations from  
22 the General Revenue Fund in excess of those provided in  
23 subsections (3) and (4) but within a state agency or within  
24 the judicial branch may be authorized by the commission for  
25 the executive branch and the Chief Justice for the judicial  
26 branch, pursuant to the request of the agency filed with the  
27 Executive Office of the Governor, ~~or~~ pursuant to the request  
28 of an entity of the judicial branch filed with the Chief  
29 Justice of the Supreme Court, if deemed necessary and in the  
30 best interest of the state and consistent with legislative  
31 policy and intent. The provisions of this paragraph are



1 subject to the notice, review, and objection procedures set  
2 forth in s. 216.177.

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

16 (c)~~(b)~~ When an appropriation for a named fixed capital  
17 outlay project is found to be in excess of that needed to  
18 complete that project, at the request of the Executive Office  
19 of the Governor for state agencies or the Chief Justice of the  
20 Supreme Court for the judicial branch the excess may be  
21 transferred, with the approval of the commission or the Chief  
22 Justice, to another project for which there has been an  
23 appropriation in the same fiscal year from the same fund and  
24 within the same department where a deficiency is found to  
25 exist. ~~Further, a fixed capital outlay project may not be~~  
26 ~~initiated without a specific legislative appropriation, nor~~  
27 ~~may~~ The scope of a fixed capital outlay project may not be  
28 changed by any ~~the~~ transfer of funds made pursuant to this  
29 subsection. The provisions of this paragraph are subject to  
30 the notice, review, and objection procedures set forth in s.  
31 216.177.

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

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

10           Section 16. Section 11.90, Florida Statutes, is  
11 amended to read:

12           11.90 Legislative Budget ~~Budgeting~~ Commission.--

13           (1) There is created a standing joint committee of the  
14 Legislature designated the Legislative Budget ~~Budgeting~~  
15 Commission, composed of 14 members as follows: seven members  
16 of the Senate appointed by the President of the Senate, to  
17 include the Chairman of the Senate Budget Committee or its  
18 successor, and seven members of the House of Representatives  
19 appointed by the Speaker of the House of Representatives, to  
20 include the Chairman of the Fiscal Responsibility Council or  
21 its successor. The terms of members shall be for 2 years and  
22 shall run from the organization of one Legislature to the  
23 organization of the next Legislature. Vacancies occurring  
24 during the interim period shall be filled in the same manner  
25 as the original appointment. During even-numbered years, the  
26 chair of the commission shall be the chair of the Senate  
27 Budget Committee or its successor, and the vice chair of the  
28 commission shall be the chair of the House Fiscal  
29 Responsibility Council or its successor. During odd-numbered  
30 years, the chair of the commission shall be the chair of the  
31 House Fiscal Responsibility Council or its successor, and the

1 vice chair of the commission shall be the chair of the Senate  
2 Budget Committee or its successor. ~~The members of the~~  
3 ~~committee shall elect a chair and vice chair. During the~~  
4 ~~2-year term, a member of each house shall serve as chair for 1~~  
5 ~~year.~~

6 (2) The Legislative Budget Commission shall be  
7 governed by joint rules of the Senate and the House of  
8 Representatives which shall remain in effect until repealed or  
9 amended by concurrent resolution.

10 (3) The commission shall meet at least quarterly and  
11 more frequently at the direction of the presiding officers or  
12 upon call of the chairman. A quorum shall consist of a  
13 majority of members from each house, plus one additional  
14 member from either house. Action by the commission requires a  
15 majority vote of the members present of each house.

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

18 (5) The commission will be jointly staffed by the  
19 appropriations committees of the House of Representatives and  
20 the Senate. During even-numbered years, the Senate will serve  
21 as lead staff, and during odd-numbered years, the House of  
22 Representatives will serve as lead staff.

23 Section 17. Subsection (2) of section 27.345, Florida  
24 Statutes, is amended to read:

25 27.345 State Attorney RICO Trust Fund; authorized use  
26 of funds; reporting.--

27 (2) There is created for each of the several state  
28 attorneys a trust fund to be known as the State Attorney RICO  
29 Trust Fund. The amounts awarded to a state attorney pursuant  
30 to this section shall be deposited in the trust fund for that  
31 state attorney. Funds deposited in such trust fund shall be

1 used, when authorized by appropriation or action of the  
2 Executive Office of the Governor pursuant to s.  
3 216.181(11)(~~10~~), for investigation, prosecution, and  
4 enforcement by that state attorney of civil or criminal causes  
5 of action arising under the provisions of the Florida RICO  
6 (Racketeer Influenced and Corrupt Organization) Act.

7 Section 18. Section 27.3451, Florida Statutes, is  
8 amended to read:

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

20 Section 19. Section 27.385, Florida Statutes, is  
21 created to read:

22 27.385 Budget expenditures.--

23 (1) Notwithstanding provisions to the contrary in s.  
24 27.34(2), a state attorney may expend appropriated state funds  
25 for items that are enumerated in that subsection.

26 (2) Each state attorney shall, by October 1 of each  
27 fiscal year, submit a report to the Legislative Budget  
28 Commission showing the amount of state funds expended during  
29 the previous fiscal year ending in June for the items  
30 enumerated in s. 27.34(2). The Justice Administrative  
31 Commission shall prescribe the format of this report.

1           Section 20. Section 27.605, Florida Statutes, is  
2 created to read:

3           27.605 Budget expenditures.--

4           (1) Notwithstanding provisions to the contrary in s.  
5 27.54(3), a public defender may expend appropriated state  
6 funds for items that are enumerated in that subsection.

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

12           Section 21. Section 45.062, Florida Statutes, is  
13 amended to read:

14           45.062 Settlements, conditions, or orders when an  
15 agency of the executive branch is a party.--

16           (1) In any civil action in which a state executive  
17 branch agency or officer is a party in state or federal court,  
18 the officer, agent, official, or attorney who represents or is  
19 acting on behalf of such agency or officer may not settle such  
20 action, consent to any condition, or agree to any order in  
21 connection therewith, if the settlement, condition, or order  
22 requires the expenditure of or the obligation to expend any  
23 state funds or other state resources, or the establishment of  
24 any new program, unless:

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

27           (b) Prior written notification is given within 5  
28 business days of the date the settlement or presettlement  
29 agreement or order is to be made final to the President of the  
30 Senate, the Speaker of the House of Representatives, the  
31 Senate and House minority leaders, and the Attorney General.

1 Such notification shall specify how the agency involved will  
2 address the costs in future years within the limits of current  
3 appropriations.

4 (2) The state executive branch agency or officer shall  
5 negotiate a closure date as soon as possible for the civil  
6 action.

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

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

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

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

16  
17 The state executive branch agency or officer shall provide  
18 periodic updates to the appropriate legislative committees on  
19 these issues during the settlement process.

20 Section 22. Notwithstanding the provisions of section  
21 10 of chapter 90-110, Laws of Florida, subsection (3) of  
22 section 215.20, Florida Statutes, shall not stand repealed on  
23 October 1, 2001, and shall continue in full force and effect.

24 Section 23. Section 284.385, Florida Statutes, is  
25 amended to read:

26 284.385 Reporting and handling of claims.--All  
27 departments covered by the State Risk Management Trust Fund  
28 under this part shall immediately report all known or  
29 potential claims to the Department of Insurance for handling,  
30 except employment complaints which have not been filed with  
31 the Florida Human Relations Commission, Equal Employment

1 Opportunity Commission, or any similar agency. When deemed  
2 necessary, the Department of Insurance shall assign or  
3 reassign the claim to counsel. The assigned counsel shall  
4 report regularly to the Department of Insurance or to the  
5 covered department on the status of any such claims or  
6 litigation as required by the Department of Insurance. No  
7 such claim shall be compromised or settled for monetary  
8 compensation without the prior approval of the Department of  
9 Insurance and prior notification to the covered department.  
10 All departments shall cooperate with the Department of  
11 Insurance in its handling of claims. The Department of  
12 Insurance, the Department of Management Services, and the  
13 Department of Banking and Finance, with the cooperation of the  
14 state attorneys and the clerks of the courts, shall develop a  
15 system to coordinate the exchange of information concerning  
16 claims for and against the state, its agencies, and its  
17 subdivisions, to assist in collection of amounts due to them.  
18 The covered department shall have the responsibility for the  
19 settlement of any claim for injunctive or affirmative relief  
20 under 42 U.S.C. s. 1983 or similar federal or state statutes.  
21 The payment of a settlement or judgment for any claim covered  
22 and reported under this part shall be made only from the State  
23 Risk Management Trust Fund.

24 Section 24. Paragraph (b) of subsection (2) of section  
25 376.15, Florida Statutes, is amended to read:

26 376.15 Derelict vessels; removal from public waters.--

27 (2)

28 (b) The commission may establish a program to provide  
29 grants to coastal local governments for the removal of  
30 derelict vessels from the public waters of the state. The  
31 program shall be funded from the Florida Coastal Protection

1 Trust Fund. Notwithstanding the provisions in s.  
2 216.181~~(11)~~~~(10)~~, funds available for grants may only be  
3 authorized by appropriations acts of the Legislature.

4 Section 25. Section 215.98, Florida Statutes, is  
5 created to read:

6 215.98 State debt fiscal responsibility.--

7 (1) It is the public policy of this state to encourage  
8 fiscal responsibility on matters pertaining to state debt. In  
9 an effort to finance essential capital projects for the  
10 benefit of residents at favorable interest rates, the state  
11 must continue to maintain its excellent credit standing with  
12 investors. Authorizations of state debt must take into  
13 account the ability of the state to meet its total debt  
14 service requirements in light of other demands on the state's  
15 fiscal resources. The Legislature declares that it is the  
16 policy of this state to exercise prudence in undertaking the  
17 authorization and issuance of debt. In order to implement  
18 this policy, the Legislature desires to authorize the issuance  
19 of additional state tax-supported debt only when such  
20 authorization would not cause the ratio of debt service to  
21 revenue available to pay debt service on tax-supported debt to  
22 exceed 6 percent. If the 6-percent target debt ratio will be  
23 exceeded, the authorization of such additional debt must be  
24 accompanied by a legislative statement of determination that  
25 such authorization and issuance is in the best interest of the  
26 state and should be implemented. The Legislature shall not  
27 authorize the issuance of additional state tax-supported debt  
28 if such authorization would cause the designated benchmark  
29 debt ratio of debt service to revenues available to pay debt  
30 service to exceed 7 percent unless the Legislature determines

31



1 that such additional debt is necessary to address a critical  
2 state emergency.

3 (2) The Division of Bond Finance shall conduct a debt  
4 affordability analysis each year. Proposed capital projects  
5 that require funding by the issuance of additional state debt  
6 shall be evaluated on the basis of the analysis to assist the  
7 Governor and the Legislature in setting priorities among  
8 capital projects and related appropriations.

9 (a) The Division of Bond Finance shall annually  
10 prepare a debt affordability report, to be presented to the  
11 governing board of the Division of Bond Finance, the President  
12 of the Senate, the Speaker of the House of Representatives,  
13 and the chair of each appropriations committee by December 15  
14 of each year, for purposes of providing a framework for the  
15 Legislature to evaluate and establish priorities for bills  
16 that propose the authorization of additional state debt during  
17 the next budget year.

18 (b) The report shall include, but not be limited to:

19 1. A listing of state debt outstanding, other debt  
20 secured by state revenues, and other contingent debt.

21 2. An estimate of revenues available for the next 10  
22 fiscal years to pay debt service, including general revenues  
23 plus any revenues specifically pledged to pay debt service.

24 3. An estimate of additional debt issuance for the  
25 next 10 fiscal years for the state's existing borrowing  
26 programs.

27 4. A schedule of the annual debt service requirements,  
28 including principal and interest allocation, on the  
29 outstanding state debt and an estimate of the annual debt  
30 service requirements on the debt included in subparagraph 3.  
31 for each of the next 10 fiscal years.

1           5. An overview of the state's general obligation  
2 credit rating.

3           6. Identification and calculation of pertinent debt  
4 ratios, including, but not limited to, debt service to  
5 revenues available to pay debt service, debt to personal  
6 income, and debt per capita for the state's net tax-supported  
7 debt.

8           7. The estimated debt capacity available over the next  
9 10 fiscal years without the benchmark debt ratio of debt  
10 service to revenue exceeding 6 percent.

11           8. A comparison of the debt ratios prepared for  
12 subparagraph 6., with the comparable debt ratios for the 10  
13 most populous states.

14           (c) The Division of Bond Finance shall prepare an  
15 update of the report set forth above upon completion of the  
16 revenue estimates prepared in connection with the legislative  
17 session.

18           (d) Any entity issuing debt secured by state revenues  
19 shall provide the information necessary to prepare the debt  
20 affordability report.

21           (3) Failure to comply with this section shall not  
22 affect the validity of any debt or the authorization of such  
23 debt.

24           Section 26. Subsection (6) is added to section 11.90,  
25 Florida Statutes, to read:

26           11.90 Legislative Budgeting Commission.--

27           (6) The commission shall have the power and duty to:

28           (a) Annually review the amount of state debt  
29 outstanding and submit to the President of the Senate and the  
30 Speaker of the House of Representatives an estimate of the  
31 maximum amount of additional state tax-supported debt that

1 prudently may be authorized during the current fiscal year.  
2 The estimate shall be advisory and shall in no way bind the  
3 Legislature.

4 (b) Promptly after receiving the report required by s.  
5 215.98(2)(c), the commission shall submit to the President of  
6 the Senate and the Speaker of the House of Representatives the  
7 commission's estimate of tax-supported debt which prudently  
8 may be authorized for the next fiscal year, together with a  
9 report explaining the basis for the estimate.

10 Section 27. This act shall take effect July 1, 2001.

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