

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; creating s. 215.98, F.S.;  
30 providing a declaration of public policy;  
31 requiring the Division of Bond Finance of the

1 State Board of Administration to conduct an  
2 annual debt affordability analysis; requiring a  
3 report; specifying report requirements;  
4 amending s. 11.90, F.S.; providing additional  
5 powers and duties of the Legislative Budget  
6 Commission relating to the state's debt;  
7 providing an effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Paragraph (bb) of subsection (1) of section  
12 216.011, Florida Statutes, is amended to read:

13 216.011 Definitions.--

14 (1) For the purpose of fiscal affairs of the state,  
15 appropriations acts, legislative budgets, and approved  
16 budgets, each of the following terms has the meaning  
17 indicated:

18 (bb) "Operating capital outlay" means the  
19 appropriation category used to fund equipment, fixtures, and  
20 other tangible personal property of a nonconsumable and  
21 nonexpendable nature, according to ~~up~~ to the value or cost  
22 specified in s. 273.02.

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

25 216.013 Long-range program plan.--

26 (4) The Executive Office of the Governor shall review  
27 the long-range program plans for executive agencies to ensure  
28 that they are consistent with the state's goals and objectives  
29 and other requirements as specified in the written  
30 instructions and that they provide the framework and context  
31 for the agency's budget request. ~~In its review, the Executive~~

1 ~~Office of the Governor shall consider the findings of the~~  
2 ~~Technology Review Workgroup as to the consistency of the~~  
3 ~~information technology portion of long-range program plans~~  
4 ~~with the State Annual Report on Information Resources~~  
5 ~~Management and statewide policies recommended by the State~~  
6 ~~Technology Council and the state's plan for facility needs~~  
7 ~~pursuant to s. 216.0158. Based on the results of the review,~~  
8 ~~the Executive Office of the Governor may require an agency to~~  
9 ~~revise the plan.~~

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

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

23 216.023 Legislative budget requests to be furnished to  
24 Legislature by agencies.--

25 (4) The legislative budget request must contain for  
26 each program:

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

29 (j) Unit costs for major activities for the budget  
30 entities as defined in the General Appropriations Act. It is  
31 the intent of the Legislature to use unit-cost data not only

1 as a budgeting tool but also as a policymaking tool and an  
2 accountability tool. Therefore, each budget entity must also  
3 submit a one-page summary of information related to itself,  
4 subordinate entities, and contracting entities which includes:

5 1. The budget for each entity;

6 2. The total amount of revenue received or otherwise  
7 passed through each entity;

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

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

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

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

1 information specified annually in the legislative budget  
2 instructions.

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

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

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

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

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

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

21 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

22 (a) Duties.--The Criminal Justice Estimating  
23 Conference shall:

24 1. Develop such official information relating to the  
25 criminal justice system, including forecasts of prison  
26 admissions and population and of supervised felony offender  
27 admissions and population ~~by offense categories specified in~~  
28 ~~Rule 3.701, Florida Rules of Criminal Procedure~~, as the  
29 conference determines is needed for the state planning and  
30 budgeting system.

31

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

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

13           (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

14           (a) Duties.--

15           1. The Social Services Estimating Conference shall  
16 develop such official information relating to the social  
17 services system of the state, including forecasts of social  
18 services caseloads, utilization, and expenditures, as the  
19 conference determines is needed for the state planning and  
20 budgeting system. Such official information shall include,  
21 but not be limited to, cash assistance and Medicaid ~~subsidized~~  
22 ~~child care caseloads mandated by the Family Support Act of~~  
23 ~~1988.~~

24           ~~2. In addition, the Social Services Estimating~~  
25 ~~Conference shall develop estimates and forecasts of the~~  
26 ~~unduplicated count of children eligible for subsidized child~~  
27 ~~care as defined in s. 402.3015(1). These estimates and~~  
28 ~~forecasts shall not include children enrolled in the~~  
29 ~~prekindergarten early intervention program established in s.~~  
30 ~~230.2305.~~



1           ~~3. The Department of Children and Family Services and~~  
2 ~~the Department of Education shall provide information on~~  
3 ~~caseloads and waiting lists for the subsidized child care and~~  
4 ~~prekindergarten early intervention programs requested by the~~  
5 ~~Social Services Estimating Conference or individual conference~~  
6 ~~principals, in a timely manner.~~

7           2.4. The Social Services Estimating Conference shall  
8 develop information relating to the Florida Kidcare program,  
9 including, but not limited to, outreach impacts, enrollment,  
10 caseload, utilization, and expenditure information that the  
11 conference determines is needed to plan for and project future  
12 budgets and the drawdown of federal matching funds. The  
13 agencies required to collect and analyze Florida Kidcare  
14 program data under s. 409.8134 shall be participants in the  
15 Social Services Estimating Conference for purposes of  
16 developing information relating to the Florida Kidcare  
17 program.

18           (b) Principals.--The Executive Office of the Governor,  
19 the coordinator of the Office of Economic and Demographic  
20 Research, ~~and~~ professional staff, who have forecasting  
21 expertise, ~~from the Department of Children and Family~~  
22 Services, the Agency for Health Care Administration, the  
23 Senate, and the House of Representatives, or their designees,  
24 are the principals of the Social Services Estimating  
25 Conference. The principal representing the Executive Office  
26 of the Governor shall preside over sessions of the conference.

27           Section 6. Section 216.177, Florida Statutes, is  
28 amended to read:

29           216.177 Appropriations acts, statement of intent,  
30 violation, notice, review and objection procedures.--

31

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

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

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

12  
13 to the Executive Office of the Governor, the Comptroller, the  
14 Auditor General, the Chief Justice of the Supreme Court, and  
15 each state agency. A request for additional explanation and  
16 direction regarding the legislative intent of the General  
17 Appropriations Act during the fiscal year may be made to the  
18 chair and vice chair of the Legislative Budget Commission or  
19 the President of the Senate and the Speaker of the House of  
20 Representatives only by and through the Executive Office of  
21 the Governor for state agencies, and by and through the Chief  
22 Justice of the Supreme Court for the judicial branch, as is  
23 deemed necessary. However, the Comptroller may also request  
24 further clarification of legislative intent pursuant to the  
25 Comptroller's responsibilities related to his or her preaudit  
26 function of expenditures.

27           (2)(a) Whenever notice of action to be taken by the  
28 Executive Office of the Governor or the Chief Justice of the  
29 Supreme Court is required by this chapter, such notice shall  
30 be given to the chair and vice chair of the Legislative Budget  
31 Commission ~~and chairs of the legislative appropriations~~

1 ~~committees~~ in writing, and shall be delivered at least 14 days  
2 prior to the action referred to, unless a shorter period is  
3 approved in writing by the chair. If the action is solely for  
4 the release of funds appropriated by the Legislature, the  
5 notice shall be delivered at least 3 days before the effective  
6 date of the action. Action shall not be taken on any budget  
7 item for which this chapter requires notice to the Legislative  
8 Budget Commission or the ~~and~~ appropriations committees without  
9 such notice having been provided, even though there may be  
10 good cause for considering such item.

11 (b) If the chair and vice chair of the Legislative  
12 Budget Commission or the President of the Senate and the  
13 Speaker of the House of Representatives timely advise, in  
14 writing, the Executive Office of the Governor or the Chief  
15 Justice of the Supreme Court that an action or a proposed  
16 action, whether subject to the notice and review requirements  
17 of this chapter or not, exceeds the delegated authority of the  
18 Executive Office of the Governor for the executive branch or  
19 the Chief Justice for the judicial branch, respectively, or is  
20 contrary to legislative policy and intent, the Governor or the  
21 Chief Justice of the Supreme Court shall void such action and  
22 instruct the affected state agency or entity of the judicial  
23 branch to change immediately its spending action or spending  
24 proposal until the Legislative Budget Commission or the  
25 Legislature addresses the issue. The written documentation  
26 shall indicate the specific reasons that an action or proposed  
27 action exceeds the delegated authority or is contrary to  
28 legislative policy and intent.

29 (c) The House of Representatives and the Senate shall  
30 provide by rule that any member of the House of  
31 Representatives or Senate may request, in writing, of either

1 the President of the Senate or the Speaker of the House of  
2 Representatives ~~or the chair of the Legislative Budget~~  
3 ~~Commission~~ to initiate the procedures of paragraph (b).

4 (3) The Legislature may annually specify any  
5 incentives and disincentives for agencies operating programs  
6 under performance-based program budgets pursuant to this  
7 chapter in the General Appropriations Act or legislation  
8 implementing the General Appropriations Act.

9 (4) Notwithstanding the 14-day notice requirements of  
10 this section, ~~and for the 2000-2001 fiscal year only,~~ the  
11 Department of Children and Family Services is required to  
12 provide notice of proposed transfers submitted pursuant to s.  
13 20.19(10)(c)8. to the Executive Office of the Governor and the  
14 chairs of the legislative appropriations committees at least 3  
15 working days prior to their implementation.

16 Section 7. Subsections (6), (10), and (11) of section  
17 216.181, Florida Statutes, are amended to read:

18 216.181 Approved budgets for operations and fixed  
19 capital outlay.--

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

28 (b) The Executive Office of the Governor and the Chief  
29 Justice of the Supreme Court may amend, without approval of  
30 the Legislative Budget Commission, state agency and judicial  
31 branch entity budgets, respectively, to reflect the

1 transferred funds based on the approved plans for lump-sum  
2 appropriations.

3

4 The Executive Office of the Governor shall transmit to each  
5 state agency and the Comptroller, and the Chief Justice shall  
6 transmit to each judicial branch component and the  
7 Comptroller, any approved amendments to the approved operating  
8 budgets.

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

24 (b) Lump-sum salary bonuses may be provided only if  
25 specifically appropriated or provided pursuant to s. 216.1815  
26 or s. 110.1245.

27 (c) State agencies and the judicial branch shall  
28 report, each fiscal quarter, the number of filled positions,  
29 the number of vacant positions, and the salary rate associated  
30 with each category to the Legislative Budget Commission in a  
31 form and manner prescribed by the commission.

1           ~~(11) The Executive Office of the Governor may approve~~  
2 ~~transfers of appropriations in the General Appropriations Act~~  
3 ~~within any state trust fund of an agency, and the Chief~~  
4 ~~Justice of the Supreme Court may approve such transfers for~~  
5 ~~the judicial branch.~~The Executive Office of the Governor and  
6 the Chief Justice of the Supreme Court may approve changes in  
7 the amounts appropriated from state trust funds in excess of  
8 those in the approved operating budget up to \$1 million only  
9 pursuant to the federal funds provisions of s. 216.212, when  
10 grants and donations are received after April 1, or when  
11 deemed necessary due to a set of conditions that were  
12 unforeseen at the time the General Appropriations Act was  
13 adopted and that are essential to correct in order to continue  
14 the operation of government. Changes in the amounts  
15 appropriated from state trust funds in excess of those in the  
16 approved operating budget which are in excess of \$1 million  
17 may be approved only by the Legislative Budget Commission  
18 pursuant to the request of a state agency filed with the  
19 Executive Office of the Governor or pursuant to the request of  
20 an entity of the judicial branch filed with the Chief Justice  
21 of the Supreme Court.The provisions of this subsection are  
22 subject to the notice, review, and objection procedures set  
23 forth in s. 216.177.

24           Section 8. Section 216.1815, Florida Statutes, is  
25 created to read:

26           216.1815 Agency incentive and savings program.--

27           (1) In order to provide an incentive for agencies and  
28 the judicial branch to re-engineer business processes and  
29 otherwise increase operating efficiency, it is the intent of  
30 the Legislature to allow agencies and the judicial branch to  
31 retain a portion of the savings produced by internally

1 generated agency or judicial branch program efficiencies and  
2 cost reductions.

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

7 (a) The modifications to approved programs resulting  
8 in efficiencies and cost savings;

9 (b) The amount and source of the funds and positions  
10 saved;

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

14 (d) How the agency or the judicial branch will meet  
15 the goals and objectives established in its long-range program  
16 plan;

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

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

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

28 (4) In determining the amount the agency or the  
29 judicial branch will be allowed to retain, the commission  
30 shall consider the actual savings projected for the current  
31 budget year and the annualized savings.

1           (5) The amount to be retained by the agency or the  
2 judicial branch shall be no less than 5 percent and no more  
3 than 25 percent of the annual savings and may be used by the  
4 agency or the judicial branch for salary increases or other  
5 expenditures specified in the agency's or the judicial  
6 branch's plan if the salary increases or other expenditures do  
7 not create a recurring cost to the state in excess of the  
8 recurring savings achieved by the agency or the judicial  
9 branch in the plan.

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

14           Section 9. Section 216.1826, Florida Statutes, is  
15 created to read:

16           216.1826 Activity-based planning and  
17 budgeting.--Agencies are directed to work in consultation with  
18 the Executive Office of the Governor and the appropriations  
19 and appropriate substantive committees of the Legislature, and  
20 the Chief Justice of the Supreme Court is directed to work  
21 with the appropriations and appropriate substantive committees  
22 of the Legislature, to identify and reach consensus on the  
23 appropriate services and activities for activity-based  
24 budgeting. It is the intent of the Legislature that all  
25 dollars within an agency or the judicial branch be allocated  
26 to the appropriate activity for budgeting purposes.  
27 Additionally, agencies or the judicial branch shall examine  
28 approved performance measures and recommend any changes so  
29 that outcomes are clearly delineated for each service or  
30 program, as appropriate, and outputs are aligned with  
31 activities. Output measures should be capable of being used



1 to generate a unit cost for each activity resulting in a true  
2 accounting of what the state should spend on each activity it  
3 provides and what the state should expect to accomplish with  
4 those funds.

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

7 216.192 Release of appropriations; revision of  
8 budgets.--

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

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

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

13 216.216 Court settlement funds negotiated by the  
14 state.--In any court settlement in which a state agency or  
15 officer or any other counsel representing the interests of the  
16 state negotiates settlement amounts to be expended by ~~on any~~  
17 ~~state operational or fixed capital issue~~ in the judicial  
18 branch or the executive branch, such funds may not be expended  
19 unless the Legislature has appropriated funds to the agency in  
20 the appropriate category or the Legislative Budget Commission  
21 has approved a budget amendment for such funds. In either  
22 instance, the funding source identified must be sufficient to  
23 cover both the anticipated program costs and the amount of the  
24 settlement, the settlement must not be contrary to the intent  
25 of the Legislature, and, if the settlement amount is  
26 substantial, good reason must exist for entering into the  
27 settlement prior to the next legislative session and no  
28 significant amount of recurring funding shall be committed  
29 ~~appropriated by the Legislature to the appropriate agency~~  
30 ~~responsible for the operational or fixed capital issue.~~ When a  
31 state agency or officer settles an action in which the state

1 will receive moneys, the funds shall be placed in the General  
2 Revenue Fund or in the trust fund that is associated with the  
3 agency's or officer's authority to pursue the legal action.  
4 The provisions of this section are subject to the notice and  
5 review procedures set forth in s. 216.177.

6 Section 12. Present subsection (10) of section  
7 216.221, Florida Statutes, is renumbered as subsection (11),  
8 and a new subsection (10) is added to that section to read:

9 216.221 Appropriations as maximum appropriations;  
10 adjustment of budgets to avoid or eliminate deficits.--

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

27 Section 13. Paragraph (a) of subsection (1) of section  
28 216.262, Florida Statutes, is amended to read:

29 216.262 Authorized positions.--

30 (1)(a) Unless otherwise expressly provided by law, the  
31 total number of authorized positions may not exceed the total

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

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

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

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

31 216.292 Appropriations nontransferable; exceptions.--

1           (2) A lump sum appropriated for a performance-based  
2 program must be distributed by the Governor for state agencies  
3 or the Chief Justice for the judicial branch into the  
4 traditional expenditure categories in accordance with s.  
5 216.181(6)(b). At any time during the year, the agency head  
6 or Chief Justice may transfer funds between those categories  
7 with no limit on the amount of the transfer. Authorized  
8 revisions of the original approved operating budget, together  
9 with related changes, if any, must be transmitted by the state  
10 agency or by the judicial branch to the Executive Office of  
11 the Governor or the Chief Justice, the chair and vice chair of  
12 the Legislative Budget Commission, ~~the chairs of the~~  
13 ~~legislative appropriations committees,~~ the Office of Program  
14 Policy Analysis and Government Accountability, and the Auditor  
15 General. Such authorized revisions shall be consistent with  
16 the intent of the approved operating budget, shall be  
17 consistent with legislative policy and intent, and shall not  
18 conflict with specific spending policies specified in the  
19 General Appropriations Act. The Executive Office of the  
20 Governor shall forward a copy of the revisions within 7  
21 working days to the Comptroller for entry in his or her  
22 records in the manner and format prescribed by the Executive  
23 Office of the Governor in consultation with the Comptroller.  
24 Such authorized revisions shall be consistent with the intent  
25 of the approved operating budget, shall be consistent with  
26 legislative policy and intent, and shall not conflict with  
27 specific spending policies specified in the General  
28 Appropriations Act.

29           (3) The head of each department or the Chief Justice  
30 of the Supreme Court, whenever it is deemed necessary by  
31 reason of changed conditions, may transfer appropriations

1 funded from identical funding sources, except appropriations  
2 for fixed capital outlay, and transfer the amounts included  
3 within the total original approved budget and releases as  
4 furnished pursuant to ss. 216.181 and 216.192, as follows:

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

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

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

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

31

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

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

1 committees at least 5 working days prior to their  
2 implementation.

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

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

29 (c)~~(b)~~ When an appropriation for a named fixed capital  
30 outlay project is found to be in excess of that needed to  
31 complete that project, at the request of the Executive Office



1 of the Governor for state agencies or the Chief Justice of the  
2 Supreme Court for the judicial branch the excess may be  
3 transferred, with the approval of the commission or the Chief  
4 Justice, to another project for which there has been an  
5 appropriation in the same fiscal year from the same fund and  
6 within the same department where a deficiency is found to  
7 exist. ~~Further, a fixed capital outlay project may not be~~  
8 ~~initiated without a specific legislative appropriation, nor~~  
9 ~~may~~ The scope of a fixed capital outlay project may not be  
10 changed by any ~~the~~ transfer of funds made pursuant to this  
11 subsection. The provisions of this paragraph are subject to  
12 the notice, review, and objection procedures set forth in s.  
13 216.177.

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

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

23 Section 15. Section 11.90, Florida Statutes, is  
24 amended to read:

25 11.90 Legislative Budget ~~Budgeting~~ Commission.--

26 (1) There is created a standing joint committee of the  
27 Legislature designated the Legislative Budget ~~Budgeting~~  
28 Commission, composed of 14 members as follows: seven members  
29 of the Senate appointed by the President of the Senate, to  
30 include the Chairman of the Senate Budget Committee or its  
31 successor, and seven members of the House of Representatives

1 appointed by the Speaker of the House of Representatives, to  
2 include the Chairman of the Fiscal Responsibility Council or  
3 its successor. The terms of members shall be for 2 years and  
4 shall run from the organization of one Legislature to the  
5 organization of the next Legislature. Vacancies occurring  
6 during the interim period shall be filled in the same manner  
7 as the original appointment. During even-numbered years, the  
8 chair of the commission shall be the chair of the Senate  
9 Budget Committee or its successor, and the vice chair of the  
10 commission shall be the chair of the House Fiscal  
11 Responsibility Council or its successor. During odd-numbered  
12 years, the chair of the commission shall be the chair of the  
13 House Fiscal Responsibility Council or its successor, and the  
14 vice chair of the commission shall be the chair of the Senate  
15 Budget Committee or its successor. The members of the  
16 committee shall elect a chair and vice chair. During the  
17 2-year term, a member of each house shall serve as chair for 1  
18 year.

19 (2) The Legislative Budget Commission shall be  
20 governed by joint rules of the Senate and the House of  
21 Representatives which shall remain in effect until repealed or  
22 amended by concurrent resolution.

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

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

31

1           (5) The commission will be jointly staffed by the  
2 appropriations committees of the House of Representatives and  
3 the Senate. During even-numbered years, the Senate will serve  
4 as lead staff, and during odd-numbered years, the House of  
5 Representatives will serve as lead staff.

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

8           27.345 State Attorney RICO Trust Fund; authorized use  
9 of funds; reporting.--

10           (2) There is created for each of the several state  
11 attorneys a trust fund to be known as the State Attorney RICO  
12 Trust Fund. The amounts awarded to a state attorney pursuant  
13 to this section shall be deposited in the trust fund for that  
14 state attorney. Funds deposited in such trust fund shall be  
15 used, when authorized by appropriation or action of the  
16 Executive Office of the Governor pursuant to s.  
17 216.181(11)~~(10)~~, for investigation, prosecution, and  
18 enforcement by that state attorney of civil or criminal causes  
19 of action arising under the provisions of the Florida RICO  
20 (Racketeer Influenced and Corrupt Organization) Act.

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

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

1 investigation of crime, prosecution of criminals, or other law  
2 enforcement purposes.

3 Section 18. Section 27.385, Florida Statutes, is  
4 created to read:

5 27.385 Budget expenditures.--

6 (1) Notwithstanding provisions to the contrary in s.  
7 27.34(2), a state attorney may expend appropriated state funds  
8 for items that are enumerated in that subsection.

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

15 Section 19. Section 27.605, Florida Statutes, is  
16 created to read:

17 27.605 Budget expenditures.--

18 (1) Notwithstanding provisions to the contrary in s.  
19 27.54(3), a public defender may expend appropriated state  
20 funds for items that are enumerated in that subsection.

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

26 Section 20. Section 45.062, Florida Statutes, is  
27 amended to read:

28 45.062 Settlements, conditions, or orders when an  
29 agency of the executive branch is a party.--

30 (1) In any civil action in which a state executive  
31 branch agency or officer is a party in state or federal court,

1 the officer, agent, official, or attorney who represents or is  
2 acting on behalf of such agency or officer may not settle such  
3 action, consent to any condition, or agree to any order in  
4 connection therewith, if the settlement, condition, or order  
5 requires the expenditure of or the obligation to expend any  
6 state funds or other state resources, or the establishment of  
7 any new program, unless:

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

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

18 (2) The state executive branch agency or officer shall  
19 negotiate a closure date as soon as possible for the civil  
20 action.

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

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

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

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

30  
31

1 The state executive branch agency or officer shall provide  
2 periodic updates to the appropriate legislative committees on  
3 these issues during the settlement process.

4 Section 21. Notwithstanding the provisions of section  
5 10 of chapter 90-110, Laws of Florida, subsection (3) of  
6 section 215.20, Florida Statutes, shall not stand repealed on  
7 October 1, 2001, and shall continue in full force and effect.

8 Section 22. Section 284.385, Florida Statutes, is  
9 amended to read:

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

1 subdivisions, to assist in collection of amounts due to them.  
2 The covered department shall have the responsibility for the  
3 settlement of any claim for injunctive or affirmative relief  
4 under 42 U.S.C. s. 1983 or similar federal or state statutes.  
5 The payment of a settlement or judgment for any claim covered  
6 and reported under this part shall be made only from the State  
7 Risk Management Trust Fund.

8 Section 23. Paragraph (b) of subsection (2) of section  
9 376.15, Florida Statutes, is amended to read:

10 376.15 Derelict vessels; removal from public waters.--

11 (2)

12 (b) The commission may establish a program to provide  
13 grants to coastal local governments for the removal of  
14 derelict vessels from the public waters of the state. The  
15 program shall be funded from the Florida Coastal Protection  
16 Trust Fund. Notwithstanding the provisions in s.  
17 216.181(11)~~(10)~~, funds available for grants may only be  
18 authorized by appropriations acts of the Legislature.

19 Section 24. Section 215.98, Florida Statutes, is  
20 created to read:

21 215.98 State debt fiscal responsibility.--

22 (1) It is the public policy of this state to encourage  
23 fiscal responsibility on matters pertaining to state debt. In  
24 an effort to finance essential capital projects for the  
25 benefit of residents at favorable interest rates, the state  
26 must continue to maintain its excellent credit standing with  
27 investors. Authorizations of state debt must take into  
28 account the ability of the state to meet its total debt  
29 service requirements in light of other demands on the state's  
30 fiscal resources. The Legislature declares that it is the  
31 policy of this state to exercise prudence in undertaking the

1 authorization and issuance of debt. In order to implement  
2 this policy, the Legislature desires to authorize the issuance  
3 of additional state tax-supported debt only when such  
4 authorization would not cause the ratio of debt service to  
5 revenue available to pay debt service on tax-supported debt to  
6 exceed 6 percent. If the 6-percent target debt ratio will be  
7 exceeded, the authorization of such additional debt must be  
8 accompanied by a legislative statement of determination that  
9 such authorization and issuance is in the best interest of the  
10 state and should be implemented. The Legislature shall not  
11 authorize the issuance of additional state tax-supported debt  
12 if such authorization would cause the designated benchmark  
13 debt ratio of debt service to revenues available to pay debt  
14 service to exceed 7 percent unless the Legislature determines  
15 that such additional debt is necessary to address a critical  
16 state emergency.

17 (2) The Division of Bond Finance shall conduct a debt  
18 affordability analysis each year. Proposed capital projects  
19 that require funding by the issuance of additional state debt  
20 shall be evaluated on the basis of the analysis to assist the  
21 Governor and the Legislature in setting priorities among  
22 capital projects and related appropriations.

23 (a) The Division of Bond Finance shall annually  
24 prepare a debt affordability report, to be presented to the  
25 governing board of the Division of Bond Finance, the President  
26 of the Senate, the Speaker of the House of Representatives,  
27 and the chair of each appropriations committee by December 15  
28 of each year, for purposes of providing a framework for the  
29 Legislature to evaluate and establish priorities for bills  
30 that propose the authorization of additional state debt during  
31 the next budget year.



- 1           (b) The report shall include, but not be limited to:  
2           1. A listing of state debt outstanding, other debt  
3 secured by state revenues, and other contingent debt.  
4           2. An estimate of revenues available for the next 10  
5 fiscal years to pay debt service, including general revenues  
6 plus any revenues specifically pledged to pay debt service.  
7           3. An estimate of additional debt issuance for the  
8 next 10 fiscal years for the state's existing borrowing  
9 programs.  
10          4. A schedule of the annual debt service requirements,  
11 including principal and interest allocation, on the  
12 outstanding state debt and an estimate of the annual debt  
13 service requirements on the debt included in subparagraph 3.  
14 for each of the next 10 fiscal years.  
15          5. An overview of the state's general obligation  
16 credit rating.  
17          6. Identification and calculation of pertinent debt  
18 ratios, including, but not limited to, debt service to  
19 revenues available to pay debt service, debt to personal  
20 income, and debt per capita for the state's net tax-supported  
21 debt.  
22          7. The estimated debt capacity available over the next  
23 10 fiscal years without the benchmark debt ratio of debt  
24 service to revenue exceeding 6 percent.  
25          8. A comparison of the debt ratios prepared for  
26 subparagraph 6., with the comparable debt ratios for the 10  
27 most populous states.  
28          (c) The Division of Bond Finance shall prepare an  
29 update of the report set forth above upon completion of the  
30 revenue estimates prepared in connection with the legislative  
31 session.

1           (d) Any entity issuing debt secured by state revenues  
2 shall provide the information necessary to prepare the debt  
3 affordability report.

4           (3) Failure to comply with this section shall not  
5 affect the validity of any debt or the authorization of such  
6 debt.

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

9           11.90 Legislative Budgeting Commission.--

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

11           (a) Annually review the amount of state debt  
12 outstanding and submit to the President of the Senate and the  
13 Speaker of the House of Representatives an estimate of the  
14 maximum amount of additional state tax-supported debt that  
15 prudently may be authorized during the current fiscal year.  
16 The estimate shall be advisory and shall in no way bind the  
17 Legislature.

18           (b) Promptly after receiving the report required by s.  
19 215.98(2)(c), the commission shall submit to the President of  
20 the Senate and the Speaker of the House of Representatives the  
21 commission's estimate of tax-supported debt which prudently  
22 may be authorized for the next fiscal year, together with a  
23 report explaining the basis for the estimate.

24           Section 26. This act shall take effect July 1, 2001.  
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