

1
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.~~

31

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.
25
26
27
28
29
30
31