

By the Committees on Appropriations; Governmental Oversight
and Productivity; and Senator Atwater

309-2686-04

1 A bill to be entitled
2 An act relating to the management of state
3 financial matters; amending s. 255.248, F.S.;
4 creating and revising definitions; providing
5 exceptions; amending s. 255.249, F.S.; removing
6 a requirement; providing that the Department of
7 Management Services, rather than agencies
8 acting on their own behalf, can lease space for
9 agencies; providing that the department may
10 retain a real estate broker; providing
11 requirements for real estate broker services
12 and for leases negotiated by a broker;
13 providing for review by the Legislative Budget
14 Commission; providing exceptions; authorizing
15 the department to assign an agency to space
16 vacated by another agency; providing conditions
17 under which an agency may reject a proposed
18 move; providing for competitive solicitation of
19 leases; providing procedures; providing
20 exceptions; providing conditions for space
21 allocation; requiring adoption of a quality
22 standard; requiring an annual report for
23 department's enterprise plan; amending s.
24 255.25, F.S.; removing a requirement that the
25 department act as a mediator; authorizing the
26 department to participate in large-scale
27 leases; changing the requirement for
28 competitive bidding for leases of real property
29 for agencies to a requirement for competitive
30 solicitation; specifying requirements for
31 extension of a lease; increasing the bond

1 requirement for protests of a lease
2 solicitation; removing requirements for review
3 by the State Fire Marshal; removing
4 requirements for a flood plain analysis;
5 removing an exception regarding specialized
6 educational facilities; amending s. 255.25001,
7 F.S.; changing competitive bidding to
8 competitive solicitation; amending s. 255.2501,
9 F.S.; providing criteria for leasing space
10 financed by local government obligations;
11 amending s. 255.2502, F.S.; specifying
12 permissible lengths for contract terms and
13 renewal and extension periods for certain
14 executive agency contracts relating to office
15 space, real property, or improvements; amending
16 s. 255.45, F.S.; requiring the department to
17 submit building plans to the State Fire Marshal
18 for a fire safety review; requiring the
19 department to review building plans for
20 compliance with flood plain management;
21 reenacting s. 633.085(1)(b), F.S., relating to
22 fire safety in state office buildings, to
23 incorporate the amendment to s. 255.45, F.S.,
24 in a reference thereto; specifying that certain
25 amendments made by the act to provisions of ch.
26 255, F.S., shall take effect on the date the
27 Department of Management Services certifies to
28 the Governor and Legislature that the
29 department has no current contracts with
30 respect to the negotiation of leases on behalf
31 of executive agencies; providing that such

1 amendments shall take effect only if the
2 certification is made before a specified date;
3 repealing s. 270.27, F.S., relating to the sale
4 of unused public lands; providing for the
5 future repeal of s. 255.249(2)(b), F.S.,
6 relating to authorization for the department to
7 contract for certain real estate broker
8 services; amending s. 14.2015, F.S.; requiring
9 the Office of Tourism, Trade, and Economic
10 Development and the Florida Commission on
11 Tourism to advise and consult with the
12 Consensus Estimating Conference principals
13 concerning certain duties; amending s. 45.062,
14 F.S.; requiring that certain legislative
15 officers and the Attorney General receive prior
16 notice concerning settlement negotiations and
17 presettlement agreements or orders; specifying
18 that such notice is a condition precedent to an
19 agency's authority to enter into such an
20 agreement; providing certain exceptions;
21 requiring that moneys paid in settlement of a
22 legal action be placed unobligated into the
23 General Revenue Fund or an appropriate trust
24 fund; prohibiting payment outside the State
25 Treasury except in settlement of a personal
26 injury claim; requiring that certain
27 legislative officers and the Attorney General
28 receive prior notice concerning certain
29 settlements involving a state agency or
30 officer; amending s. 110.1245, F.S., relating
31 to a savings sharing program; correcting a

1 reference; amending s. 215.32, F.S.; requiring
2 state agencies to use trust funds for specified
3 purposes, to the extent possible; authorizing
4 an agency to request the creation of a
5 necessary trust fund; revising requirements and
6 uses of the Working Capital Fund; amending s.
7 215.5601, F.S., relating to the Lawton Chiles
8 Endowment Fund; revising provisions governing
9 appropriations to the fund; requiring that
10 certain undisbursed balances be retained in the
11 Biomedical Research Trust Fund; amending ss.
12 215.93 and 215.94, F.S., relating to the
13 Florida Financial Management Information
14 System; revising duties of the Financial
15 Management Information Board and the functional
16 owners of the information subsystems; requiring
17 the Auditor General to provide technical
18 advice; amending s. 215.97, F.S., relating to
19 the Florida Single Audit Act; revising and
20 providing definitions; revising the uniform
21 state audit requirements for state financial
22 assistance that is provided by state agencies
23 to nonstate entities; requiring the Department
24 of Financial Services to adopt rules and
25 perform additional duties with respect to the
26 provision of financial assistance to carry out
27 state projects; specifying duties of
28 coordinating agencies; amending s. 216.011,
29 F.S.; revising definitions applicable to the
30 fiscal affairs of the state; defining the terms
31 "mandatory reserve," "budget reserve,"

1 "activity," and "statutorily authorized
2 entity"; amending s. 216.013, F.S.; revising
3 requirements for the long-range program plans
4 developed by state agencies; providing for
5 submitting such plans on an alternate date
6 under certain circumstances; revising the date
7 for making adjustments; amending s. 216.023,
8 F.S., relating to legislative budget requests;
9 providing alternate dates for submitting such
10 requests under certain circumstances; providing
11 requirements for a request to outsource or
12 privatize agency functions; deleting certain
13 requirements for performance-based program
14 budget requests; amending s. 216.031, F.S.;
15 revising requirements for target budget
16 requests; repealing s. 216.052(2), (3), (8),
17 and (9), F.S., relating to community budget
18 requests and a revolving loan program;
19 repealing s. 216.053(5), F.S., relating to
20 summary information concerning
21 performance-based program budgets; amending s.
22 216.065, F.S.; requiring that a fiscal impact
23 statement provided to the legislative
24 appropriations committees contain information
25 concerning subsequent fiscal years; amending s.
26 216.081, F.S.; providing data requirements for
27 the Governor's recommended budget under certain
28 circumstances; repealing s. 216.136(7) and (8),
29 F.S., relating to the Child Welfare System
30 Estimating Conference and the Juvenile Justice
31 Estimating Conference; amending s. 216.162,

1 F.S.; revising the date for the Governor to
2 submit the recommended budget for the state;
3 amending s. 216.167, F.S.; deleting references
4 to the Working Capital Fund to conform to
5 changes made by the act; amending s. 216.168,
6 F.S.; deleting provisions exempting the
7 Governor from a requirement to submit amended
8 recommendations; amending s. 216.177, F.S.;
9 revising requirements for a request for
10 additional information concerning the
11 legislative intent of appropriations acts and
12 for notifying the Legislature of actions taken
13 under ch. 216, F.S., and funds expended in
14 settlement of agency litigation; amending s.
15 216.181, F.S.; requiring approval of certain
16 amendments to an approved operating budget by
17 the Legislative Budget Commission; clarifying
18 provisions with respect to the notice required
19 for the transfer of lump-sum appropriations;
20 revising requirements for determining salary
21 rates; authorizing the Legislative Budget
22 Commission to approve salary rates; deleting
23 certain notice requirements; requiring that the
24 legislative appropriations committees approve
25 certain nonoperating budgets; deleting certain
26 notice requirements; deleting a provision
27 authorizing the advancement of specified funds
28 appropriated to the Department of Children and
29 Family Services and the Department of Health;
30 repealing ss. 216.1825 and 216.183, F.S.,
31 relating to the use of zero-based budgeting

1 principles and performance-based program
2 budgets; amending s. 216.192, F.S.; deleting
3 provisions authorizing the legislative
4 appropriations committees to provide advice
5 regarding the release of funds; authorizing the
6 Executive Office of the Governor and the Chief
7 Justice to place appropriations in mandatory
8 reserve or budget reserve; amending s. 216.195,
9 F.S.; deleting certain notice and review
10 requirements for the impoundment of funds;
11 amending s. 216.221, F.S.; authorizing the
12 Legislature to direct the use of any state
13 funds in an appropriations act; revising
14 requirements for adjusting budgets in order to
15 avoid or eliminate a deficit; revising
16 procedures for certifying a budget deficit;
17 revising requirements for the Governor and the
18 Chief Justice in developing plans of action;
19 requiring that the Legislative Budget
20 Commission implement certain reductions in
21 appropriations; revising requirements for
22 resolving deficits; requiring that certain
23 actions to resolve a deficit be approved by the
24 Legislative Budget Commission; amending s.
25 216.231, F.S., relating to the release of
26 classified appropriations; conforming
27 provisions to changes made by the act; amending
28 s. 216.235, F.S., relating to the Innovation
29 Investment Program; correcting references;
30 limiting the funding of certain proposals under
31 the program; amending s. 216.241, F.S.;

1 requiring that the initiation or commencement
2 of new programs be approved by the Legislative
3 Budget Commission; deleting certain notice
4 requirements; limiting certain other actions
5 and budget adjustments by a state agency or the
6 judicial branch without the approval of the
7 Legislature or the Legislative Budget
8 Commission; amending s. 216.251, F.S.;
9 correcting a reference; revising requirements
10 for establishing certain salaries; amending s.
11 216.262, F.S.; requiring the Legislative Budget
12 Commission to approve certain increases in the
13 number of positions; deleting provisions
14 authorizing an agency to retain salary dollars
15 under certain circumstances; amending s.
16 216.292, F.S.; revising provisions limiting the
17 transferability of appropriations; prohibiting
18 spending fixed capital outlay for other
19 purposes; prohibiting transferring
20 appropriations except as otherwise provided by
21 law; providing certain exceptions; amending s.
22 216.301, F.S.; revising requirements for
23 continuing unexpended balances of
24 appropriations for fixed capital outlay;
25 requiring approval by the Executive Office of
26 the Governor; authorizing the President of the
27 Senate and the Speaker of the House of
28 Representatives to provide for the retention of
29 certain balances from legislative budget
30 entities; amending s. 216.341, F.S.; exempting
31 certain positions within the Department of

1 Health from limitations on the number of
2 authorized positions; repealing s. 218.60(3),
3 F.S., relating to estimates made by the revenue
4 estimating conference and provided to local
5 governments; amending ss. 252.37 and 265.55,
6 F.S.; deleting certain references to the
7 Working Capital Fund to conform to changes made
8 by the act; repealing s. 288.1234, F.S.,
9 relating to the Olympic Games Guaranty Account
10 within the Economic Development Trust Fund;
11 amending s. 320.20, F.S.; providing duties of
12 the Chief Financial Officer with respect to the
13 deposit of certain trust fund moneys based on
14 anticipated annual revenues; amending s.
15 339.135, F.S.; revising requirements for the
16 tentative work programs submitted by state
17 agencies; requiring that the Legislative Budget
18 Commission approve certain extensions of
19 spending authority; revising requirements for
20 amending certain work programs; amending s.
21 381.0303, F.S.; authorizing the Department of
22 Health to obtain reimbursement for special
23 needs shelters from unappropriated moneys in
24 the General Revenue Fund; repealing s.
25 393.22(1), F.S., relating to a prohibition on
26 transferring certain funds appropriated for
27 developmental services programs; amending s.
28 409.906, F.S.; deleting provisions authorizing
29 the Department of Children and Family Services
30 to transfer certain funds in excess of the
31 amount specified in the General Appropriations

1 Act; repealing s. 409.912(11)(b), F.S.,
2 relating to the transfer of certain funds from
3 the Department of Elderly Affairs to the Agency
4 for Health Care Administration; amending ss.
5 468.392 and 475.484, F.S.; deleting provisions
6 exempting funds in the Auctioneer Recovery Fund
7 and the Real Estate Recovery Fund from
8 limitations imposed by an appropriation act;
9 amending s. 921.001, F.S.; requiring the
10 Legislature to make certain determinations with
11 respect to legislation that affects the prison
12 population; amending s. 1009.536, F.S.;
13 deleting duties of the Workforce Estimating
14 Conference with respect to certain career
15 education programs; providing for references to
16 the Working Capital Fund in certain
17 appropriations and proviso language to be
18 replaced with a reference to the General
19 Revenue Fund; providing an appropriation for
20 the reconfiguration of Florida Facilities Pool
21 office space; providing an appropriation for
22 real estate broker commissions; providing
23 effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 255.248, Florida Statutes, is
28 amended to read:

29 255.248 Definitions, exceptions, and applications of:
30 ss. 255.249 and 255.25.--

31

1 (1) The following definitions shall apply when used in
2 ss. 255.249 and 255.25:

3 ~~(a)(1)~~ The term "state-owned ~~office~~ building" means
4 any real property building title to which is vested in the
5 state and which is used by one or more executive agencies
6 predominantly for administrative direction and support
7 functions.

8 **(b) The term "privately owned building" means any real**
9 **property, the title to which is not vested in the state, and**
10 **which is leased for use by one or more executive agencies**
11 **predominantly for administrative direction and support**
12 **functions.**

13 **(c) The term "department" means the Department of**
14 **Management Services. This term excludes:**

15 **(2) Sections 255.249 and 255.25 do not apply to:**

16 (a) District or area offices established for field
17 operations where law enforcement, military, inspections, road
18 operations, or tourist welcoming functions are performed.

19 (b) All educational facilities and institutions under
20 the supervision of the Department of Education or the Board of
21 Governors.

22 (c) All custodial facilities and institutions used
23 primarily for the care, custody, or treatment of inmates or
24 wards of the state.

25 (d) Buildings or spaces used by the Legislature or the
26 state courts for legislative activities.

27 (e) Buildings purchased or constructed from
28 agricultural or citrus trust funds.

29 ~~(2) The term "privately owned building" shall mean any~~
30 ~~building not owned by a governmental agency.~~

31

1 Section 2. Section 255.249, Florida Statutes, is
2 amended to read:

3 255.249 Department of Management Services;
4 responsibility; department rules.--

5 (1) The department ~~has of Management Services shall~~
6 ~~have~~ responsibility and authority for the custodial and
7 preventive maintenance, repair, and allocation of space of all
8 buildings in the Florida Facilities Pool and the grounds
9 located adjacent thereto.

10 (2)(a) The department has the responsibility and
11 authority to procure and manage all leases of privately owned
12 buildings on behalf of any executive agency, except as set
13 forth in s. 255.248(2).

14 (b)1. The department may competitively solicit, under
15 chapter 287, the services of a real estate broker or brokers
16 licensed under chapter 475 to assist the department in
17 negotiating leases for privately owned buildings on behalf of
18 executive agencies. Compensation for a broker's negotiation or
19 renegotiation of any lease executed or renewed by the
20 department or by an executive agency:

21 a. May only be paid when the department demonstrates
22 in writing that the lease results in a cost savings to the
23 state or otherwise provides value to the state that could not
24 have been achieved without the broker's services and the
25 written determination is approved by the Chief Financial
26 Officer. The department's written determination required by
27 this sub-subparagraph shall not be considered an intended
28 decision or decision subject to protest under s. 120.57(3).

29 b. May include a market-based commission that
30 constitutes a specified percentage of the lease price and that
31 is paid by the owners of privately owned buildings that are

1 leased by the department or other executive agencies. The
2 department must document in writing the basis for its
3 determination of the market-based commission percentage. The
4 market-based commission must provide for a structured schedule
5 wherein the commission percentage declines as the square
6 footage leased increases. Commissions to be paid by owners of
7 privately owned buildings under this sub-subparagraph shall be
8 remitted to the department and paid to a real estate broker
9 under an appropriation made by law.

10 2. Any contract for real estate broker services
11 executed by the department under this paragraph must contain:

12 a. Methodologies for establishing baselines for
13 performance measures and standards;

14 b. Performance measures and standards that must
15 include, but are not limited to, expectations for:

16 (I) The net cost savings to be achieved by a broker
17 for the state;

18 (II) A reduction in the average price per square foot
19 for full service and less than full service private space
20 leases negotiated by the broker compared to state-procured
21 private space leased by executive agencies;

22 (III) A reduction in the square footage of private
23 space leased by executive agencies;

24 (IV) Space per full-time equivalent employee for
25 leases negotiated by the broker compared to state-procured
26 private space leased by executive agencies;

27 (V) The number of executive agency employees relocated
28 from leased private space to state-owned buildings; and

29 (VI) Executive agency satisfaction with broker
30 services and with the price, quality, and location of leased
31 private space negotiated by a broker;

1 c. Department procedures for monitoring and evaluating
2 a broker's performance;

3 d. Processes that require monthly reporting by a
4 broker on its achievement of the performance measures and
5 standards and on the amount and basis for any compensation
6 received or to be received by the broker under the contract;
7 and

8 e. Methods for resolving situations in which a broker
9 fails to achieve the performance measures and standards, which
10 must include, but are not limited to, withholding compensation
11 and contract termination.

12 3. All cost savings resulting from leases negotiated
13 or renegotiated by a real estate broker under contract with
14 the department shall be deposited in escrow for tenant
15 improvements to the leased space or deposited in the General
16 Revenue Fund.

17 4. Information on the costs and benefits of any lease
18 that has been negotiated or renegotiated by a real estate
19 broker under contract with the department shall be provided to
20 the chair and vice chair of the Legislative Budget Commission
21 if the annualized cost of the new or renegotiated lease is in
22 excess of \$1 million and if it represents a greater than 10
23 percent change in the annualized cost of the department's or
24 other executive agency's original lease. The head of the
25 department or an executive agency that provides information
26 under this subparagraph may be requested to make a
27 presentation at a future Legislative Budget Commission
28 meeting.

29 (c) This subsection does not apply to the Department
30 of Legal Affairs, the Department of Financial Services, or the
31 Department of Agriculture and Consumer Services, unless the

1 cabinet officer requests that the department perform the
2 service, or part thereof, for the executive agency. The
3 ~~department shall require any state agency planning to~~
4 ~~terminate a lease for the purpose of occupying space in a new~~
5 ~~state owned office building, the funds for which are~~
6 ~~appropriated after June 30, 2000, to state why the proposed~~
7 ~~relocation is in the best interest of the state.~~

8 (3) The department may assign one or more executive
9 agencies to move into space vacated by another executive
10 agency. The executive agency that requested space may reject
11 the department's transfer of the executive agency into the
12 space based on excessive cost, unfavorable lease terms or
13 conditions, negative impact on employee productivity, security
14 concerns, poor location, poor building quality, insufficient
15 parking, excessive moving costs, or difficult access for
16 persons served by the executive agency. In order to reject the
17 transfer, the head of the executive agency must state in
18 writing the specific reason or reasons for rejecting the
19 vacated space. The department shall, to the extent feasible,
20 ~~coordinate the vacation of privately owned leased space with~~
21 ~~the expiration of the lease on that space and, when a lease is~~
22 ~~terminated before expiration of its base term, will make a~~
23 ~~reasonable effort to place another state agency in the space~~
24 ~~vacated. Any state agency may lease the space in any building~~
25 ~~that was subject to a lease terminated by a state agency for a~~
26 ~~period of time equal to the remainder of the base term without~~
27 ~~the requirement of competitive bidding.~~

28 (4) The department shall adopt ~~promulgate~~ rules
29 ~~pursuant to chapter 120~~ providing:

30 (a) Methods for accomplishing the duties outlined in
31 subsections ~~subsection~~ (1), (2), and (3).

1 (b) Procedures requiring the competitive solicitation
2 of, and procedures for, evaluating and accepting responses to
3 competitive solicitations for soliciting and accepting
4 ~~competitive proposals for, leased space of 5,000 square feet~~
5 ~~or more in privately owned buildings, for evaluating the~~
6 ~~proposals received, for exemption from competitive bidding~~
7 ~~requirements of any~~ However, a lease the purpose of which is
8 to provide the provision of care and living space for persons
9 or a lease for emergency space needs as provided in s. 255.25
10 are exempt from the competitive solicitation requirement s.
11 ~~255.25(10), and for the securing of at least three documented~~
12 ~~quotes for a lease that is not required to be competitively~~
13 ~~bid. The procedures:~~
14 1. May be simplified for a solicitation of less than
15 5,000 square feet;
16 2. Shall provide evaluation criteria applicable to the
17 evaluation of a bid, proposal, or reply; and
18 3. Shall provide that an executive agency that
19 requested space may reject the department's selection of space
20 for the executive agency based on excessive cost, unfavorable
21 lease terms or conditions, negative impact on employee
22 productivity, security concerns, poor location, poor building
23 quality, insufficient parking, excessive moving costs, or
24 difficult access for persons served by the executive agency,
25 if the head of the executive agency states in writing the
26 specific reason or reasons for the rejection. If the executive
27 agency rejects the space, the department is not required to
28 solicit new bids, proposals, or replies and may renegotiate
29 with prospective landlords who have previously replied to the
30 solicitation.
31

1 (c) Adoption of a standard method for determining
2 square footage or any other measurement used as the basis for
3 lease payments or other charges or determining space
4 allocation.

5 (d) Methods of allocating space in both state-owned
6 office buildings and privately owned buildings leased by
7 executive agencies ~~the state~~ based on use, personnel, and
8 office equipment. The space allocation method shall define
9 specific uses and the appropriate space to be allocated to the
10 uses. The space allocation method shall consider:

11 1. The need to accommodate persons with disabilities;

12 2. The security of the employees and the public;

13 3. The accommodation of public visitors of the
14 executive agency;

15 4. The special needs of executive agencies regarding
16 laboratory, storage, computer, telecommunications, training,
17 and other special needs spaces;

18 5. The investment in additional space when it can be
19 shown that gains in employee productivity will exceed the cost
20 of the additional space;

21 6. The allocation of space for employee wellness
22 programs, child care, cafeterias, and break areas; and

23 7. When applied to state-owned buildings, exceptions
24 to reasonably accommodate an inability to efficiently
25 reconfigure the space because of the design and age of the
26 building.

27 (e) Acceptable terms and conditions for inclusion in
28 lease agreements.

29 (f) Maximum rental rates, by geographic areas or by
30 county, for leasing privately owned space.

31

1 (g) A standard method for the assessment of rent to
2 ~~executive state~~ agencies and other authorized occupants of
3 state-owned ~~office~~ space, notwithstanding the source of funds.

4 (h) For full disclosure of the names and the extent of
5 interest of the owners holding a 4-percent or more interest in
6 any privately owned property leased to the state or in the
7 entity holding title to the property, for exemption from the
8 ~~such~~ disclosure of any beneficial interest which is
9 represented by stock in any corporation registered with the
10 Securities and Exchange Commission or registered under
11 ~~pursuant to~~ chapter 517, which stock is for sale to the
12 general public, and for exemption from the ~~such~~ disclosure of
13 any leasehold interest in property located outside the
14 territorial boundaries of the United States.

15 (i) For full disclosure of the names of all public
16 officials, agents, or employees holding any interest in any
17 privately owned property leased to the state or in the entity
18 holding title to the property, and the nature and extent of
19 their interest, for exemption from the ~~such~~ disclosure of any
20 beneficial interest which is represented by stock in any
21 corporation registered with the Securities and Exchange
22 Commission or registered under ~~pursuant to~~ chapter 517, which
23 stock is for sale to the general public, and for exemption
24 from the ~~such~~ disclosure of any leasehold interest in property
25 located outside the territorial boundaries of the United
26 States.

27 (j) A method for reporting leases for nominal or no
28 consideration.

29 (k) Adoption of the Building Owners and Managers
30 Association Metropolitan Base Building Classification, or
31 equivalent, as a standard method for rating the quality of

1 privately owned buildings. When practical, A or B class space
2 according to Building Owners and Managers Association
3 standards must be used. For a lease of less than 5,000 square
4 feet, a method for certification by the agency head or the
5 agency head's designated representative that all criteria for
6 leasing have been fully complied with and for the filing of a
7 copy of such lease and all supporting documents with the
8 department for its review and approval as to technical
9 sufficiency.

10 (5) The department ~~of Management Services~~ shall
11 prepare a form listing all conditions and requirements adopted
12 under pursuant to this chapter which must be met by any
13 executive state agency leasing any building or part thereof.
14 This form shall be certified by the executive agency head or
15 his or her ~~the agency head's~~ designated representative.

16 (6) On or before January 1, 2005, and annually
17 thereafter, the department shall submit a report to the
18 presiding officers of the Legislature which sets forth the
19 department's enterprise plan for the next 5 years for the use
20 of state-owned and state-leased space and for any acquisition,
21 financing, refinancing, or disposition of state real property
22 and improvements that the department is permitted by law to
23 execute. If the department intends to deviate from the
24 enterprise plan after submission of the annual report, the
25 department must provide notice to the presiding officers of
26 the Legislature at least 30 days prior to the execution of any
27 deviation.

28 Section 3. Section 255.25, Florida Statutes, is
29 amended to read:

30 255.25 Leasing Approval required prior to construction
31 ~~or lease~~ of buildings.--

1 (1)(a) No executive ~~state~~ agency may lease space in a
2 private building that is to be constructed for state use
3 unless prior approval of the architectural design and
4 preliminary construction plans is first obtained from the
5 department ~~of Management Services~~.

6 (b) During the term of existing leases, each executive
7 agency that has procured a lease in its name, and the
8 department for leases executed by the department, shall
9 monitor market conditions and shall initiate negotiations for
10 each lease of a privately owned building held in the private
11 ~~sector~~ to effect the best overall lease terms reasonably
12 available to the state ~~that agency~~. Amendments to leases may
13 be permitted to modify any lease provisions or any other terms
14 or conditions, except to the extent specifically prohibited by
15 this chapter. ~~The Department of Management Services shall~~
16 ~~serve as a mediator in lease renegotiations if the agency and~~
17 ~~the lessor are unable to reach a compromise within 6 months of~~
18 ~~renegotiation and if either the agency or lessor requests the~~
19 ~~Department of Management Services' intervention.~~

20 (c) When specifically authorized by the Appropriations
21 Act and in accordance with s. 255.2501, if applicable, the
22 department ~~of Management Services~~ may enter into ~~approve~~ a
23 lease-purchase, sale-leaseback, or tax-exempt leveraged lease
24 contract or other financing technique for the acquisition,
25 renovation, or construction of a state fixed capital outlay
26 project when it is in the best interest of the state.

27 (d) The department, in order to seek economies of
28 scale and the opportunity to colocate executive agencies, may
29 competitively negotiate to procure new leases, renegotiate
30 existing leases, or otherwise consolidate existing leases into
31 a large scale lease or leases covering one or more privately

1 owned buildings. The department may adopt rules establishing
2 procedures to procure and manage large-scale leases and
3 provide a method for allocating lease costs among executive
4 agencies.

5 (2)(a) Except as provided in s. 255.2501, an executive
6 ~~no state~~ agency may not lease or occupy a state-owned building
7 or privately owned a building or any part thereof unless prior
8 approval of the lease conditions and of the need therefor is
9 first obtained from the department ~~of Management Services~~. A
10 ~~Any approved~~ lease may include an option to purchase or an
11 option to renew the lease, or both, upon ~~such~~ terms and
12 conditions acceptable to ~~as are established by~~ the department
13 ~~subject to final approval by the head of the Department of~~
14 ~~Management Services~~ and in compliance with s. 255.2502.

15 (b) The department and an executive agency allowed to
16 directly procure a ~~The approval of the Department of~~
17 ~~Management Services, except for technical sufficiency, need~~
18 ~~not be obtained for the lease or an extension of a lease must~~
19 comply of less than 5,000 square feet of space within a
20 privately owned building, provided the agency head or the
21 agency head's designated representative has certified
22 compliance with applicable leasing criteria as may be provided
23 under this section and pursuant to s. 255.249(4)(k) and shall
24 determine that the ~~has determined such~~ lease is to be in the
25 best interest of the state. ~~Such~~ A lease that ~~which~~ is for a
26 term extending beyond the end of a fiscal year is subject to
27 the provisions of ss. 216.311, 255.2502, and 255.2503.

28 (c) The department ~~of Management Services~~ shall adopt
29 by as a rule uniform leasing procedures for use by the
30 department and by executive agencies that may directly procure
31 space, which ~~each state agency other than the Department of~~

1 ~~Transportation. Each state agency shall ensure that the~~
2 ~~leasing practices of that agency are in substantial compliance~~
3 ~~with the uniform leasing rules adopted under this section and~~
4 ~~ss. 255.249, 255.2502, and 255.2503.~~

5 ~~(3)(a) Except as provided in subsection (10), no state~~
6 ~~agency shall enter into a lease as lessee for the use of 5,000~~
7 ~~square feet or more of space in a privately owned building~~
8 ~~except upon advertisement for and receipt of competitive bids~~
9 ~~and award to the lowest and best bidder. The Department of~~
10 ~~Management Services shall have the authority to approve a~~
11 ~~lease for 5,000 square feet or more of space that covers more~~
12 ~~than 1 fiscal year, subject to the provisions of ss. 216.311,~~
13 ~~255.2501, 255.2502, and 255.2503, if such lease is, in the~~
14 ~~judgment of the department, in the best interests of the~~
15 ~~state. This paragraph does not apply to buildings or~~
16 ~~facilities of any size leased for the purpose of providing~~
17 ~~care and living space for persons.~~

18 ~~(b) The department or an executive agency that may~~
19 ~~procure its own space of Management Services may negotiate~~
20 ~~with the owner of a privately owned building to enter into an~~
21 ~~extension approve extensions of an existing lease of 5,000~~
22 ~~square feet or more of space if the extension is such~~
23 ~~extensions are determined to be in the best interests of the~~
24 ~~state, but in no case shall the total of such extensions~~
25 ~~exceed 11 months. When determining the best interests of the~~
26 ~~state, the department or the executive agency must use an If~~
27 ~~at the end of the 11th month an agency still needs that space,~~
28 ~~it shall be procured by competitive bid in accordance with s.~~
29 ~~255.249(4)(b). However, an agency that determines that it is~~
30 ~~in its best interest to remain in the space it currently~~
31 ~~occupies may negotiate a replacement lease with the lessor if~~

1 ~~an~~ independent comparative market analysis to show
2 ~~demonstrates~~ that the negotiated lease rate for the extension
3 ~~is rates offered are~~ within market rates for comparable the
4 space, that ~~and~~ the cost of the extension new lease does not
5 exceed the cost of ~~a~~ comparable space lease plus documented
6 moving costs, and that the space will adequately serve the
7 public. A present-value analysis and the consumer price index
8 shall be used in the calculation of lease costs. ~~The term of~~
9 ~~the replacement lease may not exceed the base term of the~~
10 ~~expiring lease.~~

11 ~~(b)(c)~~ Any person who files an action under s.
12 120.57(3)(b) protesting a decision or intended decision
13 pertaining to a competitive solicitation bid for space to be
14 leased by an executive the agency or the department under
15 ~~pursuant to s. 120.57(3)(b)~~ shall post with the executive
16 ~~state agency or the department, as appropriate,~~ at the time of
17 filing the formal written protest a bond payable to the
18 executive agency or the department in an amount equal to 1
19 percent of the estimated total rental of the basic lease
20 period or ~~\$7,500~~\$5,000, whichever is greater, which bond
21 shall be conditioned upon the payment of all costs which may
22 be adjudged against the protester ~~him or her~~ in the
23 administrative hearing in which the action is brought and in
24 any subsequent appellate court proceeding. If the executive
25 agency or the department prevails after completion of the
26 administrative hearing process and any appellate court
27 proceedings, it shall recover all costs and charges which
28 shall be included in the final order or judgment, excluding
29 attorney's fees. Upon payment of the ~~such~~ costs and charges
30 by the person protesting the award, the bond shall be returned
31 to the person ~~him or her~~. If the person protesting the award

1 prevails, the bond shall be returned to that person and he or
2 she shall recover from the executive agency or the department
3 all costs and charges which shall be included in the final
4 order of judgment, excluding attorney's fees.

5 ~~(c)(d)~~ The executive agency or the department and the
6 lessor, when entering into a lease ~~for 5,000 or more square~~
7 ~~feet~~ of a privately owned building, shall, before the
8 effective date of the lease, agree upon and separately state
9 the cost of tenant improvements which may qualify for
10 reimbursement if the lease is terminated before the expiration
11 of its base term. ~~The department shall serve as mediator if~~
12 ~~the agency and the lessor are unable to agree.~~ The amount
13 agreed upon and stated shall, if appropriated, be amortized
14 over the original base term of the lease on a straight-line
15 basis.

16 ~~(d)(e)~~ The unamortized portion of tenant improvements,
17 if appropriated, will be paid in equal monthly installments
18 over the remaining term of the lease. If any portion of the
19 original leased premises is occupied after termination but
20 during the original term by a tenant that does not require
21 material changes to the premises, the repayment of the cost of
22 tenant improvements applicable to the occupied but unchanged
23 portion shall be abated during occupancy. The portion of the
24 repayment to be abated shall be based on the ratio of leased
25 space to unleased space.

26 (4)(a) The department, or any executive agency
27 conducting its own leasing, may ~~of Management Services shall~~
28 not ~~authorize any state agency to~~ enter into a lease agreement
29 for space in a privately owned building when suitable space is
30 available in a state-owned building located in the same
31 geographic region, unless ~~except upon presentation to the~~

1 ~~department or executive agency prepares a~~ of sufficient
2 written justification of the need for, ~~acceptable to the~~
3 ~~department, that a separate space is required~~ in order to
4 fulfill the statutory duties of the executive agency ~~making~~
5 ~~such request~~. The term "state-owned building" as used in this
6 subsection means any state-owned facility regardless of use or
7 control.

8 (b) ~~The department State agencies~~ shall cooperate with
9 local governmental units by using suitable, existing publicly
10 owned facilities, subject to the provisions of ss. 255.2501,
11 255.2502, and 255.2503. Executive agencies may use ~~utilize~~
12 unexpended funds appropriated for lease payments to pay the
13 local government a reasonable proportion of operating costs
14 attributable to the space used and to renovate space assigned
15 to the executive agency.+

16 1. ~~Pay their proportion of operating costs.~~

17 2. ~~Renovate applicable spaces.~~

18 ~~(5) Before construction or renovation of any~~
19 ~~state owned building or state leased space is commenced, the~~
20 ~~Department of Management Services shall ascertain, by~~
21 ~~submission of proposed plans to the Division of State Fire~~
22 ~~Marshal for review, that the proposed construction or~~
23 ~~renovation plan complies with the uniform firesafety standards~~
24 ~~required by the Division of State Fire Marshal. The review of~~
25 ~~construction or renovation plans for state leased space shall~~
26 ~~be completed within 10 calendar days of receipt of the plans~~
27 ~~by the Division of State Fire Marshal. The review of~~
28 ~~construction or renovation plans for a state owned building~~
29 ~~shall be completed within 30 calendar days of receipt of the~~
30 ~~plans by the Division of State Fire Marshal. The~~
31 ~~responsibility for submission and retrieval of the plans~~

1 ~~called for in this subsection shall not be imposed on the~~
2 ~~design architect or engineer, but shall be the responsibility~~
3 ~~of the two agencies. Whenever the Division of State Fire~~
4 ~~Marshal determines that a construction or renovation plan is~~
5 ~~not in compliance with such uniform firesafety standards, the~~
6 ~~Division of State Fire Marshal may issue an order to cease all~~
7 ~~construction or renovation activities until compliance is~~
8 ~~obtained, except those activities required to achieve such~~
9 ~~compliance. The Department of Management Services shall~~
10 ~~withhold approval of any proposed lease until the construction~~
11 ~~or renovation plan complies with the uniform firesafety~~
12 ~~standards of the Division of State Fire Marshal. The cost of~~
13 ~~all modifications or renovations made for the purpose of~~
14 ~~bringing leased property into compliance with the uniform~~
15 ~~firesafety standards shall be borne by the lessor.~~

16 ~~(6) Before construction or substantial improvement of~~
17 ~~any state owned building is commenced, the Department of~~
18 ~~Management Services must ascertain that the proposed~~
19 ~~construction or substantial improvement complies with the~~
20 ~~flood plain management criteria for mitigation of flood~~
21 ~~hazards, as prescribed in the October 1, 1986, rules and~~
22 ~~regulations of the Federal Emergency Management Agency, and~~
23 ~~the department shall monitor the project to assure compliance~~
24 ~~with the criteria. In accordance with chapter 120, the~~
25 ~~Department of Management Services shall adopt any necessary~~
26 ~~rules to ensure that all such proposed state construction and~~
27 ~~substantial improvement of state buildings in designated~~
28 ~~flood prone areas complies with the flood plain management~~
29 ~~criteria. Whenever the department determines that a~~
30 ~~construction or substantial improvement project is not in~~
31 ~~compliance with the established flood plain management~~

1 ~~criteria, the department may issue an order to cease all~~
2 ~~construction or improvement activities until compliance is~~
3 ~~obtained, except those activities required to achieve such~~
4 ~~compliance.~~

5 ~~(5)(7)~~ This section does not apply to a any lease
6 having a term of less than 120 consecutive days for the
7 purpose of securing the one-time special use of the leased
8 property or. ~~This section does not apply to any lease for~~
9 nominal or no consideration.

10 ~~(8)~~ ~~No agency shall enter into more than one lease for~~
11 ~~space in the same privately owned facility or complex within~~
12 ~~any 12 month period except upon the solicitation of~~
13 ~~competitive bids.~~

14 ~~(9)~~ ~~Specialized educational facilities, excluding~~
15 ~~classrooms, shall be exempt from the competitive bid~~
16 ~~requirements for leasing pursuant to this section if the~~
17 ~~executive head of any state agency certifies in writing that~~
18 ~~said facility is available from a single source and that the~~
19 ~~competitive bid requirements would be detrimental to the~~
20 ~~state. Such certification shall include documentation of~~
21 ~~evidence of steps taken to determine sole source status.~~

22 ~~(6)(10)~~ The department ~~of Management Services~~ may
23 approve emergency acquisition of space without competitive
24 solicitation bids if existing state-owned or state-leased
25 space is destroyed or rendered uninhabitable by an act of God,
26 fire, malicious destruction, or structural failure, or by
27 legal action, if the chief administrator of the executive
28 ~~state~~ agency or the chief administrator's designated
29 representative certifies in writing that no other
30 agency-controlled space is available to meet this emergency
31 need, but in no case shall the lease for such space exceed 11

1 months. If the lessor elects not to replace or renovate the
2 destroyed or uninhabitable facility, the executive agency or
3 department, as applicable, shall procure the needed space by
4 competitive solicitation bid in accordance with s.
5 255.249(4)(b). If the lessor elects to replace or renovate
6 the destroyed or uninhabitable facility and the construction
7 or renovations will not be complete at the end of the 11-month
8 lease, the executive agency or department may ~~modify the lease~~
9 ~~to~~ extend the temporary lease ~~it~~ on a month-to-month basis for
10 up to an additional 6 months to allow completion of ~~such~~
11 construction or renovations.

12 ~~(7)(11)~~ In any leasing of space that is accomplished
13 without competition, the individuals taking part in the
14 development or selection of criteria for evaluation, in the
15 evaluation, and in the award processes shall attest in writing
16 that they are independent of, and have no conflict of interest
17 in, the entities evaluated and selected.

18 Section 4. Section 255.25001, Florida Statutes, is
19 amended to read:

20 255.25001 Suspension or delay of specified functions,
21 programs, and requirements relating to governmental
22 operations.--Notwithstanding the provisions of:

23 (1) Section 946.504(3), as amended by chapter 92-279,
24 Laws of Florida, the Department of Management Services is
25 ~~shall not be~~ required to participate with the Department of
26 Corrections in the correctional work program (PRIDE) leasing
27 process.

28 (2) Sections 253.025 and 255.25, the Department of
29 Management Services may adopt ~~has the authority to promulgate~~
30 rules under ~~pursuant to~~ chapter 120 to use when ~~be used in~~
31 determining whether a lease-purchase of a state-owned office

1 building is in the best interests of the state, which rules
2 provide:

3 (a) Procedures executive ~~state~~ agencies will follow to
4 certify the need for a lease-purchase acquisition for a
5 state-owned office building to the Department of Management
6 Services and a notification procedure of the department's
7 decision regarding executive ~~state~~ agencies' requests for a
8 lease-purchase agreement. The certification process shall
9 include but not be limited to the following:

10 1. Current programmatic space requirements of the
11 state agency.

12 2. Future programmatic space requirements of the
13 executive ~~state~~ agency.

14 3. Time considerations in providing state-owned office
15 building space.

16 4. An analysis of existing leases affected by the
17 lease-purchase agreement.

18 (b) Procedures and document formats for the
19 ~~advertisement~~, competitive solicitation ~~bid~~ process, including
20 format of submissions, and evaluation of lease-purchase
21 acquisition proposals for state-owned office buildings. The
22 evaluation process shall include but not be limited to the
23 following:

24 1. A consideration of the cost of comparable operating
25 leases.

26 2. The appraised value of the facility as required by
27 s. 253.025.

28 3. A present value analysis of the proposed payment
29 stream.

30 4. The cost of financing the facility to be acquired.

31 5. The cost to repair identified physical defects.

- 1 6. The cost to remove identified hazardous substances.
- 2 7. An energy analysis.
- 3 8. A determination of who is responsible for
- 4 management and maintenance activities.

5
6 In order to minimize the cost of the evaluation process, the
7 Department of Management Services may develop a multistage
8 evaluation process to identify the most cost-efficient
9 proposals for extensive evaluation. The studies developed as a
10 result of this evaluation process shall be considered
11 confidential and exempt from the provisions of s. 119.07(1) to
12 the same extent that appraisal reports are considered
13 confidential and exempt from the provisions of s. 119.07(1) as
14 provided in s. 253.025(6)(d).

15 (c) Acceptable terms and conditions for inclusion in
16 lease-purchase agreements, which shall include but not be
17 limited to:

- 18 1. The assignment of the lease-purchase agreement to
- 19 other governmental entities, including accumulated equity.
- 20 2. The ability of the acquiring executive ~~state~~ agency
- 21 to sublease a portion of the facility, not to exceed 25
- 22 percent, to other governmental entities. These subleases shall
- 23 provide for the recovery of the agencies' cost of operations
- 24 and maintenance.

25
26 The execution of a lease-purchase is conditioned upon a
27 finding by the Department of Management Services that it would
28 be in the best interests of the state. The language in this
29 subsection shall be considered specific authorization for a
30 lease-purchase pursuant to s. 255.25(1)(b) upon the Department
31 of Management Services' certification that the lease-purchase

1 is in the best interests of the state. Thereafter, the
2 executive agency is authorized to enter into a lease-purchase
3 agreement and to expend operating funds for lease-purchase
4 payments. Any facility which is acquired under ~~pursuant to~~
5 the processes authorized by this subsection shall be
6 considered to be a "state-owned office building" and a
7 "state-owned building" as those terms are applied in ss.
8 255.248-255.25.

9 (d) That any costs resulting from the processes
10 authorized by this subsection, including but not limited to
11 appraisals, environmental analyses, and any other studies
12 which may be required under these provisions, shall be borne
13 by the owner of the property which is the subject of the
14 proposed lease-purchase.

15 (3) Chapters 253 and 287, the Department of
16 Agriculture and Consumer Services may ~~shall be authorized to~~
17 sell any tangible personal property, real property, or
18 structures on leased or department-owned real property without
19 complying with other provisions of law or Florida Statutes,
20 with the proceeds being deposited into the Property Trust
21 Account in the General Inspection Trust Fund. Before ~~Prior to~~
22 finalizing any ~~such~~ sale, the department's proposed action
23 shall be subject to the notice and review procedures set forth
24 in s. 216.177, as amended by chapter 92-142, Laws of Florida.

25 Section 5. Subsection (2) of section 255.2501, Florida
26 Statutes, is amended to read:

27 255.2501 Lease of space financed with local government
28 obligations.--

29 (2) No lease, lease-purchase, sale-leaseback,
30 purchase, or rental of any office space, building, real
31 property and improvements thereto, or any other fixed capital

1 outlay project that is or is to be financed with local
2 government obligations of any type shall be requested for
3 approval in the Appropriations Act unless:

4 (a) The construction for ~~the such~~ project is to be or
5 has been competitively solicited ~~bid~~ unless the certificate of
6 occupancy for ~~the such~~ project was issued more than 3 years
7 before ~~prior to~~ the time ~~the such~~ request is made;

8 (b) The executive ~~branch~~ agency or department making
9 the request has competitively solicited ~~bid~~ its space needs
10 before ~~prior to~~ making ~~the such~~ request ~~and the project for~~
11 ~~which approval is sought was the lowest and best bidder for~~
12 ~~such needs~~; and

13 (c) The rent, lease payment, lease-purchase payment,
14 or other payment for ~~the such~~ project is not greater than an
15 amount equal to the same proportion of the debt service on the
16 local government obligations to be issued to finance or which
17 are outstanding that financed, as the case may be, the
18 facility or project for which approval is sought that the
19 executive agency or department seeking ~~the such~~ approval will
20 use ~~utilize~~ under the lease, lease-purchase, sale-leaseback,
21 purchase, or rental of the project in the facility or project
22 as compared to the entire facility or project that is to be or
23 was financed. This paragraph does ~~shall~~ not apply when the
24 certificate of occupancy for a facility or project was issued
25 more than 3 years before ~~prior to~~ the time ~~the such~~ request is
26 made.

27 Section 6. Section 255.2502, Florida Statutes, is
28 amended to read:

29 255.2502 Contracts which require annual appropriation;
30 contingency statement.--

31

1 (1) ~~An~~ ~~no~~ executive branch department or agency,
2 public officer, or employee may not ~~shall~~ enter into any
3 contract on behalf of the state, which contract binds the
4 state or its executive agencies to the lease, rental,
5 lease-purchase, purchase, or sale-leaseback of office space,
6 real property or improvements to real property for a period in
7 excess of 1 fiscal year, including any and all extension and
8 renewal periods and including all leases which constitute a
9 series of leases unless the following statement is included in
10 the contract: "The State of Florida's performance and
11 obligation to pay under this contract is contingent upon an
12 annual appropriation by the Legislature." The foregoing
13 statement shall not be amended, supplemented, or waived, and
14 shall be printed in type at least as large as any other type
15 appearing on the contract. Any contract in violation of this
16 section shall be null and void.

17 (2) An executive branch department or agency, public
18 officer, or employee may not enter into any contract on behalf
19 of the state which binds the state or its executive agencies
20 to the lease, rental, lease-purchase, purchase, or
21 sale-leaseback of office space, real property, or improvements
22 to real property for a period in excess of 60 months for the
23 initial term of the lease, with the option to extend or renew
24 the lease no more than two times with each extension or
25 renewal limited to a period no longer than the initial term of
26 the lease.

27 Section 7. Section 255.45, Florida Statutes, is
28 amended to read:

29 255.45 Safety in ~~Correction of firesafety violations~~
30 ~~in certain~~ state-owned and state-leased property.--
31

1 (1) The Department of Management Services is
2 responsible for ensuring that firesafety violations that are
3 noted by the State Fire Marshal pursuant to s. 633.085 are
4 corrected as soon as practicable for all state-owned property
5 which is leased from the Department of Management Services.

6 (2) Before construction or renovation of any
7 state-owned building, or privately owned building to be
8 occupied by the state, is begun, the Department of Management
9 Services shall ascertain, by submission of proposed plans to
10 the Division of State Fire Marshal for review, that the
11 proposed construction or renovation plan complies with the
12 uniform fire safety standards required by the Division of
13 State Fire Marshal. The review of construction or renovation
14 plans for a privately owned building must be completed within
15 10 calendar days of receipt of the plans by the Division of
16 State Fire Marshal. The review of construction or renovation
17 plans for a state-owned building must be completed within 30
18 calendar days of receipt of the plans by the Division of State
19 Fire Marshal. The responsibility for submitting and retrieving
20 the plans called for in this subsection shall not be imposed
21 on the design architect or engineer, but is the responsibility
22 of the Department of Management Services. When the Division of
23 State Fire Marshal determines that a construction or
24 renovation plan is not in compliance with the uniform fire
25 safety standards, the Division of State Fire Marshal may issue
26 an order to cease all construction or renovation activities
27 until compliance is obtained, except those activities required
28 to achieve compliance. The Department of Management Services
29 shall withhold approval of any proposed lease until the
30 construction or renovation plans comply with the uniform fire
31 safety standards of the Division of State Fire Marshal. The

1 cost of all modifications or renovations made for the purpose
2 of bringing leased property into compliance with the uniform
3 fire safety standards shall be borne by the lessor.

4 (3) Before construction or substantial improvement of
5 any state-owned building is begun, the Department of
6 Management Services must ascertain that the proposed
7 construction or substantial improvement complies with the
8 flood plain management criteria for the mitigation of flood
9 hazards, as prescribed in the rules and regulations of the
10 Federal Emergency Management Agency issued October 1, 1986.
11 The department shall monitor the project to assure compliance
12 with the criteria. The Department of Management Services shall
13 adopt rules to ensure that all proposed state construction and
14 substantial improvements of state-owned buildings in
15 designated flood-prone areas comply with the flood plain
16 management criteria. If the department determines that a
17 construction or substantial improvement project is not in
18 compliance with the established flood plain management
19 criteria, the department may issue an order to cease all
20 construction or improvement activities until compliance is
21 obtained, except those activities required to achieve such
22 compliance.

23 Section 8. For the purpose of incorporating the
24 amendment made by this act to section 255.45, Florida
25 Statutes, in a reference thereto, paragraph (b) of subsection
26 (1) of section 633.085, Florida Statutes, is reenacted to
27 read:

28 633.085 Inspections of state buildings and premises;
29 tests of firesafety equipment; building plans to be
30 approved.--

31 (1)

1 (b) Except as provided in s. 255.45, the department
2 head is responsible for ensuring that deficiencies noted in
3 the inspection are corrected as soon as practicable.

4 Section 9. The amendments made by this act to sections
5 of chapter 255, Florida Statutes, shall take effect on the
6 date that the Department of Management Services certifies in
7 writing to the presiding officers of the Legislature and the
8 Governor that it has no current contract for the services of a
9 real estate broker or brokers licensed under chapter 475,
10 Florida Statutes, to assist the department in negotiating
11 leases for privately owned buildings on behalf of executive
12 agencies, except that such amendments shall take effect only
13 if the certification required by this section occurs before
14 July 1, 2005.

15 Section 10. Effective July 1, 2004, section 270.27,
16 Florida Statutes, is repealed.

17 Section 11. Effective October 15, 2005, paragraph
18 (2)(b) of section 255.249, Florida Statutes, as created by
19 this act, is repealed.

20 Section 12. Subsection (8) of section 14.2015, Florida
21 Statutes, is amended to read:

22 14.2015 Office of Tourism, Trade, and Economic
23 Development; creation; powers and duties.--

24 (8) The Office of Tourism, Trade, and Economic
25 Development shall ensure that the contract between the Florida
26 Commission on Tourism and the commission's direct-support
27 organization contains a provision to provide the data on the
28 visitor counts and visitor profiles used in revenue
29 estimating, employing the same methodology used in fiscal year
30 1995-1996 by the Department of Commerce. The Office of
31 Tourism, Trade, and Economic Development and the Florida

1 Commission on Tourism must advise and consult ~~reach agreement~~
2 with the Consensus Estimating Conference principals before
3 making any changes in methodology used or information
4 gathered.

5 Section 13. Effective July 1, 2005, section 45.062,
6 Florida Statutes, is amended to read:

7 45.062 Settlements, conditions, or orders when an
8 agency of the executive branch is a party.--

9 (1) In any civil action in which a state executive
10 branch agency or officer is a party in state or federal court,
11 the officer, agent, official, or attorney who represents or is
12 acting on behalf of such agency or officer may not settle such
13 action, consent to any condition, or agree to any order in
14 connection therewith, if the settlement, condition, or order
15 requires the expenditure of or the obligation to expend any
16 state funds or other state resources, the refund or future
17 loss of state revenues exceeding \$10 million, or the
18 establishment of any new program, unless:

19 (a) The expenditure is provided for by an existing
20 appropriation or program established by law; ~~and~~

21 (b) At the time settlement negotiations are begun in
22 earnest, written notification is given to the President of the
23 Senate, the Speaker of the House of Representatives, the
24 Senate and House minority leaders, the chairs of the
25 appropriations committees of the Legislature, and the Attorney
26 General; and

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

1 chairs of the appropriations committees of the Legislature,
2 and the Attorney General. Such notification is a condition
3 precedent to the agency's authority to enter into the
4 settlement or presettlement agreement and shall be subject to
5 the review and objection procedures of s. 216.177. Such
6 notification shall specify how the agency involved will
7 address the costs in future years within the limits of current
8 appropriations.

9 1. The Division of Risk Management need not give the
10 notification required by this paragraph when settling any
11 claim covered by the state self-insurance program for an
12 amount less than \$100,000.

13 2. The notification specified in this paragraph is not
14 required if the only settlement obligation of the state
15 resulting from the claim is to pay court costs in an amount
16 less than \$10,000.

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

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

23 (4) Any settlement that commits the state to spending
24 in excess of current appropriations or to policy changes
25 inconsistent with current state law shall be contingent upon
26 and subject to legislative appropriation or statutory
27 amendment. The state agency or officer may agree to use all
28 efforts to procure legislative funding or statutory amendment.

29 (5) When a state agency or officer settles an action
30 or legal claim in which the state asserted a right to recover
31 money, all moneys paid to the state by a party in full or

1 partial exchange for a release of the state's claim shall be
2 placed unobligated into the General Revenue Fund or the
3 appropriate trust fund. A settlement may not authorize or
4 ratify any payment outside the State Treasury, other than to a
5 person, as defined in s. 1.01, suffering an injury arising out
6 of the transaction or course of conduct giving rise to the
7 settled claim. This subsection does not limit the right of a
8 private party to settle a claim independent of the settlement
9 by a public party.

10 ~~(6)(5)~~ State executive branch agencies and officers
11 shall report to each substantive and fiscal committee of the
12 Legislature having jurisdiction over the reporting agency on
13 all potential settlements that may commit the state to:

- 14 (a) Spend in excess of current appropriations; or
15 (b) Make policy changes inconsistent with current
16 state law.

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

21 (7) In any civil action in which a state executive
22 branch agency or officer is a party in state or federal court,
23 the officer, agent, official, or attorney who represents or is
24 acting on behalf of such agency or officer may not settle such
25 action if the settlement requires the other party to commit
26 funds to a particular purpose as a condition of the
27 settlement, unless at least 5 business days before the date
28 the settlement agreement is to be made final written notice is
29 given to the President of the Senate, the Speaker of the House
30 of Representatives, the Senate and House minority leaders, the
31 chairs of the appropriations committees of the Legislature,

1 and the Attorney General. Such notification is a condition
2 precedent to the agency's authority to enter into the
3 settlement and is subject to the review and objection
4 procedures of s. 216.177.

5 Section 14. Paragraph (b) of subsection (1) of section
6 110.1245, Florida Statutes, is amended to read:

7 110.1245 Savings sharing program; bonus payments;
8 other awards.--

9 (1)

10 (b) Each agency head shall recommend employees
11 individually or by group to be awarded an amount of money,
12 which amount shall be directly related to the cost savings
13 realized. Each proposed award and amount of money must be
14 approved by the Legislative ~~Budget~~ Budgeting Commission.

15 Section 15. Section 215.32, Florida Statutes, is
16 amended to read:

17 215.32 State funds; segregation.--

18 (1) All moneys received by the state shall be
19 deposited in the State Treasury unless specifically provided
20 otherwise by law and shall be deposited in and accounted for
21 by the Chief Financial Officer within the following funds,
22 which funds are hereby created and established:

23 (a) General Revenue Fund.

24 (b) Trust funds.

25 1. In addition to other funds created by law, for each
26 agency, the following trust funds should be used as described
27 in this subparagraph for day-to-day operations:

28 a. Operations or operating trust fund, for use as a
29 depository for funds to be used for program operations funded
30 by program revenues, with the exception of administrative
31

1 activities if the operations or operating trust fund is a
2 proprietary fund.
3 b. Operations and maintenance trust fund, for use as a
4 depository for client services funded by third-party payors.
5 c. Administrative trust fund, for use as a depository
6 for funds to be used for management activities that are
7 departmental in nature and funded by indirect cost earnings
8 and assessments against trust funds. Proprietary funds are
9 excluded from the requirement of using an administrative trust
10 fund.
11 d. Grants and donations trust fund, for use as a
12 depository for funds to be used for allowable grant or donor
13 agreement activities funded by restricted contractual revenue
14 from private and public nonfederal sources.
15 e. Agency working capital trust fund, for use as a
16 depository for funds to be used pursuant to s. 216.272.
17 f. Clearing funds trust fund, for use as a depository
18 for funds to account for collections pending distribution to
19 lawful recipients.
20 g. Federal grant trust fund, for use as a depository
21 for funds to be used for allowable grant activities funded by
22 restricted program revenues from federal sources.
23 2. To the extent possible, each agency must adjust its
24 internal accounting to use existing trust funds consistent
25 with the requirements of subparagraph 1. If an agency does not
26 have trust funds listed in subparagraph 1. and cannot make
27 such adjustment, the agency must recommend the creation of the
28 necessary trust funds to the Legislature no later than the
29 next scheduled review of the agency's trust funds pursuant to
30 s. 215.3206.
31 ~~(c) Working Capital Fund.~~

1 (c)~~(d)~~ Budget Stabilization Fund.

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

4 (a) The General Revenue Fund shall consist of all
5 moneys received by the state from every source whatsoever,
6 except as provided in paragraphs (b) and (c). Such moneys
7 shall be expended pursuant to General Revenue Fund
8 appropriations acts or transferred as provided in paragraph
9 (c). Annually, at least 5 percent of the estimated increase
10 in General Revenue Fund receipts for the upcoming fiscal year
11 over the current year General Revenue Fund effective
12 appropriations shall be appropriated for state-level capital
13 outlay, including infrastructure improvement and general
14 renovation, maintenance, and repairs.

15 (b)1. The trust funds shall consist of moneys received
16 by the state which under law or under trust agreement are
17 segregated for a purpose authorized by law. The state agency
18 or branch of state government receiving or collecting such
19 moneys shall be responsible for their proper expenditure as
20 provided by law. Upon the request of the state agency or
21 branch of state government responsible for the administration
22 of the trust fund, the Chief Financial Officer may establish
23 accounts within the trust fund at a level considered necessary
24 for proper accountability. Once an account is established
25 within a trust fund, the Chief Financial Officer may authorize
26 payment from that account only upon determining that there is
27 sufficient cash and releases at the level of the account.

28 2. In order to maintain a minimum number of trust
29 funds in the State Treasury, each state agency or the judicial
30 branch may consolidate, if permitted under the terms and
31 conditions of their receipt, the trust funds administered by

1 | it; provided, however, the agency or judicial branch employs
2 | effectively a uniform system of accounts sufficient to
3 | preserve the integrity of such trust funds; and provided,
4 | further, that consolidation of trust funds is approved by the
5 | Governor or the Chief Justice.

6 | 3. All such moneys are hereby appropriated to be
7 | expended in accordance with the law or trust agreement under
8 | which they were received, subject always to the provisions of
9 | chapter 216 relating to the appropriation of funds and to the
10 | applicable laws relating to the deposit or expenditure of
11 | moneys in the State Treasury.

12 | 4.a. Notwithstanding any provision of law restricting
13 | the use of trust funds to specific purposes, unappropriated
14 | cash balances from selected trust funds may be authorized by
15 | the Legislature for transfer to the Budget Stabilization Fund
16 | and General Revenue ~~Working Capital~~ Fund in the General
17 | Appropriations Act.

18 | b. This subparagraph does not apply to trust funds
19 | required by federal programs or mandates; trust funds
20 | established for bond covenants, indentures, or resolutions
21 | whose revenues are legally pledged by the state or public body
22 | to meet debt service or other financial requirements of any
23 | debt obligations of the state or any public body; the State
24 | Transportation Trust Fund; the trust fund containing the net
25 | annual proceeds from the Florida Education Lotteries; the
26 | Florida Retirement System Trust Fund; trust funds under the
27 | management of the State Board of Education ~~Board of Regents~~,
28 | where such trust funds are for auxiliary enterprises,
29 | self-insurance, and contracts, grants, and donations, as those
30 | terms are defined by general law; trust funds that serve as
31 | clearing funds or accounts for the Chief Financial Officer or

1 | state agencies; trust funds that account for assets held by
2 | the state in a trustee capacity as an agent or fiduciary for
3 | individuals, private organizations, or other governmental
4 | units; and other trust funds authorized by the State
5 | Constitution.

6 | (c)1. The Budget Stabilization Fund shall consist of
7 | amounts equal to at least 5 percent of net revenue collections
8 | for the General Revenue Fund during the last completed fiscal
9 | year. The Budget Stabilization Fund's principal balance shall
10 | not exceed an amount equal to 10 percent of the last completed
11 | fiscal year's net revenue collections for the General Revenue
12 | Fund. As used in this paragraph, the term "last completed
13 | fiscal year" means the most recently completed fiscal year
14 | prior to the regular legislative session at which the
15 | Legislature considers the General Appropriations Act for the
16 | year in which the transfer to the Budget Stabilization Fund
17 | must be made under this paragraph.

18 | 2. By September 15 of each year, the Governor shall
19 | authorize the Chief Financial Officer to transfer, and the
20 | Chief Financial Officer shall transfer pursuant to
21 | appropriations made by law, to the Budget Stabilization Fund
22 | the amount of money needed for the balance of that fund to
23 | equal the amount specified in subparagraph 1., less any
24 | amounts expended and not restored. The moneys needed for this
25 | transfer may be appropriated by the Legislature from any
26 | funds.

27 | 3. Unless otherwise provided in this subparagraph, an
28 | expenditure from the Budget Stabilization Fund must be
29 | restored pursuant to a restoration schedule that provides for
30 | making five equal annual transfers from the General Revenue
31 | Fund, beginning in the third fiscal year following that in

1 | which the expenditure was made. For any Budget Stabilization
2 | Fund expenditure, the Legislature may establish by law a
3 | different restoration schedule and such change may be made at
4 | any time during the restoration period. Moneys are hereby
5 | appropriated for transfers pursuant to this subparagraph.

6 | 4. The Budget Stabilization Fund ~~and the Working~~
7 | ~~Capital Fund~~ may be used as a revolving fund funds for
8 | transfers as provided in s. 215.18 ~~s. 17.61~~; however, any
9 | interest earned must be deposited in the General Revenue Fund.

10 | 5. The Chief Financial Officer and the Department of
11 | Management Services shall transfer funds to water management
12 | districts to pay eligible water management district employees
13 | for all benefits due under s. 373.6065, as long as funds
14 | remain available for the program described under s. 100.152.

15 | ~~(d) The Working Capital Fund shall consist of moneys~~
16 | ~~in the General Revenue Fund which are in excess of the amount~~
17 | ~~needed to meet General Revenue Fund appropriations for the~~
18 | ~~current fiscal year. Each year, no later than the publishing~~
19 | ~~date of the annual financial statements for the state by the~~
20 | ~~Chief Financial Officer under s. 216.102, funds shall be~~
21 | ~~transferred between the Working Capital Fund and the General~~
22 | ~~Revenue Fund to establish the balance of the Working Capital~~
23 | ~~Fund for that fiscal year at the amount determined pursuant to~~
24 | ~~this paragraph.~~

25 | Section 16. Subsection (5) of section 215.5601,
26 | Florida Statutes, is amended to read:

27 | 215.5601 Lawton Chiles Endowment Fund.--

28 | (5) AVAILABILITY OF FUNDS; USES.--

29 | (a) Funds from the endowment which are available for
30 | legislative appropriation shall be transferred by the board to
31 | the Department of Financial Services Tobacco Settlement

1 Clearing Trust Fund, created in s. 17.41, and disbursed in
2 accordance with the legislative appropriation.

3 1. Appropriations by the Legislature to the Department
4 of Health from endowment earnings from the principal set aside
5 for biomedical research shall be from a category called the
6 James and Esther King Biomedical Research Program and shall be
7 deposited into the Biomedical Research Trust Fund in the
8 Department of Health established in s. 20.435.

9 2. Appropriations by the Legislature to the Department
10 of Children and Family Services, the Department of Health, or
11 the Department of Elderly Affairs from endowment earnings for
12 health and human services programs ~~shall be from a category~~
13 ~~called the Lawton Chiles Endowment Fund Programs~~ and shall be
14 deposited into each department's respective Tobacco Settlement
15 Trust Fund as appropriated.

16 (b) In order to ensure that the expenditure of funds
17 earned from the Lawton Chiles Endowment Fund will be used for
18 the purposes intended by the Legislature, the Legislature
19 shall establish line item categories for the state agencies
20 describing the designated use of the appropriated funds as
21 provided in the General Appropriations Act.

22 (c) The secretaries of the state agencies shall
23 conduct meetings to discuss priorities for endowment funding
24 for health and human services programs for children and elders
25 before submitting their legislative budget requests to the
26 Executive Office of the Governor and the Legislature. The
27 purpose of the meetings is to gain consensus for priority
28 requests and recommended endowment funding levels for those
29 priority requests. No later than September 1 of each year, the
30 secretaries of the state agencies shall also submit their
31

1 consensus priority requests to the Lawton Chiles Endowment
2 Fund Advisory Council created in subsection (6).

3 (d) Subject to legislative appropriations, state
4 agencies shall use distributions from the endowment to enhance
5 or support increases in clients served or to meet increases in
6 program costs in health and human services program areas.
7 Funds distributed from the endowment may not be used to
8 supplant existing revenues.

9 (e) Notwithstanding s. 216.301 and pursuant to s.
10 216.351, all unencumbered balances of appropriations as of
11 June 30 or undisbursed balances as of December 31 shall revert
12 to the endowment's principal, except that- unencumbered or
13 undisbursed balances appropriated for biomedical research
14 shall be retained in the Biomedical Research Trust Fund and
15 the Department of Health may enter into a trust agreement with
16 the State Board of Administration for the investment of cash
17 balances outside the State Treasury ~~revert to the principal in~~
18 ~~the separately reserved and accounted for portion of the~~
19 ~~endowment established for biomedical research activities.~~

20 ~~(f) When advised by the Revenue Estimating Conference~~
21 ~~that a deficit will occur with respect to the appropriations~~
22 ~~from the tobacco settlement trust funds of the state agencies~~
23 ~~in any fiscal year, the Governor shall develop a plan of~~
24 ~~action to eliminate the deficit. Before implementing the plan~~
25 ~~of action, the Governor must comply with s. 216.177(2). In~~
26 ~~developing the plan of action, the Governor shall, to the~~
27 ~~extent possible, preserve legislative policy and intent, and,~~
28 ~~absent any specific directions to the contrary in the General~~
29 ~~Appropriations Act, any reductions in appropriations from the~~
30 ~~tobacco settlement trust funds of the state agencies for a~~
31 ~~fiscal year shall be prorated among the specific~~

1 ~~appropriations made from all tobacco settlement trust funds of~~
2 ~~the state agencies for that year.~~

3 Section 17. Subsection (3) of section 215.93, Florida
4 Statutes, is amended to read:

5 215.93 Florida Financial Management Information
6 System.--

7 (3) The Florida Financial Management Information
8 System shall include financial management data and utilize the
9 chart of accounts approved by the Chief Financial Officer.
10 Common financial management data shall include, but not be
11 limited to, data codes, titles, and definitions used by one or
12 more of the functional owner subsystems. The Florida
13 Financial Management Information System shall utilize common
14 financial management data codes. The council shall recommend
15 and the board shall adopt policies regarding the approval and
16 publication of the financial management data. The Chief
17 Financial Officer shall adopt policies regarding the approval
18 and publication of the chart of accounts. The Chief Financial
19 Officer's chart of accounts shall be consistent with the
20 common financial management data codes established by the
21 coordinating council. Further, all systems not a part of the
22 Florida Financial Management Information System which provide
23 information to the system shall use the common data codes from
24 the Florida Financial Management Information System and the
25 Chief Financial Officer's chart of accounts. Data codes that
26 cannot be supplied by the Florida Financial Management
27 Information System and the Chief Financial Officer's chart of
28 accounts and that are required for use by the information
29 subsystems shall be approved by the board upon recommendation
30 of the coordinating council. ~~However, board approval shall not~~
31

1 ~~be required for those data codes specified by the Auditor~~
2 ~~General under the provisions of s. 215.94(6)(c).~~

3 Section 18. Subsection (6) of section 215.94, Florida
4 Statutes, is amended to read:

5 215.94 Designation, duties, and responsibilities of
6 functional owners.--

7 (6)(a) Consistent with the provisions of s. 215.86,
8 the respective functional owner of each information subsystem
9 shall be responsible for ensuring ~~The Auditor General shall be~~
10 ~~advised by the functional owner of each information subsystem~~
11 ~~as to the date that the development or significant~~
12 ~~modification of its functional system specifications is to~~
13 ~~begin.~~

14 (b) ~~Upon such notification, the Auditor General shall~~
15 ~~participate with each functional owner to the extent necessary~~
16 ~~to provide assurance that:~~

17 1. The accounting information produced by the
18 information subsystem adheres to generally accepted accounting
19 principles.

20 2. The information subsystem contains the necessary
21 controls to maintain its integrity, within acceptable limits
22 and at an acceptable cost.

23 3. The information subsystem is auditable.

24 (b)(c) The Auditor General shall be advised by the
25 functional owner of each information subsystem as to the date
26 that the development or significant modification of its
27 functional system specifications is to begin. The Auditor
28 General shall provide technical advice, as allowed by
29 professional auditing standards, on specific issues relating
30 to the design, implementation, and operation of each
31 information subsystem. ~~specify those additional features,~~

1 ~~characteristics, controls, and internal control measures~~
2 ~~deemed necessary to carry out the provisions of this~~
3 ~~subsection. Further, it shall be the responsibility of each~~
4 ~~functional owner to ensure installation and incorporation of~~
5 ~~such specified features, characteristics, controls, and~~
6 ~~internal control measures within each information subsystem.~~

7 Section 19. Section 215.97, Florida Statutes, is
8 amended to read:

9 215.97 Florida Single Audit Act.--

10 (1) The purposes of the section are to:

11 (a) Establish uniform state audit requirements for
12 state financial assistance provided by state agencies to
13 nonstate entities to carry out state projects.

14 (b) Promote sound financial management, including
15 effective internal controls, with respect to state financial
16 assistance administered by nonstate entities.

17 (c) Promote audit economy and efficiency by relying to
18 the extent possible on already required audits of federal
19 financial assistance provided to nonstate entities.

20 (d) Provide for identification of state financial
21 assistance transactions in the appropriations act, state
22 accounting records, and recipient organization records.

23 (e) Promote improved coordination and cooperation
24 within and between affected state agencies providing state
25 financial assistance and nonstate entities receiving state
26 assistance.

27 (f) Ensure, to the maximum extent possible, that state
28 agencies monitor, use, and followup on audits of state
29 financial assistance provided to nonstate entities.

30 (2) Definitions; as used in this section, the term:

31

1 (a) "Audit threshold" means the threshold amount used
2 to determine to use in determining when a state single audit
3 or project-specific audit of a nonstate entity shall be
4 conducted in accordance with this section. Each nonstate
5 entity that expends a total amount of state financial
6 assistance equal to or in excess of \$300,000 in any fiscal
7 year of such nonstate entity shall be required to have a state
8 single audit, or a project-specific audit performed by an
9 independent auditor, for such fiscal year in accordance with
10 the requirements of this section. Every 2 years the Auditor
11 General, after consulting with the Executive Office of the
12 Governor, the Department of Financial Services ~~Chief Financial~~
13 ~~Officer~~, and all state awarding agencies ~~that provide state~~
14 ~~financial assistance to nonstate entities~~, shall review the
15 threshold amount for requiring audits under this section and
16 may adjust such threshold dollar amount consistent with the
17 purposes ~~purpose~~ of this section.

18 (b) "Auditing standards" means the auditing standards
19 as stated in the rules of the Auditor General as applicable to
20 for-profit organizations, nonprofit organizations, or local
21 governmental entities.

22 (c) "Catalog of State Financial Assistance" means a
23 comprehensive listing of state projects. The Catalog of State
24 Financial Assistance shall be issued by the Department of
25 Financial Services ~~Executive Office of the Governor~~ after
26 conferring with the Chief Financial Officer and all state
27 awarding agencies ~~that provide state financial assistance to~~
28 ~~nonstate entities~~. The Catalog of State Financial Assistance
29 shall include for each listed state project: the responsible
30 state awarding agency; standard state project number
31 identifier; official title; legal authorization; and

1 description of the state project, including objectives,
2 restrictions, application and awarding procedures, and other
3 relevant information determined necessary.

4 (d) "Coordinating agency" means the state awarding
5 agency that provides the predominant amount of state financial
6 assistance expended by a recipient, as determined by the
7 recipient's Schedule of Expenditures of State Financial
8 Assistance. To provide continuity, the determination of the
9 predominant amount of state financial assistance shall be
10 based upon state financial assistance expended in the
11 recipient's fiscal years ending in 2004, 2007, and 2010, and
12 every third year thereafter.

13 (e)(d) "Financial reporting package" means the
14 nonstate entities' financial statements, Schedule of
15 Expenditures of State Financial Assistance, auditor's reports,
16 management letter, auditee's written responses or corrective
17 action plan, correspondence on followup of prior years'
18 corrective actions taken, and such other information
19 determined by the Auditor General to be necessary and
20 consistent with the purposes of this section.

21 (f)(e) "Federal financial assistance" means financial
22 assistance from federal sources passed through the state and
23 provided to nonstate organizations ~~entities~~ to carry out a
24 federal program. "Federal financial assistance" includes all
25 types of federal assistance as defined in applicable United
26 States Office of Management and Budget circulars.

27 (g)(f) "For-profit organization" means any
28 organization or sole proprietor but is not a local
29 governmental entity or a nonprofit organization.

30 (h)(g) "Independent auditor" means an independent
31 ~~external state or local government auditor or a certified~~

1 public accountant licensed under chapter 473 ~~who meets the~~
2 ~~independence standards.~~

3 ~~(i)(h)~~ "Internal control over state projects" means a
4 process, effected by a nonstate ~~an~~ entity's management and
5 other personnel, designed to provide reasonable assurance
6 regarding the achievement of objectives in the following
7 categories:

- 8 1. Effectiveness and efficiency of operations.
- 9 2. Reliability of financial operations.
- 10 3. Compliance with applicable laws and regulations.

11 ~~(j)(i)~~ "Local governmental entity" means a county
12 agency, municipality, or special district or any other entity
13 ~~excluding (other than a district school board, charter school,~~
14 ~~or community college), or public university,~~ however styled,
15 which independently exercises any type of governmental
16 function within the state.

17 ~~(k)(j)~~ "Major state project" means any state project
18 meeting the criteria as stated in the rules of the Department
19 of Financial Services ~~Executive Office of the Governor.~~ Such
20 criteria shall be established after consultation with all the
21 ~~Chief Financial Officer and appropriate state awarding~~
22 ~~agencies that provide state financial assistance~~ and shall
23 consider the amount of state project expenditures and or
24 expenses or inherent risks. Each major state project shall be
25 audited in accordance with the requirements of this section.

26 ~~(l)(k)~~ "Nonprofit organization" means any corporation,
27 trust, association, cooperative, or other organization that:

- 28 1. Is operated primarily for scientific, educational
29 service, charitable, or similar purpose in the public
30 interest;
- 31 2. Is not organized primarily for profit;

1 3. Uses net proceeds to maintain, improve, or expand
2 the operations of the organization; and

3 4. Has no part of its income or profit distributable
4 to its members, directors, or officers.

5 ~~(m)(1)~~ "Nonstate entity" means a local governmental
6 entity, nonprofit organization, or for-profit organization
7 that receives state financial assistance ~~resources~~.

8 ~~(n)(m)~~ "Recipient" means a nonstate entity that
9 receives state financial assistance directly from a state
10 awarding agency.

11 ~~(o)(n)~~ "Schedule of of Expenditures of State Financial
12 Assistance" means a document prepared in accordance with the
13 rules of the Department of Financial Services ~~Chief Financial~~
14 ~~Officer~~ and included in each financial reporting package
15 required by this section.

16 ~~(p)(o)~~ "State awarding agency" means a ~~the~~ state
17 agency, as defined in s. 216.011, that provides ~~provided~~ state
18 financial assistance to a ~~the~~ nonstate entity.

19 ~~(q)(p)~~ "State financial assistance" means ~~financial~~
20 ~~assistance from~~ state resources, not including federal
21 financial assistance and state matching on federal programs,
22 provided to a nonstate entity ~~entities~~ to carry out a state
23 project. "State financial assistance" includes the ~~all~~ types
24 of state resources ~~assistance as~~ stated in the rules of the
25 Department of Financial Services ~~Executive Office of the~~
26 ~~Governor~~ established in consultation with all ~~the~~ Chief
27 ~~Financial Officer~~ and appropriate state awarding agencies ~~that~~
28 ~~provide state financial assistance~~. It ~~includes~~ State
29 financial assistance may be provided directly by state
30 awarding agencies or indirectly by nonstate entities
31 ~~recipients of state awards or subrecipients~~. State financial

1 assistance ~~It~~ does not include procurement contracts used to
2 buy goods or services from vendors and. ~~Audits of such~~
3 ~~procurement contracts with vendors are outside of the scope of~~
4 ~~this section. Also, audits of contracts to operate state-owned~~
5 ~~state government owned and contractor-operated facilities are~~
6 ~~excluded from the audit requirements of this section.~~

7 (r)(q) "State matching" means state resources provided
8 to a nonstate entity ~~entities to be used~~ to meet federal
9 financial participation matching requirements ~~of federal~~
10 ~~programs.~~

11 (s) "State program" means a set of special purpose
12 activities undertaken to realize identifiable goals and
13 objectives in order to achieve a state agency's mission and
14 legislative intent requiring accountability for state
15 resources.

16 (t)(r) "State project" means a state program that
17 provides all state financial assistance to a nonstate
18 organization and that must be ~~entity~~ assigned a ~~single~~ state
19 project number identifier in the Catalog of State Financial
20 Assistance.

21 (u)(s) "State Projects Compliance Supplement" means a
22 document issued by the Department of Financial Services
23 ~~Executive Office of the Governor~~, in consultation with ~~the~~
24 ~~Chief Financial Officer~~ and all state awarding agencies ~~that~~
25 ~~provide state financial assistance.~~ The State Projects
26 Compliance Supplement shall identify state projects, the
27 significant compliance requirements, eligibility requirements,
28 matching requirements, suggested audit procedures, and other
29 relevant information determined necessary.

30
31

1 ~~(v)(t)~~ "State project-specific audit" means an audit
2 of one state project performed in accordance with the
3 requirements of subsection~~(10)(9)~~.

4 ~~(w)(u)~~ "State single audit" means an audit of a
5 nonstate entity's financial statements and state financial
6 assistance. Such audits shall be conducted in accordance with
7 the auditing standards as stated in the rules of the Auditor
8 General.

9 ~~(x)(v)~~ "Subrecipient" means a nonstate entity that
10 receives state financial assistance through another nonstate
11 entity.

12 ~~(y)(w)~~ "Vendor" means a dealer, distributor, merchant,
13 or other seller providing goods or services that are required
14 for the conduct of a state project. These goods or services
15 may be for an organization's own use or for the use of
16 beneficiaries of the state project.

17 (3) The Executive Office of the Governor shall be
18 responsible for notifying the Department of Financial Services
19 of any actions during the budgetary process which impact the
20 Catalog of State Financial Assistance.+

21 ~~(a) Upon conferring with the Chief Financial Officer~~
22 ~~and all state awarding agencies, adopt rules necessary to~~
23 ~~provide appropriate guidance to state awarding agencies,~~
24 ~~recipients and subrecipients, and independent auditors of~~
25 ~~state financial assistance relating to the requirements of~~
26 ~~this section, including:~~

27 ~~1. The types or classes of financial assistance~~
28 ~~considered to be state financial assistance which would be~~
29 ~~subject to the requirements of this section. This would~~
30 ~~include guidance to assist in identifying when the state~~
31

1 ~~agency or recipient has contracted with a vendor rather than~~
2 ~~with a recipient or subrecipient.~~

3 ~~2. The criteria for identifying a major state project.~~

4 ~~3. The criteria for selecting state projects for~~
5 ~~audits based on inherent risk.~~

6 ~~(b) Be responsible for coordinating the initial~~
7 ~~preparation and subsequent revisions of the Catalog of State~~
8 ~~Financial Assistance after consultation with the Chief~~
9 ~~Financial Officer and all state awarding agencies.~~

10 ~~(c) Be responsible for coordinating the initial~~
11 ~~preparation and subsequent revisions of the State Projects~~
12 ~~Compliance Supplement, after consultation with the Chief~~
13 ~~Financial Officer and all state awarding agencies.~~

14 (4) The Department of Financial Services Chief
15 Financial Officer shall:

16 (a) Upon conferring with the Executive Office of the
17 Governor and all state awarding agencies, adopt rules
18 necessary to provide appropriate guidance to state awarding
19 agencies, nonstate entities, and independent auditors of state
20 financial assistance relating to the requirements of this
21 section, including:

22 1. The types or classes of state resources considered
23 to be state financial assistance that would be subject to the
24 requirements of this section. This would include guidance to
25 assist in identifying when the state awarding agency or a
26 nonstate entity has contracted with a vendor rather than with
27 a recipient or subrecipient.

28 2. The criteria for identifying a major state project.

29 3. The criteria for selecting state projects for
30 audits based on inherent risk.

31

1 (b) Be responsible for coordinating revisions to the
2 Catalog of State Financial Assistance after consultation with
3 the Executive Office of the Governor and all state awarding
4 agencies.

5 (c) Be responsible for coordinating with the Executive
6 Office of the Governor actions affecting the budgetary process
7 under paragraph (b).

8 (d) Be responsible for coordinating revisions to the
9 State Projects Compliance Supplement, after consultation with
10 the Executive Office of the Governor and all state awarding
11 agencies.

12 (e)(a) Make enhancements to the state's accounting
13 system to provide for the:

14 1. Recording of state financial assistance and federal
15 financial assistance appropriations and expenditures within
16 the state awarding agencies' operating funds.

17 2. Recording of state project number identifiers, as
18 provided in the Catalog of State Financial Assistance, for
19 state financial assistance.

20 3. Establishment and recording of an identification
21 code for each financial transaction, including awarding state
22 agencies' disbursements of state financial assistance and
23 federal financial assistance, as to the corresponding type or
24 organization that is party to the transaction (e.g., other
25 governmental agencies, nonprofit organizations, and for-profit
26 organizations), and disbursements of federal financial
27 assistance, as to whether the party to the transaction is or
28 is not a nonstate entity recipient or subrecipient.

29 (f)(b) Upon conferring with the Executive Office of
30 the Governor and all state awarding agencies, adopt rules
31 necessary to provide appropriate guidance to state awarding

1 agencies, nonstate entities ~~recipients and subrecipients~~, and
2 independent auditors of state financial assistance relating to
3 the format for the Schedule of Expenditures of State Financial
4 Assistance.

5 ~~(g)(e)~~ Perform any inspections, reviews,
6 investigations, or audits of state financial assistance
7 considered necessary in carrying out the Department of
8 Financial Services ~~Chief Financial Officer's~~ legal
9 responsibilities for state financial assistance or to comply
10 with the requirements of this section.

11 (5) Each state awarding agency shall:

12 (a) Provide to each ~~a~~ recipient information needed by
13 the recipient to comply with the requirements of this section,
14 including:

15 1. The audit and accountability requirements for state
16 projects as stated in this section and applicable ~~rules of the~~
17 ~~Executive Office of the Governor,~~ rules of the Department of
18 Financial Services ~~Chief Financial Officer,~~ and rules of the
19 Auditor General.

20 2. Information from the Catalog of State Financial
21 Assistance, including the standard state project number
22 identifier; official title; legal authorization; and
23 description of the state project including objectives,
24 restrictions, and other relevant information determined
25 necessary.

26 3. Information from the State Projects Compliance
27 Supplement, including the significant compliance requirements,
28 eligibility requirements, matching requirements, suggested
29 audit procedures, and other relevant information determined
30 necessary.

31

1 (b) Require the recipient, as a condition of receiving
2 state financial assistance, to allow the state awarding
3 agency, the Department of Financial Services ~~Chief Financial~~
4 ~~Officer~~, and the Auditor General access to the recipient's
5 records and the recipient's independent auditor's working
6 papers as necessary for complying with the requirements of
7 this section.

8 (c) Notify the recipient that this section does not
9 limit the authority of the state awarding agency to conduct or
10 arrange for the conduct of additional audits or evaluations of
11 state financial assistance or limit the authority of any state
12 awarding agency inspector general, the Auditor General, or any
13 other state official.

14 (d) Be provided one copy of each financial reporting
15 package prepared in accordance with the requirement of this
16 section.

17 (e) Review the recipient's ~~recipient~~ financial
18 reporting package, including the management letters and
19 corrective action plans, to the extent necessary to determine
20 whether timely and appropriate corrective action has been
21 taken with respect to audit findings and recommendations
22 pertaining to state financial assistance that are specific to
23 ~~provided by~~ the state awarding agency.

24 (f) Designate within the state awarding agency a
25 division, bureau, or other organizational unit that will be
26 responsible for reviewing financial reporting packages
27 pursuant to paragraph (e).

28
29 If the state awarding agency is not the coordinating agency as
30 defined in paragraph (2)(d), the state awarding agency's
31 designated division, bureau, or other organizational unit

1 shall communicate to the coordinating agency the state
2 awarding agency's approval of the recipient's corrective
3 action plan with respect to findings and recommendations that
4 are not specific to the state awarding agency.

5 (6) Each coordinating agency shall:

6 (a) Review the recipient's financial reporting
7 package, including the management letter and corrective action
8 plan, to identify audit findings and recommendations that
9 affect state financial assistance which are not specific to a
10 particular state awarding agency.

11 (b) For any such findings and recommendations
12 determine:

13 1. Whether timely and appropriate corrective action
14 has been taken.

15 2. Promptly inform the state awarding agency's
16 contact, as provided in paragraph (5)(f), of actions taken by
17 the recipient to comply with the approved corrective action
18 plan.

19 (c) Maintain records of followup actions taken for the
20 use of any succeeding coordinating agency.

21 (7)(6) As a condition of receiving state financial
22 assistance, each nonstate entity recipient that provides state
23 financial assistance to a subrecipient shall:

24 (a) Provide to each a subrecipient information needed
25 by the subrecipient to comply with the requirements of this
26 section, including:

27 1. Identification of the state awarding agency.

28 2. The audit and accountability requirements for state
29 projects as stated in this section and applicable ~~rules of the~~
30 ~~Executive Office of the Governor,~~ rules of the Department of
31

1 ~~Financial Services Chief Financial Officer~~, and rules of the
2 Auditor General.

3 3. Information from the Catalog of State Financial
4 Assistance, including the standard state project number
5 identifier; official title; legal authorization; and
6 description of the state project, including objectives,
7 restrictions, and other relevant information.

8 4. Information from the State Projects Compliance
9 Supplement including the significant compliance requirements,
10 eligibility requirements, matching requirements, and suggested
11 audit procedures, and other relevant information determined
12 necessary.

13 (b) Review the financial reporting package of the
14 subrecipient ~~audit reports~~, including the management letter
15 and corrective action plan letters, to the extent necessary to
16 determine whether timely and appropriate corrective action has
17 been taken with respect to audit findings and recommendations
18 pertaining to state financial assistance provided by a the
19 state awarding agency or nonstate entity.

20 (c) Perform any such other procedures ~~as~~ specified in
21 terms and conditions of the written agreement with the state
22 awarding agency or nonstate entity, including any required
23 monitoring of the subrecipient's use of state financial
24 assistance through onsite visits, limited scope audits, or
25 other specified procedures.

26 (d) Require subrecipients, as a condition of receiving
27 state financial assistance, to permit the independent auditor
28 of the nonstate entity recipient, the state awarding agency,
29 Department of Financial Services ~~the Chief Financial Officer~~,
30 and the Auditor General access to the subrecipient's records
31

1 and the subrecipient's independent auditor's working papers as
2 necessary to comply with the requirements of this section.

3 ~~(8)(7)~~ Each recipient or subrecipient of state
4 financial assistance shall comply with the following:

5 (a) Each nonstate entity that ~~receives state financial~~
6 ~~assistance and~~ meets the audit threshold requirements, in any
7 fiscal year of the nonstate entity, as stated in the rules of
8 the Auditor General, shall have a state single audit conducted
9 for such fiscal year in accordance with the requirements of
10 this act and with additional requirements established in ~~rules~~
11 ~~of the Executive Office of the Governor,~~ rules of the
12 Department of Financial Services Chief Financial Officer, and
13 rules of the Auditor General. If only one state project is
14 involved in a nonstate entity's fiscal year, the nonstate
15 entity may elect to have only a state project-specific audit
16 ~~of the state project for that fiscal year.~~

17 (b) Each nonstate entity ~~that receives state financial~~
18 ~~assistance~~ and does not meet the audit threshold requirements,
19 in any fiscal year of the nonstate entity, as stated in this
20 law or the rules of the Auditor General is exempt for such
21 fiscal year from the state single audit requirements of this
22 section. However, such nonstate entity must meet terms and
23 conditions specified in the written agreement with the state
24 awarding agency or nonstate entity.

25 (c) Regardless of the amount of the state financial
26 assistance, the provisions of this section do not exempt a
27 nonstate entity from compliance with provisions of law
28 relating to maintaining records concerning state financial
29 assistance to such nonstate entity or allowing access and
30 examination of those records by the state awarding agency,
31

1 nonstate entity, the Department of Financial Services Chief
2 ~~Financial Officer~~, or the Auditor General.

3 (d) Audits conducted pursuant to this section shall be
4 performed annually.

5 (e) Audits conducted pursuant to this section shall be
6 conducted by independent auditors in accordance with auditing
7 standards as stated in rules of the Auditor General.

8 (f) Upon completion of the audit as required by this
9 section, a copy of the recipient's financial reporting package
10 shall be filed with the state awarding agency and the Auditor
11 General. Upon completion of the audit as required by this
12 section, a copy of the subrecipient's financial reporting
13 package shall be filed with the nonstate entity ~~recipient~~ that
14 provided the state financial assistance and the Auditor
15 General. The financial reporting package shall be filed in
16 accordance with the rules of the Auditor General.

17 (g) All financial reporting packages prepared pursuant
18 to the requirements of this section shall be available for
19 public inspection.

20 (h) If an audit conducted pursuant to this section
21 discloses any significant audit findings relating to state
22 financial assistance, including material noncompliance with
23 individual state project compliance requirements or reportable
24 conditions in internal controls of the nonstate entity, the
25 nonstate entity shall submit as part of the financial
26 reporting ~~audit~~ package to the state awarding agency or
27 nonstate entity a plan for corrective action to eliminate such
28 audit findings or a statement describing the reasons that
29 corrective action is not necessary.

30 (i) An audit conducted in accordance with this section
31 is in addition to any audit of federal awards required by the

1 federal Single Audit Act and other federal laws and
2 regulations. To the extent that such federally required audits
3 provide the state awarding agency or nonstate entity with
4 information it requires to carry out its responsibilities
5 under state law or other guidance, ~~the a~~ state awarding agency
6 or nonstate entity shall rely upon and use that information.

7 (j) Unless prohibited by law, the costs ~~cost~~ of audits
8 pursuant to this section are ~~is~~ allowable charges to state
9 projects. However, any charges to state projects should be
10 limited to those incremental costs incurred as a result of the
11 audit requirements of this section in relation to other audit
12 requirements. The nonstate entity should allocate such
13 incremental costs to all state projects for which it expended
14 state financial assistance.

15 (k) Audit costs may not be charged to state projects
16 when audits required by this section have not been made or
17 have been made but not in accordance with this section. If a
18 nonstate entity fails to have an audit conducted consistent
19 with this section, a state awarding agency or nonstate entity
20 ~~agencies~~ may take appropriate corrective action to enforce
21 compliance.

22 (l) This section does not prohibit the state awarding
23 agency or nonstate entity from including terms and conditions
24 in the written agreement which require additional assurances
25 that state financial assistance meets the applicable
26 requirements of laws, regulations, and other compliance rules.

27 (m) A state awarding agency or nonstate entity that
28 ~~provides state financial assistance to nonstate entities and~~
29 conducts or arranges for audits of state financial assistance
30 that are in addition to the audits conducted under this act,
31 including audits of nonstate entities that do not meet the

1 audit threshold requirements, shall, consistent with other
2 applicable law, arrange for funding the full cost of such
3 additional audits.

4 ~~(9)(8)~~ The independent auditor when conducting a state
5 single audit of a nonstate entity ~~recipients or subrecipients~~
6 shall:

7 (a) Determine whether the nonstate entity's financial
8 statements are presented fairly in all material respects in
9 conformity with generally accepted accounting principles.

10 (b) Determine whether state financial assistance shown
11 on the Schedule of Expenditures of State Financial Assistance
12 is presented fairly in all material respects in relation to
13 the nonstate entity's financial statements taken as a whole.

14 (c) With respect to internal controls pertaining to
15 each major state project:

16 1. Obtain an understanding of internal controls;

17 2. Assess control risk;

18 3. Perform tests of controls unless the controls are
19 deemed to be ineffective; and

20 4. Determine whether the nonstate entity has internal
21 controls in place to provide reasonable assurance of
22 compliance with the provisions of laws and rules pertaining to
23 state financial assistance that have a material effect on each
24 major state project.

25 (d) Determine whether each major state project
26 complied with the provisions of laws, rules, and guidelines as
27 identified in the State Projects Compliance Supplement, or
28 otherwise identified by the state awarding agency, which have
29 a material effect on each major state project. When major
30 state projects are less than 50 percent of the nonstate
31 entity's total expenditures for all state financial

1 assistance, the auditor shall select and test additional state
2 projects as major state projects as necessary to achieve audit
3 coverage of at least 50 percent of the expenditures for all
4 state financial assistance provided to the nonstate entity.
5 Additional state projects needed to meet the 50-percent
6 requirement may be selected on an inherent risk basis as
7 stated in the rules of the Department of Financial Services
8 ~~Executive Office of the Governor~~.

9 (e) Report on the results of any audit conducted
10 pursuant to this section in accordance with the ~~rules of the~~
11 ~~Executive Office of the Governor~~, rules of the Department of
12 Financial Services ~~Chief Financial Officer~~, and rules of the
13 Auditor General. Financial reporting packages must ~~Audit~~
14 ~~reports shall~~ include summaries of the auditor's results
15 regarding the nonstate entity's financial statements; Schedule
16 of Expenditures of State Financial Assistance; internal
17 controls; and compliance with laws, rules, and guidelines.

18 (f) Issue a management letter as prescribed in the
19 rules of the Auditor General.

20 (g) Upon notification by the nonstate entity, make
21 available the working papers relating to the audit conducted
22 pursuant to the requirements of this section to the state
23 awarding agency, the Department of Financial Services ~~Chief~~
24 ~~Financial Officer~~, or the Auditor General for review or
25 copying.

26 ~~(10)(9)~~ The independent auditor, when conducting a
27 state project-specific audit of a nonstate entity recipients
28 ~~or subrecipients~~, shall:

29 (a) Determine whether the nonstate entity's Schedule
30 of Expenditure of State Financial Assistance is presented
31

1 fairly in all material respects in conformity with stated
2 accounting policies.

3 (b) Obtain an understanding of internal controls
4 ~~control~~ and perform tests of internal controls ~~control~~ over
5 the state project consistent with the requirements of a major
6 state project.

7 (c) Determine whether or not the auditee has complied
8 with applicable provisions of laws, rules, and guidelines as
9 identified in the State Projects Compliance Supplement, or
10 otherwise identified by the state awarding agency, which could
11 have a direct and material effect on the state project.

12 (d) Report on the results of the ~~a~~ state
13 project-specific audit consistent with the requirements of the
14 state single audit and issue a management letter as prescribed
15 in the rules of the Auditor General.

16 (e) Upon notification by the nonstate entity, make
17 available the working papers relating to the audit conducted
18 pursuant to the requirements of this section to the state
19 awarding agency, the Department of Financial Services ~~Chief~~
20 ~~Financial Officer~~, or the Auditor General for review or
21 copying.

22 ~~(11)(10)~~ The Auditor General shall:

23 (a) Have the authority to audit state financial
24 assistance provided to any nonstate entity when determined
25 necessary by the Auditor General or when directed by the
26 Legislative Auditing Committee.

27 (b) Adopt rules that state the auditing standards that
28 independent auditors are to follow for audits of nonstate
29 entities required by this section.

30 (c) Adopt rules that describe the contents and the
31 filing deadlines for the financial reporting package.

1 (d) Provide technical advice upon request of the
2 Department of Financial Services Chief Financial Officer,
3 ~~Executive Office of the Governor,~~ and state awarding agencies
4 relating to financial reporting and audit responsibilities
5 contained in this section.

6 (e) Be provided one copy of each financial reporting
7 package prepared in accordance with the requirements of this
8 section.

9 (f) Perform ongoing reviews of a sample of financial
10 reporting packages filed pursuant to the requirements of this
11 section to determine compliance with the reporting
12 requirements of this section and applicable ~~rules of the~~
13 ~~Executive Office of the Governor,~~ rules of the Department of
14 Financial Services Chief Financial Officer, and rules of the
15 Auditor General.

16 Section 20. Paragraphs (a), (b), (n), (gg), (hh), and
17 (jj) of subsection (1) of section 216.011, Florida Statutes,
18 are amended, paragraph (rr) is added to that subsection, and
19 paragraph (c) is added to subsection (3) of that section, to
20 read:

21 216.011 Definitions.--

22 (1) For the purpose of fiscal affairs of the state,
23 appropriations acts, legislative budgets, and approved
24 budgets, each of the following terms has the meaning
25 indicated:

26 (a) "Annual salary rate" means the monetary
27 compensation authorized to be paid a position on an annualized
28 basis. The term does not include moneys authorized for
29 benefits associated with the position. ~~In calculating salary~~
30 ~~rate, a vacant position shall be calculated at the minimum of~~
31 ~~the pay grade for that position.~~

1 (b) "Appropriation" means a legal authorization to
2 make expenditures for specific purposes within the amounts
3 authorized by law ~~in the appropriations act.~~

4 (n) "Expense" means the appropriation category used to
5 fund the usual, ordinary, and incidental expenditures by an
6 agency or the judicial branch, including such items as
7 ~~contractual services,~~ commodities, ~~and~~ supplies of a
8 consumable nature, current obligations, and fixed charges, and
9 excluding expenditures classified as operating capital outlay.
10 Payments to other funds or local, state, or federal agencies
11 may be included in this category.

12 (gg) "Mandatory reserve" means the reduction of an
13 appropriation by the Governor or the Legislative Budget
14 Commission due to an anticipated deficit in a fund, pursuant
15 to s. 216.221. No action may be taken to restore a mandatory
16 reserve either directly or indirectly. ~~"Performance based~~
17 ~~program appropriation" means the appropriation category used~~
18 ~~to fund a specific set of activities or classification of~~
19 ~~expenditure within an approved performance based program.~~

20 (hh) "Budget reserve" means the withholding of an
21 appropriation, or portion thereof, as authorized by the
22 Legislature. The need for a budget reserve may exist until
23 certain conditions set by the Legislature are met by the
24 affected agency, or such need may exist due to financial or
25 program changes that have occurred since, and were unforeseen
26 at the time of, passage of the General Appropriations Act.
27 ~~"Performance based program budget" means a budget that~~
28 ~~incorporates approved programs and performance measures.~~

29 (jj) "Program" means a set of services and activities
30 undertaken in accordance with a plan of action organized to
31

1 realize identifiable goals and objectives based on legislative
2 authorization.

3 (rr) "Activity" means a unit of work which has
4 identifiable starting and ending points, consumes resources,
5 and produces outputs.

6 (3) For purposes of this chapter, the term:

7 (c) "Statutorily authorized entity" means any entity
8 primarily acting as an instrumentality of the state, any
9 regulatory or governing body, or any other governmental or
10 quasi-governmental organization that receives, disburses,
11 expends, administers, awards, recommends expenditure of,
12 handles, manages, or has custody or control of funds
13 appropriated by the Legislature and:

14 1. Is created, organized, or specifically authorized
15 to be created or established by general law; or

16 2. Assists a department, as defined in s. 20.03(2), or
17 other unit of state government in providing programs or
18 services on a statewide basis with a statewide service area or
19 population.

20 Section 21. Subsections (1), (2), (3), and (9) of
21 section 216.013, Florida Statutes, are amended to read:

22 216.013 Long-range program plan.--

23 (1) State agencies shall develop long-range program
24 plans to achieve state goals using an interagency planning
25 process that includes the development of integrated agency
26 program service outcomes. The plan shall cover a period of 5
27 fiscal years and shall become effective July 1 each year.
28 Long-range program plans shall provide the framework for the
29 development of agency budget requests and shall:

1 (a) Identify agency programs and address how agency
2 programs will be used to implement state policy and achieve
3 state goals and program component objectives;

4 (b) Identify and describe agency services and
5 activities ~~functions~~ and how they will be used to achieve
6 designated outcomes;

7 (c) Identify demand, output, total costs, and unit
8 costs for each activity ~~function~~;

9 (d) Provide information regarding performance
10 measurement, which includes, but is not limited to, how data
11 is collected, the methodology used to measure a performance
12 indicator, the validity and reliability of a measure, the
13 appropriateness of a measure, and whether the agency inspector
14 general has assessed the reliability and validity of agency
15 performance measures, pursuant to s. 20.055(2);

16 (e) Identify and justify facility and fixed capital
17 outlay projects and their associated costs; and

18 (f) Identify and justify information technology
19 infrastructure and applications and their associated costs for
20 information technology projects or initiatives.

21 (2) All agency activities ~~functions~~ and their costs
22 shall be carefully evaluated and justified by the agency. The
23 justification must clearly demonstrate the needs of agency
24 customers and clients and why the agency is proposing
25 functions and their associated costs to address the needs
26 based on state priorities, the agency mission, and legislative
27 authorization. Further, the justification must show how
28 agency functions are integrated and contribute to the overall
29 achievement of state goals. Facilities, fixed capital outlay
30 and information technology infrastructure, and applications
31

1 shall be evaluated pursuant to ss. 216.0158, 216.043, and
2 216.0446, respectively.

3 (3) Long-range program plans shall be submitted to the
4 Executive Office of the Governor by August 1 of each year,
5 unless an alternative date is approved by the Governor and the
6 chairs of the legislative appropriations committees, in a form
7 and manner prescribed by the ~~Executive Office of the~~ Governor
8 and the chairs of the legislative appropriations committees.
9 Such long-range program plans for the Judicial Branch shall be
10 submitted by the Chief Justice of the Supreme Court to the
11 President of the Senate and the Speaker of the House of
12 Representatives, and a copy shall be provided to the Executive
13 Office of the Governor.

14 (9) Agencies and the judicial branch shall make
15 appropriate adjustments to their long-range program plans to
16 be consistent with the appropriations and performance measures
17 in the General Appropriations Act and legislation implementing
18 the General Appropriations Act. Agencies and the judicial
19 branch have until June 30 ~~15~~ to make adjustments to their
20 plans and submit the adjusted plans to the Executive Office of
21 the Governor for review.

22 Section 22. Section 216.023, Florida Statutes, is
23 amended to read:

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

26 (1) The head of each state agency, except as provided
27 in subsection (2), shall submit a final legislative budget
28 request to the Legislature and to the Governor, as chief
29 budget officer of the state, in the form and manner prescribed
30 in the budget instructions and at such time as specified by
31 the Executive Office of the Governor, based on the agency's

1 independent judgment of its needs. However, no state agency
2 shall submit its complete legislative budget request,
3 including all supporting forms and schedules required by this
4 chapter, later than September 15 of each year, unless an
5 alternative date is approved by the Governor and the chairs of
6 the legislative appropriations committees.

7 (2) The judicial branch and the Division of
8 Administrative Hearings shall submit their complete
9 legislative budget requests directly to the Legislature with a
10 copy to the Governor, as chief budget officer of the state, in
11 the form and manner as prescribed in the budget instructions.
12 However, the complete legislative budget requests, including
13 all supporting forms and schedules required by this chapter,
14 shall be submitted no later than September 15 of each year, unless an alternative date is approved by the Governor and the
15 chairs of the legislative appropriations committees.

16 (3) The Executive Office of the Governor and the
17 appropriations committees of the Legislature shall jointly
18 develop legislative budget instructions for preparing the
19 exhibits and schedules that make up the agency budget from
20 which each agency and the judicial branch shall prepare their
21 budget request. The budget instructions shall be consistent
22 with s. 216.141 and shall be transmitted to each agency and to
23 the judicial branch no later than June 15 of each year, unless
24 an alternative date is approved by the Governor and the chairs
25 of the legislative appropriations committees. In the event
26 that agreement cannot be reached between the Executive Office
27 of the Governor and the appropriations committees of the
28 Legislature regarding legislative budget instructions, the
29 issue shall be resolved by the Governor, the President of the
30 Senate, and the Speaker of the House of Representatives.
31

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

3 1. The constitutional or statutory authority for a
4 program, a brief purpose statement, and approved program
5 components.

6 2. Information on expenditures for 3 fiscal years
7 (actual prior-year expenditures, current-year estimated
8 expenditures, and agency budget requested expenditures for the
9 next fiscal year) by appropriation category.

10 3. Details on trust funds and fees.

11 4. The total number of positions (authorized, fixed,
12 and requested).

13 5. An issue narrative describing and justifying
14 changes in amounts and positions requested for current and
15 proposed programs for the next fiscal year.

16 6. Information resource requests.

17 7. Legislatively approved output and outcome
18 performance measures and any proposed revisions to measures.

19 8. Proposed performance standards for each performance
20 measure and justification for the standards and the sources of
21 data to be used for measurement.

22 9. Prior-year performance data on approved performance
23 measures and an explanation of deviation from expected
24 performance. Performance data must be assessed for reliability
25 in accordance with s. 20.055.

26 10. Proposed performance incentives and disincentives.

27 11. Supporting information, including applicable
28 cost-benefit analyses, business case analyses, performance
29 contracting procedures, service comparisons, and impacts to
30 performance standards for any requests to outsource or
31 privatize agency functions.

1 12. An evaluation of current outsourcing and
2 privatization initiatives, if any, including an assessment of
3 contractor performance, a comparison of anticipated service
4 levels to actual service levels, and a comparison of estimated
5 savings to actual savings achieved. Consolidated reports
6 issued by the Department of Management Services may be used to
7 satisfy this requirement.

8 (b) It is the intent of the Legislature that total
9 accountability measures, including unit-cost data, serve not
10 only as a budgeting tool but also as a policymaking tool and
11 an accountability tool. Therefore, each state agency and the
12 judicial branch must submit a one-page summary of information
13 for the preceding year in accordance with the legislative
14 budget instructions. Each one-page summary must contain:

15 1. The final budget for the agency and the judicial
16 branch.

17 2. Total funds from the General Appropriations Act.

18 3. Adjustments to the General Appropriations Act.

19 4. The line-item listings of all activities.

20 5. The number of activity units performed or
21 accomplished.

22 6. Total expenditures for each activity, including
23 amounts paid to contractors and subordinate entities.
24 Expenditures related to administrative activities not aligned
25 with output measures must consistently be allocated to
26 activities with output measures prior to computing unit costs.

27 7. The cost per unit for each activity, including the
28 costs allocated to contractors and subordinate entities.

29 8. The total amount of reversions and pass-through
30 expenditures omitted from unit-cost calculations.

31

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

8 ~~(5) At the time specified in the legislative budget~~
9 ~~instructions and in sufficient time to be included in the~~
10 ~~Governor's recommended budget, the judicial branch is required~~
11 ~~to submit a performance based program budget request. The~~
12 ~~Chief Justice of the Supreme Court shall identify and, after~~
13 ~~consultation with the Office of Program Policy Analysis and~~
14 ~~Government Accountability, submit to the President of the~~
15 ~~Senate and the Speaker of the House of Representatives a list~~
16 ~~of proposed programs and associated performance measures. The~~
17 ~~judicial branch shall provide documentation to accompany the~~
18 ~~list of proposed programs and performance measures as provided~~
19 ~~under subsection (4). The judicial branch shall submit a~~
20 ~~performance based program agency budget request using the~~
21 ~~programs and performance measures adopted by the Legislature.~~
22 ~~The Chief Justice may propose revisions to approved programs~~
23 ~~or performance measures for the judicial branch. The~~
24 ~~Legislature shall have final approval of all programs and~~
25 ~~associated performance measures and standards for the judicial~~
26 ~~branch through the General Appropriations Act or legislation~~
27 ~~implementing the General Appropriations Act. By September 15,~~
28 ~~2001, the Chief Justice of the Supreme Court shall submit to~~
29 ~~the President of the Senate and the Speaker of the House of~~
30 ~~Representatives a performance based program budget request for~~

31

1 ~~programs of the judicial branch approved by the Legislature~~
2 ~~and provide a copy to the Executive Office of the Governor.~~

3 ~~(5)(6)~~ Agencies must maintain a comprehensive
4 performance accountability system and provide a list of
5 performance measures maintained by the agency which are in
6 addition to the measures approved by the Legislature.

7 ~~(6)(7)~~ Annually, by June 30, executive agencies shall
8 submit to the Executive Office of the Governor adjustments to
9 their performance standards based on the amounts appropriated
10 for each program by the Legislature. When such an adjustment
11 is made, all performance standards, including any adjustments
12 made, shall be reviewed and revised as necessary by the
13 Executive Office of the Governor and, upon approval, submitted
14 to the Legislature pursuant to the review and approval process
15 provided in s. 216.177. The Senate and the House of
16 Representatives appropriations committees ~~Senate Committee on~~
17 ~~Fiscal Policy and the House of Representatives Fiscal~~
18 ~~Responsibility Council~~ shall advise Senate substantive
19 committees and House of Representatives substantive
20 committees, respectively, of all adjustments made to
21 performance standards or measures. The Executive Office of the
22 Governor shall maintain ~~both~~ the official record of
23 adjustments to the performance standards ~~as part of the~~
24 ~~agency's approved operating budget and the official~~
25 ~~performance ledger~~. As used in this section, the term
26 "official record" ~~"performance ledger"~~ means the official
27 compilation of information about state agency
28 performance-based programs and measures, including approved
29 programs, approved outputs and outcomes, baseline data,
30 approved standards for each performance measure and any
31

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

3 ~~(7)(8)~~ As a part of the legislative budget request,
4 the head of each state agency and the Chief Justice of the
5 Supreme Court for the judicial branch shall include an
6 inventory of all litigation in which the agency is involved
7 that may require additional appropriations to the agency, that
8 may significantly affect revenues received or anticipated to
9 be received by the state, or that may require ~~or~~ amendments to
10 the law under which the agency operates. No later than March
11 1 following the submission of the legislative budget request,
12 the head of the state agency and the Chief Justice of the
13 Supreme Court shall provide an update of any additions or
14 changes to the inventory. Such inventory shall include
15 information specified annually in the legislative budget
16 instructions.

17 ~~(8)(9)~~ Annually, by June 30, the judicial branch shall
18 make adjustments to any performance standards for approved
19 programs based on the amount appropriated for each program,
20 which shall be submitted to the Legislature pursuant to the
21 notice and review process provided in s. 216.177. The Senate
22 and the House of Representatives appropriations committees
23 ~~Senate Committee on Fiscal Policy and the House Fiscal~~
24 ~~Responsibility Council~~ shall advise Senate substantive
25 committees and House substantive committees, respectively, of
26 all adjustments made to performance standards or measures.

27 ~~(9)(10)~~ The Executive Office of the Governor shall
28 review the legislative budget request for technical compliance
29 with the budget format provided for in the budget
30 instructions. The Executive Office of the Governor shall
31 notify the agency or the judicial branch of any adjustment

1 required. The agency or judicial branch shall make the
2 appropriate corrections as requested. If the appropriate
3 technical corrections are not made as requested, the Executive
4 Office of the Governor shall adjust the budget request to
5 incorporate the appropriate technical corrections in the
6 format of the request.

7 ~~(10)(11)~~ At any time after the Governor submits his or
8 her ~~and the Chief Justice submit their~~ recommended budget
9 ~~budgets~~ to the Legislature, the head of the agency or judicial
10 branch may amend his or her request by transmitting to the
11 Governor and the Legislature an amended request in the form
12 and manner prescribed in the legislative budget instructions.

13 ~~(11)(12)~~ The legislative budget request from each
14 agency and from the judicial branch shall be reviewed by the
15 Legislature. The review may allow for the opportunity to have
16 information or testimony by the agency, the judicial branch,
17 the Auditor General, the Office of Program Policy Analysis and
18 Government Accountability, the Governor's Office of Planning
19 and Budgeting, and the public regarding the proper level of
20 funding for the agency in order to carry out its mission.

21 ~~(12)(13)~~ In order to ensure an integrated state
22 planning and budgeting process, the agency long-range plan
23 should be reviewed by the Legislature.

24 Section 23. Section 216.031, Florida Statutes, is
25 amended to read:

26 216.031 Target budget request.--Either chair of a
27 legislative appropriations committee, or the Executive Office
28 of the Governor for state agencies, may require the agency or
29 the Chief Justice to address major issues separate from those
30 outlined in s. 216.023, this section, and s. 216.043 for
31 inclusion in the requests of the agency or of the judicial

1 | branch. The issues shall be submitted to the agency no later
2 | than July 30 of each year and shall be displayed in its
3 | requests as provided in the budget instructions. The
4 | Executive Office of the Governor may request an agency, or the
5 | chair of the appropriations committees of the Senate or House
6 | of Representatives may request any agency or the judicial
7 | branch, to submit ~~no later than September 30 of each year a~~
8 | budget plan with respect to targets established by the
9 | Governor or either chair. The target budget shall require each
10 | entity to establish an order of priorities for its budget
11 | issues and may include requests for multiple options for the
12 | budget issues. ~~The target budget may also require each entity~~
13 | ~~to submit a program budget or a performance based budget in~~
14 | ~~the format prescribed by the Executive Office of the Governor~~
15 | ~~or either chair; provided, however,~~ The target budget format
16 | shall be compatible with the planning and budgeting system
17 | requirements set out in s. 216.141. Such a request shall not
18 | influence the agencies' or judicial branch's independent
19 | judgment in making legislative budget requests, as required by
20 | law.

21 | Section 24. Subsections (2), (3), (8), and (9) of
22 | section 216.052, Florida Statutes, are repealed.

23 | Section 25. Subsection (5) of section 216.053, Florida
24 | Statutes, is repealed.

25 | Section 26. Section 216.065, Florida Statutes, is
26 | amended to read:

27 | 216.065 Fiscal impact statements on actions affecting
28 | the budget.--In addition to the applicable requirements of
29 | chapter 120, before the Governor, or Governor and Cabinet as a
30 | body, performing any constitutional or statutory duty, or
31 | before any state agency or statutorily authorized entity takes

1 ~~take~~ any final action that will affect revenues, directly
2 require a request for an increased or new appropriation in the
3 following fiscal year, ~~or that will~~ transfer current year
4 funds, it they shall first provide the legislative
5 appropriations committees with a fiscal impact statement that
6 details the effects of such action on the budget. The fiscal
7 impact statement must specify the estimated budget and revenue
8 impacts for the current year and the 2 subsequent fiscal years
9 at the same level of detail required to support a legislative
10 budget request, including amounts by appropriation category
11 and fund.

12 Section 27. Subsection (3) is added to section
13 216.081, Florida Statutes, to read:

14 216.081 Data on legislative and judicial branch
15 expenses.--

16 (3) If the Governor does not receive timely estimates
17 of the financial needs of the legislative branch, the
18 Governor's recommended budget must include the amounts
19 appropriated and budget entity structure established in the
20 most recent General Appropriations Act.

21 Section 28. Subsections (7) and (8) of section
22 216.136, Florida Statutes, are repealed.

23 Section 29. Subsection (1) of section 216.162, Florida
24 Statutes, is amended to read:

25 216.162 Governor's recommended budget to be furnished
26 Legislature; copies to members.--

27 (1) At least ~~40~~ 45 days before the scheduled annual
28 legislative session, the Governor shall furnish each senator
29 and representative a copy of his or her recommended balanced
30 budget for the state, based on the Governor's own conclusions
31 and judgment; provided, however, that in his or her first year

1 in office a new Governor may request, subject to approval of
2 the President of the Senate and the Speaker of the House of
3 Representatives, that his or her recommended balanced budget
4 be submitted at a later time prior to the Governor's first
5 regular legislative session.

6 Section 30. Subsections (1), (2), (3), and (4) of
7 section 216.167, Florida Statutes, are amended to read:

8 216.167 Governor's recommendations.--The Governor's
9 recommendations shall include a financial schedule that
10 provides:

11 (1) The Governor's estimate of the recommended
12 recurring revenues available in the Budget Stabilization Fund,
13 ~~the Working Capital Fund,~~ and the General Revenue Fund.

14 (2) The Governor's estimate of the recommended
15 nonrecurring revenues available in the Budget Stabilization
16 Fund,~~the Working Capital Fund,~~ and the General Revenue Fund.

17 (3) The Governor's recommended recurring and
18 nonrecurring appropriations from the Budget Stabilization
19 Fund,~~the Working Capital Fund,~~ and the General Revenue Fund.

20 (4) The Governor's estimates of any interfund loans or
21 temporary obligations of the Budget Stabilization Fund, the
22 General Revenue ~~Working Capital~~ Fund, or trust funds, which
23 loans or obligations are needed to implement his or her
24 recommended budget.

25 Section 31. Subsection (4) of section 216.168, Florida
26 Statutes, is amended to read:

27 216.168 Governor's amended revenue or budget
28 recommendations; optional and mandatory.--

29 (4) If the Governor determines, at any time after he
30 or she has furnished the Legislature with his or her
31 recommendations or amended recommendations, that the revenue

1 estimates upon which the Governor's recommendations were based
2 are insufficient to fund these recommendations, the Governor
3 shall amend his or her revenues or appropriations
4 recommendations to bring the Governor's recommended budget
5 into balance. ~~On or after March 1, if the Governor determines~~
6 ~~that there is insufficient time to provide the information for~~
7 ~~the amended recommendations required in ss. 216.164 and~~
8 ~~216.166, he or she shall be exempt from such requirement.~~

9 Section 32. Subsections (1), (2), and (3) of section
10 216.177, Florida Statutes, are amended to read:

11 216.177 Appropriations acts, statement of intent,
12 violation, notice, review and objection procedures.--

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

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

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

24
25 to the Executive Office of the Governor, the Chief Financial
26 Officer, the Auditor General, the director of the Office of
27 Program Policy Analysis and Government Accountability, the
28 Chief Justice of the Supreme Court, and each state agency. A
29 request for additional explanation and direction regarding the
30 legislative intent of the General Appropriations Act during
31 the fiscal year may be made to the chairs of the

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

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

27 (b) If the chairs of the appropriations committees of
28 the Legislature ~~chair and vice chair of the Legislative Budget~~
29 ~~Commission~~ or the President of the Senate and the Speaker of
30 the House of Representatives timely advise, in writing, the
31 Executive Office of the Governor or the Chief Justice of the

1 Supreme Court that an action or a proposed action, including
2 any expenditure of funds resulting from the settlement of
3 litigation involving a state agency or officer, whether
4 subject to the notice and review requirements of this chapter
5 or not, exceeds the delegated authority of the Executive
6 Office of the Governor for the executive branch or the Chief
7 Justice for the judicial branch, respectively, or is contrary
8 to legislative policy and intent, the Governor or the Chief
9 Justice of the Supreme Court shall void such action and
10 instruct the affected state agency or entity of the judicial
11 branch to change immediately its spending action or spending
12 proposal until the Legislative Budget Commission or the
13 Legislature addresses the issue. The written documentation
14 shall indicate the specific reasons that an action or proposed
15 action exceeds the delegated authority or is contrary to
16 legislative policy and intent.

17 (c) The House of Representatives and the Senate shall
18 provide by rule that any member of the House of
19 Representatives or Senate may request, in writing, of either
20 the President of the Senate or the Speaker of the House of
21 Representatives to initiate the procedures of paragraph (b).

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

27 Section 33. Subsections (1), (2), (4), (6), (12), and
28 (16) of section 216.181, Florida Statutes, are amended to
29 read:

30 216.181 Approved budgets for operations and fixed
31 capital outlay.--

1 (1) The General Appropriations Act and any other acts
2 containing appropriations shall be considered the original
3 approved operating budgets for operational and fixed capital
4 expenditures. Amendments to the approved operating budgets for
5 operational and fixed capital outlay expenditures from state
6 agencies may be requested only through the Executive Office of
7 the Governor and approved by the Governor and the Legislative
8 Budget Commission as provided in this chapter. Amendments from
9 the judicial branch may be requested only through, ~~and~~
10 ~~approved by, the Chief Justice of the Supreme Court~~ and must
11 be approved by the Chief Justice and the Legislative Budget
12 Commission as provided in this chapter. This includes
13 amendments which are necessary to implement the provisions of
14 s. 216.212 or s. 216.221.

15 (2) Amendments to the original approved operating
16 budgets for operational and fixed capital outlay expenditures
17 must comply with the following guidelines in order to be
18 approved by the Governor and the Legislative Budget Commission
19 ~~as provided in this chapter~~ for the executive branch and the
20 Chief Justice and the Legislative Budget Commission for the
21 judicial branch:

22 (a) The amendment must be consistent with legislative
23 policy and intent.

24 (b) The amendment may not initiate or commence a new
25 program, except as authorized by this chapter, or eliminate an
26 existing program.

27 (c) Except as authorized in s. 216.292 or other
28 provisions of this chapter, the amendment may not provide
29 funding or increased funding for items which were funded by
30 the Legislature in an amount less than that requested by the
31 agency ~~or Governor~~ in the legislative budget request or

1 recommended by the Governor, or which were vetoed by the
2 Governor.

3 (d) For amendments that involve trust funds, there
4 must be adequate and appropriate revenues available in the
5 trust fund and the amendment must be consistent with the laws
6 authorizing such trust funds and the laws relating to the use
7 of the trust funds. However, a trust fund shall not be
8 increased in excess of the original approved budget, except as
9 provided in subsection (11).

10 (e) The amendment shall not conflict with any
11 provision of law.

12 (f) The amendment must not provide funding for any
13 issue which was requested by the agency or branch in its
14 legislative budget request and not funded in the General
15 Appropriations Act.

16 (g) The amendment must include a written description
17 of the purpose of the proposed change, an indication of why
18 interim budget action is necessary, and the intended recipient
19 of any funds for contracted services.

20 (h) The amendment must not provide general salary
21 increases which the Legislature has not authorized in the
22 General Appropriations Act or other laws.

23 (4) To the extent possible, individual members of the
24 Senate and the House of Representatives should be advised of
25 budget amendments requested by the executive branch and
26 judicial branch.

27 (6)(a) The Executive Office of the Governor or the
28 Chief Justice of the Supreme Court may require the submission
29 of a detailed plan from the agency or entity of the judicial
30 branch affected, consistent with the General Appropriations
31 Act, special appropriations acts, and statements ~~the statement~~

1 of intent before transferring and releasing the balance of a
2 lump-sum appropriation. ~~The provisions of this paragraph are~~
3 ~~subject to the notice and review procedures set forth in s.~~
4 ~~216.177.~~

5 (b) The Executive Office of the Governor and the Chief
6 Justice of the Supreme Court may amend, without approval of
7 the Legislative Budget Commission, state agency and judicial
8 branch entity budgets, respectively, to reflect the
9 transferred funds and to provide the associated increased
10 salary rate based on the approved plans for lump-sum
11 appropriations. The provisions of this paragraph are subject
12 to the notice and review procedures set forth in s. 216.177.

13
14 The Executive Office of the Governor shall transmit to each
15 state agency and the Chief Financial Officer, and the Chief
16 Justice shall transmit to each judicial branch component and
17 the Chief Financial Officer, any approved amendments to the
18 approved operating budgets.

19 (12) There is appropriated nonoperating budget for
20 refunds, payments to the United States Treasury, payments of
21 the service charge to the General Revenue Fund, and transfers
22 of funds specifically required by law. Such authorized budget,
23 together with related releases, shall be transmitted by the
24 state agency or by the judicial branch to the Chief Financial
25 Officer for entry in his or her records in the manner and
26 format prescribed by the Executive Office of the Governor in
27 consultation with the Chief Financial Officer. A copy of such
28 authorized budgets shall be furnished to the Executive Office
29 of the Governor or the Chief Justice, the chairs of the
30 legislative committees responsible for developing the general
31 appropriations acts, and the Auditor General. The Governor may

1 withhold approval of nonoperating investment authority for
2 certain trust funds when deemed in the best interest of the
3 state. The Governor for the executive branch, and the Chief
4 Justice for the judicial branch, may establish nonoperating
5 budgets, with the approval of the chairs of the Senate and the
6 House of Representatives appropriations committees, for
7 transfers, purchase of investments, special expenses,
8 distributions, and any other nonoperating budget categories
9 they deem necessary and in the best interest of the state and
10 consistent with legislative intent and policy. ~~The provisions~~
11 ~~of this subsection are subject to the notice, review, and~~
12 ~~objection procedures set forth in s. 216.177.~~ For purposes of
13 this section, the term "nonoperating budgets" means
14 nonoperating disbursement authority for purchase of
15 investments, refunds, payments to the United States Treasury,
16 transfers of funds specifically required by law, distributions
17 of assets held by the state in a trustee capacity as an agent
18 of fiduciary, special expenses, and other nonoperating budget
19 categories as determined necessary by the Executive Office of
20 the Governor and the chairs of the Senate and the House of
21 Representatives appropriations committees, not otherwise
22 appropriated in the General Appropriations Act.

23 (16)(a) Funds provided in any specific appropriation
24 in the General Appropriations Act may be advanced if the
25 General Appropriations Act specifically so provides.

26 (b) Any agency, or the judicial branch, that has been
27 authorized by the General Appropriations Act or expressly
28 authorized by other law to make advances for program startup
29 or advances for contracted services, in total or periodically,
30 shall limit such disbursements to other governmental entities
31 and not-for-profit corporations. The amount which may be

1 advanced shall not exceed the expected cash needs of the
2 contractor or recipient within the initial 3 months.
3 Thereafter, disbursements shall only be made on a
4 reimbursement basis. Any agreement that provides for
5 advancements may contain a clause that permits the contractor
6 or recipient to temporarily invest the proceeds, provided that
7 any interest income shall either be returned to the agency or
8 be applied against the agency's obligation to pay the contract
9 amount. This paragraph does not constitute lawful authority
10 to make any advance payment not otherwise authorized by laws
11 relating to a particular agency or general laws relating to
12 the expenditure or disbursement of public funds. The Chief
13 Financial Officer may, after consultation with the legislative
14 appropriations committees, advance funds beyond a 3-month
15 requirement if it is determined to be consistent with the
16 intent of the approved operating budget.

17 ~~(c) Unless specifically prohibited in the General~~
18 ~~Appropriations Act, funds appropriated to the Department of~~
19 ~~Children and Family Services and the Department of Health may~~
20 ~~be advanced for those contracted services that were approved~~
21 ~~for advancement by the Comptroller in fiscal year 1993-1994,~~
22 ~~including those services contracted on a fixed price or~~
23 ~~unit cost basis.~~

24 Section 34. Effective July 1, 2005, subsections (8),
25 (9), and (10) of section 216.181, Florida Statutes, are
26 amended to read:

27 216.181 Approved budgets for operations and fixed
28 capital outlay.--

29 (8) As part of the approved operating budget, the
30 Executive Office of the Governor shall furnish to each state
31 agency, and the Chief Justice of the Supreme Court shall

1 furnish to the entity of the judicial branch, an approved
2 annual salary rate for each budget entity containing a salary
3 appropriation. This rate shall be based upon the actual salary
4 rate and shall be consistent with the General Appropriations
5 Act or special appropriations acts. The annual salary rate
6 shall be:

7 (a) Determined by ~~Calculated based on~~ the actual
8 salary rate ~~in effect on June 30, and the salary policy and~~
9 ~~the number of authorized positions as~~ specified in the General
10 Appropriations Act and adjusted for reorganizations authorized
11 by law, for any other appropriations made by law, and, subject
12 to s. 216.177, for distributions of lump sum appropriations
13 and administered funds ~~special appropriations acts, or as~~
14 ~~provided pursuant to s. 216.177.~~

15 (b) Controlled by the budget entity ~~department or~~
16 ~~agency;~~ except for the ~~Department of Education, which shall be~~
17 ~~controlled by division and for~~ the judicial branch, which
18 shall be controlled at the branch level.

19 (c) Assigned to the number of authorized positions.

20 (9)(a) The calculation for the annual salary rate for
21 vacant and newly authorized positions shall be ~~at no more than~~
22 ~~the midpoint of the range of the pay grade for the position or~~
23 as provided in the General Appropriations Act.

24 (b) No agency or the judicial branch may exceed its
25 maximum approved annual salary rate for the fiscal year.
26 However, at any time during the fiscal year, an agency or
27 entity of the judicial branch may exceed its approved rate for
28 all budget entities by no more than 5 percent, provided that,
29 by June 30 of every fiscal year, the agency or entity of the
30 judicial branch has reduced its salary rate so that the salary
31

1 rate for each budget entity is within the approved rate limit
2 for that budget entity.

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

19 (b) Lump-sum salary bonuses may be provided only if
20 specifically appropriated or provided pursuant to s. 110.1245
21 or s. 216.1815.

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

27 (d) The salary rate provisions of subsections (8) and
28 (9) and this subsection do not apply to the general office
29 program of the Executive Office of the Governor.

30 Section 35. Sections 216.1825 and 216.183, Florida
31 Statutes, are repealed.

1 Section 36. Section 216.192, Florida Statutes, is
2 amended to read:

3 216.192 Release of appropriations; revision of
4 budgets.--

5 (1) Unless otherwise provided in the General
6 Appropriations Act, on July 1 of each fiscal year, up to 25
7 percent of the original approved operating budget of each
8 agency and of the judicial branch may be released until such
9 time as annual plans for quarterly releases for all
10 appropriations have been developed, approved, and furnished to
11 the Chief Financial Officer by the Executive Office of the
12 Governor for state agencies and by the Chief Justice of the
13 Supreme Court for the judicial branch. The plans, including
14 appropriate plans of releases for fixed capital outlay
15 projects that correspond with each project schedule, shall
16 attempt to maximize the use of trust funds and shall be
17 transmitted to the Chief Financial Officer by August 1 of each
18 fiscal year. Such releases shall at no time exceed the total
19 appropriations available to a state agency or to the judicial
20 branch, or the approved budget for such agency or the judicial
21 branch if less. The Chief Financial Officer shall enter such
22 releases in his or her records in accordance with the release
23 plans prescribed by the Executive Office of the Governor and
24 the Chief Justice, unless otherwise amended as provided by
25 law. The Executive Office of the Governor and the Chief
26 Justice shall transmit a copy of the approved annual releases
27 to the head of the state agency, the chair and vice chair of
28 the Legislative Budget Commission, and the Auditor General.
29 The Chief Financial Officer shall authorize all expenditures
30 to be made from the appropriations on the basis of such
31 releases and in accordance with the approved budget, and not

1 otherwise. Expenditures shall be authorized only in accordance
2 with legislative authorizations. Nothing herein precludes
3 periodic reexamination and revision by the Executive Office of
4 the Governor or by the Chief Justice of the annual plans for
5 release of appropriations and the notifications of the parties
6 of all such revisions.

7 (2) Any department under the direct supervision of a
8 member of the Cabinet or of a board consisting of the Governor
9 and members of the Cabinet which contends that the plan for
10 releases of funds appropriated to it is contrary to the
11 approved operating budget shall have the right to have the
12 issue reviewed by the Administration Commission which shall
13 decide such issue by majority vote. ~~The appropriations~~
14 ~~committees of the Legislature may advise the Administration~~
15 ~~Commission on the issue.~~

16 (3) The Executive Office of the Governor shall make
17 releases within the amounts appropriated and as requested for
18 all appropriations to the legislative branch, and the
19 provisions of subsections (1) and (2) shall not apply to the
20 legislative branch.

21 ~~(4) The legislative appropriations committees may~~
22 ~~advise the Chief Financial Officer, the Executive Office of~~
23 ~~the Governor, or the Chief Justice relative to the release of~~
24 ~~any funds under this section.~~

25 ~~(4)(5)~~ The annual plans of releases authorized by this
26 section may be considered by the Revenue Estimating Conference
27 in preparation of the statement of financial outlook.

28 (5) In order to implement directives contained in the
29 General Appropriations Act or to prevent deficits pursuant to
30 s. 216.221, the Executive Office of the Governor for the
31 executive branch and the Chief Justice for the judicial branch

1 may place appropriations in budget reserve or mandatory
2 reserve.

3 (6) The provisions of this section are subject to the
4 notice and review procedures set forth in s. 216.177.

5 Section 37. Section 216.195, Florida Statutes, is
6 amended to read:

7 216.195 Impoundment of funds; restricted.--The
8 Executive Office of the Governor, the Chief Justice of the
9 Supreme Court, any member of the Cabinet, or any state agency
10 shall not impound any appropriation except as necessary to
11 avoid or eliminate a deficit pursuant to the provisions of s.
12 216.221. As used in this section, the term "impoundment"
13 means the omission of any appropriation or part of an
14 appropriation in the approved operating plan prepared pursuant
15 to s. 216.181 or in the schedule of releases prepared pursuant
16 to s. 216.192 or the failure of any state agency or the
17 judicial branch to spend an appropriation for the stated
18 purposes authorized in the approved operating budget. ~~The~~
19 ~~provisions of this section are subject to the notice and~~
20 ~~review procedures of s. 216.177.~~ The Governor or either house
21 of the Legislature may seek judicial review of any action or
22 proposed action which violates the provisions of this section.

23 Section 38. Subsections (2), (3), (5), (7), (9), and
24 (10) of section 216.221, Florida Statutes, are amended to
25 read:

26 216.221 Appropriations as maximum appropriations;
27 adjustment of budgets to avoid or eliminate deficits.--

28 (2) The Legislature may annually provide direction in
29 the General Appropriations Act regarding use of any state
30 funds ~~the Budget Stabilization Fund and Working Capital Fund~~
31 to offset General Revenue Fund deficits.

1 (3) For purposes of preventing a deficit in the
2 General Revenue Fund, all branches and agencies of government
3 ~~that receive General Revenue Fund appropriations~~ shall
4 participate in deficit reduction efforts. Absent specific
5 legislative ~~direction in the General Appropriations Act~~, when
6 budget reductions are required in order to prevent a deficit
7 under the provisions of subsection (7), each branch shall
8 reduce its General Revenue Fund appropriations by a
9 proportional amount.

10 (5)(a) If, in the opinion of the Governor, after
11 consultation with the Revenue Estimating Conference, a deficit
12 will occur in the General Revenue Fund, he or she shall so
13 certify to the commission and to the Chief Justice of the
14 Supreme Court. No more than 30 days after certifying that a
15 deficit will occur in the General Revenue Fund, the Governor
16 shall develop for the executive branch, and the Chief Justice
17 of the Supreme Court shall develop for the judicial branch,
18 and provide to the commission and to the Legislature plans of
19 action to eliminate the deficit.

20 (b) If, in the opinion of the President of the Senate
21 and the Speaker of the House of Representatives, after
22 consultation with the Revenue Estimating Conference, a deficit
23 will occur in the General Revenue Fund and the Governor has
24 not certified the deficit, the President of the Senate and the
25 Speaker of the House of Representatives shall so certify.
26 Within 30 days after such certification, the Governor shall
27 develop for the executive branch and the Chief Justice of the
28 Supreme Court shall develop for the judicial branch, and
29 provide to the commission and to the Legislature, plans of
30 action to eliminate the deficit.

1 ~~(c)(b)~~ In developing a plan of action to prevent
2 deficits in accordance with subsection (7), the Governor and
3 Chief Justice shall, to the extent possible, preserve
4 legislative policy and intent, and, absent any specific
5 direction to the contrary in the General Appropriations Act,
6 the Governor and Chief Justice shall comply with the following
7 guidelines for reductions in the approved operating budgets of
8 the executive branch and the judicial branch:

9 ~~1. Entire statewide programs previously established by~~
10 ~~the Legislature should not be eliminated.~~

11 ~~1.2.~~ Education budgets should not be reduced more than
12 provided for in s. 215.16(2).

13 ~~2.3.~~ The use of nonrecurring funds to solve recurring
14 deficits should be minimized.

15 ~~3.4.~~ Newly created programs that are not fully
16 implemented and programs with critical audits, evaluations,
17 and reviews should receive first consideration for reductions.

18 ~~4.5.~~ No agencies or branches of government receiving
19 appropriations should be exempt from reductions.

20 ~~5.6.~~ When reductions in positions are required, the
21 focus should be initially on vacant positions.

22 ~~7. Any reductions applied to all agencies and branches~~
23 ~~should be uniformly applied.~~

24 ~~6.8.~~ Reductions that would cause substantial losses of
25 federal funds should be minimized.

26 ~~9. To the greatest extent possible, across the board,~~
27 ~~prorated reductions should be considered.~~

28 ~~7.10.~~ Reductions to statewide programs should occur
29 only after review of programs that provide only local
30 benefits.

31

1 ~~8.11.~~ Reductions in administrative and support
2 functions should be considered before reductions in
3 direct-support services.

4 ~~9.12.~~ Maximum reductions should be considered in
5 budgets for expenses including travel and in budgets for
6 equipment replacement, outside consultants, and contracts.

7 ~~10.13.~~ Reductions in salaries for elected state
8 officials should be considered.

9 ~~11.14.~~ Reductions that adversely affect the public
10 health, safety, and welfare should be minimized.

11 ~~12.15.~~ The Budget Stabilization Fund should not be
12 reduced to a level that would impair the financial stability
13 of this state.

14 ~~13.16.~~ Reductions in programs that are traditionally
15 funded by the private sector and that may be assumed by
16 private enterprise should be considered.

17 ~~14.17.~~ Reductions in programs that are duplicated
18 among state agencies or branches of government should be
19 considered.

20 (7) Deficits in the General Revenue Fund that do not
21 meet the amounts specified by subsection (6) shall be resolved
22 by the Governor ~~Commission for the executive branch~~ and the
23 Chief Justice of the Supreme Court for the judicial branch.
24 The Governor ~~commission and Chief Justice~~ shall implement any
25 directions provided in the General Appropriations Act related
26 to eliminating deficits and to reducing agency and judicial
27 branch budgets, including the use of those legislative
28 appropriations voluntarily placed in reserve. In addition,
29 the Governor ~~commission~~ shall implement any directions in the
30 General Appropriations Act relating to the resolution of
31 deficit situations. When reducing state agency or judicial

1 | branch budgets, the Governor ~~commission~~ or the Chief Justice,
2 | respectively, shall use the guidelines prescribed in
3 | subsection (5). The Executive Office of the Governor ~~for the~~
4 | ~~commission~~, and the Chief Justice for the judicial branch,
5 | shall implement the deficit reduction plans through amendments
6 | to the approved operating budgets in accordance with s.
7 | 216.181.

8 | (9) If, in the opinion of the Chief Financial Officer,
9 | after consultation with the Revenue Estimating Conference, a
10 | deficit will occur, he or she shall report his or her opinion
11 | to the Governor, the President of the Senate, and the Speaker
12 | of the House of Representatives in writing. In the event the
13 | Governor does not certify a deficit, or the President of the
14 | Senate and the Speaker of the House of Representatives do not
15 | certify a deficit, within 10 days after the Chief Financial
16 | Officer's report, the Chief Financial Officer shall report his
17 | or her findings and opinion to the commission and the Chief
18 | Justice of the Supreme Court.

19 | (10) When advised by the Revenue Estimating
20 | Conference, the Chief Financial Officer, or any agency
21 | responsible for a trust fund that a deficit will occur with
22 | respect to the appropriations from a specific trust fund in
23 | the current fiscal year, the Governor for the executive
24 | branch, or the Chief Justice for the judicial branch, shall
25 | develop a plan of action to eliminate the deficit. Before
26 | implementing the plan of action, the Governor or the Chief
27 | Justice must comply with the provisions of s. 216.177(2), and
28 | actions to resolve deficits in excess of \$1 million must be
29 | approved by the Legislative Budget Commission. In developing
30 | the plan of action, the Governor or the Chief Justice shall,
31 | to the extent possible, preserve legislative policy and

1 | ~~intent, and, absent any specific directions to the contrary in~~
2 | ~~the General Appropriations Act, any reductions in~~
3 | ~~appropriations from the trust fund for the fiscal year shall~~
4 | ~~be prorated among the specific appropriations made from the~~
5 | ~~trust fund for the current fiscal year.~~

6 | Section 39. Subsection (2) of section 216.231, Florida
7 | Statutes, is amended to read:

8 | 216.231 Release of certain classified
9 | appropriations.--

10 | (2) The release of appropriated funds classified as
11 | "deficiency" shall be approved only when a General Revenue
12 | Fund appropriation for operations of a state agency or of the
13 | judicial branch is inadequate because the workload or cost of
14 | the operation exceeds that anticipated by the Legislature and
15 | a determination has been made by the Governor ~~commission~~ that
16 | the deficiency will result in an impairment of the activities
17 | of an agency or of the judicial branch to the extent that the
18 | agency is unable to carry out its program as provided by the
19 | Legislature in the general appropriations acts. These funds
20 | may not be used for creation of any new agency or program, for
21 | increases of salary, or for the construction or equipping of
22 | additional buildings.

23 | Section 40. Subsections (3), (6), and (11) of section
24 | 216.235, Florida Statutes, are amended to read:

25 | 216.235 Innovation Investment Program.--

26 | (3) For purposes of this section:

27 | (a) "Agency" means an official, officer, commission,
28 | authority, council, committee, department, division, bureau,
29 | board, section, or other unit or entity of the executive
30 | branch.

1 ~~(b)~~ "Commission" means the Information Resource
2 ~~Commission.~~

3 ~~(b)(e)~~ "Committee" means the State Innovation
4 Committee.

5 ~~(c)(d)~~ "Office" means the Office of Tourism, Trade,
6 and Economic Development within the Executive Office of the
7 Governor.

8 ~~(d)(e)~~ "Review board" means a nonpartisan board
9 composed of private citizens and public employees who evaluate
10 the projects and make funding recommendations to the
11 committee.

12 (6) Any agency developing an innovative investment
13 project proposal that involves information technology
14 resources may consult with and seek technical assistance from
15 the state technology office ~~commission~~. The office shall
16 consult with the state technology office ~~commission~~ for any
17 project proposal that involves information resource
18 technology. The state technology office ~~commission~~ is
19 responsible for evaluating these projects and for advising the
20 committee and review board of the technical feasibility and
21 any transferable benefits of the proposed technology. In
22 addition to the requirements of subsection (5), the agencies
23 shall provide to the state technology office ~~commission~~ any
24 information requested by the state technology office
25 ~~commission~~ to aid in determining that the proposed technology
26 is appropriate for the project's success.

27 (11) Funds appropriated for the Innovation Investment
28 Program shall be distributed by the Executive Office of the
29 Governor subject to notice, review, and objection procedures
30 set forth in s. 216.177. The office may transfer funds from
31 the annual appropriation as necessary to administer the

1 | program. Proposals considered but not funded by the
2 | Legislature as part of an agency legislative budget request or
3 | the Governor's budget recommendation are not eligible to
4 | receive funding under the Innovation Investment Program.

5 | Section 41. Section 216.241, Florida Statutes, is
6 | amended to read:

7 | 216.241 Initiation or commencement of new programs;
8 | approval; expenditure of certain revenues.--

9 | (1) A state agency or the judicial branch may not
10 | initiate or commence any new program, including any new
11 | federal program or initiative, or make changes in its current
12 | programs, as provided for in the appropriations act, that
13 | require additional financing unless funds have been
14 | specifically appropriated by the Legislature or unless the
15 | Legislative Budget Commission or the Chief Justice of the
16 | ~~Supreme Court~~ expressly approves such new program or changes.
17 | ~~The commission and the Chief Justice shall give notice as~~
18 | ~~provided in s. 216.177 prior to approving such new program or~~
19 | ~~changes.~~

20 | (2) ~~No~~ Changes that which are inconsistent with the
21 | approved ~~operating~~ budget may not shall be made to existing
22 | programs unless such changes are recommended to the
23 | Legislative Budget Commission by the Governor or the Chief
24 | Justice and the Legislative Budget Commission expressly
25 | approves such program changes. The provisions of this
26 | subsection are subject to the notice, review, and objection
27 | procedures set forth in s. 216.177.

28 | (3) Any revenues generated by any tax or fee imposed
29 | by amendment to the State Constitution after October 1, 1999,
30 | shall not be expended by any agency, as defined in s.
31 |

1 120.52(1), except pursuant to appropriation by the
2 Legislature.

3 (4) A state agency or the judicial branch may not
4 shift functions or responsibilities from agency staff to the
5 private sector or to another agency's staff, including
6 outsourcing, public-private partnerships, or shared-savings
7 initiatives, without specific approval by the Legislature or,
8 absent such specific approval but consistent with legislative
9 intent and policy, without specific approval by the
10 Legislative Budget Commission. A request for such approval,
11 including a recommendation submitted in an agency's
12 legislative budget request or the Governor's budget
13 recommendation, must include, but need not be limited to,
14 applicable supporting cost-benefit analyses, business case
15 analyses, proposed performance contracting procedures,
16 detailed service comparisons, and impacts to approved
17 performance standards. Adjustments to the approved budget
18 which are not reflected in the General Appropriations Act and
19 which are necessary to implement such shifts of functions and
20 responsibilities must be approved by the Legislative Budget
21 Commission prior to the execution of any related contracts or
22 other agreements.

23 Section 42. Subsection (2) of section 216.251, Florida
24 Statutes, is amended to read:

25 216.251 Salary appropriations; limitations.--

26 (2)(a) The salary for each position not specifically
27 indicated in the appropriations acts shall be as provided in
28 one of the following subparagraphs:

29 1. Within the classification and pay plans provided
30 for in chapter 110.

31

1 2. Within the classification and pay plans established
2 by the Board of Trustees for the Florida School for the Deaf
3 and the Blind of the Department of Education and approved by
4 the State Board of Education for academic and academic
5 administrative personnel.

6 3. Within the classification and pay plan approved and
7 administered by the State Board of Education ~~Board of Regents~~
8 for those positions in the State University System.

9 4. Within the classification and pay plan approved by
10 the President of the Senate and the Speaker of the House of
11 Representatives, as the case may be, for employees of the
12 Legislature.

13 5. Within the approved classification and pay plan for
14 the judicial branch.

15 ~~6. The salary of all positions not specifically~~
16 ~~included in this subsection shall be set by the commission or~~
17 ~~by the Chief Justice for the judicial branch.~~

18 (b) Salary payments shall be made only to employees
19 filling established positions included in the agency's or in
20 the judicial branch's approved budgets and amendments thereto
21 as may be provided by law; provided, however:

22 1. Reclassification of established positions may be
23 accomplished when justified in accordance with the established
24 procedures for reclassifying positions; or

25 2. When the Division of Risk Management of the
26 Department of Financial Services has determined that an
27 employee is entitled to receive a temporary partial disability
28 benefit or a temporary total disability benefit pursuant to
29 the provisions of s. 440.15 and there is medical certification
30 that the employee cannot perform the duties of the employee's
31 regular position, but the employee can perform some type of

1 work beneficial to the agency, the agency may return the
2 employee to the payroll, at his or her regular rate of pay, to
3 perform such duties as the employee is capable of performing,
4 even if there is not an established position in which the
5 employee can be placed. Nothing in this subparagraph shall
6 abrogate an employee's rights under chapter 440 or chapter
7 447, nor shall it adversely affect the retirement credit of a
8 member of the Florida Retirement System in the membership
9 class he or she was in at the time of, and during, the
10 member's disability.

11 Section 43. Paragraphs (a) and (c) of subsection (1)
12 of section 216.262, Florida Statutes, are amended to read:

13 216.262 Authorized positions.--

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

- 28 1. To implement or provide for continuing federal
- 29 grants or changes in grants not previously anticipated;
- 30 2. To meet emergencies pursuant to s. 252.36;

31

1 3. To satisfy new federal regulations or changes
2 therein;

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

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

8
9 Actions recommended pursuant to the provisions of this
10 paragraph are subject to approval by the Legislative Budget
11 Commission ~~the notice and review procedures set forth in s.~~
12 ~~216.177. A copy of the application,~~ The certification, and the
13 final authorization shall be provided to ~~filed with~~ the
14 Legislative Budget Commission, the appropriations committees,
15 and ~~with~~ the Auditor General.

16 (c)1. The Executive Office of the Governor, under such
17 procedures and qualifications as it deems appropriate, shall,
18 upon agency request, delegate to any state agency authority to
19 add and delete authorized positions or transfer authorized
20 positions from one budget entity to another budget entity
21 within the same division, and may approve additions and
22 deletions of authorized positions or transfers of authorized
23 positions within the state agency when such changes would
24 enable the agency to administer more effectively its
25 authorized and approved programs. The additions or deletions
26 must be consistent with the intent of the approved operating
27 budget, must be consistent with legislative policy and intent,
28 and must not conflict with specific spending policies
29 specified in the General Appropriations Act.

30 2. The Chief Justice of the Supreme Court shall have
31 the authority to establish procedures for the judicial branch

1 to add and delete authorized positions or transfer authorized
2 positions from one budget entity to another budget entity, and
3 to add and delete authorized positions within the same budget
4 entity, when such changes are consistent with legislative
5 policy and intent and do not conflict with spending policies
6 specified in the General Appropriations Act.

7 ~~3.a. A state agency may be eligible to retain salary~~
8 ~~dollars for authorized positions eliminated after July 1,~~
9 ~~2001. The agency must certify the eliminated positions to the~~
10 ~~Legislative Budgeting Commission.~~

11 ~~b. The Legislative Budgeting Commission shall~~
12 ~~authorize the agency to retain 20 percent of the salary~~
13 ~~dollars associated with the eliminated positions and may~~
14 ~~authorize retention of a greater percentage. All such salary~~
15 ~~dollars shall be used for permanent salary increases.~~

16 Section 44. Section 216.292, Florida Statutes, is
17 amended to read:

18 (Substantial rewording of section. See

19 s. 216.292, F.S., for present text.)

20 216.292 Appropriations nontransferable; exceptions.--

21 (1)(a) Funds provided in the General Appropriations
22 Act or as otherwise expressly provided by law shall be
23 expended only for the purpose for which appropriated, except
24 that such moneys may be transferred as provided in this
25 section when it is determined to be in the best interest of
26 the state. Appropriations for fixed capital outlay may not be
27 expended for any other purpose. Appropriations may not be
28 transferred between state agencies, or between a state agency
29 and the judicial branch, unless specifically authorized by
30 law.

31

1 (b)1. Authorized revisions of the original approved
2 operating budget, together with related changes in the plan
3 for release of appropriations, if any, shall be transmitted by
4 the state agency or by the judicial branch to the Executive
5 Office of the Governor or the Chief Justice, respectively, the
6 chairs of the Senate and the House of Representatives
7 appropriations committees, the Office of Program Policy
8 Analysis and Government Accountability, and the Auditor
9 General. Such authorized revisions must be consistent with the
10 intent of the approved operating budget, must be consistent
11 with legislative policy and intent, and may not conflict with
12 specific spending policies specified in the General
13 Appropriations Act.

14 2. Authorized revisions, together with related
15 changes, if any, in the plan for release of appropriations,
16 shall be transmitted by the state agency or by the judicial
17 branch to the Chief Financial Officer for entry in the Chief
18 Financial Officer's records in the manner and format
19 prescribed by the Executive Office of the Governor in
20 consultation with the Chief Financial Officer.

21 3. The Executive Office of the Governor or the Chief
22 Justice shall forward a copy of the revisions within 7 working
23 days to the Chief Financial Officer for entry in his or her
24 records in the manner and format prescribed by the Executive
25 Office of the Governor in consultation with the Chief
26 Financial Officer.

27 (2) The following transfers are authorized to be made
28 by the head of each department or the Chief Justice of the
29 Supreme Court:

30 (a) The transfer of appropriations funded from
31 identical funding sources, except appropriations for fixed

1 capital outlay, and the transfer of amounts included within
2 the total original approved budget and releases as furnished
3 pursuant to ss. 216.181 and 216.192, as follows:

4 1. Between categories of appropriations within a
5 budget entity, if no category of appropriation is increased or
6 decreased by more than 5 percent of the original approved
7 budget or \$250,000, whichever is greater, by all action taken
8 under this subsection.

9 2. Additionally, between budget entities within
10 identical categories of appropriations, if no category of
11 appropriation is increased or decreased by more than 5 percent
12 of the original approved budget or \$250,000, whichever is
13 greater, by all action taken under this subsection.

14 (b) After providing notice at least 5 working days
15 prior to implementation:

16 1. The transfer of funds within programs identified in
17 the General Appropriations Act from identical funding sources
18 between the following appropriation categories without
19 limitation so long as such a transfer does not result in an
20 increase to the total recurring general revenue or trust fund
21 cost of the agency or entity of the judicial branch in the
22 subsequent fiscal year: other personal services, expenses,
23 operating capital outlay, food products, state attorney and
24 public defender operations, acquisition of motor vehicles,
25 data processing services, operating and maintenance of patrol
26 vehicles, overtime payments, salary incentive payments,
27 compensation to retired judges, law libraries, and juror and
28 witness payments.

29 2. The transfer of funds and positions from identical
30 funding sources between salaries and benefits appropriation
31 categories within programs identified in the General

1 Appropriations Act. Such transfers must be consistent with
2 legislative policy and intent and may not adversely affect
3 achievement of approved performance outcomes or outputs in any
4 program.

5 (c) The transfer of funds appropriated to accounts
6 established for disbursement purposes upon release of such
7 appropriation upon request of a department and approval by the
8 Chief Financial Officer. Such transfer may only be made to the
9 same appropriation category and the same funding source from
10 which the funds are transferred.

11 (d) The transfer by the Executive Office of the
12 Governor of funds from appropriations for public school
13 operations to a fixed capital outlay appropriation for class
14 size reduction based on recommendations of the Florida
15 Education Finance Program Appropriation Allocation Conference
16 or the Legislative Budget Commission pursuant to s.
17 1003.03(4)(a). Actions by the Governor under this subsection
18 are subject to the notice and review provisions of s. 216.177.

19 (e) The transfer by the Department of Children and
20 Family Services of general revenue funds appropriated for
21 targeted case management services to the Agency for Health
22 Care Administration to fund state match requirements exceeding
23 the amount specified in the General Appropriations Act for
24 Medicaid targeted case management services.

25 (f) The transfer by the Department of Elderly Affairs
26 of funds that are appropriated for the Assisted Living for the
27 Elderly Medicaid waiver and not expended to the agency to fund
28 Medicaid-reimbursed nursing home care.

29 (g) The transfer of funds appropriated to the
30 Department of Children and Family Services for developmental
31 services programs only if the secretary finds that treatment

1 programs for developmental disabilities will not be adversely
2 affected.

3 (3) The following transfers are authorized with the
4 approval of the Executive Office of the Governor, subject to
5 the notice and review provisions of s. 216.177:

6 (a) The transfer of appropriations for operations from
7 trust funds in excess of those provided in subsection (2), up
8 to \$1 million.

9 (b) The transfer of positions between budget entities.

10 (4) The following transfers are authorized with the
11 approval of the Legislative Budget Commission. Unless waived
12 by the chair and vice chair of the commission, notice of such
13 transfers must be provided 14 days before the commission
14 meeting:

15 (a) The transfer of appropriations for operations from
16 the General Revenue Fund in excess of those provided in this
17 section but within a state agency or within the judicial
18 branch, as recommended by the Executive Office of the Governor
19 or the Chief Justice of the Supreme Court.

20 (b) The transfer of appropriations for operations from
21 trust funds in excess of those provided in this section which
22 exceed the greater of 5 percent of the original approved
23 budget or \$1 million, as recommended by the Executive Office
24 of the Governor or the Chief Justice of the Supreme Court.

25 (c) The transfer of the portion of an appropriation
26 for a named fixed capital outlay project found to be in excess
27 of that needed to complete the project to another project for
28 which there has been an appropriation in the same fiscal year
29 from the same fund and within the same department where a
30 deficiency is found to exist, at the request of the Executive
31 Office of the Governor for state agencies or the Chief Justice

1 of the Supreme Court for the judicial branch. The scope of a
2 fixed capital outlay project may not be changed by any
3 transfer of funds made pursuant to this subsection.

4 (d) The transfers necessary to accomplish the purposes
5 of reorganization within state agencies or the judicial branch
6 authorized by the Legislature when the necessary adjustments
7 of appropriations and positions have not been provided in the
8 General Appropriations Act.

9 (5) No transfer of funds may result in the initiation
10 of a fixed capital outlay project that has not received a
11 specific legislative appropriation; except that federal funds
12 for fixed capital outlay projects for the Department of
13 Military Affairs, which do not carry a continuing commitment
14 on future appropriations by the Legislature, may be approved
15 by the Executive Office of the Governor for the purpose
16 received, subject to the notice, review, and objection
17 procedures set forth in s. 216.177.

18 (6) The Chief Financial Officer shall transfer from
19 any available funds of an agency or the judicial branch the
20 following amounts and shall report all such transfers and the
21 reasons therefor to the legislative appropriations committees
22 and the Executive Office of the Governor:

23 (a) The amount due to the Unemployment Compensation
24 Trust Fund which is more than 90 days delinquent on
25 reimbursements due to the Unemployment Compensation Trust
26 Fund. The amount transferred shall be that certified by the
27 state agency providing unemployment tax collection services
28 under contract with the Agency for Workforce Innovation
29 through an interagency agreement pursuant to s. 443.1316.

30 (b) The amount due to the Division of Risk Management
31 which is more than 90 days delinquent in payment to the

1 Division of Risk Management of the Department of Financial
2 Services for insurance coverage. The amount transferred shall
3 be that certified by the division.

4 (c) The amount due to the Communications Working
5 Capital Trust Fund from moneys appropriated in the General
6 Appropriations Act for the purpose of paying for services
7 provided by the state communications system in the Department
8 of Management Services which is unpaid 45 days after the
9 billing date. The amount transferred shall be that billed by
10 the department.

11 Section 45. Section 216.301, Florida Statutes, is
12 amended to read:

13 216.301 Appropriations; undisbursed balances.--

14 (1)(a) Any balance of any appropriation, except an
15 appropriation for fixed capital outlay, which is not disbursed
16 but which is expended or contracted to be expended shall, at
17 the end of each fiscal year, be certified by the head of the
18 affected state agency or the judicial or legislative branches,
19 on or before August 1 of each year, to the Executive Office of
20 the Governor, showing in detail the obligees to whom obligated
21 and the amounts of such obligations. On or before September 1
22 of each year, the Executive Office of the Governor shall
23 review and approve or disapprove, consistent with legislative
24 policy and intent, any or all of the items and amounts
25 certified by the head of the affected state agency and shall
26 approve all items and amounts certified by the Chief Justice
27 of the Supreme Court for the judicial branch and by the
28 legislative branch and shall furnish the Chief Financial
29 Officer, the legislative appropriations committees, and the
30 Auditor General a detailed listing of the items and amounts
31 approved as legal encumbrances against the undisbursed balance

1 of such appropriation. The review shall assure that trust
2 funds have been fully maximized. Any such encumbered balance
3 remaining undisbursed on December 31 of the same calendar year
4 in which such certification was made shall revert to the fund
5 from which appropriated, except as provided in subsection (3),
6 and shall be available for reappropriation by the Legislature.
7 In the event such certification is not made and an obligation
8 is proven to be legal, due, and unpaid, then the obligation
9 shall be paid and charged to the appropriation for the current
10 fiscal year of the state agency or the legislative or judicial
11 branch affected.

12 (b) Any balance of any appropriation, except an
13 appropriation for fixed capital outlay, for any given fiscal
14 year remaining after charging against it any lawful
15 expenditure shall revert to the fund from which appropriated
16 and shall be available for reappropriation by the Legislature.

17 (c) Each department and the judicial branch shall
18 maintain the integrity of the General Revenue Fund.
19 Appropriations from the General Revenue Fund contained in the
20 original approved budget may be transferred to the proper
21 trust fund for disbursement. Any reversion of appropriation
22 balances from programs which receive funding from the General
23 Revenue Fund and trust funds shall be transferred to the
24 General Revenue Fund within 15 days after such reversion,
25 unless otherwise provided by federal or state law, including
26 the General Appropriations Act. The Executive Office of the
27 Governor or the Chief Justice of the Supreme Court shall
28 determine the state agency or judicial branch programs which
29 are subject to this paragraph. This determination shall be
30 subject to the legislative consultation and objection process
31

1 in this chapter. The Education Enhancement Trust Fund shall
2 not be subject to the provisions of this section.

3 (2)(a) The balance of any appropriation for fixed
4 capital outlay which is not disbursed but expended,
5 contracted, or committed to be expended prior to February 1 of
6 the second fiscal year of the appropriation, or the third
7 fiscal year if it is for an educational facility as defined in
8 chapter 1013 or for a construction project of a state
9 university, shall be certified by the head of the affected
10 state agency or the legislative or judicial branch on February
11 1 to the Executive Office of the Governor, showing in detail
12 the commitment or to whom obligated and the amount of the
13 commitment or obligation. The Executive Office of the Governor
14 shall review and approve or disapprove, consistent with
15 criteria jointly developed by the Executive Office of the
16 Governor and the legislative appropriations committees, the
17 continuation of such unexpended balances. The Executive Office
18 of the Governor shall, not later than February 20 of each
19 year, furnish the Chief Financial Officer, the legislative
20 appropriations committees, and the Auditor General a report
21 listing in detail the items and amounts reverting under the
22 authority of this subsection, including the fund to which
23 reverted and the agency affected.

24 (b) The certification required in this subsection must
25 be in the form and on the date approved by the Executive
26 Office of the Governor. Any balance that is not certified
27 shall revert to the fund from which it was appropriated and be
28 available for reappropriation.

29 (c) The balance of any appropriation for fixed capital
30 outlay certified forward under paragraph (a) which is not
31 disbursed but expended, contracted, or committed to be

1 expended prior to the end of the second fiscal year of the
2 appropriation, or the third fiscal year if it is for an
3 educational facility as defined in chapter 1013 or for a
4 construction project of a state university, and any subsequent
5 fiscal year, shall be certified by the head of the affected
6 state agency or the legislative or judicial branch on or
7 before August 1 of each year to the Executive Office of the
8 Governor, showing in detail the commitment or to whom
9 obligated and the amount of such commitment or obligation. On
10 or before September 1 of each year, the Executive Office of
11 the Governor shall review and approve or disapprove,
12 consistent with legislative policy and intent, any or all of
13 the items and amounts certified by the head of the affected
14 state agency and shall approve all items and amounts certified
15 by the Chief Justice of the Supreme Court and by the
16 legislative branch and shall furnish the Chief Financial
17 Officer, the legislative appropriations committees, and the
18 Auditor General a detailed listing of the items and amounts
19 approved as legal encumbrances against the undisbursed
20 balances of such appropriations. If such certification is not
21 made and the balance of the appropriation has reverted and the
22 obligation is proven to be legal, due, and unpaid, the
23 obligation shall be presented to the Legislature for its
24 consideration.

25 (3) The President of the Senate and the Speaker of the
26 House of Representatives may notify the Executive Office of
27 the Governor to retain certified-forward balances from
28 legislative budget entities until June 30 of the following
29 fiscal year.

30 ~~(2)(a) Any balance of any appropriation for fixed~~
31 ~~capital outlay not disbursed but expended or contracted or~~

1 ~~committed to be expended shall, at the end of each fiscal~~
2 ~~year, be certified by the head of the affected state agency or~~
3 ~~the legislative or judicial branch, on or before August 1 of~~
4 ~~each year, to the Executive Office of the Governor, showing in~~
5 ~~detail the commitment or to whom obligated and the amount of~~
6 ~~such commitment or obligation. On or before September 1 of~~
7 ~~each year, the Executive Office of the Governor shall review~~
8 ~~and approve or disapprove, consistent with legislative policy~~
9 ~~and intent, any or all of the items and amounts certified by~~
10 ~~the head of the affected state agency and shall approve all~~
11 ~~items and amounts certified by the Chief Justice of the~~
12 ~~Supreme Court and by the legislative branch and shall furnish~~
13 ~~the Chief Financial Officer, the legislative appropriations~~
14 ~~committees, and the Auditor General a detailed listing of the~~
15 ~~items and amounts approved as legal encumbrances against the~~
16 ~~undisbursed balances of such appropriations. In the event such~~
17 ~~certification is not made and the balance of the appropriation~~
18 ~~has reverted and the obligation is proven to be legal, due,~~
19 ~~and unpaid, then the same shall be presented to the~~
20 ~~Legislature for its consideration.~~

21 ~~(b) Such certification as herein required shall be in~~
22 ~~the form and on the date approved by the Executive Office of~~
23 ~~the Governor. Any balance not so certified shall revert to the~~
24 ~~fund from which appropriated and shall be available for~~
25 ~~reappropriation.~~

26 ~~(3) Notwithstanding the provisions of subsection (2),~~
27 ~~the unexpended balance of any appropriation for fixed capital~~
28 ~~outlay subject to but not under the terms of a binding~~
29 ~~contract or a general construction contract prior to February~~
30 ~~1 of the second fiscal year, or the third fiscal year if it is~~
31 ~~for an educational facility as defined in chapter 1013 or a~~

1 ~~construction project of a state university, of the~~
2 ~~appropriation shall revert on February 1 of such year to the~~
3 ~~fund from which appropriated and shall be available for~~
4 ~~reappropriation. The Executive Office of the Governor shall,~~
5 ~~not later than February 20 of each year, furnish the Chief~~
6 ~~Financial Officer, the legislative appropriations committees,~~
7 ~~and the Auditor General a report listing in detail the items~~
8 ~~and amounts reverting under the authority of this subsection,~~
9 ~~including the fund to which reverted and the agency affected.~~

10 Section 46. Effective July 1, 2005, subsection (1) of
11 section 216.301, Florida Statutes, as amended by this act, is
12 amended to read:

13 216.301 Appropriations; undisbursed balances.--

14 (1)(a) Any balance of any appropriation, except an
15 appropriation for fixed capital outlay, which is not disbursed
16 but which is expended ~~or contracted to be expended~~ shall, at
17 the end of each fiscal year, be certified by the head of the
18 affected state agency or the judicial or legislative branches,
19 on or before August 1 of each year, to the Executive Office of
20 the Governor, showing in detail the obligees to whom obligated
21 and the amounts of such obligations. ~~On or before September 1~~
22 ~~of each year, the Executive Office of the Governor shall~~
23 ~~review and approve or disapprove, consistent with legislative~~
24 ~~policy and intent, any or all of the items and amounts~~
25 ~~certified by the head of the affected state agency and shall~~
26 ~~approve all items and amounts certified by the Chief Justice~~
27 ~~of the Supreme Court for the judicial branch and by the~~
28 ~~legislative branch and shall furnish the Chief Financial~~
29 ~~Officer, the legislative appropriations committees, and the~~
30 ~~Auditor General a detailed listing of the items and amounts~~
31 ~~approved as legal encumbrances against the undisbursed balance~~

1 ~~of such appropriation. The review shall assure that trust~~
2 ~~funds have been fully maximized.~~ Any such encumbered balance
3 remaining undisbursed on September 30 ~~December 31~~ of the same
4 calendar year in which such certification was made shall
5 revert to the fund from which appropriated, except as provided
6 in subsection (3), and shall be available for reappropriation
7 by the Legislature. In the event such certification is not
8 made and an obligation is proven to be legal, due, and unpaid,
9 then the obligation shall be paid and charged to the
10 appropriation for the current fiscal year of the state agency
11 or the legislative or judicial branch affected.

12 (b) Any balance of any appropriation, except an
13 appropriation for fixed capital outlay, for any given fiscal
14 year remaining after charging against it any lawful
15 expenditure shall revert to the fund from which appropriated
16 and shall be available for reappropriation by the Legislature.

17 (c) Each department and the judicial branch shall
18 maintain the integrity of the General Revenue Fund.
19 Appropriations from the General Revenue Fund contained in the
20 original approved budget may be transferred to the proper
21 trust fund for disbursement. Any reversion of appropriation
22 balances from programs which receive funding from the General
23 Revenue Fund and trust funds shall be transferred to the
24 General Revenue Fund within 15 days after such reversion,
25 unless otherwise provided by federal or state law, including
26 the General Appropriations Act. The Executive Office of the
27 Governor or the Chief Justice of the Supreme Court shall
28 determine the state agency or judicial branch programs which
29 are subject to this paragraph. This determination shall be
30 subject to the legislative consultation and objection process
31

1 in this chapter. The Education Enhancement Trust Fund shall
2 not be subject to the provisions of this section.

3 Section 47. Section 216.341, Florida Statutes, is
4 amended to read:

5 216.341 Disbursement of Department of Health ~~county~~
6 ~~health department~~ trust funds; appropriation of authorized
7 positions.--

8 (1) County health department trust funds may be
9 expended by the Department of Health for the respective county
10 health departments in accordance with budgets and plans agreed
11 upon by the county authorities of each county and the
12 Department of Health.

13 (2) The requirement ~~limitations on appropriations~~
14 provided in s. 216.262(1) ~~does shall~~ not apply to positions
15 within the Department of Health funded by:

16 (a) County health department trust funds; or

17 (b) The United States Trust Fund ~~county health~~
18 ~~department trust funds~~.

19 Section 48. Subsection (3) of section 218.60, Florida
20 Statutes, is repealed.

21 Section 49. Subsection (2) of section 252.37, Florida
22 Statutes, is amended to read:

23 252.37 Financing.--

24 (2) It is the legislative intent that the first
25 recourse be made to funds regularly appropriated to state and
26 local agencies. If the Governor finds that the demands placed
27 upon these funds in coping with a particular disaster declared
28 by the Governor as a state of emergency are unreasonably
29 great, she or he may make funds available by transferring and
30 expending moneys appropriated for other purposes, by
31 transferring and expending moneys out of any unappropriated

1 surplus funds, or from the Budget Stabilization Fund ~~or~~
2 ~~Working Capital Fund~~. Following the expiration or termination
3 of the state of emergency, the Governor may process a budget
4 amendment under the notice and review procedures set forth in
5 s. 216.177 to transfer moneys to satisfy the budget authority
6 granted for such emergency.

7 Section 50. Subsection (3) of section 265.55, Florida
8 Statutes, is amended to read:

9 265.55 Claims.--

10 (3) The authorization for payment delineated in
11 subsection (2) shall be forwarded to the Chief Financial
12 Officer. The Chief Financial Officer shall take appropriate
13 action to execute authorized payment of the claim from
14 unobligated, unappropriated moneys in the General Revenue
15 ~~Working Capital~~ Fund, as defined in s. 215.32.

16 Section 51. Section 288.1234, Florida Statutes, is
17 repealed.

18 Section 52. Subsection (5) of section 320.20, Florida
19 Statutes, is amended to read:

20 320.20 Disposition of license tax moneys.--The revenue
21 derived from the registration of motor vehicles, including any
22 delinquent fees and excluding those revenues collected and
23 distributed under the provisions of s. 320.081, must be
24 distributed monthly, as collected, as follows:

25 (5)(a) Except as provided in paragraph (c), the
26 remainder of such revenues must be deposited in the State
27 Transportation Trust Fund.

28 (b) The Chief Financial Officer each month shall
29 deposit in the State Transportation Trust Fund an amount,
30 drawn from other funds in the State Treasury which are not
31 immediately needed or are otherwise in excess of the amount

1 necessary to meet the requirements of the State Treasury,
2 which when added to such remaining revenues each month will
3 equal one-twelfth of the amount of the anticipated annual
4 revenues to be deposited in the State Transportation Trust
5 Fund under paragraph (a) as determined by the Chief Financial
6 Officer after consultation with the ~~estimated by the most~~
7 ~~recent~~ revenue estimating conference held pursuant to s.
8 216.136(3). The transfers required hereunder may be suspended
9 by action of the Legislative Budget Commission in the event of
10 a significant shortfall of state revenues.

11 (c) In any month in which the remaining revenues
12 derived from the registration of motor vehicles exceed
13 one-twelfth of those anticipated annual remaining revenues as
14 determined by the Chief Financial Officer after consultation
15 with the revenue estimating conference, the excess shall be
16 credited to those state funds in the State Treasury from which
17 the amount was originally drawn, up to the amount which was
18 deposited in the State Transportation Trust Fund under
19 paragraph (b). A final adjustment must be made in the last
20 months of a fiscal year so that the total revenue deposited in
21 the State Transportation Trust Fund each year equals the
22 amount derived from the registration of motor vehicles, less
23 the amount distributed under subsection (1). For the purposes
24 of this paragraph and paragraph (b), the term "remaining
25 revenues" means all revenues deposited into the State
26 Transportation Trust Fund under paragraph (a) and subsections
27 (2) and (3). In order that interest earnings continue to
28 accrue to the General Revenue Fund, the Department of
29 Transportation may not invest an amount equal to the
30 cumulative amount of funds deposited in the State
31 Transportation Trust Fund under paragraph (b) less funds

1 credited under this paragraph as computed on a monthly basis.
2 The amounts to be credited under this and the preceding
3 paragraph must be calculated and certified to the Chief
4 Financial Officer by the Executive Office of the Governor.

5 Section 53. Paragraph (a) of subsection (2) and
6 subsections (6) and (7) of section 339.135, Florida Statutes,
7 are amended to read:

8 339.135 Work program; legislative budget request;
9 definitions; preparation, adoption, execution, and
10 amendment.--

11 (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND
12 REQUEST FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.--

13 (a) The department shall file the legislative budget
14 request in the manner required by chapter 216, setting forth
15 the department's proposed revenues and expenditures for
16 operational and fixed capital outlay needs to accomplish the
17 objectives of the department in the ensuing fiscal year. The
18 right-of-way, construction, preliminary engineering,
19 maintenance, and all grants and aids programs of the
20 department shall be set forth only in program totals. The
21 legislative budget request must include a balanced 36-month
22 forecast of cash and expenditures and a 5-year finance plan.
23 The legislative budget request shall be amended to conform to
24 the tentative work program. The department may not amend ~~its~~
25 ~~legislative budget request and~~ the tentative work program to
26 include increased revenues based on the most recent estimating
27 conference estimate of revenues and the most recent federal
28 aid apportionments until such increased amounts are
29 appropriated by the Legislature.

30 (6) EXECUTION OF THE BUDGET.--
31

1 (a) The department, during any fiscal year, shall not
2 expend money, incur any liability, or enter into any contract
3 which, by its terms, involves the expenditure of money in
4 excess of the amounts budgeted as available for expenditure
5 during such fiscal year. Any contract, verbal or written,
6 made in violation of this subsection is null and void, and no
7 money may be paid on such contract. The department shall
8 require a statement from the comptroller of the department
9 that funds are available prior to entering into any such
10 contract or other binding commitment of funds. Nothing herein
11 contained shall prevent the making of contracts for periods
12 exceeding 1 year, but any contract so made shall be executory
13 only for the value of the services to be rendered or agreed to
14 be paid for in succeeding fiscal years; and this paragraph
15 shall be incorporated verbatim in all contracts of the
16 department which are for an amount in excess of \$25,000 and
17 which have a term for a period of more than 1 year.

18 (b) In the operation of the State Transportation Trust
19 Fund, the department shall have on hand at the close of
20 business, which closing shall not be later than the 10th
21 calendar day of the month following the end of each quarter of
22 the fiscal year, an available cash balance (which shall
23 include cash on deposit with the treasury and short-term
24 investments of the department) equivalent to not less than \$50
25 million, or 5 percent of the unpaid balance of all State
26 Transportation Trust Fund obligations at the close of such
27 quarter, whichever amount is less. In the event that this
28 cash position is not maintained, no further contracts or other
29 fund commitments shall be approved, entered into, awarded, or
30 executed until the cash balance, as defined above, has been
31 regained.

1 (c) Notwithstanding the provisions of ss. 216.301(3)
2 and 216.351, any unexpended balance remaining at the end of
3 the fiscal year in the appropriations to the department for
4 special categories; aid to local governments; lump sums for
5 project phases which are part of the adopted work program, and
6 for which contracts have been executed or bids have been let;
7 and for right-of-way land acquisition and relocation
8 assistance for parcels from project phases in the adopted work
9 program for which appraisals have been completed and approved,
10 may be certified forward as fixed capital outlay under the
11 provisions of s. 216.301(2)(a). Any project phases in the
12 adopted work program not certified forward under the
13 provisions of s. 216.301(2)(a) shall be available for roll
14 forward for the next fiscal year of the adopted work program.
15 Spending authority associated with such project phases may be
16 rolled forward to the next fiscal year upon approval by the
17 Legislative Budget Commission ~~pursuant to paragraph (f)~~.
18 Increases in spending authority shall be limited to amounts of
19 unexpended balances by appropriation category. Any project
20 phase certified forward for which bids have been let but
21 subsequently rejected shall be available for roll forward in
22 the adopted work program for the next fiscal year. Spending
23 authority associated with such project phases may be rolled
24 forward into the current year from funds certified forward
25 pursuant to paragraph (f). The amount certified forward may
26 include contingency allowances for right-of-way acquisition
27 and relocation, asphalt and petroleum product escalation
28 clauses, and contract overages, which allowances shall be
29 separately identified in the certification detail.
30 Right-of-way acquisition and relocation and contract overages
31 contingency allowances shall be based on documented historical

1 patterns. These contingency amounts shall be incorporated in
2 the certification for each specific category, but when a
3 category has an excess and another category has a deficiency,
4 the Executive Office of the Governor is authorized to transfer
5 the excess to the deficient account.

6 (d) The department shall allocate resources provided
7 in the General Appropriations Act to the districts prior to
8 July 31 of each year. The allocation shall be promptly
9 reported to the Executive Office of the Governor and the
10 legislative appropriations committees, and all subsequent
11 amendments shall be reported promptly to the secretary of the
12 department.

13 (e) This subsection does not apply to any bonds issued
14 on behalf of the department pursuant to the State Bond Act.

15 ~~(f) Notwithstanding the provisions of ss. 216.181(1),~~
16 ~~216.292, and 216.351, the Executive Office of the Governor may~~
17 ~~amend that portion of the department's original approved fixed~~
18 ~~capital outlay budget which comprises the work program~~
19 ~~pursuant to subsection (7). Increase in spending authority in~~
20 ~~paragraph (c) shall be limited to amounts of unexpended~~
21 ~~balances by appropriation category.~~

22 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

23 ~~(a) Notwithstanding the provisions of ss. 216.181(1),~~
24 ~~216.292, and 216.351, the adopted work program may be amended~~
25 ~~only pursuant to the provisions of this subsection.~~

26 ~~(a)(b)~~ The department may not transfer any funds for
27 any project or project phase between department districts.
28 However, a district secretary may agree to a loan of funds to
29 another district, if:

30 1. The funds are used solely to maximize the use or
31 amount of funds available to the state;

1 2. The loan agreement is executed in writing and is
2 signed by the district secretaries of the respective
3 districts;

4 3. Repayment of the loan is to be made within 3 years
5 after the date on which the agreement was entered into; and

6 4. The adopted work program of the district loaning
7 the funds would not be substantially impaired if the loan were
8 made, according to the district secretary.

9
10 The loan constitutes an amendment to the adopted work program
11 and is subject to the procedures specified in paragraph (b)
12 ~~(c)~~.

13 (b)~~(c)~~ The department may amend the adopted work
14 program to transfer appropriations within the department,
15 except that the following amendments shall be subject to the
16 procedures in paragraph (c)~~(d)~~:

17 1. Any amendment which deletes any project or project
18 phase;

19 2. Any amendment which adds a project estimated to
20 cost over \$150,000 in funds appropriated by the Legislature;

21 3. Any amendment which advances or defers to another
22 fiscal year, a right-of-way phase, a construction phase, or a
23 public transportation project phase estimated to cost over
24 \$500,000 in funds appropriated by the Legislature, except an
25 amendment advancing or deferring a phase for a period of 90
26 days or less; or

27 4. Any amendment which advances or defers to another
28 fiscal year, any preliminary engineering phase or design phase
29 estimated to cost over \$150,000 in funds appropriated by the
30 Legislature, except an amendment advancing or deferring a
31 phase for a period of 90 days or less.

1 (c)(d)1. Whenever the department proposes any
2 amendment to the adopted work program, which amendment is
3 defined in subparagraph (b)1.(e)1., subparagraph (b)2.(e)2.,
4 subparagraph (b)3.(e)3., or subparagraph (b)4.(e)4., it
5 shall submit the proposed amendment to the Governor for
6 approval and shall immediately notify the chairs of the
7 legislative appropriations committees, the chairs of the
8 legislative transportation committees, each member of the
9 Legislature who represents a district affected by the proposed
10 amendment, each metropolitan planning organization affected by
11 the proposed amendment, and each unit of local government
12 affected by the proposed amendment. Such proposed amendment
13 shall provide a complete justification of the need for the
14 proposed amendment.

15 2. The Governor shall not approve a proposed amendment
16 until 14 days following the notification required in
17 subparagraph 1.

18 3. If either of the chairs of the legislative
19 appropriations committees or the President of the Senate or
20 the Speaker of the House of Representatives objects in writing
21 to a proposed amendment within 14 days following notification
22 and specifies the reasons for such objection, the Governor
23 shall disapprove the proposed amendment ~~or shall submit the~~
24 ~~proposed amendment to the Administration Commission. The~~
25 ~~proposed amendment may be approved by the Administration~~
26 ~~Commission by a two thirds vote of the members present with~~
27 ~~the Governor voting in the affirmative. In the absence of~~
28 ~~approval by the commission, the proposed amendment shall be~~
29 ~~automatically disapproved.~~

30 (d)(e) Notwithstanding the requirements in paragraph
31 (c)(d) and ss. 216.177(2) and 216.351, the secretary may

1 request the Executive Office of the Governor to amend the
2 adopted work program when an emergency exists, as defined in
3 s. 252.34(3), and the emergency relates to the repair or
4 rehabilitation of any state transportation facility. The
5 Executive Office of the Governor may approve the amendment to
6 the adopted work program and amend that portion of the
7 department's approved budget in the event that the delay
8 incident to the notification requirements in paragraph~~(c)(d)~~
9 would be detrimental to the interests of the state. However,
10 the department shall immediately notify the parties specified
11 in paragraph~~(c)(d)~~ and shall provide such parties written
12 justification for the emergency action within 7 days of the
13 approval by the Executive Office of the Governor of the
14 amendment to the adopted work program and the department's
15 budget. In no event may the adopted work program be amended
16 under the provisions of this subsection without the
17 certification by the comptroller of the department that there
18 are sufficient funds available pursuant to the 36-month cash
19 forecast and applicable statutes.

20 ~~(e)(f)~~ The department may authorize the investment of
21 the earnings accrued and collected upon the investment of the
22 minimum balance of funds required to be maintained in the
23 State Transportation Trust Fund pursuant to paragraph~~(a)(b)~~.
24 Such investment shall be limited as provided in s.
25 288.9607(7).

26 Section 54. Subsection (3) of section 381.0303,
27 Florida Statutes, is amended to read:

28 381.0303 Health practitioner recruitment for special
29 needs shelters.--

30 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
31 Department of Health shall reimburse, subject to the

1 | availability of funds for this purpose, health care
2 | practitioners, as defined in s. 456.001, provided the
3 | practitioner is not providing care to a patient under an
4 | existing contract, and emergency medical technicians and
5 | paramedics licensed pursuant to chapter 401 for medical care
6 | provided at the request of the department in special needs
7 | shelters or at other locations during times of emergency or
8 | major disaster. Reimbursement for health care practitioners,
9 | except for physicians licensed pursuant to chapter 458 or
10 | chapter 459, shall be based on the average hourly rate that
11 | such practitioners were paid according to the most recent
12 | survey of Florida hospitals conducted by the Florida Hospital
13 | Association. Reimbursement shall be requested on forms
14 | prepared by the Department of Health. If a Presidential
15 | Disaster Declaration has been made, and the Federal Government
16 | makes funds available, the department shall use such funds for
17 | reimbursement of eligible expenditures. In other situations,
18 | or if federal funds do not fully compensate the department for
19 | reimbursement made pursuant to this section, the department
20 | shall process ~~submit to the Cabinet or Legislature, as~~
21 | ~~appropriate,~~ a budget amendment to obtain reimbursement from
22 | unobligated, unappropriated moneys in the General Revenue
23 | ~~working capital~~ Fund. Travel expense and per diem costs shall
24 | be reimbursed pursuant to s. 112.061.

25 | Section 55. Subsection (1) of section 393.22, Florida
26 | Statutes, is repealed.

27 | Section 56. Subsection (5) of section 409.906, Florida
28 | Statutes, is amended to read:

29 | 409.906 Optional Medicaid services.--Subject to
30 | specific appropriations, the agency may make payments for
31 | services which are optional to the state under Title XIX of

1 | the Social Security Act and are furnished by Medicaid
2 | providers to recipients who are determined to be eligible on
3 | the dates on which the services were provided. Any optional
4 | service that is provided shall be provided only when medically
5 | necessary and in accordance with state and federal law.
6 | Optional services rendered by providers in mobile units to
7 | Medicaid recipients may be restricted or prohibited by the
8 | agency. Nothing in this section shall be construed to prevent
9 | or limit the agency from adjusting fees, reimbursement rates,
10 | lengths of stay, number of visits, or number of services, or
11 | making any other adjustments necessary to comply with the
12 | availability of moneys and any limitations or directions
13 | provided for in the General Appropriations Act or chapter 216.
14 | If necessary to safeguard the state's systems of providing
15 | services to elderly and disabled persons and subject to the
16 | notice and review provisions of s. 216.177, the Governor may
17 | direct the Agency for Health Care Administration to amend the
18 | Medicaid state plan to delete the optional Medicaid service
19 | known as "Intermediate Care Facilities for the Developmentally
20 | Disabled." Optional services may include:

21 | (5) CASE MANAGEMENT SERVICES.--The agency may pay for
22 | primary care case management services rendered to a recipient
23 | pursuant to a federally approved waiver, and targeted case
24 | management services for specific groups of targeted
25 | recipients, for which funding has been provided and which are
26 | rendered pursuant to federal guidelines. The agency is
27 | authorized to limit reimbursement for targeted case management
28 | services in order to comply with any limitations or directions
29 | provided for in the General Appropriations Act.

30 | ~~Notwithstanding s. 216.292, the Department of Children and~~
31 | ~~Family Services may transfer general funds to the Agency for~~

1 ~~Health Care Administration to fund state match requirements~~
2 ~~exceeding the amount specified in the General Appropriations~~
3 ~~Act for targeted case management services.~~

4 Section 57. Paragraph (b) of subsection (11) of
5 section 409.912, Florida Statutes, is repealed.

6 Section 58. Subsection (2) of section 468.392, Florida
7 Statutes, is amended to read:

8 468.392 Auctioneer Recovery Fund.--There is created
9 the Auctioneer Recovery Fund as a separate account in the
10 Professional Regulation Trust Fund. The fund shall be
11 administered by the Florida Board of Auctioneers.

12 (2) All payments and disbursements from the Auctioneer
13 Recovery Fund shall be made by the Chief Financial Officer
14 upon a voucher signed by the Secretary of Business and
15 Professional Regulation or the secretary's designee. ~~Amounts~~
16 ~~transferred to the Auctioneer Recovery Fund shall not be~~
17 ~~subject to any limitation imposed by an appropriation act of~~
18 ~~the Legislature.~~

19 Section 59. Subsection (6) of section 475.484, Florida
20 Statutes, is amended to read:

21 475.484 Payment from the fund.--

22 (6) All payments and disbursements from the Real
23 Estate Recovery Fund shall be made by the Chief Financial
24 Officer upon a voucher signed by the secretary of the
25 department. ~~Amounts transferred to the Real Estate Recovery~~
26 ~~Fund shall not be subject to any limitation imposed by an~~
27 ~~appropriation act of the Legislature.~~

28 Section 60. Paragraph (b) of subsection (9) of section
29 921.001, Florida Statutes, is amended to read:

30 921.001 Sentencing Commission and sentencing
31 guidelines generally.--

1 (9)
2 (b) On or after January 1, 1994, any legislation
3 which:
4 1. Creates a felony offense;
5 2. Enhances a misdemeanor offense to a felony offense;
6 3. Moves a felony offense from a lesser offense
7 severity level to a higher offense severity level in the
8 offense severity ranking chart in s. 921.0012; or
9 4. Reclassifies an existing felony offense to a
10 greater felony classification
11
12 must provide that such a change result in a net zero sum
13 impact in the overall prison population, as determined by the
14 Legislature, considering the most recent estimates of the
15 Criminal Justice Estimating Conference, unless the legislation
16 contains a funding source sufficient in its base or rate to
17 accommodate such change or a provision which specifically
18 abrogates the application of this paragraph.
19 Section 61. Paragraph (a) of subsection (1) of section
20 1009.536, Florida Statutes, is amended to read:
21 1009.536 Florida Gold Seal Vocational Scholars
22 award.--The Florida Gold Seal Vocational Scholars award is
23 created within the Florida Bright Futures Scholarship Program
24 to recognize and reward academic achievement and career and
25 technical preparation by high school students who wish to
26 continue their education.
27 (1) A student is eligible for a Florida Gold Seal
28 Vocational Scholars award if the student meets the general
29 eligibility requirements for the Florida Bright Futures
30 Scholarship Program and the student:
31

1 (a) Completes the secondary school portion of a
2 sequential program of studies that requires at least three
3 secondary school career and technical credits taken over at
4 least 2 academic years, and is continued in a planned, related
5 postsecondary education program. If the student's school does
6 not offer such a two-plus-two or tech-prep program, the
7 student must complete a job-preparatory career education
8 program selected by ~~the Workforce Estimating Conference or~~
9 Workforce Florida, Inc., for its ability to provide high-wage
10 employment in an occupation with high potential for employment
11 opportunities. On-the-job training may not be substituted for
12 any of the three required career and technical credits.

13 Section 62. Any undisbursed appropriations made from
14 the Working Capital Fund, previously created in section
15 215.32, Florida Statutes, are reappropriated from unallocated
16 moneys in the General Revenue Fund; any appropriations made to
17 the Working Capital Fund are reappropriated to the General
18 Revenue Fund; and any references to the Working Capital Fund
19 in proviso language or in House Bill 1837, or similar
20 legislation, shall be replaced with "the General Revenue
21 Fund." This section expires July 1, 2005.

22 Section 63. For the 2004-2005 fiscal year, the sum of
23 \$2 million is appropriated from the General Revenue Fund to
24 the Department of Management Services for the purpose of
25 reconfiguring the Florida Facilities Pool office space.

26 Section 64. For the 2004-2005 fiscal year, the sum of
27 \$1 million is appropriated from the Working Capital Trust Fund
28 in the special appropriation category entitled "Real Estate
29 Broker Commissions" to the Department of Management Services
30 for the purpose of paying real estate broker commissions under
31 section 255.249(2)(b)1.b., Florida Statutes. A payment may not

1 be made until the Chief Financial Officer approves the
2 Department of Management Services' written determination under
3 section 255.249(2)(b)1.a., Florida Statutes.

4 Section 65. Except as otherwise expressly provided in
5 this act, this act shall take effect upon becoming a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 2722

- Requires real estate broker's commissions paid by private landlords to first be remitted to Department of Management Services (DMS). Requires the Chief Financial Officer to approve a written determination by the DMS of a broker negotiated lease's value prior to payment of the broker's commission. Provides that the written determination of the broker negotiated lease's value is not subject to protest.
- Removes a requirement that the DMS survey landlord satisfaction with broker services.
- Provides that the state may not be bound to a lease that exceeds an initial term of five years and two subsequent renewals with each renewal not to exceed the initial term of the lease.
- Provides that the act's provisions which amend ch. 255, F.S., are effective when the DMS certifies that it does not have specified real estate broker contracts.
- For Fiscal Year 2004-2005, appropriates \$2,000,000 from the General Revenue Fund for reconfiguration of Florida Facilities Pool office space and \$1,000,000 from the Working Capital Trust Fund for payment of real estate broker commissions.
- Adds the content of CS/SB 1248 which include:
 - Clarification of the necessary approval for various agency interim budget amendment requests by providing a separate list of amendments that require Executive Office of the Governor and Legislative Budget Commission approval.
 - Provides for alternative due dates for Legislative Budget Requests and Long Range Program Plans with House and Senate approval.
 - Removes unnecessary requirements for community budget requests.
 - Describes standard trust funds to be consistent across agencies.
 - Eliminates obsolete zero based budgeting and performance-based program budgeting requirements.