

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to state planning and budgeting; amending
7 s. 11.90, F.S.; revising membership provisions of the
8 Legislative Budget Commission; providing for the
9 appointment of presiding officers; revising requirements
10 for meetings and a quorum; revising requirements for
11 appointing the staff of the commission; requiring the
12 commission to review budget amendments proposed by the
13 Governor or Chief Justice; requiring the commission to
14 develop a long-range financial outlook; requiring the
15 commission to perform other duties prescribed by the
16 Legislature; creating s. 11.91, F.S.; creating the
17 Government Efficiency Task Force; providing for
18 appointment of its members; requiring that the task force
19 meet at specified intervals; authorizing the task force to
20 conduct meetings through teleconferences or similar means;
21 providing for members to be reimbursed for per diem and
22 travel expenses; requiring the task force to complete its
23 work within 1 year and report to the Legislative Budget

24 Commission, the Governor, and the Chief Justice of the
 25 Supreme Court; amending s. 29.0095, F.S.; requiring the
 26 legislative appropriations committees to prescribe the
 27 format of budget expenditure reports; amending s.
 28 110.1245, F.S., relating to the savings sharing program;
 29 correcting a reference; amending s. 216.011, F.S.;
 30 revising and providing definitions; creating s. 216.012,
 31 F.S.; providing requirements for the long-range financial
 32 outlook prepared by the commission; requiring state
 33 agencies to provide certain information; specifying
 34 timeframes for state agencies and the commission in
 35 developing and completing the long-range financial
 36 outlook; amending s. 216.023, F.S.; clarifying certain
 37 requirements for legislative budget instructions; amending
 38 s. 216.065, F.S.; revising provisions relating to certain
 39 fiscal impact statements; requiring fiscal impact
 40 statements to be provided to the Legislative Budget
 41 Commission in addition to the legislative appropriations
 42 committees; requiring that such statements contain
 43 information concerning subsequent fiscal years; amending
 44 s. 216.162, F.S.; revising the date for the Governor's
 45 recommended budget to be furnished to the Legislature;
 46 removing a provision authorizing the presiding officers of
 47 the Legislature to approve submission of the Governor's
 48 recommended budget at a later date than otherwise
 49 required; amending s. 216.178, F.S.; extending the
 50 deadline for production of the final budget report;
 51 amending s. 216.262, F.S., relating to the transfer of

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52 | positions; correcting a reference; providing a contingent
53 | effective date.

54 |

55 | Be It Enacted by the Legislature of the State of Florida:

56 |

57 | Section 1. Section 11.90, Florida Statutes, is amended to
58 | read:

59 | 11.90 Legislative Budget Commission.--

60 | (1) There is created the Legislative Budget Commission,
61 | which is the joint Legislative Budget Commission created in s.
62 | 19, Art. III of the State Constitution, composed of seven
63 | members of the Senate appointed by the President of the Senate
64 | and seven members of the House of Representatives appointed by
65 | the Speaker of the House of Representatives. Each member shall
66 | serve at the pleasure of the officer who appointed the member. A
67 | vacancy on the commission shall be filled in the same manner as
68 | the original appointment. From November of each odd-numbered
69 | year through October of each even-numbered year, the chair of
70 | the commission shall be appointed by the President of the Senate
71 | and the vice chair of the commission shall be appointed by the
72 | Speaker of the House of Representatives. From November of each
73 | even-numbered year through October of each odd-numbered year,
74 | the chair of the commission shall be appointed the Speaker of
75 | the House of Representatives and the vice chair of the
76 | commission shall be appointed by the President of the Senate
77 | ~~There is created a standing joint committee of the Legislature~~
78 | ~~designated the Legislative Budget Commission, composed of 14~~
79 | ~~members as follows: seven members of the Senate appointed by the~~

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80 ~~President of the Senate, to include the chair of the Senate~~
 81 ~~Budget Committee or its successor, and seven members of the~~
 82 ~~House of Representatives appointed by the Speaker of the House~~
 83 ~~of Representatives, to include the chair of the Fiscal~~
 84 ~~Responsibility Council or its successor.~~ The terms of members
 85 shall be for 2 years and shall run from the organization of one
 86 Legislature to the organization of the next Legislature.
 87 ~~Vacancies occurring during the interim period shall be filled in~~
 88 ~~the same manner as the original appointment. During even-~~
 89 ~~numbered years, the chair of the commission shall be the chair~~
 90 ~~of the Senate Budget Committee or its successor, and the vice~~
 91 ~~chair of the commission shall be the chair of the House Fiscal~~
 92 ~~Responsibility Council or its successor. During odd-numbered~~
 93 ~~years, the chair of the commission shall be the chair of the~~
 94 ~~House Fiscal Responsibility Council or its successor, and the~~
 95 ~~vice chair of the commission shall be the chair of the Senate~~
 96 ~~Budget Committee or its successor.~~

97 (2) The Legislative Budget Commission shall be governed by
 98 joint rules of the Senate and the House of Representatives which
 99 shall remain in effect until repealed or amended by concurrent
 100 resolution.

101 (3) The commission shall convene at the call of the
 102 President of the Senate and the Speaker of the House of
 103 Representatives at least quarterly. A majority of the commission
 104 members of each house plus one additional member from either
 105 house constitutes a quorum. ~~The commission shall meet at least~~
 106 ~~quarterly and more frequently at the direction of the presiding~~
 107 ~~officers or upon call of the chair. A quorum shall consist of a~~

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108 ~~majority of members from each house, plus one additional member~~
 109 ~~from either house.~~ Action by the commission requires a majority
 110 vote of the members present of each house.

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

113 (5) The commission shall be staffed by legislative staff
 114 members, as assigned by the President of the Senate and the
 115 Speaker of the House of Representatives. ~~The commission will be~~
 116 ~~jointly staffed by the appropriations committees of the House of~~
 117 ~~Representatives and the Senate. During even-numbered years, the~~
 118 ~~Senate will serve as lead staff, and during odd-numbered years,~~
 119 ~~the House of Representatives will serve as lead staff.~~

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

121 (a) Review and approve or disapprove budget amendments
 122 proposed by the Governor or the Chief Justice of the Supreme
 123 Court as provided in chapter 216 ~~Annually review the amount of~~
 124 ~~state debt outstanding and submit to the President of the Senate~~
 125 ~~and the Speaker of the House of Representatives an estimate of~~
 126 ~~the maximum amount of additional state tax-supported debt that~~
 127 ~~prudently may be authorized during the current fiscal year. The~~
 128 ~~estimate shall be advisory and shall in no way bind the~~
 129 ~~Legislature.~~

130 (b) Develop the long-range financial outlook described in
 131 s. 19, Art. III of the State Constitution ~~Promptly after~~
 132 ~~receiving the report required by s. 215.98(2)(c), the commission~~
 133 ~~shall submit to the President of the Senate and the Speaker of~~
 134 ~~the House of Representatives the commission's estimate of tax-~~
 135 ~~supported debt which prudently may be authorized for the next~~

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136 ~~fiscal year, together with a report explaining the basis for the~~
137 ~~estimate.~~

138
139 In addition to the powers and duties specified in this section,
140 the commission shall exercise all other powers and perform any
141 other duties prescribed by the Legislature.

142 (7) The commission shall review information resources
143 management needs identified in agency long-range program plans
144 for consistency with the State Annual Report on Enterprise
145 Resource Planning and Management and statewide policies adopted
146 by the State Technology Office. The commission shall also review
147 proposed budget amendments associated with information
148 technology that involve more than one agency, that have an
149 outcome that impacts another agency, or that exceed \$500,000 in
150 total cost over a 1-year period.

151 Section 2. Section 11.91, Florida Statutes, is created to
152 read:

153 11.91 Government Efficiency Task Force.--

154 (1) There is created the Government Efficiency Task Force.
155 The task force shall convene no later than January of 2007, and
156 each fourth year thereafter. The task force shall be composed of
157 13 members. Five members shall be appointed by the President of
158 the Senate, five members shall be appointed by the Speaker of
159 the House of Representatives, and three members shall be
160 appointed by the Governor. Members of the task force may include
161 representatives from the private sector, as designated by the
162 President of the Senate, the Speaker of the House of
163 Representatives, and the Governor. Each member shall serve at

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164 the pleasure of the officer who appointed the member. A vacancy
 165 on the task force shall be filled in the same manner as the
 166 original appointment. The terms of the members shall be for 1
 167 year.

168 (2) The task force shall elect a chair from among its
 169 members.

170 (3) The task force shall meet as necessary, but at least
 171 quarterly, at the call of the chair and at the time and place
 172 designated by the chair. The task force may conduct its meetings
 173 through teleconferences or other similar means.

174 (4) Members of the task force are entitled to receive
 175 reimbursement for per diem and travel expenses pursuant to s.
 176 112.061.

177 (5) The task force shall develop recommendations for
 178 improving governmental operations and reducing costs. Staff to
 179 assist the task force in performing its duties shall be assigned
 180 by the Governor, the President of the Senate, and the Speaker of
 181 the House of Representatives.

182 (6) The task force shall complete its work within 1 year
 183 and submit its recommendations to the chair and vice chair of
 184 the Legislative Budget Commission, the Governor, and the Chief
 185 Justice of the Supreme Court. The task force may submit all or
 186 part of its recommendations at any time during the year, but a
 187 final report summarizing its recommendations must be submitted
 188 at the completion of its work.

189 Section 3. Subsection (4) of section 29.0095, Florida
 190 Statutes, is amended to read:

191 29.0095 Budget expenditure reports.--

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192 (4) The appropriations committees of the Senate and the
 193 House of Representatives ~~Legislative Budget Commission~~ shall
 194 prescribe the format of the report required by this section in
 195 consultation with the Chief Justice and the Justice
 196 Administrative Commission.

197 Section 4. Paragraph (b) of subsection (1) of section
 198 110.1245, Florida Statutes, is amended to read:

199 110.1245 Savings sharing program; bonus payments; other
 200 awards.--

201 (1)

202 (b) Each agency head shall recommend employees
 203 individually or by group to be awarded an amount of money, which
 204 amount shall be directly related to the cost savings realized.
 205 Each proposed award and amount of money must be approved by the
 206 Legislative Budget ~~Budgeting~~ Commission.

207 Section 5. Paragraph (h) of subsection (1) of section
 208 216.011, Florida Statutes, is amended, and paragraph (rr) is
 209 added to that subsection, to read:

210 216.011 Definitions.--

211 (1) For the purpose of fiscal affairs of the state,
 212 appropriations acts, legislative budgets, and approved budgets,
 213 each of the following terms has the meaning indicated:

214 (h) "Consultation" means communication on fiscal matters
 215 between the Governor and the Legislature to deliberate and seek
 216 advice in an open and forthright manner ~~with the full committee,~~
 217 ~~a subcommittee thereof, the chair, or the staff as deemed~~
 218 ~~appropriate by the chair of the respective appropriations~~
 219 ~~committee.~~

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220 (rr) "Long-range financial outlook" means a 3-year plan,
 221 developed by the commission and updated annually using official
 222 information, including, but not limited to, projections
 223 developed by the consensus estimating conferences, which
 224 projects state revenues and expenditures and provides the
 225 framework and context for legislative budget requests prepared
 226 by state agencies.

227 Section 6. Section 216.012, Florida Statutes, is created
 228 to read:

229 216.012 Long-range financial outlook.--

230 (1) The commission shall develop a long-range 3-year
 231 financial outlook and shall update that plan each year.

232 (2) Each state agency shall provide information to the
 233 commission, based on the commission's direction, which supports
 234 the commission's development and updates of the long-range
 235 financial outlook.

236 (a) By July 1 of each year, the commission shall provide
 237 the fiscal strategies of the long-range financial outlook to the
 238 state agencies.

239 (b) By July 31 of each year, state agencies shall provide
 240 estimates of the funding that would be necessary to implement
 241 the fiscal strategies.

242 (c) By August 15 of each year, the commission shall:

- 243 1. Accept the estimates provided by an agency;
- 244 2. Modify the estimates provided by an agency; or
- 245 3. Direct an agency to modify its estimates, consistent
 246 with directions specified by the commission.

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247 (d) By August 31 of each year, an agency directed to
 248 modify its estimate shall provide new estimates to the
 249 commission.

250 (e) By September 15 of each year, the commission shall
 251 complete the long-range financial outlook.

252 Section 7. Subsections (1) and (13) of section 216.023,
 253 Florida Statutes, are amended, and paragraph (c) is added to
 254 subsection (4) of that section, to read:

255 216.023 Legislative budget requests to be furnished to
 256 Legislature by agencies.--

257 (1) The head of each state agency, except as provided in
 258 subsection (2), shall submit a final legislative budget request
 259 to the Legislature and to the Governor, as chief budget officer
 260 of the state, in the form and manner prescribed in the budget
 261 instructions and at such time as specified by the Executive
 262 Office of the Governor, based on the agency's independent
 263 judgment of its needs. However, a ~~no~~ state agency may not ~~shall~~
 264 submit its complete legislative budget request, including all
 265 supporting forms and schedules required by this chapter, later
 266 than October ~~September~~ 15 of any ~~each~~ year, unless an
 267 alternative date is agreed to be in the best interests of the
 268 state by the President of the Senate, the Speaker of the House
 269 of Representatives, and the Governor.

270 (4)

271 (c) The legislative budget request submitted by each
 272 agency must reflect the long-range financial outlook adopted by
 273 the Legislative Budget Commission, either by basing specific
 274 requests on the long-range financial outlook or by explaining

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275 | how any specific request varies from the long-range financial
 276 | outlook.

277 | (13) In order to ensure an integrated state planning and
 278 | budgeting process, the agency long-range plan should be reviewed
 279 | by the Legislature. The legislative budget request instructions
 280 | must provide for consistency between the agency's long-range
 281 | plan and the agency's legislative budget request.

282 | Section 8. Section 216.065, Florida Statutes, is amended
 283 | to read:

284 | 216.065 Fiscal impact statements on actions affecting the
 285 | budget.--In addition to the applicable requirements of chapter
 286 | 120, before the Governor, or Governor and Cabinet as a body,
 287 | performing any constitutional or statutory duty, or before any
 288 | state agency or statutorily authorized entity takes ~~take~~ any
 289 | final action that will affect revenues, ~~directly~~ require a
 290 | request for an increased or new appropriation in the following 3
 291 | fiscal years, ~~year~~ or ~~that will~~ transfer current year funds, it
 292 | ~~they~~ shall first provide the Legislative Budget Commission and
 293 | the legislative appropriations committees with a fiscal impact
 294 | statement that details the effects of such action on the budget.
 295 | The fiscal impact statement must specify the estimated budget
 296 | and revenue impacts for the current year and the 2 subsequent
 297 | fiscal years at the same level of detail required to support a
 298 | legislative budget request, including amounts by appropriation
 299 | category and fund.

300 | Section 9. Subsection (1) of section 216.162, Florida
 301 | Statutes, is amended to read:

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302 216.162 Governor's recommended budget to be furnished
303 Legislature; copies to members.--

304 (1) At least 30 ~~45~~ days before the scheduled annual
305 legislative session or at a later date if requested by the
306 Governor and approved in writing by the President of the Senate
307 and the Speaker of the House of Representatives, the Governor
308 shall furnish each senator and representative a copy of his or
309 her recommended balanced budget for the state, based on the
310 Governor's own conclusions and judgment; ~~provided, however, that~~
311 ~~in his or her first year in office a new Governor may request,~~
312 ~~subject to approval of the President of the Senate and the~~
313 ~~Speaker of the House of Representatives, that his or her~~
314 ~~recommended balanced budget be submitted at a later time prior~~
315 ~~to the Governor's first regular legislative session.~~

316 Section 10. Subsection (2) of section 216.178, Florida
317 Statutes, is amended to read:

318 216.178 General Appropriations Act; format; procedure.--

319 (2) The Office of Planning and Budgeting shall develop a
320 final budget report that reflects the net appropriations for
321 each budget item. The report shall reflect actual expenditures
322 for each of the 2 preceding fiscal years and the estimated
323 expenditures for the current fiscal year. In addition, the
324 report must contain the actual revenues and cash balances for
325 the preceding 2 fiscal years and the estimated revenues and cash
326 balances for the current fiscal year. The report may also
327 contain expenditure data, program objectives, and program
328 measures for each state agency program. The report must be
329 produced by the 120th day of October ~~15~~ each fiscal year. A copy

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330 of the report must be made available to each member of the
 331 Legislature, to the head of each state agency, to the Auditor
 332 General, to the director of the Office of Program Policy
 333 Analysis and Government Accountability, and to the public.

334 Section 11. Paragraph (c) of subsection (1) of section
 335 216.262, Florida Statutes, is amended to read:

336 216.262 Authorized positions.--

337 (1)

338 (c)1. The Executive Office of the Governor, under such
 339 procedures and qualifications as it deems appropriate, shall,
 340 upon agency request, delegate to any state agency authority to
 341 add and delete authorized positions or transfer authorized
 342 positions from one budget entity to another budget entity within
 343 the same division, and may approve additions and deletions of
 344 authorized positions or transfers of authorized positions within
 345 the state agency when such changes would enable the agency to
 346 administer more effectively its authorized and approved
 347 programs. The additions or deletions must be consistent with the
 348 intent of the approved operating budget, must be consistent with
 349 legislative policy and intent, and must not conflict with
 350 specific spending policies specified in the General
 351 Appropriations Act.

352 2. The Chief Justice of the Supreme Court shall have the
 353 authority to establish procedures for the judicial branch to add
 354 and delete authorized positions or transfer authorized positions
 355 from one budget entity to another budget entity, and to add and
 356 delete authorized positions within the same budget entity, when
 357 such changes are consistent with legislative policy and intent

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358 | and do not conflict with spending policies specified in the
359 | General Appropriations Act.

360 | 3.a. A state agency may be eligible to retain salary
361 | dollars for authorized positions eliminated after July 1, 2001.
362 | The agency must certify the eliminated positions to the
363 | Legislative Budget ~~Budgeting~~ Commission.

364 | b. The Legislative Budget ~~Budgeting~~ Commission shall
365 | authorize the agency to retain 20 percent of the salary dollars
366 | associated with the eliminated positions and may authorize
367 | retention of a greater percentage. All such salary dollars shall
368 | be used for permanent salary increases.

369 | Section 12. This act shall take effect upon the effective
370 | date of the amendment to the State Constitution contained in
371 | House Joint Resolution No. 1821, or a similar constitutional
372 | amendment, relating to the state budgeting, planning, and
373 | appropriations processes, if that amendment is approved by the
374 | electors at the general election to be held in November 2006.