

1 A bill to be entitled
2 An act relating to the management of state financial
3 matters; amending s. 14.2015, F.S.; requiring the Office
4 of Tourism, Trade, and Economic Development and the
5 Florida Commission on Tourism to advise and consult with
6 the Consensus Estimating Conference principals concerning
7 certain duties; amending s. 20.19, F.S.,; eliminating
8 certain transfer authority of district administrators in
9 the Department of Children and Family Services; amending
10 s. 20.316, F.S., relating to the Department of Juvenile
11 Justice information systems; correcting a reference;
12 amending s. 45.062, F.S.; limiting the ability of agencies
13 to settle lawsuits in certain circumstances; requiring
14 that certain legislative officers and the Attorney General
15 receive prior notice concerning settlement negotiations
16 and presettlement agreements or orders; specifying that
17 such notice is a condition precedent to an agency's
18 authority to enter into such an agreement; providing
19 certain exceptions; providing for the placement of
20 settlement moneys paid to the state; requiring that
21 certain legislative officers and the Attorney General
22 receive prior notice concerning certain settlements
23 involving a state agency or officer; amending s. 110.1239,
24 F.S.; correcting a cross reference; amending s. 110.1245,
25 F.S., relating to a savings sharing program; correcting a
26 reference; amending s. 215.32, F.S.; providing for
27 unallocated general revenue; revising a provision relating
28 to the restoration of expenditures from the Budget

29 Stabilization Fund; revising requirements and uses of
30 Working Capital Fund moneys; amending s. 215.5601, F.S.;
31 revising provisions relating to appropriations to and uses
32 of the Lawton Chiles Endowment Fund; amending ss. 215.93
33 and 215.94, F.S.; revising duties of the Financial
34 Management Information Board, the functional owners of
35 information subsystems, and the Auditor General relating
36 to the Florida Financial Management Information System;
37 amending s. 215.97, F.S., relating to the Florida Single
38 Audit Act; revising and providing definitions; revising
39 the uniform state audit requirements for state financial
40 assistance provided by state agencies to nonstate
41 entities; requiring the Department of Financial Services
42 to adopt rules and perform additional duties with respect
43 to the provision of financial assistance to carry out
44 state projects; revising duties of the Executive Office of
45 the Governor and Chief Financial Officer and specifying
46 duties of coordinating agencies; exempting certain
47 nonstate entities from the requirements of the Florida
48 Single Audit Act; amending s. 216.011, F.S.; revising and
49 providing definitions; amending s. 216.013, F.S.; revising
50 requirements for the long-range program plans developed by
51 state agencies and the judicial branch; providing for the
52 preparation of form, manner, and timeframe instructions
53 for such plans; revising the plan submission date;
54 revising the date by which to submit adjustments to such
55 plans; requiring the plans to be posted on the Internet;
56 providing that long-range program plans are exempt from

57 | ch. 120; amending s. 216.023, F.S.; providing for
58 | alternate dates for agencies to submit legislative budget
59 | requests; requiring and specifying additional information
60 | in legislative budget requests; revising requirements of
61 | the judicial branch's legislative budget requests;
62 | revising duties of the Executive Office of the Governor,
63 | the Legislature, and the Chief Justice relating to
64 | legislative budget requests; amending s. 216.031, F.S.;
65 | revising requirements for target budget requests; amending
66 | s. 216.052, F.S.; deleting certain requirements relating
67 | to community budget requests; amending s. 216.053, F.S.;
68 | deleting the requirement that the General Appropriations
69 | Act contain summary information concerning performance-
70 | based program budgets; amending s. 216.065, F.S.; revising
71 | requirements relating to fiscal impact statements on
72 | actions affecting the budget; amending s. 216.081, F.S.;
73 | providing data requirements for the Governor's recommended
74 | budget under certain circumstances; amending s. 216.133,
75 | F.S.; deleting references to conform; amending s. 216.134,
76 | F.S.; stipulating that consensus estimating conferences
77 | are within the legislative branch; revising provisions
78 | relating to public meetings of consensus estimating
79 | conferences; amending s. 216.136, F.S.; deleting
80 | provisions for the Child Welfare System Estimating
81 | Conference and the Juvenile Justice Estimating Conference;
82 | amending s. 216.162, F.S.; revising the date for the
83 | Governor to submit the recommended budget to the
84 | Legislature; amending s. 216.163, F.S.; authorizing the

85 Governor's budget recommendation to include an alternative
 86 recommendation for operating and fixed capital outlay
 87 appropriations to that of the Chief Justice; amending s.
 88 216.167, F.S.; deleting references to the Working Capital
 89 Fund, to conform; amending s. 216.168, F.S.; deleting
 90 provisions exempting the Governor from a requirement to
 91 submit amended recommendations; amending s. 216.177, F.S.;
 92 revising notice and review requirements for actions taken
 93 under ch. 216, F.S., to provide for funds expended in
 94 settlement of agency litigation; deleting an obsolete
 95 provision; amending s. 216.181, F.S.; requiring approval
 96 of certain amendments to an approved operating budget by
 97 the Legislative Budget Commission; revising requirements
 98 for determining salary rates; authorizing the Legislative
 99 Budget Commission to approve salary rates; revising
 100 provisions relating to how the annual salary rate is
 101 determined and controlled; deleting certain notice
 102 requirements; requiring that the legislative
 103 appropriations committees approve certain nonoperating
 104 budgets; deleting the authority to advance certain
 105 contracted services funds in the Department of Children
 106 and Family Service and the Department of Health; amending
 107 s. 216.192, F.S.; requiring operational work plans and
 108 status reports for certain information technology
 109 projects; authorizing agencies to request release of
 110 appropriated funds consistent with the release plan
 111 provided in the operational work plan; deleting provisions
 112 authorizing the legislative appropriations committees to

113 provide advice regarding the release of funds; authorizing
 114 the Executive Office of the Governor and the Chief Justice
 115 to place appropriations in mandatory reserve or budget
 116 reserve; amending s. 216.195, F.S.; deleting certain
 117 notice and review requirements for the impoundment of
 118 funds; amending s. 216.221, F.S.; authorizing the
 119 Legislature to direct the use of any state funds in an
 120 appropriations act to offset General Revenue Fund
 121 deficits; revising requirements for adjusting budgets in
 122 order to avoid or eliminate a deficit; revising procedures
 123 for certifying a budget deficit; revising requirements for
 124 the Governor and the Chief Justice in developing plans of
 125 action; requiring that the Legislative Budget Commission
 126 implement certain reductions in appropriations; revising
 127 requirements for resolving deficits; requiring that
 128 certain actions to resolve a deficit be approved by the
 129 Legislative Budget Commission; amending s. 216.231, F.S.,
 130 relating to the release of classified appropriations, to
 131 conform; amending s. 216.235, F.S.; limiting the funding
 132 of certain proposals under the Innovation Investment
 133 Program; correcting references; amending s. 216.241, F.S.;
 134 requiring that the initiation or commencement of new
 135 programs be approved by the Legislative Budget Commission;
 136 deleting certain notice requirements; amending s. 216.251,
 137 F.S.; correcting a reference; revising requirements for
 138 establishing certain salaries; amending s. 216.262, F.S.;
 139 requiring the Legislative Budget Commission to approve
 140 certain increases in the number of positions for

141 authorized programs; deleting provisions authorizing an
 142 agency to retain salary dollars under certain
 143 circumstances; amending s. 216.292, F.S.; revising
 144 provisions relating to the transferability of
 145 appropriations; revising limitations on the
 146 transferability of appropriations; prohibiting spending
 147 fixed capital outlay for other purposes; providing notice
 148 and review requirements prior to implementation of certain
 149 transfers; prohibiting transferring appropriations except
 150 as otherwise provided by law; providing certain
 151 exceptions; amending s. 216.301, F.S.; revising
 152 requirements for continuing unexpended balances of
 153 appropriations for fixed capital outlay; requiring
 154 approval by the Executive Office of the Governor;
 155 authorizing the President of the Senate and the Speaker of
 156 the House of Representatives to provide for the retention
 157 of certain balances from legislative budget entities;
 158 revising the certification forward process for operating
 159 appropriations; amending s. 218.60, F.S.; deleting an
 160 obsolete provision; amending ss. 252.37 and 265.55, F.S.;
 161 deleting certain references to the Working Capital Fund,
 162 to conform; amending s. 288.7091, F.S.; correcting a cross
 163 reference; amending s. 320.20, F.S.; providing duties of
 164 the Chief Financial Officer with respect to the deposit of
 165 certain trust fund moneys; amending s. 337.023, F.S.;
 166 correcting a cross reference; amending s. 339.135, F.S.;
 167 revising requirements for the tentative work programs
 168 submitted by the Department of Transportation; requiring

169 that the Legislative Budget Commission approve certain
 170 extensions of spending authority; revising requirements
 171 for amending certain work programs; amending 373.6065,
 172 F.S.; correcting a cross reference; amending s. 381.0303,
 173 F.S.; authorizing the Department of Health to obtain
 174 reimbursement for special needs shelters from
 175 unappropriated moneys in the General Revenue Fund;
 176 amending s. 392.69, F.S.; correcting a cross reference;
 177 amending s. 409.906, F.S.; deleting provisions authorizing
 178 the Department of Children and Family Services to transfer
 179 certain funds in excess of the amount specified in the
 180 General Appropriations Act; amending s. 409.912, F.S.,
 181 relating to the transfer of certain funds from the
 182 Department of Elderly Affairs to the Agency for Health
 183 Care Administration, to conform; amending 409.16745, F.S.;
 184 eliminating 72-hour notification for transfer of budget
 185 authority for the community partnership matching grant
 186 program; amending ss. 468.392 and 475.484, F.S.; deleting
 187 provisions exempting funds in the Auctioneer Recovery Fund
 188 and the Real Estate Recovery Fund from limitations imposed
 189 by an appropriation act; amending s. 921.001, F.S.;
 190 requiring the Legislature to make certain determinations
 191 with respect to legislation affecting the prison
 192 population; amending s. 1003.03, F.S.; correcting a cross
 193 reference; amending s. 1009.536, F.S.; deleting duties of
 194 the Workforce Estimating Conference with respect to
 195 certain career education programs; providing for
 196 references to the Working Capital Fund in certain

197 appropriations and proviso language to be replaced with a
 198 reference to the General Revenue Fund; repealing s.
 199 216.1825, F.S., relating to zero-based budgeting;
 200 repealing s. 216.183, F.S., relating to entities using
 201 performance-based program budgets; repealing s. 288.1234,
 202 F.S., relating to the guaranty of state obligations and
 203 the Olympic Games Guaranty Account; providing effective
 204 dates.

205

206 Be It Enacted by the Legislature of the State of Florida:

207

208 Section 1. Subsection (8) of section 14.2015, Florida
 209 Statutes, is amended to read:

210 14.2015 Office of Tourism, Trade, and Economic
 211 Development; creation; powers and duties.--

212 (8) The Office of Tourism, Trade, and Economic Development
 213 shall ensure that the contract between the Florida Commission on
 214 Tourism and the commission's direct-support organization
 215 contains a provision to provide the data on the visitor counts
 216 and visitor profiles used in revenue estimating, employing the
 217 same methodology used in fiscal year 1995-1996 by the Department
 218 of Commerce. The Office of Tourism, Trade, and Economic
 219 Development and the Florida Commission on Tourism must advise
 220 and consult ~~reach agreement~~ with the Consensus Estimating
 221 Conference principals before making any changes in methodology
 222 used or information gathered.

223 Section 2. Paragraph (b) of subsection (5) of section
 224 20.19, Florida Statutes, is amended to read:

225 20.19 Department of Children and Family Services.--There
 226 is created a Department of Children and Family Services.

227 (5) SERVICE DISTRICTS.--

228 (b)~~1~~. The secretary shall appoint a district administrator
 229 for each of the service districts. The district administrator
 230 shall serve at the pleasure of the secretary and shall perform
 231 such duties as assigned by the secretary. ~~Subject to the~~
 232 ~~approval of the secretary, such duties shall include~~
 233 ~~transferring up to 10 percent of the total district budget, the~~
 234 ~~provisions of ss. 216.292 and 216.351 notwithstanding.~~

235 ~~2. For the 2003-2004 fiscal year only, the transfer~~
 236 ~~authority provided in this subsection must be specifically~~
 237 ~~appropriated in the 2003-2004 General Appropriations Act and~~
 238 ~~shall be pursuant to the requirements of s. 216.292. This~~
 239 ~~subparagraph expires July 1, 2004.~~

240 ~~3. For the 2004-2005 fiscal year only, the transfer~~
 241 ~~authority provided in this subsection is available to the~~
 242 ~~department without further restriction other than as contained~~
 243 ~~in this subsection. This subparagraph expires July 1, 2005.~~

244 Section 3. Paragraph (d) of subsection (4) of section
 245 20.316, Florida Statutes, is amended to read:

246 20.316 Department of Juvenile Justice.--There is created a
 247 Department of Juvenile Justice.

248 (4) INFORMATION SYSTEMS.--

249 (d) The management information system shall, at a minimum:

250 1. Facilitate case management of juveniles referred to or
 251 placed in the department's custody.

252 2. Provide timely access to current data and computing
 253 capacity to support outcome evaluation, legislative oversight,
 254 ~~the Juvenile Justice Estimating Conference,~~ and other research.

255 3. Provide automated support to the quality assurance and
 256 program review functions.

257 4. Provide automated support to the contract management
 258 process.

259 5. Provide automated support to the facility operations
 260 management process.

261 6. Provide automated administrative support to increase
 262 efficiency, provide the capability of tracking expenditures of
 263 funds by the department or contracted service providers that are
 264 eligible for federal reimbursement, and reduce forms and
 265 paperwork.

266 7. Facilitate connectivity, access, and utilization of
 267 information among various state agencies, and other state,
 268 federal, local, and private agencies, organizations, and
 269 institutions.

270 8. Provide electronic public access to juvenile justice
 271 information, which is not otherwise made confidential by law or
 272 exempt from the provisions of s. 119.07(1).

273 9. Provide a system for the training of information system
 274 users and user groups.

275 Section 4. Effective July 1, 2006, section 45.062, Florida
 276 Statutes, is amended to read:

277 45.062 Settlements, conditions, or orders when an agency
 278 of the executive branch is a party.--

279 (1) In any civil action in which a state executive branch
 280 agency or officer is a party in state or federal court, the
 281 officer, agent, official, or attorney who represents or is
 282 acting on behalf of such agency or officer may not settle such
 283 action, consent to any condition, or agree to any order in
 284 connection therewith, if the settlement, condition, or order
 285 requires the expenditure of or the obligation to expend any
 286 state funds or other state resources, the refund or future loss
 287 of state revenues exceeding \$10 million, or the establishment of
 288 any new program, unless:

289 (a) The expenditure is provided for by an existing
 290 appropriation or program established by law. ~~and~~

291 (b) At the time settlement negotiations have begun in
 292 earnest, written notification is given to the President of the
 293 Senate, the Speaker of the House of Representatives, the Senate
 294 and House of Representatives minority leaders, the chairs of the
 295 appropriations committees of the Legislature, and the Attorney
 296 General.

297 (c) ~~(b)~~ Prior written notification is given at least within
 298 5 business days before ~~of~~ the date the settlement or
 299 presettlement agreement or order is to be made final to the
 300 President of the Senate, the Speaker of the House of
 301 Representatives, the Senate and House of Representatives
 302 minority leaders, the chairs of the appropriations committees of
 303 the Legislature, and the Attorney General. Such notification is
 304 a condition precedent to the agency's authority to enter into
 305 the settlement or presettlement agreement and shall be subject
 306 to the review and objection procedures of s. 216.177. Such

307 notification shall specify how the agency involved will address
 308 the costs in future years within the limits of current
 309 appropriations.

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

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

318 (2) The state executive branch agency or officer shall
 319 negotiate a closure date as soon as possible for the civil
 320 action.

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

324 (4) Any settlement that commits the state to spending in
 325 excess of current appropriations or to policy changes
 326 inconsistent with current state law shall be contingent upon and
 327 subject to legislative appropriation or statutory amendment. The
 328 state agency or officer may agree to use all efforts to procure
 329 legislative funding or statutory amendment.

330 (5) When a state agency or officer settles an action or
 331 legal claim in which the state asserted a right to recover
 332 money, all moneys paid to the state by a party in full or
 333 partial exchange for a release of the state's claim shall be
 334 placed unobligated into the General Revenue Fund or the

335 appropriate trust fund. A settlement may not authorize or ratify
 336 any payment outside the State Treasury other than to a person,
 337 as defined in s. 1.01, suffering an injury arising out of the
 338 transaction or course of conduct giving rise to the settled
 339 claim. This subsection shall not limit the right of a private
 340 party to settle a claim independent of the settlement by a
 341 public party.

342 (6)~~(5)~~ State executive branch agencies and officers shall
 343 report to each substantive and fiscal committee of the
 344 Legislature having jurisdiction over the reporting agency on all
 345 potential settlements that may commit the state to:

- 346 (a) Spend in excess of current appropriations; or
- 347 (b) Make policy changes inconsistent with current state
 348 law.

349
 350 The state executive branch agency or officer shall provide
 351 periodic updates to the appropriate legislative committees on
 352 these issues during the settlement process.

353 (7) In any civil action in which a state executive branch
 354 agency or officer is a party in state or federal court, the
 355 officer, agent, official, or attorney who represents or is
 356 acting on behalf of such agency or officer may not settle such
 357 action if the settlement requires the other party to commit
 358 funds to a particular purpose as a condition of the settlement,
 359 unless at least 5 business days before the date the settlement
 360 agreement is to be made final, written notice is given to the
 361 President of the Senate, the Speaker of the House of
 362 Representatives, the Senate and House of Representatives

363 minority leaders, the chairs of the appropriations committees of
 364 the Legislature, and the Attorney General. Such notification is
 365 a condition precedent to the agency's authority to enter into
 366 the settlement and is subject to the review and objection
 367 procedures of s. 216.177.

368 Section 5. Subsection (1) of section 110.1239, Florida
 369 Statutes, is amended to read:

370 110.1239 State group health insurance program funding.--It
 371 is the intent of the Legislature that the state group health
 372 insurance program be managed, administered, operated, and funded
 373 in such a manner as to maximize the protection of state employee
 374 health insurance benefits. Inherent in this intent is the
 375 recognition that the health insurance liabilities attributable
 376 to the benefits offered state employees should be fairly,
 377 orderly, and equitably funded. Accordingly:

378 (1) The division shall determine the level of premiums
 379 necessary to fully fund the state group health insurance program
 380 for the next fiscal year. Such determination shall be made after
 381 each Self-Insurance Estimating Conference as provided in s.
 382 216.136(9)~~(11)~~, but not later than December 1 and April 1 of
 383 each fiscal year.

384 Section 6. Paragraph (b) of subsection (1) of section
 385 110.1245, Florida Statutes, is amended to read:

386 110.1245 Savings sharing program; bonus payments; other
 387 awards.--

388 (1)

389 (b) Each agency head shall recommend employees
 390 individually or by group to be awarded an amount of money, which

391 amount shall be directly related to the cost savings realized.
 392 Each proposed award and amount of money must be approved by the
 393 Legislative Budget ~~Budgeting~~ Commission.

394 Section 7. Section 215.32, Florida Statutes, is amended to
 395 read:

396 215.32 State funds; segregation.--

397 (1) All moneys received by the state shall be deposited in
 398 the State Treasury unless specifically provided otherwise by law
 399 and shall be deposited in and accounted for by the Chief
 400 Financial Officer within the following funds, which funds are
 401 hereby created and established:

402 (a) General Revenue Fund.

403 (b) Trust funds.

404 ~~(c) Working Capital Fund.~~

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

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

408 (a) The General Revenue Fund shall consist of all moneys
 409 received by the state from every source whatsoever, except as
 410 provided in paragraphs (b) and (c). Such moneys shall be
 411 expended pursuant to General Revenue Fund appropriations acts,
 412 ~~or~~ transferred as provided in paragraph (c), or maintained as
 413 unallocated general revenue. Unallocated general revenue shall
 414 be considered the working capital balance of the state and shall
 415 consist of moneys in the General Revenue Fund that are in excess
 416 of the amount needed to meet General Revenue Fund appropriations
 417 for the current fiscal year. Annually, at least 5 percent of the
 418 ~~estimated increase in General Revenue Fund receipts for the~~

419 ~~upcoming fiscal year over the current year General Revenue Fund~~
 420 ~~effective appropriations shall be appropriated for state-level~~
 421 ~~capital outlay, including infrastructure improvement and general~~
 422 ~~renovation, maintenance, and repairs.~~

423 (b)1. The trust funds shall consist of moneys received by
 424 the state which under law or under trust agreement are
 425 segregated for a purpose authorized by law. The state agency or
 426 branch of state government receiving or collecting such moneys
 427 shall be responsible for their proper expenditure as provided by
 428 law. Upon the request of the state agency or branch of state
 429 government responsible for the administration of the trust fund,
 430 the Chief Financial Officer may establish accounts within the
 431 trust fund at a level considered necessary for proper
 432 accountability. Once an account is established within a trust
 433 fund, the Chief Financial Officer may authorize payment from
 434 that account only upon determining that there is sufficient cash
 435 and releases at the level of the account.

436 2. In addition to other trust funds created by law, to the
 437 extent possible, each agency shall use the following trust funds
 438 as described in this subparagraph for day-to-day operations:

439 a. Operations or operating trust fund, for use as a
 440 depository for funds to be used for program operations funded by
 441 program revenues, with the exception of administrative
 442 activities when the operations or operating trust fund is a
 443 proprietary fund.

444 b. Operations and maintenance trust fund, for use as a
 445 depository for client services funded by third-party payors.

446 c. Administrative trust fund, for use as a depository for
 447 funds to be used for management activities that are departmental
 448 in nature and funded by indirect cost earnings and assessments
 449 against trust funds. Proprietary funds are excluded from the
 450 requirement of using an administrative trust fund.

451 d. Grants and donations trust fund, for use as a
 452 depository for funds to be used for allowable grant or donor
 453 agreement activities funded by restricted contractual revenue
 454 from private and public nonfederal sources.

455 e. Agency working capital trust fund, for use as a
 456 depository for funds to be used pursuant to s. 216.272.

457 f. Clearing funds trust fund, for use as a depository for
 458 funds to account for collections pending distribution to lawful
 459 recipients.

460 g. Federal grant trust fund, for use as a depository for
 461 funds to be used for allowable grant activities funded by
 462 restricted program revenues from federal sources.

463
 464 To the extent possible, each agency must adjust its internal
 465 accounting to use existing trust funds consistent with the
 466 requirements of this subparagraph. If an agency does not have
 467 trust funds listed in this subparagraph and cannot make such
 468 adjustment, the agency must recommend the creation of the
 469 necessary trust funds to the Legislature no later than the next
 470 scheduled review of the agency's trust funds pursuant to s.
 471 215.3206.

472 3. All such moneys are hereby appropriated to be expended
 473 in accordance with the law or trust agreement under which they

474 were received, subject always to the provisions of chapter 216
475 relating to the appropriation of funds and to the applicable
476 laws relating to the deposit or expenditure of moneys in the
477 State Treasury.

478 4.a. Notwithstanding any provision of law restricting the
479 use of trust funds to specific purposes, unappropriated cash
480 balances from selected trust funds may be authorized by the
481 Legislature for transfer to the Budget Stabilization Fund and
482 General Revenue ~~Working Capital~~ Fund in the General
483 Appropriations Act.

484 b. This subparagraph does not apply to trust funds
485 required by federal programs or mandates; trust funds
486 established for bond covenants, indentures, or resolutions whose
487 revenues are legally pledged by the state or public body to meet
488 debt service or other financial requirements of any debt
489 obligations of the state or any public body; the State
490 Transportation Trust Fund; the trust fund containing the net
491 annual proceeds from the Florida Education Lotteries; the
492 Florida Retirement System Trust Fund; trust funds under the
493 management of the State Board of Education ~~Board of Regents~~,
494 where such trust funds are for auxiliary enterprises, self-
495 insurance, and contracts, grants, and donations, as those terms
496 are defined by general law; trust funds that serve as clearing
497 funds or accounts for the Chief Financial Officer or state
498 agencies; trust funds that account for assets held by the state
499 in a trustee capacity as an agent or fiduciary for individuals,
500 private organizations, or other governmental units; and other
501 trust funds authorized by the State Constitution.

502 (c)1. The Budget Stabilization Fund shall consist of
503 amounts equal to at least 5 percent of net revenue collections
504 for the General Revenue Fund during the last completed fiscal
505 year. The Budget Stabilization Fund's principal balance shall
506 not exceed an amount equal to 10 percent of the last completed
507 fiscal year's net revenue collections for the General Revenue
508 Fund. As used in this paragraph, the term "last completed fiscal
509 year" means the most recently completed fiscal year prior to the
510 regular legislative session at which the Legislature considers
511 the General Appropriations Act for the year in which the
512 transfer to the Budget Stabilization Fund must be made under
513 this paragraph.

514 2. By September 15 of each year, the Governor shall
515 authorize the Chief Financial Officer to transfer, and the Chief
516 Financial Officer shall transfer pursuant to appropriations made
517 by law, to the Budget Stabilization Fund the amount of money
518 needed for the balance of that fund to equal the amount
519 specified in subparagraph 1., less any amounts expended and not
520 restored. The moneys needed for this transfer may be
521 appropriated by the Legislature from any funds.

522 3. Unless otherwise provided in this subparagraph, an
523 expenditure from the Budget Stabilization Fund must be restored
524 pursuant to a restoration schedule that provides for making five
525 equal annual transfers from the General Revenue Fund, beginning
526 in the third fiscal year following that in which the expenditure
527 was made. For any Budget Stabilization Fund expenditure, the
528 Legislature may establish by law a different restoration
529 schedule and such change may be made at any time during the

530 restoration period. Moneys are hereby appropriated for transfers
 531 pursuant to this subparagraph.

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

536 5. The Chief Financial Officer and the Department of
 537 Management Services shall transfer funds to water management
 538 districts to pay eligible water management district employees
 539 for all benefits due under s. 373.6065, as long as funds remain
 540 available for the program described under s. 110.152 ~~100.152~~.

541 ~~(d) The Working Capital Fund shall consist of moneys in~~
 542 ~~the General Revenue Fund which are in excess of the amount~~
 543 ~~needed to meet General Revenue Fund appropriations for the~~
 544 ~~current fiscal year. Each year, no later than the publishing~~
 545 ~~date of the annual financial statements for the state by the~~
 546 ~~Chief Financial Officer under s. 216.102, funds shall be~~
 547 ~~transferred between the Working Capital Fund and the General~~
 548 ~~Revenue Fund to establish the balance of the Working Capital~~
 549 ~~Fund for that fiscal year at the amount determined pursuant to~~
 550 ~~this paragraph.~~

551 Section 8. Paragraphs (a) and (f) of subsection (5) of
 552 section 215.5601, Florida Statutes, are amended to read:

553 215.5601 Lawton Chiles Endowment Fund.--

554 (5) AVAILABILITY OF FUNDS; USES.--

555 (a) Funds from the endowment which are available for
 556 legislative appropriation shall be transferred by the board to
 557 the Department of Financial Services Tobacco Settlement Clearing

558 Trust Fund, created in s. 17.41, and disbursed in accordance
 559 with the legislative appropriation.

560 1. Appropriations by the Legislature to the Department of
 561 Health from endowment earnings from the principal set aside for
 562 biomedical research shall be from a category called the James
 563 and Esther King Biomedical Research Program and shall be
 564 deposited into the Biomedical Research Trust Fund in the
 565 Department of Health established in s. 20.435.

566 2. Appropriations by the Legislature to the Department of
 567 Children and Family Services, the Department of Health, or the
 568 Department of Elderly Affairs from endowment earnings for health
 569 and human services programs ~~shall be from a category called the~~
 570 ~~Lawton Chiles Endowment Fund Programs~~ and shall be deposited
 571 into each department's respective Tobacco Settlement Trust Fund
 572 as appropriated.

573 ~~(f) When advised by the Revenue Estimating Conference that~~
 574 ~~a deficit will occur with respect to the appropriations from the~~
 575 ~~tobacco settlement trust funds of the state agencies in any~~
 576 ~~fiscal year, the Governor shall develop a plan of action to~~
 577 ~~eliminate the deficit. Before implementing the plan of action,~~
 578 ~~the Governor must comply with s. 216.177(2). In developing the~~
 579 ~~plan of action, the Governor shall, to the extent possible,~~
 580 ~~preserve legislative policy and intent, and, absent any specific~~
 581 ~~directions to the contrary in the General Appropriations Act,~~
 582 ~~any reductions in appropriations from the tobacco settlement~~
 583 ~~trust funds of the state agencies for a fiscal year shall be~~
 584 ~~prorated among the specific appropriations made from all tobacco~~
 585 ~~settlement trust funds of the state agencies for that year.~~

586 Section 9. Subsection (3) of section 215.93, Florida
587 Statutes, is amended to read:
588 215.93 Florida Financial Management Information System.--
589 (3) The Florida Financial Management Information System
590 shall include financial management data and utilize the chart of
591 accounts approved by the Chief Financial Officer. Common
592 financial management data shall include, but not be limited to,
593 data codes, titles, and definitions used by one or more of the
594 functional owner subsystems. The Florida Financial Management
595 Information System shall utilize common financial management
596 data codes. The council shall recommend and the board shall
597 adopt policies regarding the approval and publication of the
598 financial management data. The Chief Financial Officer shall
599 adopt policies regarding the approval and publication of the
600 chart of accounts. The Chief Financial Officer's chart of
601 accounts shall be consistent with the common financial
602 management data codes established by the coordinating council.
603 Further, all systems not a part of the Florida Financial
604 Management Information System which provide information to the
605 system shall use the common data codes from the Florida
606 Financial Management Information System and the Chief Financial
607 Officer's chart of accounts. Data codes that cannot be supplied
608 by the Florida Financial Management Information System and the
609 Chief Financial Officer's chart of accounts and that are
610 required for use by the information subsystems shall be approved
611 by the board upon recommendation of the coordinating council.
612 ~~However, board approval shall not be required for those data~~

613 ~~codes specified by the Auditor General under the provisions of~~
 614 ~~s. 215.94(6)(e).~~

615 Section 10. Subsection (6) of section 215.94, Florida
 616 Statutes, is amended to read:

617 215.94 Designation, duties, and responsibilities of
 618 functional owners.--

619 (6)(a) Consistent with the provisions of s. 215.86, the
 620 respective functional owner of each information subsystem shall
 621 be responsible for ensuring ~~The Auditor General shall be advised~~
 622 ~~by the functional owner of each information subsystem as to the~~
 623 ~~date that the development or significant modification of its~~
 624 ~~functional system specifications is to begin.~~

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

628 1. The accounting information produced by the information
 629 subsystem adheres to generally accepted accounting principles.

630 2. The information subsystem contains the necessary
 631 controls to maintain its integrity, within acceptable limits and
 632 at an acceptable cost.

633 3. The information subsystem is auditable.

634 (b)(e) The Auditor General shall be advised by the
 635 functional owner of each information subsystem as to the date
 636 that the development or significant modification of its
 637 functional system specifications is to begin. The Auditor
 638 General shall provide technical advice, as allowed by
 639 professional auditing standards, on specific issues relating to
 640 the design, implementation, and operation of each information

641 subsystem ~~specify these additional features, characteristics,~~
 642 ~~controls, and internal control measures deemed necessary to~~
 643 ~~carry out the provisions of this subsection. Further, it shall~~
 644 ~~be the responsibility of each functional owner to ensure~~
 645 ~~installation and incorporation of such specified features,~~
 646 ~~characteristics, controls, and internal control measures within~~
 647 ~~each information subsystem.~~

648 Section 11. Section 215.97, Florida Statutes, is amended
 649 to read:

650 215.97 Florida Single Audit Act.--

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

652 (a) Establish uniform state audit requirements for state
 653 financial assistance provided by state agencies to nonstate
 654 entities to carry out state projects.

655 (b) Promote sound financial management, including
 656 effective internal controls, with respect to state financial
 657 assistance administered by nonstate entities.

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

661 (d) Provide for identification of state financial
 662 assistance transactions in the appropriations act, state
 663 accounting records, and recipient organization records.

664 (e) Promote improved coordination and cooperation within
 665 and between affected state agencies providing state financial
 666 assistance and nonstate entities receiving state assistance.

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

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

671 (a) "Audit threshold" means the threshold amount used to
 672 determine to use in determining when a state single audit or
 673 project-specific audit of a nonstate entity shall be conducted
 674 in accordance with this section. Each nonstate entity that
 675 expends a total amount of state financial assistance equal to or
 676 in excess of \$500,000 ~~\$300,000~~ in any fiscal year of such
 677 nonstate entity shall be required to have a state single audit,
 678 or a project-specific audit, for such fiscal year in accordance
 679 with the requirements of this section. Every 2 years the Auditor
 680 General, after consulting with the Executive Office of the
 681 Governor, the Department of Financial Services ~~Chief Financial~~
 682 ~~Officer,~~ and all state awarding agencies ~~that provide state~~
 683 ~~financial assistance to nonstate entities,~~ shall review the
 684 threshold amount for requiring audits under this section and may
 685 adjust such threshold ~~dollar~~ amount consistent with the purposes
 686 ~~purpose~~ of this section.

687 (b) "Auditing standards" means the auditing standards as
 688 stated in the rules of the Auditor General as applicable to for-
 689 profit organizations, nonprofit organizations, or local
 690 governmental entities.

691 (c) "Catalog of State Financial Assistance" means a
 692 comprehensive listing of state projects. The Catalog of State
 693 Financial Assistance shall be issued by the Department of
 694 Financial Services ~~Executive Office of the Governor~~ after

695 conferring with the Executive Office of the Governor ~~Chief~~
696 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~
697 ~~state financial assistance to nonstate entities~~. The Catalog of
698 State Financial Assistance shall include for each listed state
699 project: the responsible state awarding agency; standard state
700 project number identifier; official title; legal authorization;
701 and description of the state project, including objectives,
702 restrictions, application and awarding procedures, and other
703 relevant information determined necessary.

704 (d) "Coordinating agency" means the state awarding agency
705 that provides the predominant amount of state financial
706 assistance expended by a recipient, as determined by the
707 recipient's Schedule of Expenditures of State Financial
708 Assistance. To provide continuity, the determination of the
709 predominant amount of state financial assistance shall be based
710 upon state financial assistance expended in the recipient's
711 fiscal years ending in 2006, 2009, and 2012, and every third
712 year thereafter.

713 (e)~~(d)~~ "Financial reporting package" means the nonstate
714 entities' financial statements, Schedule of Expenditures of
715 State Financial Assistance, auditor's reports, management
716 letter, auditee's written responses or corrective action plan,
717 correspondence on followup of prior years' corrective actions
718 taken, and such other information determined by the Auditor
719 General to be necessary and consistent with the purposes of this
720 section.

721 (f)~~(e)~~ "Federal financial assistance" means financial
722 assistance from federal sources passed through the state and

723 provided to nonstate organizations ~~entities~~ to carry out a
 724 federal program. "Federal financial assistance" includes all
 725 types of federal assistance as defined in applicable United
 726 States Office of Management and Budget circulars.

727 (g)~~(f)~~ "For-profit organization" means any organization or
 728 sole proprietor that ~~but~~ is not a ~~local~~ governmental entity or a
 729 nonprofit organization.

730 (h)~~(g)~~ "Independent auditor" means an independent ~~external~~
 731 ~~state or local government auditor or a~~ certified public
 732 accountant licensed under chapter 473 ~~who meets the independence~~
 733 ~~standards.~~

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

- 738 1. Effectiveness and efficiency of operations.
- 739 2. Reliability of financial operations.
- 740 3. Compliance with applicable laws and regulations.

741 (j)~~(i)~~ "Local governmental entity" means a county as a
 742 whole ~~agency~~, municipality, or special district or any other
 743 entity excluding ~~(other than a district school board, charter~~
 744 school, or ~~community college)~~, or public university, however
 745 styled, which independently exercises any type of governmental
 746 function within the state.

747 (k)~~(j)~~ "Major state project" means any state project
 748 meeting the criteria as stated in the rules of the Department of
 749 Financial Services ~~Executive Office of the Governor~~. Such
 750 criteria shall be established after consultation with all ~~the~~

751 ~~Chief Financial Officer and appropriate~~ state awarding agencies
 752 ~~that provide state financial assistance~~ and shall consider the
 753 amount of state project expenditures and ~~or~~ expenses or inherent
 754 risks. Each major state project shall be audited in accordance
 755 with the requirements of this section.

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

- 758 1. Is operated primarily for scientific, educational
 759 service, charitable, or similar purpose in the public interest.;
- 760 2. Is not organized primarily for profit.;
- 761 3. Uses net proceeds to maintain, improve, or expand the
 762 operations of the organization.;~~and~~
- 763 4. Has no part of its income or profit distributable to
 764 its members, directors, or officers.

765 (m)~~(l)~~ "Nonstate entity" means a local governmental
 766 entity, nonprofit organization, or for-profit organization that
 767 receives state financial assistance ~~resources~~.

768 (n)~~(m)~~ "Recipient" means a nonstate entity that receives
 769 state financial assistance directly from a state awarding
 770 agency.

771 (o)~~(n)~~ "Schedule of Expenditures of State Financial
 772 Assistance" means a document prepared in accordance with the
 773 rules of the Department of Financial Services ~~Chief Financial~~
 774 ~~Officer~~ and included in each financial reporting package
 775 required by this section.

776 (p)~~(o)~~ "State awarding agency" means a the state agency,
 777 as defined in s. 216.011, that is primarily responsible for the
 778 operations and outcomes of a state project, regardless of the

779 state agency that actually provides ~~provided~~ state financial
 780 assistance to a ~~the~~ nonstate entity.

781 (q)(p) "State financial assistance" means ~~financial~~
 782 ~~assistance from~~ state resources, not including federal financial
 783 assistance and state matching on federal programs, provided to a
 784 nonstate entity ~~entities~~ to carry out a state project. "State
 785 financial assistance" includes the ~~all~~ types of state resources
 786 ~~assistance as~~ stated in the rules of the Department of Financial
 787 Services Executive Office of the Governor established in
 788 consultation with all ~~the~~ Chief Financial Officer and
 789 ~~appropriate~~ state awarding agencies ~~that provide state financial~~
 790 ~~assistance.~~ It includes State financial assistance may be
 791 provided directly by state awarding agencies or indirectly by
 792 nonstate entities ~~recipients of state awards or subrecipients.~~
 793 "State financial assistance" ~~It~~ does not include procurement
 794 contracts used to buy goods or services from vendors and. ~~Audits~~
 795 ~~of such procurement contracts with vendors are outside of the~~
 796 ~~scope of this section.~~ Also, ~~audits of~~ contracts to operate
 797 state-owned ~~state government-owned~~ and contractor-operated
 798 facilities ~~are excluded from the audit requirements of this~~
 799 ~~section.~~

800 (r)(q) "State matching" means state resources provided to
 801 a nonstate entity ~~entities to be used~~ to meet federal financial
 802 participation matching requirements ~~of federal programs.~~

803 (s) "State program" means a set of special-purpose
 804 activities undertaken to realize identifiable goals and
 805 objectives in order to achieve a state agency's mission and
 806 legislative intent requiring accountability for state resources.

807 ~~(t)(r)~~ "State project" means a state program that provides
808 ~~all~~ state financial assistance to a nonstate organization and
809 that must be ~~entity~~ assigned a ~~single~~ state project number
810 identifier in the Catalog of State Financial Assistance.

811 ~~(u)(s)~~ "State Projects Compliance Supplement" means a
812 document issued by the Department of Financial Services
813 ~~Executive Office of the Governor~~, in consultation with ~~the Chief~~
814 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~
815 ~~state financial assistance~~. The State Projects Compliance
816 Supplement shall identify state projects, the significant
817 compliance requirements, eligibility requirements, matching
818 requirements, suggested audit procedures, and other relevant
819 information determined necessary.

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

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

827 ~~(x)(v)~~ "Subrecipient" means a nonstate entity that
828 receives state financial assistance through another nonstate
829 entity.

830 ~~(y)(w)~~ "Vendor" means a dealer, distributor, merchant, or
831 other seller providing goods or services that are required for
832 the conduct of a state project. These goods or services may be
833 for an organization's own use or for the use of beneficiaries of
834 the state project.

835 (3) The Executive Office of the Governor is responsible
 836 for notifying the Department of Financial Services of any
 837 actions during the budgetary process that impact the Catalog of
 838 State Financial Assistance. ~~shall:~~

839 ~~(a) Upon conferring with the Chief Financial Officer and~~
 840 ~~all state awarding agencies, adopt rules necessary to provide~~
 841 ~~appropriate guidance to state awarding agencies, recipients and~~
 842 ~~subrecipients, and independent auditors of state financial~~
 843 ~~assistance relating to the requirements of this section,~~
 844 ~~including:~~

845 ~~1. The types or classes of financial assistance considered~~
 846 ~~to be state financial assistance which would be subject to the~~
 847 ~~requirements of this section. This would include guidance to~~
 848 ~~assist in identifying when the state agency or recipient has~~
 849 ~~contracted with a vendor rather than with a recipient or~~
 850 ~~subrecipient.~~

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

852 ~~3. The criteria for selecting state projects for audits~~
 853 ~~based on inherent risk.~~

854 ~~(b) Be responsible for coordinating the initial~~
 855 ~~preparation and subsequent revisions of the Catalog of State~~
 856 ~~Financial Assistance after consultation with the Chief Financial~~
 857 ~~Officer and all state awarding agencies.~~

858 ~~(c) Be responsible for coordinating the initial~~
 859 ~~preparation and subsequent revisions of the State Projects~~
 860 ~~Compliance Supplement, after consultation with the Chief~~
 861 ~~Financial Officer and all state awarding agencies.~~

862 (4) The Department of Financial Services ~~Chief Financial~~
 863 ~~Officer~~ shall:

864 (a) Upon conferring with the Executive Office of the
 865 Governor and all state awarding agencies, adopt rules necessary
 866 to provide appropriate guidance to state awarding agencies,
 867 nonstate entities, and independent auditors of state financial
 868 assistance relating to the requirements of this section,
 869 including:

870 1. The types or classes of state resources considered to
 871 be state financial assistance that would be subject to the
 872 requirements of this section. This would include guidance to
 873 assist in identifying when the state awarding agency or a
 874 nonstate entity has contracted with a vendor rather than with a
 875 recipient or subrecipient.

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

877 3. The criteria for selecting state projects for audits
 878 based on inherent risk.

879 (b) Be responsible for coordinating revisions to the
 880 Catalog of State Financial Assistance after consultation with
 881 the Executive Office of the Governor and all state awarding
 882 agencies.

883 (c) Be responsible for coordinating with the Executive
 884 Office of the Governor actions affecting the budgetary process
 885 under paragraph (b).

886 (d) Be responsible for coordinating revisions to the State
 887 Projects Compliance Supplement, after consultation with the
 888 Executive Office of the Governor and all state awarding
 889 agencies.

890 (e)~~(a)~~ Make enhancements to the state's accounting system
891 to provide for the:

892 1. Recording of state financial assistance and federal
893 financial assistance appropriations and expenditures within the
894 state awarding agencies' operating funds.

895 2. Recording of state project number identifiers, as
896 provided in the Catalog of State Financial Assistance, for state
897 financial assistance.

898 3. Establishment and recording of an identification code
899 for each financial transaction, including awarding state
900 agencies' disbursements of state financial assistance and
901 federal financial assistance, as to the corresponding type or
902 organization that is party to the transaction (e.g., other
903 governmental agencies, nonprofit organizations, and for-profit
904 organizations), and disbursements of federal financial
905 assistance, as to whether the party to the transaction is or is
906 not a nonstate entity recipient or subrecipient.

907 (f)~~(b)~~ Upon conferring with the Executive Office of the
908 Governor and all state awarding agencies, adopt rules necessary
909 to provide appropriate guidance to state awarding agencies,
910 nonstate entities recipients and subrecipients, and independent
911 auditors of state financial assistance relating to the format
912 for the Schedule of Expenditures of State Financial Assistance.

913 (g)~~(e)~~ Perform any inspections, reviews, investigations,
914 or audits of state financial assistance considered necessary in
915 carrying out the Department of Financial Services' Chief
916 Financial Officer's legal responsibilities for state financial
917 assistance or to comply with the requirements of this section.

918 (5) Each state awarding agency shall:

919 (a) Provide to each a recipient information needed by the

920 recipient to comply with the requirements of this section,

921 including:

922 1. The audit and accountability requirements for state

923 projects as stated in this section and applicable ~~rules of the~~

924 ~~Executive Office of the Governor~~, rules of the Department of

925 Financial Services ~~Chief Financial Officer~~, and rules of the

926 Auditor General.

927 2. Information from the Catalog of State Financial

928 Assistance, including the standard state project number

929 identifier; official title; legal authorization; and description

930 of the state project including objectives, restrictions, and

931 other relevant information determined necessary.

932 3. Information from the State Projects Compliance

933 Supplement, including the significant compliance requirements,

934 eligibility requirements, matching requirements, suggested audit

935 procedures, and other relevant information determined necessary.

936 (b) Require the recipient, as a condition of receiving

937 state financial assistance, to allow the state awarding agency,

938 the Department of Financial Services ~~Chief Financial Officer~~,

939 and the Auditor General access to the recipient's records and

940 the recipient's independent auditor's working papers as

941 necessary for complying with the requirements of this section.

942 (c) Notify the recipient that this section does not limit

943 the authority of the state awarding agency to conduct or arrange

944 for the conduct of additional audits or evaluations of state

945 financial assistance or limit the authority of any state

946 awarding agency inspector general, the Auditor General, or any
 947 other state official.

948 (d) Be provided one copy of each financial reporting
 949 package prepared in accordance with the requirement of this
 950 section.

951 (e) Review the recipient's ~~recipient~~ financial reporting
 952 package, including the management letters and corrective action
 953 plans, to the extent necessary to determine whether timely and
 954 appropriate corrective action has been taken with respect to
 955 audit findings and recommendations pertaining to state financial
 956 assistance that are specific to ~~provided by~~ the state awarding
 957 agency.

958 (f) Designate within the state awarding agency an
 959 organizational unit that will be responsible for reviewing
 960 financial reporting packages pursuant to paragraph (e).

961
 962 If the state awarding agency is not the coordinating agency as
 963 defined in paragraph (2)(d), the state awarding agency's
 964 designated organizational unit shall communicate to the
 965 coordinating agency the state awarding agency's approval of the
 966 recipient's corrective action plan with respect to findings and
 967 recommendations that are not specific to the state awarding
 968 agency.

969 (6) Each coordinating agency shall:

970 (a) Review the recipient's financial reporting package,
 971 including the management letter and corrective action plan, to
 972 identify audit findings and recommendations that affect state
 973 financial assistance that are not specific to a particular state

974 awarding agency.

975 (b) For any findings and recommendations identified
 976 pursuant to paragraph (a):

977 1. Determine whether timely and appropriate corrective
 978 action has been taken.

979 2. Promptly inform the state awarding agency, as provided
 980 in paragraph (5)(f), of actions taken by the recipient to comply
 981 with the approved corrective action plan.

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

984 (7)(6) As a condition of receiving state financial
 985 assistance, each nonstate entity recipient that provides state
 986 financial assistance to a subrecipient shall:

987 (a) Provide to each a subrecipient information needed by
 988 the subrecipient to comply with the requirements of this
 989 section, including:

990 1. Identification of the state awarding agency.

991 2. The audit and accountability requirements for state
 992 projects as stated in this section and applicable ~~rules of the~~
 993 ~~Executive Office of the Governor,~~ rules of the Department of
 994 Financial Services ~~Chief Financial Officer,~~ and rules of the
 995 Auditor General.

996 3. Information from the Catalog of State Financial
 997 Assistance, including the standard state project number
 998 identifier; official title; legal authorization; and description
 999 of the state project, including objectives, restrictions, and
 1000 other relevant information.

1001 4. Information from the State Projects Compliance
 1002 Supplement including the significant compliance requirements,
 1003 eligibility requirements, matching requirements, and suggested
 1004 audit procedures, and other relevant information determined
 1005 necessary.

1006 (b) Review the financial reporting package of the
 1007 subrecipient ~~audit reports~~, including the management letter and
 1008 corrective action plan letters, to the extent necessary to
 1009 determine whether timely and appropriate corrective action has
 1010 been taken with respect to audit findings and recommendations
 1011 pertaining to state financial assistance provided by a the state
 1012 awarding agency or nonstate entity.

1013 (c) Perform any such other procedures ~~as~~ specified in
 1014 terms and conditions of the written agreement with the state
 1015 awarding agency or nonstate entity, including any required
 1016 monitoring of the subrecipient's use of state financial
 1017 assistance through onsite visits, limited scope audits, or other
 1018 specified procedures.

1019 (d) Require subrecipients, as a condition of receiving
 1020 state financial assistance, to permit the independent auditor of
 1021 the nonstate entity recipient, the state awarding agency, the
 1022 Department of Financial Services Chief Financial Officer, and
 1023 the Auditor General access to the subrecipient's records and the
 1024 subrecipient's independent auditor's working papers as necessary
 1025 to comply with the requirements of this section.

1026 ~~(8)(7)~~ Each recipient or subrecipient of state financial
 1027 assistance shall comply with the following:

1028 (a) Each nonstate entity that ~~receives state financial~~
 1029 ~~assistance and~~ meets the audit threshold requirements, in any
 1030 fiscal year of the nonstate entity, ~~as~~ stated in the rules of
 1031 the Auditor General, shall have a state single audit conducted
 1032 for such fiscal year in accordance with the requirements of this
 1033 act and with additional requirements established in ~~rules of the~~
 1034 ~~Executive Office of the Governor,~~ rules of the Department of
 1035 Financial Services Chief Financial Officer, and rules of the
 1036 Auditor General. If only one state project is involved in a
 1037 nonstate entity's fiscal year, the nonstate entity may elect to
 1038 have only a state project-specific audit ~~of the state project~~
 1039 ~~for that fiscal year.~~

1040 (b) Each nonstate entity that ~~receives state financial~~
 1041 ~~assistance and~~ does not meet the audit threshold requirements,
 1042 in any fiscal year of the nonstate entity, ~~as~~ stated in this law
 1043 or the rules of the Auditor General is exempt for such fiscal
 1044 year from the state single audit requirements of this section.
 1045 However, such nonstate entity must meet terms and conditions
 1046 specified in the written agreement with the state awarding
 1047 agency or nonstate entity.

1048 (c) If a nonstate entity has extremely limited or no
 1049 required activities related to the administration of a state
 1050 project, and only acts as a conduit of state financial
 1051 assistance, none of the requirements of this section apply to
 1052 the conduit nonstate entity. However, the nonstate entity that
 1053 is provided state financial assistance by the conduit nonstate
 1054 entity is subject to the requirements of this section.

1055 (d)~~(e)~~ Regardless of the amount of the state financial
 1056 assistance, ~~the provisions of this section~~ does ~~de~~ not exempt a
 1057 nonstate entity from compliance with provisions of law relating
 1058 to maintaining records concerning state financial assistance to
 1059 such nonstate entity or allowing access and examination of those
 1060 records by the state awarding agency, the nonstate entity, the
 1061 Department of Financial Services Chief Financial Officer, or the
 1062 Auditor General.

1063 (e)~~(d)~~ Audits conducted pursuant to this section shall be
 1064 performed annually.

1065 (f)~~(e)~~ Audits conducted pursuant to this section shall be
 1066 conducted by independent auditors in accordance with auditing
 1067 standards ~~as~~ stated in rules of the Auditor General.

1068 (g)~~(f)~~ Upon completion of the audit ~~as~~ required by this
 1069 section, a copy of the recipient's financial reporting package
 1070 shall be filed with the state awarding agency and the Auditor
 1071 General. Upon completion of the audit ~~as~~ required by this
 1072 section, a copy of the subrecipient's financial reporting
 1073 package shall be filed with the nonstate entity recipient that
 1074 provided the state financial assistance and the Auditor General.
 1075 The financial reporting package shall be filed in accordance
 1076 with the rules of the Auditor General.

1077 (h)~~(g)~~ All financial reporting packages prepared pursuant
 1078 to ~~the requirements of~~ this section shall be available for
 1079 public inspection.

1080 (i)~~(h)~~ If an audit conducted pursuant to this section
 1081 discloses any significant audit findings relating to state
 1082 financial assistance, including material noncompliance with

1083 individual state project compliance requirements or reportable
 1084 conditions in internal controls of the nonstate entity, the
 1085 nonstate entity shall submit as part of the financial reporting
 1086 ~~audit~~ package to the state awarding agency or nonstate entity a
 1087 plan for corrective action to eliminate such audit findings or a
 1088 statement describing the reasons that corrective action is not
 1089 necessary.

1090 (j)~~(i)~~ An audit conducted in accordance with this section
 1091 is in addition to any audit of federal awards required by the
 1092 federal Single Audit Act and other federal laws and regulations.
 1093 To the extent that such federally required audits provide the
 1094 state awarding agency or nonstate entity with information it
 1095 requires to carry out its responsibilities under state law or
 1096 other guidance, the a state awarding agency or nonstate entity
 1097 shall rely upon and use that information.

1098 (k)~~(j)~~ Unless prohibited by law, the costs ~~cost~~ of audits
 1099 pursuant to this section are ~~is~~ allowable charges to state
 1100 projects. However, any charges to state projects should be
 1101 limited to those incremental costs incurred as a result of the
 1102 audit requirements of this section in relation to other audit
 1103 requirements. The nonstate entity should allocate such
 1104 incremental costs to all state projects for which it expended
 1105 state financial assistance.

1106 (l)~~(k)~~ Audit costs may not be charged to state projects
 1107 when audits required by this section have not been made or have
 1108 been made but not in accordance with this section. If a nonstate
 1109 entity fails to have an audit conducted consistent with this

1110 section, a state awarding agency or nonstate entity ~~agencies~~ may
 1111 take appropriate corrective action to enforce compliance.

1112 ~~(m)(1)~~ This section does not prohibit the state awarding
 1113 agency or nonstate entity from including terms and conditions in
 1114 the written agreement which require additional assurances that
 1115 state financial assistance meets the applicable requirements of
 1116 laws, regulations, and other compliance rules.

1117 ~~(n)(m)~~ A state awarding agency or nonstate entity that
 1118 ~~provides state financial assistance to nonstate entities and~~
 1119 conducts or arranges for audits of state financial assistance
 1120 that are in addition to the audits conducted under this act,
 1121 including audits of nonstate entities that do not meet the audit
 1122 threshold requirements, shall, consistent with other applicable
 1123 law, arrange for funding the full cost of such additional
 1124 audits.

1125 ~~(9)(8)~~ The independent auditor when conducting a state
 1126 single audit of a nonstate entity ~~recipients or subrecipients~~
 1127 shall:

1128 (a) Determine whether the nonstate entity's financial
 1129 statements are presented fairly in all material respects in
 1130 conformity with generally accepted accounting principles.

1131 (b) Determine whether state financial assistance shown on
 1132 the Schedule of Expenditures of State Financial Assistance is
 1133 presented fairly in all material respects in relation to the
 1134 nonstate entity's financial statements taken as a whole.

1135 (c) With respect to internal controls pertaining to each
 1136 major state project:

1137 1. Obtain an understanding of internal controls. +

1138 2. Assess control risk.~~;~~

1139 3. Perform tests of controls unless the controls are

1140 deemed to be ineffective.~~;~~ ~~and~~

1141 4. Determine whether the nonstate entity has internal

1142 controls in place to provide reasonable assurance of compliance

1143 with the provisions of laws and rules pertaining to state

1144 financial assistance that have a material effect on each major

1145 state project.

1146 (d) Determine whether each major state project complied

1147 with the provisions of laws, rules, and guidelines as identified

1148 in the State Projects Compliance Supplement, or otherwise

1149 identified by the state awarding agency, which have a material

1150 effect on each major state project. When major state projects

1151 are less than 50 percent of the nonstate entity's total

1152 expenditures for all state financial assistance, the auditor

1153 shall select and test additional state projects as major state

1154 projects as necessary to achieve audit coverage of at least 50

1155 percent of the expenditures for all state financial assistance

1156 provided to the nonstate entity. Additional state projects

1157 needed to meet the 50-percent requirement may be selected on an

1158 inherent risk basis as stated in the rules of the Department of

1159 Financial Services ~~Executive Office of the Governor~~.

1160 (e) Report on the results of any audit conducted pursuant

1161 to this section in accordance with the ~~rules of the Executive~~

1162 ~~Office of the Governor~~, rules of the Department of Financial

1163 Services ~~Chief Financial Officer~~, and rules of the Auditor

1164 General. Financial reporting packages shall ~~Audit reports shall~~

1165 include summaries of the auditor's results regarding the

1166 nonstate entity's financial statements; Schedule of Expenditures
 1167 of State Financial Assistance; internal controls; and compliance
 1168 with laws, rules, and guidelines.

1169 (f) Issue a management letter as prescribed in the rules
 1170 of the Auditor General.

1171 (g) Upon notification by the nonstate entity, make
 1172 available the working papers relating to the audit conducted
 1173 pursuant to ~~the requirements of~~ this section to the state
 1174 awarding agency, the Department of Financial Services Chief
 1175 Financial Officer, or the Auditor General for review or copying.

1176 ~~(10)(9)~~ The independent auditor, when conducting a state
 1177 project-specific audit of a nonstate entity recipients or
 1178 subrecipients, shall:

1179 (a) Determine whether the nonstate entity's schedule of
 1180 Expenditure of State Financial Assistance is presented fairly in
 1181 all material respects in conformity with stated accounting
 1182 policies.

1183 (b) Obtain an understanding of internal controls ~~control~~
 1184 and perform tests of internal controls ~~control~~ over the state
 1185 project consistent with the requirements of a major state
 1186 project.

1187 (c) Determine whether or not the auditee has complied with
 1188 applicable provisions of laws, rules, and guidelines ~~as~~
 1189 identified in the State Projects Compliance Supplement, or
 1190 otherwise identified by the state awarding agency, which could
 1191 have a direct and material effect on the state project.

1192 (d) Report on the results of the ~~a~~ state project-specific
 1193 audit consistent with the requirements of the state single audit

1194 and issue a management letter as prescribed in the rules of the
 1195 Auditor General.

1196 (e) Upon notification by the nonstate entity, make
 1197 available the working papers relating to the audit conducted
 1198 pursuant to ~~the requirements of~~ this section to the state
 1199 awarding agency, the Department of Financial Services ~~Chief~~
 1200 ~~Financial Officer~~, or the Auditor General for review or copying.

1201 (11)~~(10)~~ The Auditor General shall:

1202 (a) Have the authority to audit state financial assistance
 1203 provided to any nonstate entity when determined necessary by the
 1204 Auditor General or when directed by the Legislative Auditing
 1205 Committee.

1206 (b) Adopt rules that state the auditing standards that
 1207 independent auditors are to follow for audits of nonstate
 1208 entities required by this section.

1209 (c) Adopt rules that describe the contents and the filing
 1210 deadlines for the financial reporting package.

1211 (d) Provide technical advice upon request of the
 1212 Department of Financial Services ~~Chief Financial Officer,~~
 1213 ~~Executive Office of the Governor,~~ and state awarding agencies
 1214 relating to financial reporting and audit responsibilities
 1215 contained in this section.

1216 (e) Be provided one copy of each financial reporting
 1217 package prepared in accordance with ~~the requirements of~~ this
 1218 section.

1219 (f) Perform ongoing reviews of a sample of financial
 1220 reporting packages filed pursuant to ~~the requirements of~~ this
 1221 section to determine compliance with the reporting requirements

1222 of this section and applicable ~~rules of the Executive Office of~~
 1223 ~~the Governor,~~ rules of the Department of Financial Services
 1224 ~~Chief Financial Officer,~~ and rules of the Auditor General.

1225 Section 12. Paragraphs (a), (b), (n), (gg), (hh), and (jj)
 1226 of subsection (1) of section 216.011, Florida Statutes, are
 1227 amended, paragraph (rr) is added to said subsection, and
 1228 paragraph (c) is added to subsection (3) of said section, to
 1229 read:

1230 216.011 Definitions.--

1231 (1) For the purpose of fiscal affairs of the state,
 1232 appropriations acts, legislative budgets, and approved budgets,
 1233 each of the following terms has the meaning indicated:

1234 (a) "Annual salary rate" means the monetary compensation
 1235 authorized to be paid a position on an annualized basis. The
 1236 term does not include moneys authorized for benefits associated
 1237 with the position. ~~In calculating salary rate, a vacant position~~
 1238 ~~shall be calculated at the minimum of the pay grade for that~~
 1239 ~~position.~~

1240 (b) "Appropriation" means a legal authorization to make
 1241 expenditures for specific purposes within the amounts authorized
 1242 by law ~~in the appropriations act.~~

1243 (n) "Expense" means the appropriation category used to
 1244 fund the usual, ordinary, and incidental expenditures by an
 1245 agency or the judicial branch, including such items as
 1246 ~~contractual services,~~ commodities, and supplies of a consumable
 1247 nature, current obligations, and fixed charges, and excluding
 1248 expenditures classified as operating capital outlay. Payments to

1249 other funds or local, state, or federal agencies may be included
 1250 in this category.

1251 (gg) "Mandatory reserve" means the reduction of an
 1252 appropriation by the Governor or the Legislative Budget
 1253 Commission due to an anticipated deficit in a fund, pursuant to
 1254 s. 216.221. Action may not be taken to restore a mandatory
 1255 reserve either directly or indirectly. ~~"Performance-based~~
 1256 ~~program appropriation" means the appropriation category used to~~
 1257 ~~fund a specific set of activities or classification of~~
 1258 ~~expenditure within an approved performance-based program.~~

1259 (hh) "Budget reserve" means the withholding of an
 1260 appropriation, or portion thereof, as authorized by the
 1261 Legislature. The need for a budget reserve may exist until
 1262 certain conditions set by the Legislature are met by the
 1263 affected agency, or such need may exist due to financial or
 1264 program changes that have occurred since, and were unforeseen at
 1265 the time of, passage of the General Appropriations Act.

1266 ~~"Performance-based program budget" means a budget that~~
 1267 ~~incorporates approved programs and performance measures.~~

1268 (jj) "Program" means a set of services and activities
 1269 undertaken in accordance with a plan of action organized to
 1270 realize identifiable goals and objectives based on legislative
 1271 authorization.

1272 (rr) "Activity" means a unit of work that has identifiable
 1273 starting and ending points, consumes resources, and produces
 1274 outputs.

1275 (3) For purposes of this chapter, the term:

1276 (c) "Statutorily authorized entity" means any entity

1277 primarily acting as an instrumentality of the state, any
 1278 regulatory or governing body, or any other governmental or
 1279 quasi-governmental organization that receives, disburses,
 1280 expends, administers, awards, recommends expenditure of,
 1281 handles, manages, or has custody or control of funds
 1282 appropriated by the Legislature and:

1283 1. Is created, organized, or specifically authorized to be
 1284 created or established by general law; or

1285 2. Assists a department, as defined in s. 20.03(2), or
 1286 other unit of state government in providing programs or services
 1287 on a statewide basis with a statewide service area or
 1288 population.

1289 Section 13. Section 216.013, Florida Statutes, is amended
 1290 to read:

1291 216.013 Long-range program plan.--

1292 ~~(1)~~ State agencies and the judicial branch shall develop
 1293 long-range program plans to achieve state goals using an
 1294 interagency planning process that includes the development of
 1295 integrated agency program service outcomes. The plans shall be
 1296 policy based, priority driven, accountable, and developed
 1297 through careful examination and justification of all agency and
 1298 judicial branch programs. ~~The plan shall cover a period of 5~~
 1299 ~~fiscal years and shall become effective July 1 each year.~~

1300 (1) Long-range program plans shall provide the framework
 1301 for the development of ~~agency~~ budget requests and shall identify
 1302 or update:

1303 (a) The mission of the agency or judicial branch.

1304 (b) The goals established to accomplish the mission.

1305 (c) The objectives developed to achieve state goals.
 1306 (d) The trends and conditions relevant to the mission,
 1307 goals, and objectives.
 1308 ~~(e)(a) Identify agency programs and address how agency~~ The
 1309 agency or judicial branch programs ~~that~~ will be used to
 1310 implement state policy and achieve state goals and ~~program~~
 1311 ~~component objectives.~~ ;
 1312 (f) The program outcomes and standards to measure progress
 1313 toward program objectives.
 1314 ~~(b) Identify and describe agency functions and how they~~
 1315 ~~will be used to achieve designated outcomes;~~
 1316 ~~(c) Identify demand, output, total costs, and unit costs~~
 1317 ~~for each function;~~
 1318 (g)(d) Provide Information regarding performance
 1319 measurement, which includes, but is not limited to, how data is
 1320 collected, the methodology used to measure a performance
 1321 indicator, the validity and reliability of a measure, the
 1322 appropriateness of a measure, and whether, in the case of
 1323 agencies, the agency inspector general has assessed the
 1324 reliability and validity of agency performance measures,
 1325 pursuant to s. 20.055(2). ;
 1326 ~~(e) Identify and justify facility and fixed capital outlay~~
 1327 ~~projects and their associated costs; and~~
 1328 ~~(f) Identify and justify information technology~~
 1329 ~~infrastructure and applications and their associated costs for~~
 1330 ~~information technology projects or initiatives.~~
 1331 ~~(2) All agency functions and their costs shall be~~
 1332 ~~carefully evaluated and justified by the agency. The~~

1333 ~~justification must clearly demonstrate the needs of agency~~
 1334 ~~customers and clients and why the agency is proposing functions~~
 1335 ~~and their associated costs to address the needs based on state~~
 1336 ~~priorities, the agency mission, and legislative authorization.~~
 1337 ~~Further, the justification must show how agency functions are~~
 1338 ~~integrated and contribute to the overall achievement of state~~
 1339 ~~goals. Facilities, fixed capital outlay and information~~
 1340 ~~technology infrastructure, and applications shall be evaluated~~
 1341 ~~pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.~~

1342 (2) Each long-range program plan shall cover a period of 5
 1343 fiscal years, be revised annually, and remain in effect until
 1344 replaced or revised.

1345 (3) Long-range program plans or revisions shall be
 1346 presented by state agencies and the judicial branch in a form,
 1347 manner, and timeframe prescribed in written instructions
 1348 prepared by ~~submitted to~~ the Executive Office of the Governor in
 1349 consultation with ~~by August 1 of each year in a form and manner~~
 1350 ~~prescribed by the Executive Office of the Governor and the~~
 1351 ~~chairs of the legislative appropriations committees. Such long-~~
 1352 ~~range program plans for the Judicial Branch shall be submitted~~
 1353 ~~by the Chief Justice of the Supreme Court to the President of~~
 1354 ~~the Senate and the Speaker of the House of Representatives, and~~
 1355 ~~a copy shall be provided to the Executive Office of the~~
 1356 ~~Governor.~~

1357 ~~(4) The Executive Office of the Governor shall review the~~
 1358 ~~long-range program plans for executive agencies to ensure that~~
 1359 ~~they are consistent with the state's goals and objectives and~~
 1360 ~~other requirements as specified in the written instructions and~~

1361 ~~that they provide the framework and context for the agency's~~
 1362 ~~budget request.~~

1363 ~~(5) Executive agencies shall incorporate all revisions~~
 1364 ~~required by the Governor within 14 working days.~~

1365 ~~(6) Any differences between executive agencies regarding~~
 1366 ~~the programs, policies, or long-range program plans of such~~
 1367 ~~agencies shall be mediated by the Executive Office of the~~
 1368 ~~Governor.~~

1369 ~~(4)(7) Each state executive agency and the judicial branch~~
 1370 ~~shall post their long-range program plan on their Internet~~
 1371 ~~website transmit copies of its long-range program plan and all~~
 1372 ~~written comments on its plan to the President of the Senate and~~
 1373 ~~the Speaker of the House of Representatives not later than~~
 1374 ~~September 30th of each year, and provide written notice to the~~
 1375 ~~Governor and the Legislature that the plans have been posted 60~~
 1376 ~~days prior to the next regular session of the Legislature.~~

1377 ~~(8) Long-range program plans developed pursuant to this~~
 1378 ~~chapter are not rules and therefore are not subject to the~~
 1379 ~~provisions of chapter 120.~~

1380 ~~(5)(9) Following the adoption of the annual General~~
 1381 ~~Appropriations Act, the state agencies and the judicial branch~~
 1382 ~~shall make appropriate adjustments to their long-range program~~
 1383 ~~plans to be consistent with the appropriations and performance~~
 1384 ~~measures in the General Appropriations Act and legislation~~
 1385 ~~implementing the General Appropriations Act. Agencies and the~~
 1386 ~~judicial branch have until June 30 ~~15~~ to make adjustments to~~
 1387 ~~their plans as posted on their Internet websites and submit the~~

1388 ~~adjusted plans to the Executive Office of the Governor for~~
 1389 ~~review.~~

1390 (6) Long-range program plans developed pursuant to this
 1391 chapter are not rules and therefore are not subject to the
 1392 provisions of chapter 120.

1393 Section 14. Section 216.023, Florida Statutes, is amended
 1394 to read:

1395 216.023 Legislative budget requests to be furnished to
 1396 Legislature by agencies.--

1397 (1) The head of each state agency, except as provided in
 1398 subsection (2), shall submit a final legislative budget request
 1399 to the Legislature and to the Governor, as chief budget officer
 1400 of the state, in the form and manner prescribed in the budget
 1401 instructions and at such time as specified by the Executive
 1402 Office of the Governor, based on the agency's independent
 1403 judgment of its needs. However, a ~~no~~ state agency may not ~~shall~~
 1404 submit its complete legislative budget request, including all
 1405 supporting forms and schedules required by this chapter, later
 1406 than September 15 of each year unless an alternative date is
 1407 approved by the Governor and the chairs of the legislative
 1408 appropriations committees.

1409 (2) The judicial branch and the Division of Administrative
 1410 Hearings shall submit their complete legislative budget requests
 1411 directly to the Legislature with a copy to the Governor, as
 1412 chief budget officer of the state, in the form and manner as
 1413 prescribed in the budget instructions. However, the complete
 1414 legislative budget requests, including all supporting forms and
 1415 schedules required by this chapter, shall be submitted no later

1416 | than September 15 of each year unless an alternative date is
 1417 | approved by the Governor and the chairs of the legislative
 1418 | appropriations committees.

1419 | (3) The Executive Office of the Governor and the
 1420 | appropriations committees of the Legislature shall jointly
 1421 | develop legislative budget instructions for preparing the
 1422 | exhibits and schedules that make up the agency budget from which
 1423 | each agency and the judicial branch shall prepare their budget
 1424 | request. The budget instructions shall be consistent with s.
 1425 | 216.141 and shall be transmitted to each agency and to the
 1426 | judicial branch no later than June 15 of each year unless an
 1427 | alternative date is approved by the Governor and the chairs of
 1428 | the legislative appropriations committees. In the event that
 1429 | agreement cannot be reached between the Executive Office of the
 1430 | Governor and the appropriations committees of the Legislature
 1431 | regarding legislative budget instructions, the issue shall be
 1432 | resolved by the Governor, the President of the Senate, and the
 1433 | Speaker of the House of Representatives.

1434 | (4)(a) The legislative budget request must contain for
 1435 | each program:

1436 | 1. The constitutional or statutory authority for a
 1437 | program, a brief purpose statement, and approved program
 1438 | components.

1439 | 2. Information on expenditures for 3 fiscal years (actual
 1440 | prior-year expenditures, current-year estimated expenditures,
 1441 | and agency budget requested expenditures for the next fiscal
 1442 | year) by appropriation category.

1443 | 3. Details on trust funds and fees.

1444 4. The total number of positions (authorized, fixed, and
1445 requested).

1446 5. An issue narrative describing and justifying changes in
1447 amounts and positions requested for current and proposed
1448 programs for the next fiscal year.

1449 6. Information resource requests.

1450 7. Legislatively approved output and outcome performance
1451 measures and any proposed revisions to measures.

1452 8. Proposed performance standards for each performance
1453 measure and justification for the standards and the sources of
1454 data to be used for measurement.

1455 9. Prior-year performance data on approved performance
1456 measures and an explanation of deviation from expected
1457 performance. Performance data must be assessed for reliability
1458 in accordance with s. 20.055.

1459 10. Proposed performance incentives and disincentives.

1460 11. Supporting information, including applicable cost-
1461 benefit analyses, business case analyses, performance
1462 contracting procedures, service comparisons, and impacts on
1463 performance standards for any request to outsource or privatize
1464 agency functions.

1465 12. An evaluation of any major outsourcing and
1466 privatization initiatives undertaken during the last 5 fiscal
1467 years having aggregate expenditures exceeding \$10 million during
1468 the term of the contract. The evaluation shall include an
1469 assessment of contractor performance, a comparison of
1470 anticipated service levels to actual service levels, and a
1471 comparison of estimated savings to actual savings achieved.

1472 Consolidated reports issued by the Department of Management
 1473 Services may be used to satisfy this requirement.

1474 (b) It is the intent of the Legislature that total
 1475 accountability measures, including unit-cost data, serve not
 1476 only as a budgeting tool but also as a policymaking tool and an
 1477 accountability tool. Therefore, each state agency and the
 1478 judicial branch must submit a one-page summary of information
 1479 for the preceding year in accordance with the legislative budget
 1480 instructions. Each one-page summary must contain:

- 1481 1. The final budget for the agency and the judicial
 1482 branch.
- 1483 2. Total funds from the General Appropriations Act.
- 1484 3. Adjustments to the General Appropriations Act.
- 1485 4. The line-item listings of all activities.
- 1486 5. The number of activity units performed or accomplished.
- 1487 6. Total expenditures for each activity, including amounts
 1488 paid to contractors and subordinate entities. Expenditures
 1489 related to administrative activities not aligned with output
 1490 measures must consistently be allocated to activities with
 1491 output measures prior to computing unit costs.
- 1492 7. The cost per unit for each activity, including the
 1493 costs allocated to contractors and subordinate entities.
- 1494 8. The total amount of reversions and pass-through
 1495 expenditures omitted from unit-cost calculations.

1496
 1497 At the regular session immediately following the submission of
 1498 the agency unit cost summary, the Legislature shall reduce in
 1499 the General Appropriations Act for the ensuing fiscal year, by

1500 an amount equal to at least 10 percent of the allocation for the
1501 fiscal year preceding the current fiscal year, the funding of
1502 each state agency that fails to submit the report required under
1503 this paragraph.

1504 ~~(5) At the time specified in the legislative budget~~
1505 ~~instructions and in sufficient time to be included in the~~
1506 ~~Governor's recommended budget, the judicial branch is required~~
1507 ~~to submit a performance-based program budget request. The Chief~~
1508 ~~Justice of the Supreme Court shall identify and, after~~
1509 ~~consultation with the Office of Program Policy Analysis and~~
1510 ~~Government Accountability, submit to the President of the Senate~~
1511 ~~and the Speaker of the House of Representatives a list of~~
1512 ~~proposed programs and associated performance measures. The~~
1513 ~~judicial branch shall provide documentation to accompany the~~
1514 ~~list of proposed programs and performance measures as provided~~
1515 ~~under subsection (4). The judicial branch shall submit a~~
1516 ~~performance-based program agency budget request using the~~
1517 ~~programs and performance measures adopted by the Legislature.~~
1518 ~~The Chief Justice may propose revisions to approved programs or~~
1519 ~~performance measures for the judicial branch. The Legislature~~
1520 ~~shall have final approval of all programs and associated~~
1521 ~~performance measures and standards for the judicial branch~~
1522 ~~through the General Appropriations Act or legislation~~
1523 ~~implementing the General Appropriations Act. By September 15,~~
1524 ~~2001, the Chief Justice of the Supreme Court shall submit to the~~
1525 ~~President of the Senate and the Speaker of the House of~~
1526 ~~Representatives a performance-based program budget request for~~

1527 ~~programs of the judicial branch approved by the Legislature and~~
 1528 ~~provide a copy to the Executive Office of the Governor.~~

1529 (5)~~(6)~~ Agencies must maintain a comprehensive performance
 1530 accountability system and provide a list of performance measures
 1531 maintained by the agency which are in addition to the measures
 1532 approved by the Legislature.

1533 (6)~~(7)~~ Annually, by June 30, executive agencies shall
 1534 submit to the Executive Office of the Governor adjustments to
 1535 their performance standards based on the amounts appropriated
 1536 for each program by the Legislature. When such an adjustment is
 1537 made, all performance standards, including any adjustments made,
 1538 shall be reviewed and revised as necessary by the Executive
 1539 Office of the Governor and, upon approval, submitted to the
 1540 Legislature pursuant to the review and approval process provided
 1541 in s. 216.177. The Senate and the House of Representatives
 1542 appropriations committees ~~Senate Committee on Fiscal Policy and~~
 1543 ~~the House of Representatives Fiscal Responsibility Council~~ shall
 1544 advise Senate substantive committees and House of
 1545 Representatives substantive committees, respectively, of all
 1546 adjustments made to performance standards or measures. The
 1547 Executive Office of the Governor shall maintain ~~both~~ the
 1548 official record of adjustments to the performance standards ~~as~~
 1549 ~~part of the agency's approved operating budget and the official~~
 1550 ~~performance ledger~~. As used in this section, the term "official
 1551 record" ~~"performance ledger"~~ means the official compilation of
 1552 information about state agency performance-based programs and
 1553 measures, including approved programs, approved outputs and
 1554 outcomes, baseline data, approved standards for each performance

1555 measure and any approved adjustments thereto, as well as actual
 1556 agency performance for each measure.

1557 (7)~~(8)~~ As a part of the legislative budget request, the
 1558 head of each state agency and the Chief Justice of the Supreme
 1559 Court for the judicial branch shall include an inventory of all
 1560 litigation in which the agency is involved that may require
 1561 additional appropriations to the agency, that may significantly
 1562 affect revenues received or anticipated to be received by the
 1563 state, or that may require ~~or~~ amendments to the law under which
 1564 the agency operates. No later than March 1 following the
 1565 submission of the legislative budget request, the head of the
 1566 state agency and the Chief Justice of the Supreme Court shall
 1567 provide an update of any additions or changes to the inventory.
 1568 Such inventory shall include information specified annually in
 1569 the legislative budget instructions.

1570 (8)~~(9)~~ Annually, by June 30, the judicial branch shall
 1571 make adjustments to any performance standards for approved
 1572 programs based on the amount appropriated for each program,
 1573 which shall be submitted to the Legislature pursuant to the
 1574 notice and review process provided in s. 216.177. The Senate and
 1575 the House of Representatives appropriations committees ~~Senate~~
 1576 ~~Committee on Fiscal Policy and the House Fiscal Responsibility~~
 1577 ~~Council~~ shall advise Senate substantive committees and House
 1578 substantive committees, respectively, of all adjustments made to
 1579 performance standards or measures.

1580 (9)~~(10)~~ The Executive Office of the Governor shall review
 1581 the legislative budget request for technical compliance with the
 1582 budget format provided for in the budget instructions. The

1583 Executive Office of the Governor shall notify the agency or the
 1584 judicial branch of any adjustment required. The agency or
 1585 judicial branch shall make the appropriate corrections as
 1586 requested. If the appropriate technical corrections are not made
 1587 as requested, the Executive Office of the Governor shall adjust
 1588 the budget request to incorporate the appropriate technical
 1589 corrections in the format of the request.

1590 (10)~~(11)~~ At any time after the Governor submits his or her
 1591 ~~and the Chief Justice submit their~~ recommended budget ~~budgets~~ to
 1592 the Legislature, the head of the agency or judicial branch may
 1593 amend his or her request by transmitting to the Governor and the
 1594 Legislature an amended request in the form and manner prescribed
 1595 in the legislative budget instructions.

1596 (11)~~(12)~~ The legislative budget request from each agency
 1597 and from the judicial branch shall be reviewed by the
 1598 Legislature. The review may allow for the opportunity to have
 1599 information or testimony by the agency, the judicial branch, the
 1600 Auditor General, the Office of Program Policy Analysis and
 1601 Government Accountability, the Governor's Office of Planning and
 1602 Budgeting, and the public regarding the proper level of funding
 1603 for the agency in order to carry out its mission.

1604 (12)~~(13)~~ In order to ensure an integrated state planning
 1605 and budgeting process, the agency long-range plan should be
 1606 reviewed by the Legislature.

1607 Section 15. Section 216.031, Florida Statutes, is amended
 1608 to read:

1609 216.031 Target budget request.--Either chair of a
 1610 legislative appropriations committee, or the Executive Office of

1611 the Governor for state agencies, may require the agency or the
 1612 Chief Justice to address major issues separate from those
 1613 outlined in s. 216.023, this section, and s. 216.043 for
 1614 inclusion in the requests of the agency or of the judicial
 1615 branch. The issues shall be submitted to the agency no later
 1616 than July 30 of each year and shall be displayed in its requests
 1617 as provided in the budget instructions. The Executive Office of
 1618 the Governor may request an agency, or the chair of an ~~the~~
 1619 appropriations committee ~~committees~~ of the Senate or the House
 1620 of Representatives may request any agency or the judicial
 1621 branch, to submit ~~no later than September 30 of each year~~ a
 1622 budget plan with respect to targets established by the Governor
 1623 or either chair. The target budget shall require each entity to
 1624 establish an order of priorities for its budget issues and may
 1625 include requests for multiple options for the budget issues. ~~The~~
 1626 ~~target budget may also require each entity to submit a program~~
 1627 ~~budget or a performance-based budget in the format prescribed by~~
 1628 ~~the Executive Office of the Governor or either chair; provided,~~
 1629 ~~however,~~ The target budget format shall be compatible with the
 1630 planning and budgeting system requirements set out in s.
 1631 216.141. Such a request shall not influence the agencies' or
 1632 judicial branch's independent judgment in making legislative
 1633 budget requests, as required by law.

1634 Section 16. Section 216.052, Florida Statutes, is amended
 1635 to read:

1636 216.052 Community budget requests; appropriations;
 1637 ~~grants.~~--

1638 (1) A local, county, or regional governmental entity,
 1639 private organization, or nonprofit organization may submit a
 1640 request for a state appropriation for a program, service, or
 1641 capital outlay initiative that is local or regional in scope, is
 1642 intended to meet a documented need, addresses a statewide
 1643 interest, is intended to produce measurable results, and has
 1644 tangible community support to members of the Legislature, a
 1645 state agency, or the Governor.

1646 ~~(2) Each appropriation to a local government, a private~~
 1647 ~~organization, or a nonprofit organization made pursuant to a~~
 1648 ~~community budget request shall require that the community's~~
 1649 ~~support be tangibly demonstrated by evidence that the program or~~
 1650 ~~service will operate in a financially sound manner. Any~~
 1651 ~~appropriation to a local government, a private organization, or~~
 1652 ~~a nonprofit organization made pursuant to this section should~~
 1653 ~~require local matching funds. The match must be based on the~~
 1654 ~~size and scope of the project and the applicant's ability to~~
 1655 ~~provide the match. In addition, the granting of state funds~~
 1656 ~~shall be used to encourage the establishment of community-based~~
 1657 ~~partnerships between the public sector and the private sector.~~

1658 ~~(3) Each community budget request submitted pursuant to~~
 1659 ~~this section must receive a hearing before a body of duly~~
 1660 ~~elected public officials before being submitted for~~
 1661 ~~consideration.~~

1662 (2)(4) For requests submitted to members of the
 1663 Legislature, community budget requests shall be submitted in the
 1664 form and manner prescribed jointly by the President of the
 1665 Senate and the Speaker of the House of Representatives. If the

1666 President of the Senate and the Speaker of the House of
 1667 Representatives do not agree on a form and manner of submission
 1668 to be used by both houses, each may prescribe a form and manner
 1669 of submission to be used in his or her house.

1670 (3)~~(5)~~ Community budget requests shall be submitted to the
 1671 chairs of the legislative appropriations committees in
 1672 accordance with the schedule established jointly by the
 1673 President of the Senate and the Speaker of the House of
 1674 Representatives. If the President of the Senate and the Speaker
 1675 of the House of Representatives do not agree on a schedule to be
 1676 used by both houses, each may prescribe a schedule to be used in
 1677 his or her house.

1678 (4)~~(6)~~ The Executive Office of the Governor shall
 1679 prescribe the form and manner of submission of requests to state
 1680 agencies and to the Governor.

1681 (5)~~(7)~~ The retention of interest earned on state funds or
 1682 the amount of interest income earned shall be applied against
 1683 the state entity's obligation to pay the appropriated amount.

1684 ~~(8) Whenever possible, a loan must be made in lieu of a~~
 1685 ~~grant to a local government, a private organization, or a~~
 1686 ~~nonprofit organization. It is the intent of the Legislature that~~
 1687 ~~a revolving loan program shall be established so that the loan~~
 1688 ~~amount plus interest is paid back by the recipient to the state.~~

1689 ~~(9) Any private or nonprofit organization that is to~~
 1690 ~~receive funds through a community budget request shall, at the~~
 1691 ~~time of application for such funds, provide information~~
 1692 ~~regarding its organization, including a copy of its current~~
 1693 ~~budget, a list of its board of directors, and, if available, a~~

1694 ~~copy of its most recent annual audit report prepared by an~~
 1695 ~~independent certified public accountant licensed in this state,~~
 1696 ~~including management letters or other documents associated with~~
 1697 ~~the audit report.~~

1698 Section 17. Subsection (5) of section 216.053, Florida
 1699 Statutes, is amended to read:

1700 216.053 Summary Information in the General Appropriations
 1701 Act; construction of such information.--

1702 ~~(5) For programs operating under performance-based program~~
 1703 ~~budgets, the General Appropriations Act shall contain summary~~
 1704 ~~information that covers specific appropriations and summarizes~~
 1705 ~~programs and performance.~~

1706 Section 18. Section 216.065, Florida Statutes, is amended
 1707 to read:

1708 216.065 Fiscal impact statements on actions affecting the
 1709 budget.--In addition to the applicable requirements of chapter
 1710 120, before the Governor, or Governor and Cabinet as a body,
 1711 performing any constitutional or statutory duty, or before any
 1712 state agency or statutorily authorized entity takes ~~take~~ any
 1713 final action that will affect revenues, ~~directly~~ require a
 1714 request for an increased or new appropriation in the following
 1715 fiscal year, or that will transfer current year funds, it they
 1716 shall first provide the legislative appropriations committees
 1717 with a fiscal impact statement that details the effects of such
 1718 action on the budget. The fiscal impact statement must specify
 1719 the estimated budget and revenue impacts for the current year
 1720 and the 2 subsequent fiscal years at the same level of detail

1721 required to support a legislative budget request, including
 1722 amounts by appropriation category and fund.

1723 Section 19. Subsection (3) is added to section 216.081,
 1724 Florida Statutes, to read:

1725 216.081 Data on legislative and judicial branch
 1726 expenses.--

1727 (3) If the Governor does not receive timely estimates of
 1728 the financial needs of the legislative branch, the Governor's
 1729 recommended budget shall include the amounts appropriated and
 1730 budget entity structure established in the most recent General
 1731 Appropriations Act.

1732 Section 20. Subsection (1) of section 216.133, Florida
 1733 Statutes, is amended to read:

1734 216.133 Definitions; ss. 216.133-216.137.--As used in ss.
 1735 216.133-216.137:

1736 (1) "Consensus estimating conference" includes the
 1737 Economic Estimating Conference, the Demographic Estimating
 1738 Conference, the Revenue Estimating Conference, the Education
 1739 Estimating Conference, the Criminal Justice Estimating
 1740 Conference, ~~the Juvenile Justice Estimating Conference, the~~
 1741 ~~Child Welfare System Estimating Conference,~~ the Occupational
 1742 Forecasting Conference, the Early Learning Programs Estimating
 1743 Conference, the Self-Insurance Estimating Conference, the
 1744 Florida Retirement System Actuarial Assumption Conference, and
 1745 the Social Services Estimating Conference.

1746 Section 21. Subsections (4) and (5) of section 216.134,
 1747 Florida Statutes, are amended to read:

1748 216.134 Consensus estimating conferences; general
1749 provisions.--

1750 (4) Consensus estimating conferences are within the
1751 legislative branch. The membership of each consensus estimating
1752 conference consists of principals and participants.

1753 (a) A person designated by law as a principal may preside
1754 over conference sessions, convene conference sessions, request
1755 information, specify topics to be included on the conference
1756 agenda, agree or withhold agreement on whether information is to
1757 be official information of the conference, release official
1758 information of the conference, interpret official information of
1759 the conference, and monitor errors in official information of
1760 the conference.

1761 (b) A participant is any person who is invited to
1762 participate in the consensus estimating conference by a
1763 principal. A participant shall, at the request of any principal
1764 before or during any session of the conference, develop
1765 alternative forecasts, collect and supply data, perform
1766 analyses, or provide other information needed by the conference.
1767 The conference shall consider information provided by
1768 participants in developing its official information.

1769 (5) All sessions and meetings of a consensus estimating
1770 conference where official information is adopted shall be
1771 noticed and open to the public ~~as provided in chapter 286.~~ The
1772 President of the Senate and the Speaker of the House of
1773 Representatives, jointly, shall be the sole judge for the
1774 interpretation, implementation, and enforcement of this
1775 subsection.

1776 Section 22. Subsections (9) through (12) of section
 1777 216.136, Florida Statutes, are renumbered as subsections (7)
 1778 through (10), respectively, and present subsections (7) and (8)
 1779 are amended to read:

1780 216.136 Consensus Estimating Conferences; duties and
 1781 principals.--

1782 ~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--~~

1783 ~~(a) Duties.--The Child Welfare System Estimating~~
 1784 ~~Conference shall develop such official information relating to~~
 1785 ~~the child welfare system of the state, including forecasts of~~
 1786 ~~child welfare caseloads, as the conference determines is needed~~
 1787 ~~for the state planning and budgeting system. Such official~~
 1788 ~~information may include, but is not limited to:~~

1789 ~~1. Estimates and projections of the number of initial and~~
 1790 ~~additional reports of child abuse, abandonment, or neglect made~~
 1791 ~~to the central abuse hotline maintained by the Department of~~
 1792 ~~Children and Family Services as established in s. 39.201(4).~~
 1793 ~~Projections may take into account other factors that may~~
 1794 ~~influence the number of future reports to the abuse hotline.~~

1795 ~~2. Estimates and projections of the number of children who~~
 1796 ~~are alleged to be victims of child abuse, abandonment, or~~
 1797 ~~neglect and are in need of emergency shelter, foster care,~~
 1798 ~~residential group care, adoptive services, or other appropriate~~
 1799 ~~care.~~

1800
 1801 ~~In addition, the conference shall develop other official~~
 1802 ~~information relating to the child welfare system of the state~~
 1803 ~~which the conference determines is needed for the state planning~~

1804 ~~and budgeting system. The Department of Children and Family~~
 1805 ~~Services shall provide information on the child welfare system~~
 1806 ~~requested by the Child Welfare System Estimating Conference, or~~
 1807 ~~individual conference principals, in a timely manner.~~

1808 ~~(b) Principals. The Executive Office of the Governor, the~~
 1809 ~~coordinator of the Office of Economic and Demographic Research,~~
 1810 ~~and professional staff who have forecasting expertise from the~~
 1811 ~~Department of Children and Family Services, the Senate, and the~~
 1812 ~~House of Representatives, or their designees, are the principals~~
 1813 ~~of the Child Welfare System Estimating Conference. The principal~~
 1814 ~~representing the Executive Office of the Governor shall preside~~
 1815 ~~over sessions of the conference.~~

1816 ~~(8) JUVENILE JUSTICE ESTIMATING CONFERENCE.~~

1817 ~~(a) Duties. The Juvenile Justice Estimating Conference~~
 1818 ~~shall develop such official information relating to the juvenile~~
 1819 ~~justice system of the state as is determined by the conference~~
 1820 ~~principals to be needed for the state planning and budgeting~~
 1821 ~~system. This information shall include, but is not limited to:~~
 1822 ~~estimates of juvenile delinquency caseloads and workloads;~~
 1823 ~~estimates for secure, nonsecure, and home juvenile detention~~
 1824 ~~placements; estimates of workloads in the juvenile sections in~~
 1825 ~~the offices of the state attorneys and public defenders;~~
 1826 ~~estimates of mental health and substance abuse treatment~~
 1827 ~~relating to juveniles; and such other information as is~~
 1828 ~~determined by the conference principals to be needed for the~~
 1829 ~~state planning and budgeting system.~~

1830 ~~(b) Principals. The Executive Office of the Governor, the~~
 1831 ~~Office of Economic and Demographic Research, and professional~~

1832 ~~staff who have forecasting expertise from the Department of~~
 1833 ~~Juvenile Justice, the Department of Children and Family Services~~
 1834 ~~Substance Abuse and Mental Health Program Offices, the~~
 1835 ~~Department of Law Enforcement, the Senate Appropriations~~
 1836 ~~Committee staff, the House of Representatives Appropriations~~
 1837 ~~Committee staff, or their designees, are the principals of the~~
 1838 ~~Juvenile Justice Estimating Conference. The responsibility of~~
 1839 ~~presiding over sessions of the conference shall be rotated among~~
 1840 ~~the principals. To facilitate policy and legislative~~
 1841 ~~recommendations, the conference may call upon the appropriate~~
 1842 ~~legislative staff.~~

1843 Section 23. Subsection (1) of section 216.162, Florida
 1844 Statutes, is amended to read:

1845 216.162 Governor's recommended budget to be furnished
 1846 Legislature; copies to members.--

1847 (1) At least 40 ~~45~~ days before the scheduled annual
 1848 legislative session, the Governor shall furnish each senator and
 1849 representative a copy of his or her recommended balanced budget
 1850 for the state, based on the Governor's own conclusions and
 1851 judgment; ~~provided, however, that~~ in his or her first year in
 1852 office a new Governor may request, subject to approval of the
 1853 President of the Senate and the Speaker of the House of
 1854 Representatives, that his or her recommended balanced budget be
 1855 submitted at a later time prior to the Governor's first regular
 1856 legislative session.

1857 Section 24. Subsection (2) and paragraph (b) of subsection
 1858 (4) of section 216.163, Florida Statutes, are amended to read:

1859 216.163 Governor's recommended budget; form and content;
 1860 declaration of collective bargaining impasses.--

1861 (2) The Governor's recommended budget shall also include:

1862 (a) The Governor's recommendations for operating each
 1863 state agency, and those of the Chief Justice of the Supreme
 1864 Court for operating the judicial branch, for the next fiscal
 1865 year. These recommendations shall be displayed by appropriation
 1866 category within each budget entity and shall also include the
 1867 legislative budget request of the corresponding agency. In order
 1868 to present a balanced budget as required by s. 216.162, the
 1869 Governor's recommendations for operating appropriations may
 1870 include an alternative recommendation to that of the Chief
 1871 Justice.

1872 (b)1. The Governor's recommendations and those of the
 1873 Chief Justice for fixed capital outlay appropriations for the
 1874 next fiscal year. These recommendations shall be displayed by
 1875 budget entity and shall also include the legislative budget
 1876 request of the corresponding agency. In order to present a
 1877 balanced budget as required by s. 216.162, the Governor's
 1878 recommendations for fixed capital outlay appropriations may
 1879 include an alternative recommendation to that of the Chief
 1880 Justice.

1881 2. For each specific fixed capital outlay project or group
 1882 of projects or operating capital outlay requests recommended to
 1883 be funded from a proposed state debt or obligation, he or she
 1884 shall make available pursuant to s. 216.164(1)(a) the documents
 1885 set forth in s. 216.0442(2).

1886 (c) The evaluation of the fixed capital outlay request of
1887 each agency and the judicial branch and alternatives to the
1888 proposed projects as made by the Department of Management
1889 Services pursuant to s. 216.044.

1890 (d) A summary statement of the amount of appropriations
1891 requested by each state agency and as recommended by the
1892 Governor and by the judicial branch.

1893 (e) A distinct listing of all nonrecurring appropriations
1894 recommended by the Governor or the Chief Justice.

1895 (f) The Governor's recommendations for high-risk
1896 information technology projects which should be subject to
1897 monitoring under s. 282.322. These recommendations shall include
1898 proviso language which specifies whether funds are specifically
1899 provided to contract for project monitoring, or whether the
1900 Auditor General will conduct such project monitoring. When funds
1901 are recommended for contracting with a project monitor, such
1902 funds may equal 1 percent to 5 percent of the project's
1903 estimated total costs. These funds shall be specifically
1904 appropriated and nonrecurring.

1905 (g) Any additional information which the Governor or Chief
1906 Justice feels is needed to justify his or her recommendations.

1907 (4) The Executive Office of the Governor shall review the
1908 findings of the Office of Program Policy Analysis and Government
1909 Accountability, to the extent they are available, request any
1910 reports or additional analyses as necessary, and submit a
1911 recommendation for executive agencies, which may include a
1912 recommendation regarding incentives or disincentives for agency
1913 performance. Incentives or disincentives may apply to all or

1914 part of a state agency. The Chief Justice shall review the
 1915 findings of the Office of Program Policy Analysis and Government
 1916 Accountability regarding judicial branch performance and make
 1917 appropriate recommendations for the judicial branch.

1918 (b) Disincentives may include, but are not limited to:

1919 1. Mandatory quarterly reports to the Executive Office of
 1920 the Governor and the Legislature on the agency's progress in
 1921 meeting performance standards.

1922 2. Mandatory quarterly appearances before the Legislature,
 1923 the Governor, or the Governor and Cabinet to report on the
 1924 agency's progress in meeting performance standards.

1925 3. Elimination or restructuring of the program, which may
 1926 include, but not be limited to, transfer of the program or
 1927 outsourcing all or a portion of the program.

1928 4. Reduction of total positions for a program.

1929 5. Restriction on or reduction of the spending authority
 1930 provided in s. 216.292(2) (b).

1931 6. Reduction of managerial salaries.

1932 Section 25. Subsections (1) through (4) of section
 1933 216.167, Florida Statutes, are amended to read:

1934 216.167 Governor's recommendations.--The Governor's
 1935 recommendations shall include a financial schedule that
 1936 provides:

1937 (1) The Governor's estimate of the recommended recurring
 1938 revenues available in the Budget Stabilization Fund, ~~the Working~~
 1939 ~~Capital Fund,~~ and the General Revenue Fund.

1940 (2) The Governor's estimate of the recommended
 1941 nonrecurring revenues available in the Budget Stabilization
 1942 Fund, ~~the Working Capital Fund,~~ and the General Revenue Fund.

1943 (3) The Governor's recommended recurring and nonrecurring
 1944 appropriations from the Budget Stabilization Fund, ~~the Working~~
 1945 ~~Capital Fund,~~ and the General Revenue Fund.

1946 (4) The Governor's estimates of any interfund loans or
 1947 temporary obligations of the Budget Stabilization Fund, the
 1948 General Revenue Working Capital Fund, or trust funds, which
 1949 loans or obligations are needed to implement his or her
 1950 recommended budget.

1951 Section 26. Subsection (4) of section 216.168, Florida
 1952 Statutes, is amended to read:

1953 216.168 Governor's amended revenue or budget
 1954 recommendations; optional and mandatory.--

1955 (4) If the Governor determines, at any time after he or
 1956 she has furnished the Legislature with his or her
 1957 recommendations or amended recommendations, that the revenue
 1958 estimates upon which the Governor's recommendations were based
 1959 are insufficient to fund these recommendations, the Governor
 1960 shall amend his or her revenues or appropriations
 1961 recommendations to bring the Governor's recommended budget into
 1962 balance. ~~On or after March 1, if the Governor determines that~~
 1963 ~~there is insufficient time to provide the information for the~~
 1964 ~~amended recommendations required in ss. 216.164 and 216.166, he~~
 1965 ~~or she shall be exempt from such requirement.~~

1966 Section 27. Subsections (2), (3), and (4) of section
 1967 216.177, Florida Statutes, are amended to read:

1968 216.177 Appropriations acts, statement of intent,
 1969 violation, notice, review and objection procedures.--

1970 (2)(a) Whenever notice of action to be taken by the
 1971 Executive Office of the Governor or the Chief Justice of the
 1972 Supreme Court is required by this chapter, such notice shall be
 1973 given to the chair and vice chair of the Legislative Budget
 1974 Commission in writing, and shall be delivered at least 14 days
 1975 prior to the action referred to, unless a shorter period is
 1976 approved in writing by the chair and vice chair. If the action
 1977 is solely for the release of funds appropriated by the
 1978 Legislature, the notice shall be delivered at least 3 days
 1979 before the effective date of the action. Action shall not be
 1980 taken on any budget item for which this chapter requires notice
 1981 to the Legislative Budget Commission or the appropriations
 1982 committees without such notice having been provided, even though
 1983 there may be good cause for considering such item.

1984 (b) If the chair and vice chair of the Legislative Budget
 1985 Commission or the President of the Senate and the Speaker of the
 1986 House of Representatives timely advise, in writing, the
 1987 Executive Office of the Governor or the Chief Justice of the
 1988 Supreme Court that an action or a proposed action, including any
 1989 expenditure of funds resulting from the settlement of litigation
 1990 involving a state agency or officer, whether subject to the
 1991 notice and review requirements of this chapter or not, exceeds
 1992 the delegated authority of the Executive Office of the Governor
 1993 for the executive branch or the Chief Justice for the judicial
 1994 branch, respectively, or is contrary to legislative policy and
 1995 intent, the Governor or the Chief Justice of the Supreme Court

1996 shall void such action and instruct the affected state agency or
 1997 entity of the judicial branch to change immediately its spending
 1998 action or spending proposal until the Legislative Budget
 1999 Commission or the Legislature addresses the issue. The written
 2000 documentation shall indicate the specific reasons that an action
 2001 or proposed action exceeds the delegated authority or is
 2002 contrary to legislative policy and intent.

2003 (c) The House of Representatives and the Senate shall
 2004 provide by rule that any member of the House of Representatives
 2005 or Senate may request, in writing, of either the President of
 2006 the Senate or the Speaker of the House of Representatives to
 2007 initiate the procedures of paragraph (b).

2008 (3) The Legislature may annually specify any incentives
 2009 and disincentives for agencies operating programs under
 2010 performance-based ~~program~~ budgets pursuant to this chapter in
 2011 the General Appropriations Act or legislation implementing the
 2012 General Appropriations Act.

2013 ~~(4) Notwithstanding the 14-day notice requirements of this~~
 2014 ~~section, the Department of Children and Family Services is~~
 2015 ~~required to provide notice of proposed transfers submitted~~
 2016 ~~pursuant to s. 20.19(5)(b) to the Executive Office of the~~
 2017 ~~Governor and the chairs of the legislative appropriations~~
 2018 ~~committees at least 3 working days prior to their~~
 2019 ~~implementation.~~

2020 Section 28. Subsections (1), (2), (4), (6), (8), (9),
 2021 (10), (12), and (16) of section 216.181, Florida Statutes, are
 2022 amended to read:

2023 216.181 Approved budgets for operations and fixed capital
 2024 outlay.--

2025 (1) The General Appropriations Act and any other acts
 2026 containing appropriations shall be considered the original
 2027 approved operating budgets for operational and fixed capital
 2028 expenditures. Amendments to the approved operating budgets for
 2029 operational and fixed capital outlay expenditures from state
 2030 agencies may be requested only through the Executive Office of
 2031 the Governor and approved by the Governor and the Legislative
 2032 Budget Commission as provided in this chapter. Amendments from
 2033 the judicial branch may be requested only through, ~~and approved~~
 2034 ~~by, the Chief Justice of the Supreme Court~~ and must be approved
 2035 by the Chief Justice and the Legislative Budget Commission as
 2036 provided in this chapter. This includes amendments which are
 2037 necessary to implement the provisions of s. 216.212 or s.
 2038 216.221.

2039 (2) Amendments to the original approved operating budgets
 2040 for operational and fixed capital outlay expenditures must
 2041 comply with the following guidelines in order to be approved by
 2042 the Governor and the Legislative Budget Commission ~~as provided~~
 2043 ~~in this chapter~~ for the executive branch and the Chief Justice
 2044 and the Legislative Budget Commission for the judicial branch:

2045 (a) The amendment must be consistent with legislative
 2046 policy and intent.

2047 (b) The amendment may not initiate or commence a new
 2048 program, except as authorized by this chapter, or eliminate an
 2049 existing program.

2050 (c) Except as authorized in s. 216.292 or other provisions
 2051 of this chapter, the amendment may not provide funding or
 2052 increased funding for items which were funded by the Legislature
 2053 in an amount less than that requested by the agency ~~or Governor~~
 2054 in the legislative budget request or recommended by the
 2055 Governor, or which were vetoed by the Governor.

2056 (d) For amendments that involve trust funds, there must be
 2057 adequate and appropriate revenues available in the trust fund
 2058 and the amendment must be consistent with the laws authorizing
 2059 such trust funds and the laws relating to the use of the trust
 2060 funds. However, a trust fund shall not be increased in excess of
 2061 the original approved budget, except as provided in subsection
 2062 (11).

2063 (e) The amendment shall not conflict with any provision of
 2064 law.

2065 (f) The amendment must not provide funding for any issue
 2066 which was requested by the agency or branch in its legislative
 2067 budget request and not funded in the General Appropriations Act.

2068 (g) The amendment must include a written description of
 2069 the purpose of the proposed change, an indication of why interim
 2070 budget action is necessary, and the intended recipient of any
 2071 funds for contracted services.

2072 (h) The amendment must not provide general salary
 2073 increases which the Legislature has not authorized in the
 2074 General Appropriations Act or other laws.

2075 (4) To the extent possible, individual members of the
 2076 Senate and the House of Representatives should be advised of

2077 budget amendments requested by the executive branch and judicial
 2078 branch.

2079 (6)(a) The Executive Office of the Governor or the Chief
 2080 Justice of the Supreme Court may require the submission of a
 2081 detailed plan from the agency or entity of the judicial branch
 2082 affected, consistent with the General Appropriations Act,
 2083 special appropriations acts, and statements ~~the statement~~ of
 2084 intent before transferring and releasing the balance of a lump-
 2085 sum appropriation. ~~The provisions of this paragraph are subject~~
 2086 ~~to the notice and review procedures set forth in s. 216.177.~~

2087 (b) The Executive Office of the Governor and the Chief
 2088 Justice of the Supreme Court may amend, without approval of the
 2089 Legislative Budget Commission, state agency and judicial branch
 2090 entity budgets, respectively, to reflect the transferred funds
 2091 and to provide the associated increased salary rate based on the
 2092 approved plans for lump-sum appropriations. This paragraph is
 2093 subject to the notice and review procedures set forth in s.
 2094 216.177.

2095
 2096 The Executive Office of the Governor shall transmit to each
 2097 state agency and the Chief Financial Officer, and the Chief
 2098 Justice shall transmit to each judicial branch component and the
 2099 Chief Financial Officer, any approved amendments to the approved
 2100 operating budgets.

2101 (8) As part of the approved operating budget, the
 2102 Executive Office of the Governor shall furnish to each state
 2103 agency, and the Chief Justice of the Supreme Court shall furnish
 2104 to the entity of the judicial branch, an approved annual salary

2105 rate for each budget entity containing a salary appropriation.
 2106 This rate shall be based upon the actual salary rate and shall
 2107 be consistent with the General Appropriations Act or special
 2108 appropriations acts. The annual salary rate shall be:

2109 (a) Determined by ~~Calculated based on~~ the actual salary
 2110 rate ~~in effect on June 30, and the salary policy and the number~~
 2111 ~~of authorized positions as specified in the General~~
 2112 Appropriations Act and adjusted for reorganizations authorized
 2113 by law, for any other appropriations made by law, and, subject
 2114 to s. 216.177, for distributions of lump-sum appropriations and
 2115 administered funds ~~special appropriations acts, or as provided~~
 2116 ~~pursuant to s. 216.177.~~

2117 (b) Controlled by the budget entity ~~department or agency;~~
 2118 ~~except for the Department of Education, which shall be~~
 2119 ~~controlled by division and for the judicial branch, which shall~~
 2120 be controlled at the branch level.

2121 (c) Assigned to the number of authorized positions.

2122 (9)(a) The calculation for the annual salary rate for
 2123 vacant and newly authorized positions shall be ~~at no more than~~
 2124 ~~the midpoint of the range of the pay grade for the position or~~
 2125 as provided in the General Appropriations Act.

2126 (b) No agency or the judicial branch may exceed its
 2127 maximum approved annual salary rate for the fiscal year.
 2128 However, at any time during the fiscal year, an agency or entity
 2129 of the judicial branch may exceed its approved rate for all
 2130 budget entities by no more than 5 percent, provided that, by
 2131 June 30 of every fiscal year, the agency or entity of the
 2132 judicial branch has reduced its salary rate so that the salary

2133 rate for each budget entity is within the approved rate limit
 2134 for that budget entity.

2135 (10)(a) The Legislative Budget Commission ~~Executive Office~~
 2136 ~~of the Governor and the Chief Justice of the Supreme Court~~ may
 2137 authorize increases or decreases in ~~increase or decrease~~ the
 2138 approved salary rate for positions ~~for the purpose of~~
 2139 ~~implementing the General Appropriations Act, special~~
 2140 ~~appropriations acts, and actions pursuant to s. 216.262~~
 2141 ~~consistent with legislative intent and policy. Other adjustments~~
 2142 ~~to approved salary rate must be approved by the Legislative~~
 2143 ~~Budget Commission~~ pursuant to the request of the agency filed
 2144 with the Executive Office of the Governor or pursuant to the
 2145 request of an entity of the judicial branch filed with the Chief
 2146 Justice of the Supreme Court, if deemed necessary and in the
 2147 best interest of the state and consistent with legislative
 2148 policy and intent. ~~The provisions of this paragraph are subject~~
 2149 ~~to the notice and review procedures set forth in s. 216.177.~~

2150 (b) Lump-sum salary bonuses may be provided only if
 2151 specifically appropriated or provided pursuant to s. 110.1245 or
 2152 s. 216.1815.

2153 (c) State agencies and the judicial branch shall report,
 2154 each fiscal quarter, the number of filled positions, the number
 2155 of vacant positions, and the salary rate associated with each
 2156 category to the Legislative Budget Commission in a form and
 2157 manner prescribed by the commission.

2158 (d) The salary rate provisions of subsections (8) and (9)
 2159 and this subsection do not apply to the general office program
 2160 of the Executive Office of the Governor.

2161 (12) There is appropriated nonoperating budget for
 2162 refunds, payments to the United States Treasury, payments of the
 2163 service charge to the General Revenue Fund, and transfers of
 2164 funds specifically required by law. Such authorized budget,
 2165 together with related releases, shall be transmitted by the
 2166 state agency or by the judicial branch to the Chief Financial
 2167 Officer for entry in his or her records in the manner and format
 2168 prescribed by the Executive Office of the Governor in
 2169 consultation with the Chief Financial Officer. A copy of such
 2170 authorized budgets shall be furnished to the Executive Office of
 2171 the Governor or the Chief Justice, the chairs of the legislative
 2172 committees responsible for developing the general appropriations
 2173 acts, and the Auditor General. The Governor may withhold
 2174 approval of nonoperating investment authority for certain trust
 2175 funds when deemed in the best interest of the state. The
 2176 Governor for the executive branch, and the Chief Justice for the
 2177 judicial branch, may establish nonoperating budgets, with the
 2178 approval of the chairs of the Senate and the House of
 2179 Representatives appropriations committees, for transfers,
 2180 purchase of investments, special expenses, distributions, and
 2181 any other nonoperating budget categories they deem necessary and
 2182 in the best interest of the state and consistent with
 2183 legislative intent and policy. ~~The provisions of this subsection~~
 2184 ~~are subject to the notice, review, and objection procedures set~~
 2185 ~~forth in s. 216.177.~~ For purposes of this section, the term
 2186 "nonoperating budgets" means nonoperating disbursement authority
 2187 for purchase of investments, refunds, payments to the United
 2188 States Treasury, transfers of funds specifically required by

2189 law, distributions of assets held by the state in a trustee
 2190 capacity as an agent of fiduciary, special expenses, and other
 2191 nonoperating budget categories as determined necessary by the
 2192 Executive Office of the Governor and the chairs of the Senate
 2193 and the House of Representatives appropriations committees, not
 2194 otherwise appropriated in the General Appropriations Act.

2195 (16)(a) Funds provided in any specific appropriation in
 2196 the General Appropriations Act may be advanced if the General
 2197 Appropriations Act specifically so provides.

2198 (b) Any agency, or the judicial branch, that has been
 2199 authorized by the General Appropriations Act or expressly
 2200 authorized by other law to make advances for program startup or
 2201 advances for contracted services, in total or periodically,
 2202 shall limit such disbursements to other governmental entities
 2203 and not-for-profit corporations. The amount that ~~which~~ may be
 2204 advanced shall not exceed the expected cash needs of the
 2205 contractor or recipient within the initial 3 months. Thereafter,
 2206 disbursements shall only be made on a reimbursement basis. Any
 2207 agreement that provides for advancements may contain a clause
 2208 that permits the contractor or recipient to temporarily invest
 2209 the proceeds, provided that any interest income shall either be
 2210 returned to the agency or be applied against the agency's
 2211 obligation to pay the contract amount. This paragraph does not
 2212 constitute lawful authority to make any advance payment not
 2213 otherwise authorized by laws relating to a particular agency or
 2214 general laws relating to the expenditure or disbursement of
 2215 public funds. The Chief Financial Officer may, after
 2216 consultation with the legislative appropriations committees,

2217 advance funds beyond a 3-month requirement if it is determined
 2218 to be consistent with the intent of the approved operating
 2219 budget.

2220 ~~(c) Unless specifically prohibited in the General~~
 2221 ~~Appropriations Act, funds appropriated to the Department of~~
 2222 ~~Children and Family Services and the Department of Health may be~~
 2223 ~~advanced for those contracted services that were approved for~~
 2224 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
 2225 ~~including those services contracted on a fixed price or unit-~~
 2226 ~~cost basis.~~

2227 Section 29. Section 216.192, Florida Statutes, is amended
 2228 to read:

2229 216.192 Release of appropriations; revision of budgets.--

2230 (1) Unless otherwise provided in the General
 2231 Appropriations Act, on July 1 of each fiscal year, up to 25
 2232 percent of the original approved operating budget of each agency
 2233 and of the judicial branch may be released until such time as
 2234 annual plans for quarterly releases for all appropriations have
 2235 been developed, approved, and furnished to the Chief Financial
 2236 Officer by the Executive Office of the Governor for state
 2237 agencies and by the Chief Justice of the Supreme Court for the
 2238 judicial branch. The plans, including appropriate plans of
 2239 releases for fixed capital outlay projects that correspond with
 2240 each project schedule, shall attempt to maximize the use of
 2241 trust funds and shall be transmitted to the Chief Financial
 2242 Officer by August 1 of each fiscal year. Such releases shall at
 2243 no time exceed the total appropriations available to a state
 2244 agency or to the judicial branch, or the approved budget for

2245 such agency or the judicial branch if less. The Chief Financial
 2246 Officer shall enter such releases in his or her records in
 2247 accordance with the release plans prescribed by the Executive
 2248 Office of the Governor and the Chief Justice, unless otherwise
 2249 amended as provided by law. The Executive Office of the Governor
 2250 and the Chief Justice shall transmit a copy of the approved
 2251 annual releases to the head of the state agency, the chair and
 2252 vice chair of the Legislative Budget Commission, and the Auditor
 2253 General. The Chief Financial Officer shall authorize all
 2254 expenditures to be made from the appropriations on the basis of
 2255 such releases and in accordance with the approved budget, and
 2256 not otherwise. Expenditures shall be authorized only in
 2257 accordance with legislative authorizations. Nothing herein
 2258 precludes periodic reexamination and revision by the Executive
 2259 Office of the Governor or by the Chief Justice of the annual
 2260 plans for release of appropriations and the notifications of the
 2261 parties of all such revisions.

2262 (a) Prior to releasing or transferring funds or positions,
 2263 or increasing spending authority for information technology
 2264 projects designated in the General Appropriations Act, each
 2265 agency shall submit a detailed operational work plan to the
 2266 Executive Office of the Governor and the chairs of the
 2267 legislative appropriations committees. The operational work plan
 2268 shall include the following components:

2269 1. A project charter that describes the business
 2270 objectives and expected outcomes to be attained and specifies
 2271 planned project milestones and deliverables.

2272 2. A work breakdown structure that summarizes all tasks
 2273 required to complete the project.

2274 3. A resource-loaded project schedule and a spending plan.

2275 4. A description of the project organization and the roles
 2276 and responsibilities of the project participants.

2277 5. A description of the processes and procedures that will
 2278 be used to identify and manage the project's risks and to manage
 2279 changes in the requirements of the project.

2280
 2281 The agency is authorized to request the Executive Office of the
 2282 Governor to release the funds and positions pursuant to chapter
 2283 216 and in a manner consistent with the spending plan component
 2284 of the operational work plan; however, the funds and positions
 2285 shall not be released until the operational work plan is
 2286 approved by the Executive Office of the Governor, in
 2287 consultation with the legislative appropriations committees.
 2288 Funds or positions released for the information technology
 2289 project may not exceed the amount identified in the approved
 2290 operational work plan. Operational work plans shall be updated
 2291 as required in the General Appropriations Act.

2292 (b) The agency shall also submit to the Executive Office
 2293 of the Governor and the legislative appropriations chairs
 2294 project status reports comparing the planned progress of the
 2295 project as specified in the operational work plan versus the
 2296 actual progress made to date, the actual completion dates, and
 2297 the actual costs incurred. The status reports shall also
 2298 describe the planned project milestones, deliverables, and
 2299 expenditures for the next reporting period; the current issues

2300 requiring resolution; and the project risks that are being
 2301 actively managed and the actions being taken to mitigate the
 2302 risks.

2303 (c) Operational work plans and project status reports
 2304 shall comply with the standards for these documents that are
 2305 jointly developed and published annually by the State Technology
 2306 Office and the Technology Review Workgroup. The General
 2307 Appropriations Act shall specify the frequency of operational
 2308 work plans and status reports required for designated
 2309 information technology projects.

2310 (2) Any department under the direct supervision of a
 2311 member of the Cabinet or of a board consisting of the Governor
 2312 and members of the Cabinet which contends that the plan for
 2313 releases of funds appropriated to it is contrary to the approved
 2314 operating budget shall have the right to have the issue reviewed
 2315 by the Administration Commission which shall decide such issue
 2316 by majority vote. ~~The appropriations committees of the~~
 2317 ~~Legislature may advise the Administration Commission on the~~
 2318 ~~issue.~~

2319 (3) The Executive Office of the Governor shall make
 2320 releases within the amounts appropriated and as requested for
 2321 all appropriations to the legislative branch, and the provisions
 2322 of subsections (1) and (2) shall not apply to the legislative
 2323 branch.

2324 ~~(4) The legislative appropriations committees may advise~~
 2325 ~~the Chief Financial Officer, the Executive Office of the~~
 2326 ~~Governor, or the Chief Justice relative to the release of any~~
 2327 ~~funds under this section.~~

2328 ~~(4)~~(5) The annual plans of releases authorized by this
 2329 section may be considered by the Revenue Estimating Conference
 2330 in preparation of the statement of financial outlook.

2331 (5) In order to implement directives contained in the
 2332 General Appropriations Act or to prevent deficits pursuant to s.
 2333 216.221, the Executive Office of the Governor for the executive
 2334 branch and the Chief Justice for the judicial branch may place
 2335 appropriations in budget reserve or mandatory reserve.

2336 (6) All budget actions taken pursuant to the provisions of
 2337 this section are subject to the notice and review procedures set
 2338 forth in s. 216.177.

2339 Section 30. Section 216.195, Florida Statutes, is amended
 2340 to read:

2341 216.195 Impoundment of funds; restricted.--The Executive
 2342 Office of the Governor, the Chief Justice of the Supreme Court,
 2343 any member of the Cabinet, or any state agency shall not impound
 2344 any appropriation except as necessary to avoid or eliminate a
 2345 deficit pursuant to the provisions of s. 216.221. As used in
 2346 this section, the term "impoundment" means the omission of any
 2347 appropriation or part of an appropriation in the approved
 2348 operating plan prepared pursuant to s. 216.181 or in the
 2349 schedule of releases prepared pursuant to s. 216.192 or the
 2350 failure of any state agency or the judicial branch to spend an
 2351 appropriation for the stated purposes authorized in the approved
 2352 operating budget. ~~The provisions of this section are subject to~~
 2353 ~~the notice and review procedures of s. 216.177.~~ The Governor or
 2354 either house of the Legislature may seek judicial review of any

2355 | action or proposed action which violates ~~the provisions of~~ this
 2356 | section.

2357 | Section 31. Subsections (2), (3), (5), (7), (9), and (10)
 2358 | of section 216.221, Florida Statutes, are amended to read:

2359 | 216.221 Appropriations as maximum appropriations;
 2360 | adjustment of budgets to avoid or eliminate deficits.--

2361 | (2) The Legislature may annually provide direction in the
 2362 | General Appropriations Act regarding use of any state funds ~~the~~
 2363 | ~~Budget Stabilization Fund and Working Capital Fund~~ to offset
 2364 | General Revenue Fund deficits.

2365 | (3) For purposes of preventing a deficit in the General
 2366 | Revenue Fund, all branches and agencies of government ~~that~~
 2367 | ~~receive General Revenue Fund appropriations~~ shall participate in
 2368 | deficit reduction efforts. Absent specific legislative direction
 2369 | ~~in the General Appropriations Act~~, when budget reductions are
 2370 | required in order to prevent a deficit under the provisions of
 2371 | subsection (7), each branch shall reduce its General Revenue
 2372 | Fund appropriations by a proportional amount.

2373 | (5)(a) If, in the opinion of the Governor, after
 2374 | consultation with the Revenue Estimating Conference, a deficit
 2375 | will occur in the General Revenue Fund, he or she shall so
 2376 | certify to the commission and to the Chief Justice of the
 2377 | Supreme Court. No more than 30 days after certifying that a
 2378 | deficit will occur in the General Revenue Fund, the Governor
 2379 | shall develop for the executive branch, and the Chief Justice of
 2380 | the Supreme Court shall develop for the judicial branch, and
 2381 | provide to the commission and to the Legislature plans of action
 2382 | to eliminate the deficit.

2383 (b) If, in the opinion of the President of the Senate and
 2384 the Speaker of the House of Representatives, after consultation
 2385 with the Revenue Estimating Conference, a deficit will occur in
 2386 the General Revenue Fund and the Governor has not certified the
 2387 deficit, the President of the Senate and the Speaker of the
 2388 House of Representatives shall so certify. Within 30 days after
 2389 such certification, the Governor shall develop for the executive
 2390 branch and the Chief Justice of the Supreme Court shall develop
 2391 for the judicial branch and provide to the commission and to the
 2392 Legislature plans of action to eliminate the deficit.

2393 (c)~~(b)~~ In developing a plan of action to prevent deficits
 2394 in accordance with subsection (7), the Governor and Chief
 2395 Justice shall, to the extent possible, preserve legislative
 2396 policy and intent, and, absent any specific direction to the
 2397 contrary in the General Appropriations Act, the Governor and
 2398 Chief Justice shall comply with the following guidelines for
 2399 reductions in the approved operating budgets of the executive
 2400 branch and the judicial branch:

2401 ~~1. Entire statewide programs previously established by the~~
 2402 ~~Legislature should not be eliminated.~~

2403 ~~1.2.~~ Education budgets should not be reduced more than
 2404 provided for in s. 215.16(2).

2405 ~~2.3.~~ The use of nonrecurring funds to solve recurring
 2406 deficits should be minimized.

2407 ~~3.4.~~ Newly created programs that are not fully implemented
 2408 and programs with critical audits, evaluations, and reviews
 2409 should receive first consideration for reductions.

2410 4.5. No agencies or branches of government receiving
2411 appropriations should be exempt from reductions.

2412 5.6. When reductions in positions are required, the focus
2413 should be initially on vacant positions.

2414 ~~7. Any reductions applied to all agencies and branches
2415 should be uniformly applied.~~

2416 6.8. Reductions that would cause substantial losses of
2417 federal funds should be minimized.

2418 ~~9. To the greatest extent possible, across the board,
2419 prorated reductions should be considered.~~

2420 7.10. Reductions to statewide programs should occur only
2421 after review of programs that provide only local benefits.

2422 8.11. Reductions in administrative and support functions
2423 should be considered before reductions in direct-support
2424 services.

2425 9.12. Maximum reductions should be considered in budgets
2426 for expenses including travel and in budgets for equipment
2427 replacement, outside consultants, and contracts.

2428 10.13. Reductions in salaries for elected state officials
2429 should be considered.

2430 11.14. Reductions that adversely affect the public health,
2431 safety, and welfare should be minimized.

2432 12.15. The Budget Stabilization Fund should not be reduced
2433 to a level that would impair the financial stability of this
2434 state.

2435 13.16. Reductions in programs that are traditionally
2436 funded by the private sector and that may be assumed by private
2437 enterprise should be considered.

2438 14.17. Reductions in programs that are duplicated among
 2439 state agencies or branches of government should be considered.

2440 (7) Deficits in the General Revenue Fund that do not meet
 2441 the amounts specified by subsection (6) shall be resolved by the
 2442 Governor ~~commission for the executive branch~~ and the Chief
 2443 Justice of the Supreme Court for the judicial branch. The
 2444 Governor ~~commission and Chief Justice~~ shall implement any
 2445 directions provided in the General Appropriations Act related to
 2446 eliminating deficits and to reducing agency and judicial branch
 2447 budgets, including the use of those legislative appropriations
 2448 voluntarily placed in reserve. In addition, the Governor
 2449 ~~commission~~ shall implement any directions in the General
 2450 Appropriations Act relating to the resolution of deficit
 2451 situations. When reducing state agency or judicial branch
 2452 budgets, the Governor ~~commission~~ or the Chief Justice,
 2453 respectively, shall use the guidelines prescribed in subsection
 2454 (5). The Executive Office of the Governor ~~for the commission~~,
 2455 and the Chief Justice for the judicial branch, shall implement
 2456 the deficit reduction plans through amendments to the approved
 2457 operating budgets in accordance with s. 216.181.

2458 (9) If, in the opinion of the Chief Financial Officer,
 2459 after consultation with the Revenue Estimating Conference, a
 2460 deficit will occur, he or she shall report his or her opinion to
 2461 the Governor, the President of the Senate, and the Speaker of
 2462 the House of Representatives in writing. In the event the
 2463 Governor does not certify a deficit, or the President of the
 2464 Senate and the Speaker of the House of Representatives do not
 2465 certify a deficit within 10 days after the Chief Financial

2466 Officer's report, the Chief Financial Officer shall report his
 2467 or her findings and opinion to the commission and the Chief
 2468 Justice of the Supreme Court.

2469 (10) When advised by the Revenue Estimating Conference,
 2470 the Chief Financial Officer, or any agency responsible for a
 2471 trust fund that a deficit will occur with respect to the
 2472 appropriations from a specific trust fund in the current fiscal
 2473 year, the Governor for the executive branch, or the Chief
 2474 Justice for the judicial branch, shall develop a plan of action
 2475 to eliminate the deficit. Before implementing the plan of
 2476 action, the Governor or the Chief Justice must comply with the
 2477 provisions of s. 216.177(2), and actions to resolve deficits in
 2478 excess of \$1 million must be approved by the Legislative Budget
 2479 Commission. In developing the plan of action, the Governor or
 2480 the Chief Justice shall, to the extent possible, preserve
 2481 legislative policy and intent, ~~and, absent any specific~~
 2482 ~~directions to the contrary in the General Appropriations Act,~~
 2483 ~~any reductions in appropriations from the trust fund for the~~
 2484 ~~fiscal year shall be prorated among the specific appropriations~~
 2485 ~~made from the trust fund for the current fiscal year.~~

2486 Section 32. Subsection (2) of section 216.231, Florida
 2487 Statutes, is amended to read:

2488 216.231 Release of certain classified appropriations.--

2489 (2) The release of appropriated funds classified as
 2490 "deficiency" shall be approved only when a General Revenue Fund
 2491 appropriation for operations of a state agency or of the
 2492 judicial branch is inadequate because the workload or cost of
 2493 the operation exceeds that anticipated by the Legislature and a

2494 determination has been made by the Governor ~~commission~~ that the
 2495 deficiency will result in an impairment of the activities of an
 2496 agency or of the judicial branch to the extent that the agency
 2497 is unable to carry out its program as provided by the
 2498 Legislature in the general appropriations acts. These funds may
 2499 not be used for creation of any new agency or program, for
 2500 increases of salary, or for the construction or equipping of
 2501 additional buildings.

2502 Section 33. Subsections (3), (6), and (11) of section
 2503 216.235, Florida Statutes, are amended to read:

2504 216.235 Innovation Investment Program.--

2505 (3) For purposes of this section:

2506 (a) "Agency" means an official, officer, commission,
 2507 authority, council, committee, department, division, bureau,
 2508 board, section, or other unit or entity of the executive branch.

2509 ~~(b) "Commission" means the Information Resource~~
 2510 ~~Commission.~~

2511 (b)~~(e)~~ "Committee" means the State Innovation Committee.

2512 (c)~~(d)~~ "Office" means the Office of Tourism, Trade, and
 2513 Economic Development within the Executive Office of the
 2514 Governor.

2515 (d)~~(e)~~ "Review board" means a nonpartisan board composed
 2516 of private citizens and public employees who evaluate the
 2517 projects and make funding recommendations to the committee.

2518 (6) Any agency developing an innovative investment project
 2519 proposal that involves information technology resources may
 2520 consult with and seek technical assistance from the state
 2521 technology office ~~commission~~. The office shall consult with the

2522 state technology office ~~commission~~ for any project proposal that
 2523 involves information resource technology. The state technology
 2524 office ~~commission~~ is responsible for evaluating these projects
 2525 and for advising the committee and review board of the technical
 2526 feasibility and any transferable benefits of the proposed
 2527 technology. In addition to the requirements of subsection (5),
 2528 the agencies shall provide to the state technology office
 2529 ~~commission~~ any information requested by the state technology
 2530 office ~~commission~~ to aid in determining that the proposed
 2531 technology is appropriate for the project's success.

2532 (11) Funds appropriated for the Innovation Investment
 2533 Program shall be distributed by the Executive Office of the
 2534 Governor subject to notice, review, and objection procedures set
 2535 forth in s. 216.177. The office may transfer funds from the
 2536 annual appropriation as necessary to administer the program.
 2537 Proposals considered but not funded by the Legislature as part
 2538 of an agency legislative budget request or the Governor's budget
 2539 recommendation are not eligible to receive funding under the
 2540 Innovation Investment Program.

2541 Section 34. Section 216.241, Florida Statutes, is amended
 2542 to read:

2543 216.241 Initiation or commencement of new programs;
 2544 approval; expenditure of certain revenues.--

2545 (1) A state agency or the judicial branch may not initiate
 2546 or commence any new program, including any new federal program
 2547 or initiative, or make changes in its current programs, as
 2548 provided for in the appropriations act, that require additional
 2549 financing unless funds have been specifically appropriated by

2550 the Legislature or unless the Legislative Budget Commission ~~or~~
 2551 ~~the Chief Justice of the Supreme Court~~ expressly approves such
 2552 new program or changes. ~~The commission and the Chief Justice~~
 2553 ~~shall give notice as provided in s. 216.177 prior to approving~~
 2554 ~~such new program or changes.~~

2555 (2) ~~No~~ Changes that ~~which~~ are inconsistent with the
 2556 approved ~~operating~~ budget may not ~~shall~~ be made to existing
 2557 programs unless such changes are recommended to the Legislative
 2558 Budget Commission by the Governor or the Chief Justice and the
 2559 Legislative Budget Commission expressly approves such program
 2560 changes. ~~The provisions of~~ This subsection is ~~are~~ subject to the
 2561 notice, review, and objection procedures set forth in s.
 2562 216.177.

2563 (3) Any revenues generated by any tax or fee imposed by
 2564 amendment to the State Constitution after October 1, 1999, shall
 2565 not be expended by any agency, as defined in s. 120.52(1),
 2566 except pursuant to appropriation by the Legislature.

2567 Section 35. Subsection (2) of section 216.251, Florida
 2568 Statutes, is amended to read:

2569 216.251 Salary appropriations; limitations.--

2570 (2)(a) The salary for each position not specifically
 2571 indicated in the appropriations acts shall be as provided in one
 2572 of the following subparagraphs:

2573 1. Within the classification and pay plans provided for in
 2574 chapter 110.

2575 2. Within the classification and pay plans established by
 2576 the Board of Trustees for the Florida School for the Deaf and
 2577 the Blind of the Department of Education and approved by the

2578 State Board of Education for academic and academic
 2579 administrative personnel.

2580 3. Within the classification and pay plan approved and
 2581 administered by the State Board of Education and the Board of
 2582 Governors ~~Board of Regents~~ for those positions in the State
 2583 University System.

2584 4. Within the classification and pay plan approved by the
 2585 President of the Senate and the Speaker of the House of
 2586 Representatives, as the case may be, for employees of the
 2587 Legislature.

2588 5. Within the approved classification and pay plan for the
 2589 judicial branch.

2590 ~~6. The salary of all positions not specifically included~~
 2591 ~~in this subsection shall be set by the commission or by the~~
 2592 ~~Chief Justice for the judicial branch.~~

2593 (b) Salary payments shall be made only to employees
 2594 filling established positions included in the agency's or in the
 2595 judicial branch's approved budgets and amendments thereto as may
 2596 be provided by law; provided, however:

2597 1. Reclassification of established positions may be
 2598 accomplished when justified in accordance with the established
 2599 procedures for reclassifying positions; or

2600 2. When the Division of Risk Management of the Department
 2601 of Financial Services has determined that an employee is
 2602 entitled to receive a temporary partial disability benefit or a
 2603 temporary total disability benefit pursuant to the provisions of
 2604 s. 440.15 and there is medical certification that the employee
 2605 cannot perform the duties of the employee's regular position,

2606 but the employee can perform some type of work beneficial to the
 2607 agency, the agency may return the employee to the payroll, at
 2608 his or her regular rate of pay, to perform such duties as the
 2609 employee is capable of performing, even if there is not an
 2610 established position in which the employee can be placed.

2611 Nothing in this subparagraph shall abrogate an employee's rights
 2612 under chapter 440 or chapter 447, nor shall it adversely affect
 2613 the retirement credit of a member of the Florida Retirement
 2614 System in the membership class he or she was in at the time of,
 2615 and during, the member's disability.

2616 Section 36. Paragraphs (a) and (c) of subsection (1) of
 2617 section 216.262, Florida Statutes, are amended to read:

2618 216.262 Authorized positions.--

2619 (1)(a) Unless otherwise expressly provided by law, the
 2620 total number of authorized positions may not exceed the total
 2621 provided in the appropriations acts. In the event any state
 2622 agency or entity of the judicial branch finds that the number of
 2623 positions so provided is not sufficient to administer its
 2624 authorized programs, it may file an application with the
 2625 Executive Office of the Governor or the Chief Justice; and, if
 2626 the Executive Office of the Governor or Chief Justice certifies
 2627 that there are no authorized positions available for addition,
 2628 deletion, or transfer within the agency as provided in paragraph
 2629 (c) and recommends an increase in the number of positions, the
 2630 Governor or the Chief Justice may recommend, ~~after a public~~
 2631 ~~hearing, authorize~~ an increase in the number of positions for
 2632 the following reasons only:

- 2633 1. To implement or provide for continuing federal grants
- 2634 or changes in grants not previously anticipated.†
- 2635 2. To meet emergencies pursuant to s. 252.36.†
- 2636 3. To satisfy new federal regulations or changes therein.†
- 2637 4. To take advantage of opportunities to reduce operating
- 2638 expenditures or to increase the revenues of the state or local
- 2639 government.†~~and~~

- 2640 5. To authorize positions that ~~which~~ were not fixed by the
- 2641 Legislature through error in drafting the appropriations acts.

2642

2643 Actions recommended pursuant to ~~The provisions of~~ this paragraph

2644 are subject to approval by the Legislative Budget Commission.

2645 ~~the notice and review procedures set forth in s. 216.177. A copy~~

2646 ~~of the application,~~ The certification, and the final

2647 authorization shall be provided to ~~filed with~~ the Legislative

2648 Budget Commission, the appropriations committees, and ~~with~~ the

2649 Auditor General.

2650 (c)1. The Executive Office of the Governor, under such

2651 procedures and qualifications as it deems appropriate, shall,

2652 upon agency request, delegate to any state agency authority to

2653 add and delete authorized positions or transfer authorized

2654 positions from one budget entity to another budget entity within

2655 the same division, and may approve additions and deletions of

2656 authorized positions or transfers of authorized positions within

2657 the state agency when such changes would enable the agency to

2658 administer more effectively its authorized and approved

2659 programs. The additions or deletions must be consistent with the

2660 intent of the approved operating budget, must be consistent with

2661 legislative policy and intent, and must not conflict with
 2662 specific spending policies specified in the General
 2663 Appropriations Act.

2664 2. The Chief Justice of the Supreme Court shall have the
 2665 authority to establish procedures for the judicial branch to add
 2666 and delete authorized positions or transfer authorized positions
 2667 from one budget entity to another budget entity, and to add and
 2668 delete authorized positions within the same budget entity, when
 2669 such changes are consistent with legislative policy and intent
 2670 and do not conflict with spending policies specified in the
 2671 General Appropriations Act.

2672 ~~3.a. A state agency may be eligible to retain salary~~
 2673 ~~dollars for authorized positions eliminated after July 1, 2001.~~
 2674 ~~The agency must certify the eliminated positions to the~~
 2675 ~~Legislative Budgeting Commission.~~

2676 ~~b. The Legislative Budgeting Commission shall authorize~~
 2677 ~~the agency to retain 20 percent of the salary dollars associated~~
 2678 ~~with the eliminated positions and may authorize retention of a~~
 2679 ~~greater percentage. All such salary dollars shall be used for~~
 2680 ~~permanent salary increases.~~

2681 Section 37. Section 216.292, Florida Statutes, is amended
 2682 to read:

2683 (Substantial rewording of section. See
 2684 s. 216.292, F.S., for present text.)

2685 216.292 Appropriations nontransferable; exceptions.--

2686 (1)(a) Funds provided in the General Appropriations Act or
 2687 as otherwise expressly provided by law shall be expended only
 2688 for the purpose for which appropriated, except that such moneys

2689 may be transferred as provided in this section when it is
 2690 determined to be in the best interest of the state.
 2691 Appropriations for fixed capital outlay may not be expended for
 2692 any other purpose. Appropriations may not be transferred between
 2693 state agencies, or between a state agency and the judicial
 2694 branch, unless specifically authorized by law.

2695 (b)1. Authorized revisions of the original approved
 2696 operating budget, together with related changes in the plan for
 2697 release of appropriations, if any, shall be transmitted by the
 2698 state agency or by the judicial branch to the Executive Office
 2699 of the Governor or the Chief Justice, respectively, the chairs
 2700 of the Senate and the House of Representatives appropriations
 2701 committees, the Office of Program Policy Analysis and Government
 2702 Accountability, and the Auditor General. Such authorized
 2703 revisions shall be consistent with the intent of the approved
 2704 operating budget, shall be consistent with legislative policy
 2705 and intent, and may not conflict with specific spending policies
 2706 specified in the General Appropriations Act.

2707 2. Authorized revisions, together with related changes, if
 2708 any, in the plan for release of appropriations shall be
 2709 transmitted by the state agency or by the judicial branch to the
 2710 Chief Financial Officer for entry in the Chief Financial
 2711 Officer's records in the manner and format prescribed by the
 2712 Executive Office of the Governor in consultation with the Chief
 2713 Financial Officer.

2714 3. The Executive Office of the Governor or the Chief
 2715 Justice shall forward a copy of the revisions within 7 working
 2716 days to the Chief Financial Officer for entry in his or her

2717 records in the manner and format prescribed by the Executive
 2718 Office of the Governor in consultation with the Chief Financial
 2719 Officer.

2720 (2) The following transfers are authorized to be made by
 2721 the head of each department or the Chief Justice of the Supreme
 2722 Court:

2723 (a) The transfer of appropriations funded from identical
 2724 funding sources, except appropriations for fixed capital outlay,
 2725 and the transfer of amounts included within the total original
 2726 approved budget and plans of releases of appropriations as
 2727 furnished pursuant to ss. 216.181 and 216.192, as follows:

2728 1. Between categories of appropriations within a budget
 2729 entity, if no category of appropriation is increased or
 2730 decreased by more than 5 percent of the original approved budget
 2731 or \$250,000, whichever is greater, by all action taken under
 2732 this subsection.

2733 2. Between budget entities within identical categories of
 2734 appropriations, if no category of appropriation is increased or
 2735 decreased by more than 5 percent of the original approved budget
 2736 or \$250,000, whichever is greater, by all action taken under
 2737 this subsection.

2738 3. Any agency exceeding salary rate established pursuant
 2739 to s. 216.181(8) on June 30th of any fiscal year shall not be
 2740 authorized to make transfers pursuant to subparagraphs 1. and 2.
 2741 in the subsequent fiscal year.

2742 4. Notice of proposed transfers under subparagraphs 1. and
 2743 2. shall be provided to the Executive Office of the Governor and
 2744 the chairs of the legislative appropriations committees at least

2745 3 days prior to agency implementation in order to provide an
 2746 opportunity for review. The review shall be limited to ensuring
 2747 that the transfer is in compliance with the requirements of this
 2748 paragraph.

2749 (b) After providing notice at least 5 working days prior
 2750 to implementation:

2751 1. The transfer of funds within programs identified in the
 2752 General Appropriations Act from identical funding sources
 2753 between the following appropriation categories without
 2754 limitation so long as such a transfer does not result in an
 2755 increase, to the total recurring general revenue or trust fund
 2756 cost of the agency or entity of the judicial branch in the
 2757 subsequent fiscal year: other personal services, expenses,
 2758 operating capital outlay, food products, state attorney and
 2759 public defender operations, data processing services, operating
 2760 and maintenance of patrol vehicles, overtime payments, salary
 2761 incentive payments, compensation to retired judges, law
 2762 libraries, and juror and witness payments.

2763 2. The transfer of funds and positions from identical
 2764 funding sources between salaries and benefits appropriation
 2765 categories within programs identified in the General
 2766 Appropriations Act. Such transfers must be consistent with
 2767 legislative policy and intent and may not adversely affect
 2768 achievement of approved performance outcomes or outputs in any
 2769 program.

2770 (c) The transfer of funds appropriated to accounts
 2771 established for disbursement purposes upon release of such
 2772 appropriation upon request of a department and approval by the

2773 Chief Financial Officer. Such transfer may only be made to the
 2774 same appropriation category and the same funding source from
 2775 which the funds are transferred.

2776 (d) The transfer of funds by the Executive Office of the
 2777 Governor from appropriations for public school operations to a
 2778 fixed capital outlay appropriation for class size reduction
 2779 based on recommendations of the Florida Education Finance
 2780 Program Appropriation Allocation Conference or the Legislative
 2781 Budget Commission pursuant to s. 1003.03(4)(a). Actions by the
 2782 Governor under this subsection are subject to the notice and
 2783 review provisions of s. 216.177.

2784 (e) The increase of trust fund appropriation in excess of
 2785 the limitations provided in subsection (4) for the purpose of
 2786 distributing statewide appropriations that are allocated to all
 2787 state agencies based on specific direction in the General
 2788 Appropriations Act or that have an acceptable prescribed billing
 2789 methodology in place for cost recovery of services provided.

2790 (3) The following transfers are authorized with the
 2791 approval of the Executive Office of the Governor, subject to the
 2792 notice and review provisions of s. 216.177:

2793 (a) The transfer of appropriations for operations from
 2794 trust funds in excess of those provided in subsection (2), up to
 2795 \$1 million.

2796 (b) The transfer of positions between budget entities.

2797 (c) The transfer of funds between state agencies by the
 2798 Executive Office of the Governor to align appropriations with
 2799 assessments that must be paid by each agency for human resource
 2800 management services.

2801 (d) The transfer of funds between state agencies by the
 2802 Executive Office of the Governor to align appropriations with
 2803 the premiums paid by each agency for risk management insurance.

2804 (e) The increase of trust fund appropriations in excess of
 2805 the limitations provided in subsection (4) for the purpose of
 2806 distributing statewide appropriations that are allocated to all
 2807 state agencies based on specific direction in the general
 2808 appropriations act or which have an acceptable prescribed
 2809 billing methodology in place for cost recovery of services
 2810 provided.

2811 (4) The following transfers are authorized with the
 2812 approval of the Legislative Budget Commission. Unless waived by
 2813 the chair and vice chair of the commission, notice of such
 2814 transfers must be provided 14 days before the commission
 2815 meeting:

2816 (a) The transfer of appropriations for operations from the
 2817 General Revenue Fund in excess of those provided in this section
 2818 but within a state agency or within the judicial branch, as
 2819 recommended by the Executive Office of the Governor or the Chief
 2820 Justice of the Supreme Court.

2821 (b) The transfer of appropriations for operations from
 2822 trust funds in excess of those provided in this section that
 2823 exceed the greater of 5 percent of the original approved budget
 2824 or \$1 million, as recommended by the Executive Office of the
 2825 Governor or the Chief Justice of the Supreme Court.

2826 (c) The transfer of the portion of an appropriation for a
 2827 named fixed capital outlay project found to be in excess of that
 2828 needed to complete the project to another project for which

2829 there has been an appropriation in the same fiscal year from the
 2830 same fund and within the same department where a deficiency is
 2831 found to exist, at the request of the Executive Office of the
 2832 Governor for state agencies or the Chief Justice of the Supreme
 2833 Court for the judicial branch. The scope of a fixed capital
 2834 outlay project may not be changed by any transfer of funds made
 2835 pursuant to this subsection.

2836 (d) The transfers necessary to accomplish the purposes of
 2837 reorganization within state agencies or the judicial branch
 2838 authorized by the Legislature when the necessary adjustments of
 2839 appropriations and positions have not been provided in the
 2840 General Appropriations Act.

2841 (5) A transfer of funds may not result in the initiation
 2842 of a fixed capital outlay project that has not received a
 2843 specific legislative appropriation, except that federal funds
 2844 for fixed capital outlay projects for the Department of Military
 2845 Affairs, which do not carry a continuing commitment on future
 2846 appropriations by the Legislature, may be approved by the
 2847 Executive Office of the Governor for the purpose received,
 2848 subject to the notice, review, and objection procedures set
 2849 forth in s. 216.177.

2850 (6) The Chief Financial Officer shall transfer from any
 2851 available funds of an agency or the judicial branch the
 2852 following amounts and shall report all such transfers and the
 2853 reasons therefor to the legislative appropriations committees
 2854 and the Executive Office of the Governor:

2855 (a) The amount due to the Unemployment Compensation Trust
 2856 Fund which is more than 90 days delinquent on reimbursements due

2857 to the Unemployment Compensation Trust Fund. The amount
 2858 transferred shall be that certified by the state agency
 2859 providing unemployment tax collection services under contract
 2860 with the Agency for Workforce Innovation through an interagency
 2861 agreement pursuant to s. 443.1316.

2862 (b) The amount due to the Division of Risk Management
 2863 which is more than 90 days delinquent in payment to the Division
 2864 of Risk Management of the Department of Financial Services for
 2865 insurance coverage. The amount transferred shall be that
 2866 certified by the division.

2867 (c) The amount due to the Communications Working Capital
 2868 Trust Fund from moneys appropriated in the General
 2869 Appropriations Act for the purpose of paying for services
 2870 provided by the state communications system in the Department of
 2871 Management Services which is unpaid 45 days after the billing
 2872 date. The amount transferred shall be that billed by the
 2873 department.

2874 Section 38. Section 216.301, Florida Statutes, is amended
 2875 to read:

2876 216.301 Appropriations; undisbursed balances.--

2877 (1)(a) Any balance of any appropriation, except an
 2878 appropriation for fixed capital outlay, which is not disbursed
 2879 but which is expended or contracted to be expended shall, at the
 2880 end of each fiscal year, be certified by the head of the
 2881 affected state agency or the judicial or legislative branches,
 2882 on or before August 1 of each year, to the Executive Office of
 2883 the Governor, showing in detail the obligees to whom obligated
 2884 and the amounts of such obligations. On or before September 1 of

2885 | each year, the Executive Office of the Governor shall review and
 2886 | approve or disapprove, consistent with legislative policy and
 2887 | intent, any or all of the items and amounts certified by the
 2888 | head of the affected state agency and shall approve all items
 2889 | and amounts certified by the Chief Justice of the Supreme Court
 2890 | for the judicial branch and by the legislative branch and shall
 2891 | furnish the Chief Financial Officer, the legislative
 2892 | appropriations committees, and the Auditor General a detailed
 2893 | listing of the items and amounts approved as legal encumbrances
 2894 | against the undisbursed balance of such appropriation. The
 2895 | review shall assure that trust funds have been fully maximized.
 2896 | Any such encumbered balance remaining undisbursed on December 31
 2897 | of the same calendar year in which such certification was made
 2898 | shall revert to the fund from which appropriated, except as
 2899 | provided in subsection (3), and shall be available for
 2900 | reappropriation by the Legislature. In the event such
 2901 | certification is not made and an obligation is proven to be
 2902 | legal, due, and unpaid, then the obligation shall be paid and
 2903 | charged to the appropriation for the current fiscal year of the
 2904 | state agency or the legislative or judicial branch affected.

2905 | (b) Any balance of any appropriation, except an
 2906 | appropriation for fixed capital outlay, for any given fiscal
 2907 | year remaining after charging against it any lawful expenditure
 2908 | shall revert to the fund from which appropriated and shall be
 2909 | available for reappropriation by the Legislature.

2910 | (c) Each department and the judicial branch shall maintain
 2911 | the integrity of the General Revenue Fund. Appropriations from
 2912 | the General Revenue Fund contained in the original approved

2913 budget may be transferred to the proper trust fund for
 2914 disbursement. Any reversion of appropriation balances from
 2915 programs which receive funding from the General Revenue Fund and
 2916 trust funds shall be transferred to the General Revenue Fund
 2917 within 15 days after such reversion, unless otherwise provided
 2918 by federal or state law, including the General Appropriations
 2919 Act. The Executive Office of the Governor or the Chief Justice
 2920 of the Supreme Court shall determine the state agency or
 2921 judicial branch programs which are subject to this paragraph.
 2922 This determination shall be subject to the legislative
 2923 consultation and objection process in this chapter. The
 2924 Education Enhancement Trust Fund shall not be subject to the
 2925 provisions of this section.

2926 (2)(a) The balance of any appropriation for fixed capital
 2927 outlay which is not disbursed but expended, contracted, or
 2928 committed to be expended prior to February 1 of the second
 2929 fiscal year of the appropriation, or the third fiscal year if it
 2930 is for an educational facility as defined in chapter 1013 or for
 2931 a construction project of a state university, shall be certified
 2932 by the head of the affected state agency or the legislative or
 2933 judicial branch on February 1 to the Executive Office of the
 2934 Governor, showing in detail the commitment or to whom obligated
 2935 and the amount of the commitment or obligation. The Executive
 2936 Office of the Governor shall review and approve or disapprove,
 2937 consistent with criteria jointly developed by the Executive
 2938 Office of the Governor and the legislative appropriations
 2939 committees, the continuation of such unexpended balances. The
 2940 Executive Office of the Governor shall, no later than February

2941 20 of each year, furnish the Chief Financial Officer, the
 2942 legislative appropriations committees, and the Auditor General a
 2943 report listing in detail the items and amounts reverting under
 2944 the authority of this subsection, including the fund to which
 2945 reverted and the agency affected.

2946 (b) The certification required in this subsection shall be
 2947 in the form and on the date approved by the Executive Office of
 2948 the Governor. Any balance that is not certified shall revert to
 2949 the fund from which it was appropriated and be available for
 2950 reappropriation.

2951 (c) The balance of any appropriation for fixed capital
 2952 outlay certified forward under paragraph (a) which is not
 2953 disbursed but expended, contracted, or committed to be expended
 2954 prior to the end of the second fiscal year of the appropriation,
 2955 or the third fiscal year if it is for an educational facility as
 2956 defined in chapter 1013 or for a construction project of a state
 2957 university, and any subsequent fiscal year, shall be certified
 2958 by the head of the affected state agency or the legislative or
 2959 judicial branch on or before August 1 of each year to the
 2960 Executive Office of the Governor, showing in detail the
 2961 commitment or to whom obligated and the amount of such
 2962 commitment or obligation. On or before September 1 of each year,
 2963 the Executive Office of the Governor shall review and approve or
 2964 disapprove, consistent with legislative policy and intent, any
 2965 or all of the items and amounts certified by the head of the
 2966 affected state agency and shall approve all items and amounts
 2967 certified by the Chief Justice of the Supreme Court and by the
 2968 legislative branch and shall furnish the Chief Financial

2969 Officer, the legislative appropriations committees, and the
 2970 Auditor General a detailed listing of the items and amounts
 2971 approved as legal encumbrances against the undisbursed balances
 2972 of such appropriations. If such certification is not made and
 2973 the balance of the appropriation has reverted and the obligation
 2974 is proven to be legal, due, and unpaid, the obligation shall be
 2975 presented to the Legislature for its consideration.

2976 (3) The President of the Senate and the Speaker of the
 2977 House of Representatives may notify the Executive Office of the
 2978 Governor to retain certified-forward balances from legislative
 2979 budget entities until June 30 of the following fiscal year.

2980 ~~(2)(a) Any balance of any appropriation for fixed capital~~
 2981 ~~outlay not disbursed but expended or contracted or committed to~~
 2982 ~~be expended shall, at the end of each fiscal year, be certified~~
 2983 ~~by the head of the affected state agency or the legislative or~~
 2984 ~~judicial branch, on or before August 1 of each year, to the~~
 2985 ~~Executive Office of the Governor, showing in detail the~~
 2986 ~~commitment or to whom obligated and the amount of such~~
 2987 ~~commitment or obligation. On or before September 1 of each year,~~
 2988 ~~the Executive Office of the Governor shall review and approve or~~
 2989 ~~disapprove, consistent with legislative policy and intent, any~~
 2990 ~~or all of the items and amounts certified by the head of the~~
 2991 ~~affected state agency and shall approve all items and amounts~~
 2992 ~~certified by the Chief Justice of the Supreme Court and by the~~
 2993 ~~legislative branch and shall furnish the Chief Financial~~
 2994 ~~Officer, the legislative appropriations committees, and the~~
 2995 ~~Auditor General a detailed listing of the items and amounts~~
 2996 ~~approved as legal encumbrances against the undisbursed balances~~

2997 ~~of such appropriations. In the event such certification is not~~
 2998 ~~made and the balance of the appropriation has reverted and the~~
 2999 ~~obligation is proven to be legal, due, and unpaid, then the same~~
 3000 ~~shall be presented to the Legislature for its consideration.~~

3001 ~~(b) Such certification as herein required shall be in the~~
 3002 ~~form and on the date approved by the Executive Office of the~~
 3003 ~~Governor. Any balance not so certified shall revert to the fund~~
 3004 ~~from which appropriated and shall be available for~~
 3005 ~~reappropriation.~~

3006 ~~(3) Notwithstanding the provisions of subsection (2), the~~
 3007 ~~unexpended balance of any appropriation for fixed capital outlay~~
 3008 ~~subject to but not under the terms of a binding contract or a~~
 3009 ~~general construction contract prior to February 1 of the second~~
 3010 ~~fiscal year, or the third fiscal year if it is for an~~
 3011 ~~educational facility as defined in chapter 1013 or a~~
 3012 ~~construction project of a state university, of the appropriation~~
 3013 ~~shall revert on February 1 of such year to the fund from which~~
 3014 ~~appropriated and shall be available for reappropriation. The~~
 3015 ~~Executive Office of the Governor shall, not later than February~~
 3016 ~~20 of each year, furnish the Chief Financial Officer, the~~
 3017 ~~legislative appropriations committees, and the Auditor General a~~
 3018 ~~report listing in detail the items and amounts reverting under~~
 3019 ~~the authority of this subsection, including the fund to which~~
 3020 ~~reverted and the agency affected.~~

3021 Section 39. Effective July 1, 2006, subsection (1) of
 3022 section 216.301, Florida Statutes, as amended by this act, is
 3023 amended to read:

3024 216.301 Appropriations; undisbursed balances.--

3025 (1)(a) Any balance of any appropriation, except an
 3026 appropriation for fixed capital outlay, which is not disbursed
 3027 but which is expended ~~or contracted to be expended~~ shall, at the
 3028 end of each fiscal year, be certified by the head of the
 3029 affected state agency or the judicial or legislative branches,
 3030 on or before August 1 of each year, to the Executive Office of
 3031 the Governor, showing in detail the obligees to whom obligated
 3032 and the amounts of such obligations. ~~On or before September 1 of~~
 3033 ~~each year, the Executive Office of the Governor shall review and~~
 3034 ~~approve or disapprove, consistent with legislative policy and~~
 3035 ~~intent, any or all of the items and amounts certified by the~~
 3036 ~~head of the affected state agency and shall approve all items~~
 3037 ~~and amounts certified by the Chief Justice of the Supreme Court~~
 3038 ~~for the judicial branch and by the legislative branch and shall~~
 3039 ~~furnish the Chief Financial Officer, the legislative~~
 3040 ~~appropriations committees, and the Auditor General a detailed~~
 3041 ~~listing of the items and amounts approved as legal encumbrances~~
 3042 ~~against the undisbursed balance of such appropriation. The~~
 3043 ~~review shall assure that trust funds have been fully maximized.~~
 3044 Any such encumbered balance remaining undisbursed on September
 3045 30 ~~December 31~~ of the same calendar year in which such
 3046 certification was made shall revert to the fund from which
 3047 appropriated, except as provided in subsection (3), and shall be
 3048 available for reappropriation by the Legislature. In the event
 3049 such certification is not made and an obligation is proven to be
 3050 legal, due, and unpaid, then the obligation shall be paid and
 3051 charged to the appropriation for the current fiscal year of the
 3052 state agency or the legislative or judicial branch affected.

3053 (b) Any balance of any appropriation, except an
 3054 appropriation for fixed capital outlay, for any given fiscal
 3055 year remaining after charging against it any lawful expenditure
 3056 shall revert to the fund from which appropriated and shall be
 3057 available for reappropriation by the Legislature.

3058 (c) Each department and the judicial branch shall maintain
 3059 the integrity of the General Revenue Fund. Appropriations from
 3060 the General Revenue Fund contained in the original approved
 3061 budget may be transferred to the proper trust fund for
 3062 disbursement. Any reversion of appropriation balances from
 3063 programs which receive funding from the General Revenue Fund and
 3064 trust funds shall be transferred to the General Revenue Fund
 3065 within 15 days after such reversion, unless otherwise provided
 3066 by federal or state law, including the General Appropriations
 3067 Act. The Executive Office of the Governor or the Chief Justice
 3068 of the Supreme Court shall determine the state agency or
 3069 judicial branch programs which are subject to this paragraph.
 3070 This determination shall be subject to the legislative
 3071 consultation and objection process in this chapter. The
 3072 Education Enhancement Trust Fund shall not be subject to the
 3073 provisions of this section.

3074 Section 40. Subsection (3) of section 218.60, Florida
 3075 Statutes, is amended to read:

3076 218.60 Definitions.--

3077 ~~(3) All estimates of moneys provided pursuant to this part~~
 3078 ~~utilized by participating units of local government in the first~~
 3079 ~~year of participation shall be equal to 95 percent of those~~
 3080 ~~projections made by the revenue estimating conference and~~

3081 ~~provided to local governments by the Office of Economic and~~
 3082 ~~Demographic Research, in consultation with the Department of~~
 3083 ~~Revenue.~~

3084 Section 41. Subsection (2) of section 252.37, Florida
 3085 Statutes, is amended to read:

3086 252.37 Financing.--

3087 (2) It is the legislative intent that the first recourse
 3088 be made to funds regularly appropriated to state and local
 3089 agencies. If the Governor finds that the demands placed upon
 3090 these funds in coping with a particular disaster declared by the
 3091 Governor as a state of emergency are unreasonably great, she or
 3092 he may make funds available by transferring and expending moneys
 3093 appropriated for other purposes, by transferring and expending
 3094 moneys out of any unappropriated surplus funds, or from the
 3095 Budget Stabilization Fund ~~or Working Capital Fund~~. Following the
 3096 expiration or termination of the state of emergency, the
 3097 Governor may process a budget amendment under the notice and
 3098 review procedures set forth in s. 216.177 to transfer moneys to
 3099 satisfy the budget authority granted for such emergency.

3100 Section 42. Subsection (3) of section 265.55, Florida
 3101 Statutes, is amended to read:

3102 265.55 Claims.--

3103 (3) The authorization for payment delineated in subsection
 3104 (2) shall be forwarded to the Chief Financial Officer. The Chief
 3105 Financial Officer shall take appropriate action to execute
 3106 authorized payment of the claim from unobligated, unappropriated
 3107 moneys in the General Revenue ~~Working Capital~~ Fund, as defined
 3108 in s. 215.32.

3109 Section 43. Subsection (5) of section 288.7091, Florida
 3110 Statutes, is amended to read:

3111 288.7091 Duties of the Florida Black Business Investment
 3112 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 3113 shall:

3114 (5) Include in the criteria for loan decisions,
 3115 occupational forecasting results set forth in s. 216.136~~(7)(9)~~
 3116 which target high growth jobs;

3117 Section 44. Subsection (5) of section 320.20, Florida
 3118 Statutes, is amended to read:

3119 320.20 Disposition of license tax moneys.--The revenue
 3120 derived from the registration of motor vehicles, including any
 3121 delinquent fees and excluding those revenues collected and
 3122 distributed under the provisions of s. 320.081, must be
 3123 distributed monthly, as collected, as follows:

3124 (5)(a) Except as provided in paragraph (c), the remainder
 3125 of such revenues must be deposited in the State Transportation
 3126 Trust Fund.

3127 (b) The Chief Financial Officer each month shall deposit
 3128 in the State Transportation Trust Fund an amount, drawn from
 3129 other funds in the State Treasury which are not immediately
 3130 needed or are otherwise in excess of the amount necessary to
 3131 meet the requirements of the State Treasury, which when added to
 3132 such remaining revenues each month will equal one-twelfth of the
 3133 amount of the anticipated annual revenues to be deposited in the
 3134 State Transportation Trust Fund under paragraph (a) as
 3135 determined by the Chief Financial Officer after consultation
 3136 with the estimated by the most recent revenue estimating

3137 conference held pursuant to s. 216.136(3). The transfers
3138 required hereunder may be suspended by action of the Legislative
3139 Budget Commission in the event of a significant shortfall of
3140 state revenues.

3141 (c) In any month in which the remaining revenues derived
3142 from the registration of motor vehicles exceed one-twelfth of
3143 those anticipated annual remaining revenues as determined by the
3144 Chief Financial Officer after consultation with the revenue
3145 estimating conference, the excess shall be credited to those
3146 state funds in the State Treasury from which the amount was
3147 originally drawn, up to the amount which was deposited in the
3148 State Transportation Trust Fund under paragraph (b). A final
3149 adjustment must be made in the last months of a fiscal year so
3150 that the total revenue deposited in the State Transportation
3151 Trust Fund each year equals the amount derived from the
3152 registration of motor vehicles, less the amount distributed
3153 under subsection (1). For the purposes of this paragraph and
3154 paragraph (b), the term "remaining revenues" means all revenues
3155 deposited into the State Transportation Trust Fund under
3156 paragraph (a) and subsections (2) and (3). In order that
3157 interest earnings continue to accrue to the General Revenue
3158 Fund, the Department of Transportation may not invest an amount
3159 equal to the cumulative amount of funds deposited in the State
3160 Transportation Trust Fund under paragraph (b) less funds
3161 credited under this paragraph as computed on a monthly basis.
3162 The amounts to be credited under this and the preceding
3163 paragraph must be calculated and certified to the Chief
3164 Financial Officer by the Executive Office of the Governor.

3165 Section 45. Section 337.023, Florida Statutes, is amended
 3166 to read:

3167 337.023 Sale of building; acceptance of replacement
 3168 building.--Notwithstanding the provisions of s.
 3169 216.292(2)(b)2.~~(4)(b)~~, if the department sells a building, the
 3170 department may accept the construction of a replacement
 3171 building, in response to a request for proposals, totally or
 3172 partially in lieu of cash, and may do so without a specific
 3173 legislative appropriation. Such action is subject to the
 3174 approval of the Executive Office of the Governor, and is subject
 3175 to the notice, review, and objection procedures under s.
 3176 216.177. The replacement building shall be consistent with the
 3177 current and projected needs of the department as agreed upon by
 3178 the department and the Department of Management Services.

3179 Section 46. Paragraph (a) of subsection (2), paragraphs
 3180 (c) and (f) of subsection (6), and subsection (7) of section
 3181 339.135, Florida Statutes, are amended to read:

3182 339.135 Work program; legislative budget request;
 3183 definitions; preparation, adoption, execution, and amendment.--

3184 (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST
 3185 FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.--

3186 (a) The department shall file the legislative budget
 3187 request in the manner required by chapter 216, setting forth the
 3188 department's proposed revenues and expenditures for operational
 3189 and fixed capital outlay needs to accomplish the objectives of
 3190 the department in the ensuing fiscal year. The right-of-way,
 3191 construction, preliminary engineering, maintenance, and all
 3192 grants and aids programs of the department shall be set forth

3193 only in program totals. The legislative budget request must
 3194 include a balanced 36-month forecast of cash and expenditures
 3195 and a 5-year finance plan. The legislative budget request shall
 3196 be amended to conform to the tentative work program. The
 3197 department may not amend ~~its legislative budget request~~ and the
 3198 tentative work program to include increased revenues based on
 3199 the most recent estimating conference estimate of revenues and
 3200 the most recent federal aid apportionments until such increased
 3201 amounts are appropriated by the Legislature.

3202 (6) EXECUTION OF THE BUDGET.--

3203 (c) Notwithstanding the provisions of s. ~~ss. 216.301(3)~~
 3204 ~~and 216.351~~, any unexpended balance remaining at the end of the
 3205 fiscal year in the appropriations to the department for special
 3206 categories; aid to local governments; lump sums for project
 3207 phases which are part of the adopted work program, and for which
 3208 contracts have been executed or bids have been let; and for
 3209 right-of-way land acquisition and relocation assistance for
 3210 parcels from project phases in the adopted work program for
 3211 which appraisals have been completed and approved, may be
 3212 certified forward as fixed capital outlay under the provisions
 3213 of s. 216.301(2)(a). Any project phases in the adopted work
 3214 program not certified forward under the provisions of s.
 3215 216.301(2)(a) shall be available for roll forward for the next
 3216 fiscal year of the adopted work program. Spending authority
 3217 associated with such project phases may be rolled forward to the
 3218 next fiscal year upon approval by the Legislative Budget
 3219 Commission pursuant to paragraph (f). Increases in spending
 3220 authority shall be limited to amounts of unexpended balances by

3221 appropriation category. Any project phase certified forward for
 3222 which bids have been let but subsequently rejected shall be
 3223 available for roll forward in the adopted work program for the
 3224 next fiscal year. Spending authority associated with such
 3225 project phases may be rolled forward into the current year from
 3226 funds certified forward ~~pursuant to paragraph (f).~~ The amount
 3227 certified forward may include contingency allowances for right-
 3228 of-way acquisition and relocation, asphalt and petroleum product
 3229 escalation clauses, and contract overages, which allowances
 3230 shall be separately identified in the certification detail.
 3231 Right-of-way acquisition and relocation and contract overages
 3232 contingency allowances shall be based on documented historical
 3233 patterns. These contingency amounts shall be incorporated in the
 3234 certification for each specific category, but when a category
 3235 has an excess and another category has a deficiency, the
 3236 Executive Office of the Governor is authorized to transfer the
 3237 excess to the deficient account.

3238 ~~(f) Notwithstanding the provisions of ss. 216.181(1),~~
 3239 ~~216.292, and 216.351, the Executive Office of the Governor may~~
 3240 ~~amend that portion of the department's original approved fixed~~
 3241 ~~capital outlay budget which comprises the work program pursuant~~
 3242 ~~to subsection (7). Increase in spending authority in paragraph~~
 3243 ~~(c) shall be limited to amounts of unexpended balances by~~
 3244 ~~appropriation category.~~

3245 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

3246 ~~(a) Notwithstanding the provisions of ss. 216.181(1),~~
 3247 ~~216.292, and 216.351, the adopted work program may be amended~~
 3248 ~~only pursuant to the provisions of this subsection.~~

3249 (a)~~(b)~~ The department may not transfer any funds for any
 3250 project or project phase between department districts. However,
 3251 a district secretary may agree to a loan of funds to another
 3252 district, if:

3253 1. The funds are used solely to maximize the use or amount
 3254 of funds available to the state;

3255 2. The loan agreement is executed in writing and is signed
 3256 by the district secretaries of the respective districts;

3257 3. Repayment of the loan is to be made within 3 years
 3258 after the date on which the agreement was entered into; and

3259 4. The adopted work program of the district loaning the
 3260 funds would not be substantially impaired if the loan were made,
 3261 according to the district secretary.

3262
 3263 The loan constitutes an amendment to the adopted work program
 3264 and is subject to the procedures specified in paragraph (b) ~~(e)~~.

3265 (b)~~(e)~~ The department may amend the adopted work program
 3266 to transfer appropriations within the department, except that
 3267 the following amendments shall be subject to the procedures in
 3268 paragraph (c)~~(d)~~:

3269 1. Any amendment which deletes any project or project
 3270 phase;

3271 2. Any amendment which adds a project estimated to cost
 3272 over \$150,000 in funds appropriated by the Legislature;

3273 3. Any amendment which advances or defers to another
 3274 fiscal year, a right-of-way phase, a construction phase, or a
 3275 public transportation project phase estimated to cost over
 3276 \$500,000 in funds appropriated by the Legislature, except an

3277 amendment advancing or deferring a phase for a period of 90 days
 3278 or less; or

3279 4. Any amendment which advances or defers to another
 3280 fiscal year, any preliminary engineering phase or design phase
 3281 estimated to cost over \$150,000 in funds appropriated by the
 3282 Legislature, except an amendment advancing or deferring a phase
 3283 for a period of 90 days or less.

3284 (c)~~(d)~~1. Whenever the department proposes any amendment to
 3285 the adopted work program, which amendment is defined in
 3286 subparagraph (b)1.~~(e)1.~~, subparagraph (b)2.~~(e)2.~~, subparagraph
 3287 (b)3.~~(e)3.~~, or subparagraph (b)4.~~(e)4.~~, it shall submit the
 3288 proposed amendment to the Governor for approval and shall
 3289 immediately notify the chairs of the legislative appropriations
 3290 committees, the chairs of the legislative transportation
 3291 committees, each member of the Legislature who represents a
 3292 district affected by the proposed amendment, each metropolitan
 3293 planning organization affected by the proposed amendment, and
 3294 each unit of local government affected by the proposed
 3295 amendment. Such proposed amendment shall provide a complete
 3296 justification of the need for the proposed amendment.

3297 2. The Governor shall not approve a proposed amendment
 3298 until 14 days following the notification required in
 3299 subparagraph 1.

3300 3. If either of the chairs of the legislative
 3301 appropriations committees or the President of the Senate or the
 3302 Speaker of the House of Representatives objects in writing to a
 3303 proposed amendment within 14 days following notification and
 3304 specifies the reasons for such objection, the Governor shall

3305 ~~disapprove the proposed amendment or shall submit the proposed~~
 3306 ~~amendment to the Administration Commission. The proposed~~
 3307 ~~amendment may be approved by the Administration Commission by a~~
 3308 ~~two-thirds vote of the members present with the Governor voting~~
 3309 ~~in the affirmative. In the absence of approval by the~~
 3310 ~~commission, the proposed amendment shall be automatically~~
 3311 ~~disapproved.~~

3312 (d)~~(e)~~ Notwithstanding the requirements in paragraph (c)
 3313 ~~(d)~~ and ss. 216.177(2) and 216.351, the secretary may request
 3314 the Executive Office of the Governor to amend the adopted work
 3315 program when an emergency exists, as defined in s. 252.34(3),
 3316 and the emergency relates to the repair or rehabilitation of any
 3317 state transportation facility. The Executive Office of the
 3318 Governor may approve the amendment to the adopted work program
 3319 and amend that portion of the department's approved budget in
 3320 the event that the delay incident to the notification
 3321 requirements in paragraph (c)~~(d)~~ would be detrimental to the
 3322 interests of the state. However, the department shall
 3323 immediately notify the parties specified in paragraph (c)~~(d)~~ and
 3324 shall provide such parties written justification for the
 3325 emergency action within 7 days of the approval by the Executive
 3326 Office of the Governor of the amendment to the adopted work
 3327 program and the department's budget. In no event may the adopted
 3328 work program be amended under the provisions of this subsection
 3329 without the certification by the comptroller of the department
 3330 that there are sufficient funds available pursuant to the 36-
 3331 month cash forecast and applicable statutes.

3332 ~~(e)(f)~~ The department may authorize the investment of the
 3333 earnings accrued and collected upon the investment of the
 3334 minimum balance of funds required to be maintained in the State
 3335 Transportation Trust Fund pursuant to paragraph ~~(a)(b)~~. Such
 3336 investment shall be limited as provided in s. 288.9607(7).

3337 Section 47. Subsection (2) of section 373.6065, Florida
 3338 Statutes, is amended to read:

3339 373.6065 Adoption benefits for water management district
 3340 employees.--

3341 (2) The Chief Financial Officer and the Department of
 3342 Management Services shall transfer funds to water management
 3343 districts to pay eligible water management district employees
 3344 for these child adoption monetary benefits in accordance with s.
 3345 215.32~~(2)(c)5.~~(1)(e)5., as long as funds remain available for
 3346 the program described under s. 110.152.

3347 Section 48. Subsection (3) of section 381.0303, Florida
 3348 Statutes, is amended to read:

3349 381.0303 Health practitioner recruitment for special needs
 3350 shelters.--

3351 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
 3352 Department of Health shall reimburse, subject to the
 3353 availability of funds for this purpose, health care
 3354 practitioners, as defined in s. 456.001, provided the
 3355 practitioner is not providing care to a patient under an
 3356 existing contract, and emergency medical technicians and
 3357 paramedics licensed pursuant to chapter 401 for medical care
 3358 provided at the request of the department in special needs
 3359 shelters or at other locations during times of emergency or

3360 major disaster. Reimbursement for health care practitioners,
 3361 except for physicians licensed pursuant to chapter 458 or
 3362 chapter 459, shall be based on the average hourly rate that such
 3363 practitioners were paid according to the most recent survey of
 3364 Florida hospitals conducted by the Florida Hospital Association.
 3365 Reimbursement shall be requested on forms prepared by the
 3366 Department of Health. If a Presidential Disaster Declaration has
 3367 been made, and the Federal Government makes funds available, the
 3368 department shall use such funds for reimbursement of eligible
 3369 expenditures. In other situations, or if federal funds do not
 3370 fully compensate the department for reimbursement made pursuant
 3371 to this section, the department shall process ~~submit to the~~
 3372 ~~Cabinet or Legislature, as appropriate,~~ a budget amendment to
 3373 obtain reimbursement from unobligated, unappropriated moneys in
 3374 the General Revenue ~~working capital~~ Fund. Travel expense and per
 3375 diem costs shall be reimbursed pursuant to s. 112.061.

3376 Section 49. Subsection (3) of section 392.69, Florida
 3377 Statutes, is amended to read:

3378 392.69 Appropriation, sinking, and maintenance trust
 3379 funds; additional powers of the department.--

3380 (3) In the execution of its public health program
 3381 functions, notwithstanding s. 216.292 (2)(b)2. ~~(4)(b)~~, the
 3382 department is hereby authorized to use any sums of money which
 3383 it may heretofore have saved or which it may hereafter save from
 3384 its regular operating appropriation, or use any sums of money
 3385 acquired by gift or grant, or any sums of money it may acquire
 3386 by the issuance of revenue certificates of the hospital to match
 3387 or supplement any state or federal funds, or any moneys received

3388 | by said department by gift or otherwise, for the construction or
 3389 | maintenance of additional facilities or improvement to existing
 3390 | facilities, as the department deems necessary.

3391 | Section 50. Subsection (5) of section 409.906, Florida
 3392 | Statutes, is amended to read:

3393 | 409.906 Optional Medicaid services.--Subject to specific
 3394 | appropriations, the agency may make payments for services which
 3395 | are optional to the state under Title XIX of the Social Security
 3396 | Act and are furnished by Medicaid providers to recipients who
 3397 | are determined to be eligible on the dates on which the services
 3398 | were provided. Any optional service that is provided shall be
 3399 | provided only when medically necessary and in accordance with
 3400 | state and federal law. Optional services rendered by providers
 3401 | in mobile units to Medicaid recipients may be restricted or
 3402 | prohibited by the agency. Nothing in this section shall be
 3403 | construed to prevent or limit the agency from adjusting fees,
 3404 | reimbursement rates, lengths of stay, number of visits, or
 3405 | number of services, or making any other adjustments necessary to
 3406 | comply with the availability of moneys and any limitations or
 3407 | directions provided for in the General Appropriations Act or
 3408 | chapter 216. If necessary to safeguard the state's systems of
 3409 | providing services to elderly and disabled persons and subject
 3410 | to the notice and review provisions of s. 216.177, the Governor
 3411 | may direct the Agency for Health Care Administration to amend
 3412 | the Medicaid state plan to delete the optional Medicaid service
 3413 | known as "Intermediate Care Facilities for the Developmentally
 3414 | Disabled." Optional services may include:

3415 (5) CASE MANAGEMENT SERVICES.--The agency may pay for
 3416 primary care case management services rendered to a recipient
 3417 pursuant to a federally approved waiver, and targeted case
 3418 management services for specific groups of targeted recipients,
 3419 for which funding has been provided and which are rendered
 3420 pursuant to federal guidelines. The agency is authorized to
 3421 limit reimbursement for targeted case management services in
 3422 order to comply with any limitations or directions provided for
 3423 in the General Appropriations Act. ~~Notwithstanding s. 216.292,~~
 3424 ~~the Department of Children and Family Services may transfer~~
 3425 ~~general funds to the Agency for Health Care Administration to~~
 3426 ~~fund state match requirements exceeding the amount specified in~~
 3427 ~~the General Appropriations Act for targeted case management~~
 3428 ~~services.~~

3429 Section 51. Subsection (11) of section 409.912, Florida
 3430 Statutes, is amended to read:

3431 409.912 Cost-effective purchasing of health care.--

3432 (11) The agency, after notifying the Legislature, may
 3433 apply for waivers of applicable federal laws and regulations as
 3434 necessary to implement more appropriate systems of health care
 3435 for Medicaid recipients and reduce the cost of the Medicaid
 3436 program to the state and federal governments and shall implement
 3437 such programs, after legislative approval, within a reasonable
 3438 period of time after federal approval. These programs must be
 3439 designed primarily to reduce the need for inpatient care,
 3440 custodial care and other long-term or institutional care, and
 3441 other high-cost services.

3442 (a) Prior to seeking legislative approval of such a waiver
 3443 as authorized by this subsection, the agency shall provide
 3444 notice and an opportunity for public comment. Notice shall be
 3445 provided to all persons who have made requests of the agency for
 3446 advance notice and shall be published in the Florida
 3447 Administrative Weekly not less than 28 days prior to the
 3448 intended action.

3449 ~~(b) Notwithstanding s. 216.292, funds that are~~
 3450 ~~appropriated to the Department of Elderly Affairs for the~~
 3451 ~~Assisted Living for the Elderly Medicaid waiver and are not~~
 3452 ~~expended shall be transferred to the agency to fund Medicaid-~~
 3453 ~~reimbursed nursing home care.~~

3454 Section 52. Section 409.16745, Florida Statutes, is
 3455 amended to read:

3456 409.16745 Community partnership matching grant
 3457 program.--It is the intent of the Legislature to improve
 3458 services and local participation in community-based care
 3459 initiatives by fostering community support and providing
 3460 enhanced prevention and in-home services, thereby reducing the
 3461 risk otherwise faced by lead agencies. There is established a
 3462 community partnership matching grant program to be operated by
 3463 the Department of Children and Family Services for the purpose
 3464 of encouraging local participation in community-based care for
 3465 child welfare. Any children's services council or other local
 3466 government entity that makes a financial commitment to a
 3467 community-based care lead agency is eligible for a grant upon
 3468 proof that the children's services council or local government
 3469 entity has provided the selected lead agency at least \$250,000

3470 from any local resources otherwise available to it. The total
3471 amount of local contribution may be matched on a two-for-one
3472 basis up to a maximum amount of \$2 million per council or local
3473 government entity. Awarded matching grant funds may be used for
3474 any prevention or in-home services provided by the children's
3475 services council or other local government entity that meets
3476 temporary-assistance-for-needy-families' eligibility
3477 requirements and can be reasonably expected to reduce the number
3478 of children entering the child welfare system. ~~To ensure~~
3479 ~~necessary flexibility for the development, start up, and ongoing~~
3480 ~~operation of community-based care initiatives, the notice period~~
3481 ~~required for any budget action authorized by the provisions of~~
3482 ~~s. 20.19(5)(b), is waived for the family safety program;~~
3483 ~~however, the Department of Children and Family Services must~~
3484 ~~provide copies of all such actions to the Executive Office of~~
3485 ~~the Governor and Legislature within 72 hours of their~~
3486 ~~occurrence.~~ Funding available for the matching grant program is
3487 subject to legislative appropriation of nonrecurring funds
3488 provided for the purpose.

3489 Section 53. Subsection (2) of section 468.392, Florida
3490 Statutes, is amended to read:

3491 468.392 Auctioneer Recovery Fund.--There is created the
3492 Auctioneer Recovery Fund as a separate account in the
3493 Professional Regulation Trust Fund. The fund shall be
3494 administered by the Florida Board of Auctioneers.

3495 (2) All payments and disbursements from the Auctioneer
3496 Recovery Fund shall be made by the Chief Financial Officer upon
3497 a voucher signed by the Secretary of Business and Professional

3498 Regulation or the secretary's designee. ~~Amounts transferred to~~
 3499 ~~the Auctioneer Recovery Fund shall not be subject to any~~
 3500 ~~limitation imposed by an appropriation act of the Legislature.~~

3501 Section 54. Subsection (6) of section 475.484, Florida
 3502 Statutes, is amended to read:

3503 475.484 Payment from the fund.--

3504 (6) All payments and disbursements from the Real Estate
 3505 Recovery Fund shall be made by the Chief Financial Officer upon
 3506 a voucher signed by the secretary of the department. ~~Amounts~~
 3507 ~~transferred to the Real Estate Recovery Fund shall not be~~
 3508 ~~subject to any limitation imposed by an appropriation act of the~~
 3509 ~~Legislature.~~

3510 Section 55. Paragraph (b) of subsection (9) of section
 3511 921.001, Florida Statutes, is amended to read:

3512 921.001 Sentencing Commission and sentencing guidelines
 3513 generally.--

3514 (9)

3515 (b) On or after January 1, 1994, any legislation which:

- 3516 1. Creates a felony offense;
- 3517 2. Enhances a misdemeanor offense to a felony offense;
- 3518 3. Moves a felony offense from a lesser offense severity
 3519 level to a higher offense severity level in the offense severity
 3520 ranking chart in s. 921.0012; or
- 3521 4. Reclassifies an existing felony offense to a greater
 3522 felony classification

3523
 3524 must provide that such a change result in a net zero sum impact
 3525 in the overall prison population, as determined by the

3526 Legislature, considering the most recent estimates of the
 3527 Criminal Justice Estimating Conference, unless the legislation
 3528 contains a funding source sufficient in its base or rate to
 3529 accommodate such change or a provision which specifically
 3530 abrogates the application of this paragraph.

3531 Section 56. Paragraph (a) of subsection (4) of section
 3532 1003.03, Florida Statutes, is amended to read:

3533 1003.03 Maximum class size.--

3534 (4) ACCOUNTABILITY.--

3535 (a) Beginning in the 2003-2004 fiscal year, if the
 3536 department determines for any year that a school district has
 3537 not reduced average class size as required in subsection (2) at
 3538 the time of the third FEFP calculation, the department shall
 3539 calculate an amount from the class size reduction operating
 3540 categorical which is proportionate to the amount of class size
 3541 reduction not accomplished. Upon verification of the
 3542 department's calculation by the Florida Education Finance
 3543 Program Appropriation Allocation Conference, the Executive
 3544 Office of the Governor shall transfer undistributed funds
 3545 equivalent to the calculated amount from the district's class
 3546 size reduction operating categorical to an approved fixed
 3547 capital outlay appropriation for class size reduction in the
 3548 affected district pursuant to s. 216.292(2)(d)~~(13)~~. The amount
 3549 of funds transferred shall be the lesser of the amount verified
 3550 by the Florida Education Finance Program Appropriation
 3551 Allocation Conference or the undistributed balance of the
 3552 district's class size reduction operating categorical. However,
 3553 based upon a recommendation by the Commissioner of Education

3554 that the State Board of Education has reviewed evidence
 3555 indicating that a district has been unable to meet class size
 3556 reduction requirements despite appropriate effort to do so, the
 3557 Legislative Budget Commission may approve an alternative amount
 3558 of funds to be transferred from the district's class size
 3559 reduction operating categorical to its approved fixed capital
 3560 outlay account for class size reduction.

3561 Section 57. Paragraph (a) of subsection (1) of section
 3562 1009.536, Florida Statutes, is amended to read:

3563 1009.536 Florida Gold Seal Vocational Scholars award.--The
 3564 Florida Gold Seal Vocational Scholars award is created within
 3565 the Florida Bright Futures Scholarship Program to recognize and
 3566 reward academic achievement and career preparation by high
 3567 school students who wish to continue their education.

3568 (1) A student is eligible for a Florida Gold Seal
 3569 Vocational Scholars award if the student meets the general
 3570 eligibility requirements for the Florida Bright Futures
 3571 Scholarship Program and the student:

3572 (a) Completes the secondary school portion of a sequential
 3573 program of studies that requires at least three secondary school
 3574 career credits taken over at least 2 academic years, and is
 3575 continued in a planned, related postsecondary education program.
 3576 If the student's school does not offer such a two-plus-two or
 3577 tech-prep program, the student must complete a job-preparatory
 3578 career education program selected by ~~the Workforce Estimating~~
 3579 ~~Conference~~ or Workforce Florida, Inc., for its ability to
 3580 provide high-wage employment in an occupation with high

3581 potential for employment opportunities. On-the-job training may
3582 not be substituted for any of the three required career credits.

3583 Section 58. Any undisbursed appropriations made from the
3584 Working Capital Fund, previously created in section 215.32,
3585 Florida Statutes, are reappropriated from unallocated moneys in
3586 the General Revenue Fund; any appropriations made to the Working
3587 Capital Fund are reappropriated to the General Revenue Fund; and
3588 any references to the Working Capital Fund in proviso language
3589 or in the Fiscal Year 2005-2006 General appropriations Act or
3590 similar legislation shall be replaced with "the General Revenue
3591 Fund." This section expires July 1, 2006.

3592 Section 59. Sections 216.1825, 216.183, and 288.1234,
3593 Florida Statutes, are repealed.

3594 Section 60. Except as otherwise provided herein, this act
3595 shall take effect upon becoming a law.