

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the management of state financial
7 matters; amending s. 14.2015, F.S.; requiring the Office
8 of Tourism, Trade, and Economic Development and the
9 Florida Commission on Tourism to advise and consult with
10 the Consensus Estimating Conference principals concerning
11 certain duties; amending s. 20.19, F.S.; eliminating
12 certain transfer authority of district administrators in
13 the Department of Children and Family Services; amending
14 s. 20.316, F.S., relating to the Department of Juvenile
15 Justice information systems; correcting a reference;
16 amending s. 45.062, F.S.; limiting the ability of agencies
17 to settle lawsuits in certain circumstances; amending s.
18 110.1239, F.S.; correcting a cross reference; amending s.
19 110.1245, F.S., relating to a savings sharing program;
20 correcting a reference; amending s. 215.32, F.S.;
21 providing for unallocated general revenue; revising a
22 provision relating to the restoration of expenditures from
23 the Budget Stabilization Fund; revising requirements and

24 | uses of Working Capital Fund moneys; amending s. 215.5601,
 25 | F.S.; revising provisions relating to appropriations to
 26 | and uses of the Lawton Chiles Endowment Fund; amending ss.
 27 | 215.93 and 215.94, F.S.; revising duties of the Financial
 28 | Management Information Board, the functional owners of
 29 | information subsystems, and the Auditor General relating
 30 | to the Florida Financial Management Information System;
 31 | amending s. 215.97, F.S., relating to the Florida Single
 32 | Audit Act; revising and providing definitions; revising
 33 | the uniform state audit requirements for state financial
 34 | assistance provided by state agencies to nonstate
 35 | entities; requiring the Department of Financial Services
 36 | to adopt rules and perform additional duties with respect
 37 | to the provision of financial assistance to carry out
 38 | state projects; revising duties of the Executive Office of
 39 | the Governor and Chief Financial Officer and specifying
 40 | duties of coordinating agencies; exempting certain
 41 | nonstate entities from the requirements of the Florida
 42 | Single Audit Act; amending s. 216.011, F.S.; revising and
 43 | providing definitions; amending s. 216.013, F.S.; revising
 44 | requirements for the long-range program plans developed by
 45 | state agencies and the judicial branch; providing for the
 46 | preparation of form, manner, and timeframe instructions
 47 | for such plans; revising the plan submission date;
 48 | revising the date by which to submit adjustments to such
 49 | plans; requiring the plans to be posted on the Internet;
 50 | providing that long-range program plans are exempt from
 51 | ch. 120; amending s. 216.023, F.S.; providing for

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

80 Retirement System Actuarial Assumption Conference;
 81 amending s. 216.162, F.S.; revising the date for the
 82 Governor to submit the recommended budget to the
 83 Legislature; amending s. 216.163, F.S.; authorizing the
 84 Governor's budget recommendation to include an alternative
 85 recommendation for operating and fixed capital outlay
 86 appropriations to that of the Chief Justice; amending s.
 87 216.167, F.S.; deleting references to the Working Capital
 88 Fund, to conform; amending s. 216.168, F.S.; deleting
 89 provisions exempting the Governor from a requirement to
 90 submit amended recommendations; amending s. 216.177, F.S.;
 91 revising notice and review requirements for actions taken
 92 under ch. 216, F.S., to provide for funds expended in
 93 settlement of agency litigation; deleting an obsolete
 94 provision; amending s. 216.181, F.S.; requiring approval
 95 of certain amendments to an approved operating budget by
 96 the Legislative Budget Commission; revising requirements
 97 for determining salary rates; authorizing the Legislative
 98 Budget Commission to approve salary rates; revising
 99 provisions relating to how the annual salary rate is
 100 determined and controlled; deleting certain notice
 101 requirements; requiring that the legislative
 102 appropriations committees approve certain nonoperating
 103 budgets; deleting the authority to advance certain
 104 contracted services funds in the Department of Children
 105 and Family Service and the Department of Health; amending
 106 s. 216.192, F.S.; deleting provisions authorizing the
 107 legislative appropriations committees to provide advice

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

164 | procedures by which unexpended balances in certain
 165 | appropriations may be certified forward as fixed capital
 166 | outlay; requiring that the Legislative Budget Commission
 167 | approve certain extensions of spending authority; revising
 168 | requirements for amending certain work programs; requiring
 169 | approval of the Legislative Budget Commission for certain
 170 | work program amendments; amending 373.6065, F.S.;
 171 | correcting a cross reference; amending s. 381.0303, F.S.;
 172 | authorizing the Department of Health to obtain
 173 | reimbursement for special needs shelters from
 174 | unappropriated moneys in the General Revenue Fund;
 175 | amending s. 392.69, F.S.; correcting a cross reference;
 176 | amending s. 409.906, F.S.; deleting provisions authorizing
 177 | the Department of Children and Family Services to transfer
 178 | certain funds in excess of the amount specified in the
 179 | General Appropriations Act; amending s. 409.912, F.S.,
 180 | relating to the transfer of certain funds from the
 181 | Department of Elderly Affairs to the Agency for Health
 182 | Care Administration, to conform; amending s. 409.16745,
 183 | F.S.; eliminating 72-hour notification for transfer of
 184 | budget authority for the community partnership matching
 185 | grant program; amending ss. 468.392 and 475.484, F.S.;
 186 | deleting provisions exempting funds in the Auctioneer
 187 | Recovery Fund and the Real Estate Recovery Fund from
 188 | limitations imposed by an appropriation act; amending s.
 189 | 631.141, F.S.; clarifying provisions requiring the
 190 | Legislative Budget Commission to approve certain
 191 | appropriations; amending s. 921.001, F.S.; requiring the

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192 Legislature to make certain determinations with respect to
 193 legislation affecting the prison population; amending s.
 194 943.61, F.S.; deleting a provision requiring approval by
 195 the Governor and the Legislative Budget Commission for
 196 appropriations to the Capitol Police; amending s. 1003.03,
 197 F.S.; correcting a cross reference; amending s. 1009.536,
 198 F.S.; deleting duties of the Workforce Estimating
 199 Conference with respect to certain career education
 200 programs; amending s. 1013.512, F.S.; requiring a
 201 recommendation by the Governor before placing certain
 202 school district funds in reserve; providing for references
 203 to the Working Capital Fund in certain legislation to be
 204 replaced with a reference to the General Revenue Fund;
 205 repealing s. 216.1825, F.S., relating to zero-based
 206 budgeting; repealing s. 216.183, F.S., relating to
 207 entities using performance-based program budgets;
 208 repealing s. 288.1234, F.S., relating to the guaranty of
 209 state obligations and the Olympic Games Guaranty Account;
 210 providing effective dates.

211
 212 Be It Enacted by the Legislature of the State of Florida:
 213

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

216 14.2015 Office of Tourism, Trade, and Economic
 217 Development; creation; powers and duties.--

218 (8) The Office of Tourism, Trade, and Economic Development
 219 shall ensure that the contract between the Florida Commission on

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220 Tourism and the commission's direct-support organization
 221 contains a provision to provide the data on the visitor counts
 222 and visitor profiles used in revenue estimating, employing the
 223 same methodology used in fiscal year 1995-1996 by the Department
 224 of Commerce. The Office of Tourism, Trade, and Economic
 225 Development and the Florida Commission on Tourism must advise
 226 and consult ~~reach agreement~~ with the Consensus Estimating
 227 Conference principals before making any changes in methodology
 228 used or information gathered.

229 Section 2. Paragraph (b) of subsection (5) of section
 230 20.19, Florida Statutes, is amended to read:

231 20.19 Department of Children and Family Services.--There
 232 is created a Department of Children and Family Services.

233 (5) SERVICE DISTRICTS.--

234 (b)~~1~~. The secretary shall appoint a district administrator
 235 for each of the service districts. The district administrator
 236 shall serve at the pleasure of the secretary and shall perform
 237 such duties as assigned by the secretary. ~~Subject to the~~
 238 ~~approval of the secretary, such duties shall include~~
 239 ~~transferring up to 10 percent of the total district budget, the~~
 240 ~~provisions of ss. 216.292 and 216.351 notwithstanding.~~

241 ~~2. For the 2003-2004 fiscal year only, the transfer~~
 242 ~~authority provided in this subsection must be specifically~~
 243 ~~appropriated in the 2003-2004 General Appropriations Act and~~
 244 ~~shall be pursuant to the requirements of s. 216.292. This~~
 245 ~~subparagraph expires July 1, 2004.~~

246 ~~3. For the 2004-2005 fiscal year only, the transfer~~
 247 ~~authority provided in this subsection is available to the~~

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248 ~~department without further restriction other than as contained~~
 249 ~~in this subsection. This subparagraph expires July 1, 2005.~~

250 Section 3. Paragraph (d) of subsection (4) of section
 251 20.316, Florida Statutes, is amended to read:

252 20.316 Department of Juvenile Justice.--There is created a
 253 Department of Juvenile Justice.

254 (4) INFORMATION SYSTEMS.--

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

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

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

261 3. Provide automated support to the quality assurance and
 262 program review functions.

263 4. Provide automated support to the contract management
 264 process.

265 5. Provide automated support to the facility operations
 266 management process.

267 6. Provide automated administrative support to increase
 268 efficiency, provide the capability of tracking expenditures of
 269 funds by the department or contracted service providers that are
 270 eligible for federal reimbursement, and reduce forms and
 271 paperwork.

272 7. Facilitate connectivity, access, and utilization of
 273 information among various state agencies, and other state,
 274 federal, local, and private agencies, organizations, and
 275 institutions.

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

279 9. Provide a system for the training of information system
280 users and user groups.

281 Section 4. Effective July 1, 2006, subsection (1) of
282 section 45.062, Florida Statutes, is amended to read:

283 45.062 Settlements, conditions, or orders when an agency
284 of the executive branch is a party.--

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

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

297 (b) At the time settlement negotiations have begun in
298 earnest, written notification is given to the President of the
299 Senate, the Speaker of the House of Representatives, the Senate
300 and House of Representatives minority leaders, the chairs of the
301 appropriations committees of the Legislature, and the Attorney
302 General.

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303 (c)(b) Prior written notification is given at least within
 304 5 business days, or as soon thereafter as practicable, before ~~of~~
 305 the date the settlement or presettlement agreement or order is
 306 to be made final to the President of the Senate, the Speaker of
 307 the House of Representatives, the Senate and House of
 308 Representatives minority leaders, the chairs of the
 309 appropriations committees of the Legislature, and the Attorney
 310 General. Such notification shall specify how the agency involved
 311 will address the costs in future years within the limits of
 312 current appropriations.

313 1. The Division of Risk Management need not give the
 314 notification required by this paragraph when settling any claim
 315 covered by the state self-insurance program for an amount less
 316 than \$250,000.

317 2. The notification specified in this paragraph is not
 318 required if:

319 a. The action is one brought by the Attorney General;

320 b. The only settlement obligation of the state resulting
 321 from the claim is to pay court costs in an amount less than
 322 \$10,000; or

323 c. Notification could delay, hinder, or preclude the
 324 state's participation in multistate litigation.

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

327 110.1239 State group health insurance program funding.--It
 328 is the intent of the Legislature that the state group health
 329 insurance program be managed, administered, operated, and funded
 330 in such a manner as to maximize the protection of state employee

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331 health insurance benefits. Inherent in this intent is the
332 recognition that the health insurance liabilities attributable
333 to the benefits offered state employees should be fairly,
334 orderly, and equitably funded. Accordingly:

335 (1) The division shall determine the level of premiums
336 necessary to fully fund the state group health insurance program
337 for the next fiscal year. Such determination shall be made after
338 each Self-Insurance Estimating Conference as provided in s.
339 216.136 (9) ~~(11)~~, but not later than December 1 and April 1 of
340 each fiscal year.

341 Section 6. Paragraph (b) of subsection (1) of section
342 110.1245, Florida Statutes, is amended to read:

343 110.1245 Savings sharing program; bonus payments; other
344 awards.--

345 (1)

346 (b) Each agency head shall recommend employees
347 individually or by group to be awarded an amount of money, which
348 amount shall be directly related to the cost savings realized.
349 Each proposed award and amount of money must be approved by the
350 Legislative Budget ~~Budgeting~~ Commission.

351 Section 7. Section 215.32, Florida Statutes, is amended to
352 read:

353 215.32 State funds; segregation.--

354 (1) All moneys received by the state shall be deposited in
355 the State Treasury unless specifically provided otherwise by law
356 and shall be deposited in and accounted for by the Chief
357 Financial Officer within the following funds, which funds are
358 hereby created and established:

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359 (a) General Revenue Fund.

360 (b) Trust funds.

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

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

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

365 (a) The General Revenue Fund shall consist of all moneys
366 received by the state from every source whatsoever, except as
367 provided in paragraphs (b) and (c). Such moneys shall be
368 expended pursuant to General Revenue Fund appropriations acts,
369 ~~or transferred as provided in paragraph (c),~~ or maintained as
370 unallocated general revenue. Unallocated general revenue shall
371 be considered the working capital balance of the state and shall
372 consist of moneys in the General Revenue Fund that are in excess
373 of the amount needed to meet General Revenue Fund appropriations
374 for the current fiscal year. ~~Annually, at least 5 percent of the~~
375 ~~estimated increase in General Revenue Fund receipts for the~~
376 ~~upcoming fiscal year over the current year General Revenue Fund~~
377 ~~effective appropriations shall be appropriated for state-level~~
378 ~~capital outlay, including infrastructure improvement and general~~
379 ~~renovation, maintenance, and repairs.~~

380 (b)1. The trust funds shall consist of moneys received by
381 the state which under law or under trust agreement are
382 segregated for a purpose authorized by law. The state agency or
383 branch of state government receiving or collecting such moneys
384 shall be responsible for their proper expenditure as provided by
385 law. Upon the request of the state agency or branch of state
386 government responsible for the administration of the trust fund,

387 | the Chief Financial Officer may establish accounts within the
 388 | trust fund at a level considered necessary for proper
 389 | accountability. Once an account is established within a trust
 390 | fund, the Chief Financial Officer may authorize payment from
 391 | that account only upon determining that there is sufficient cash
 392 | and releases at the level of the account.

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

396 | a. Operations or operating trust fund, for use as a
 397 | depository for funds to be used for program operations funded by
 398 | program revenues, with the exception of administrative
 399 | activities when the operations or operating trust fund is a
 400 | proprietary fund.

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

403 | c. Administrative trust fund, for use as a depository for
 404 | funds to be used for management activities that are departmental
 405 | in nature and funded by indirect cost earnings and assessments
 406 | against trust funds. Proprietary funds are excluded from the
 407 | requirement of using an administrative trust fund.

408 | d. Grants and donations trust fund, for use as a
 409 | depository for funds to be used for allowable grant or donor
 410 | agreement activities funded by restricted contractual revenue
 411 | from private and public nonfederal sources.

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

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414 f. Clearing funds trust fund, for use as a depository for
415 funds to account for collections pending distribution to lawful
416 recipients.

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

420
421 To the extent possible, each agency must adjust its internal
422 accounting to use existing trust funds consistent with the
423 requirements of this subparagraph. If an agency does not have
424 trust funds listed in this subparagraph and cannot make such
425 adjustment, the agency must recommend the creation of the
426 necessary trust funds to the Legislature no later than the next
427 scheduled review of the agency's trust funds pursuant to s.
428 215.3206.

429 3. All such moneys are hereby appropriated to be expended
430 in accordance with the law or trust agreement under which they
431 were received, subject always to the provisions of chapter 216
432 relating to the appropriation of funds and to the applicable
433 laws relating to the deposit or expenditure of moneys in the
434 State Treasury.

435 4.a. Notwithstanding any provision of law restricting the
436 use of trust funds to specific purposes, unappropriated cash
437 balances from selected trust funds may be authorized by the
438 Legislature for transfer to the Budget Stabilization Fund and
439 General Revenue ~~Working Capital~~ Fund in the General
440 Appropriations Act.

441 b. This subparagraph does not apply to trust funds
 442 required by federal programs or mandates; trust funds
 443 established for bond covenants, indentures, or resolutions whose
 444 revenues are legally pledged by the state or public body to meet
 445 debt service or other financial requirements of any debt
 446 obligations of the state or any public body; the State
 447 Transportation Trust Fund; the trust fund containing the net
 448 annual proceeds from the Florida Education Lotteries; the
 449 Florida Retirement System Trust Fund; trust funds under the
 450 management of the State Board of Education ~~Board of Regents~~,
 451 where such trust funds are for auxiliary enterprises, self-
 452 insurance, and contracts, grants, and donations, as those terms
 453 are defined by general law; trust funds that serve as clearing
 454 funds or accounts for the Chief Financial Officer or state
 455 agencies; trust funds that account for assets held by the state
 456 in a trustee capacity as an agent or fiduciary for individuals,
 457 private organizations, or other governmental units; and other
 458 trust funds authorized by the State Constitution.

459 (c)1. The Budget Stabilization Fund shall consist of
 460 amounts equal to at least 5 percent of net revenue collections
 461 for the General Revenue Fund during the last completed fiscal
 462 year. The Budget Stabilization Fund's principal balance shall
 463 not exceed an amount equal to 10 percent of the last completed
 464 fiscal year's net revenue collections for the General Revenue
 465 Fund. As used in this paragraph, the term "last completed fiscal
 466 year" means the most recently completed fiscal year prior to the
 467 regular legislative session at which the Legislature considers
 468 the General Appropriations Act for the year in which the

469 transfer to the Budget Stabilization Fund must be made under
470 this paragraph.

471 2. By September 15 of each year, the Governor shall
472 authorize the Chief Financial Officer to transfer, and the Chief
473 Financial Officer shall transfer pursuant to appropriations made
474 by law, to the Budget Stabilization Fund the amount of money
475 needed for the balance of that fund to equal the amount
476 specified in subparagraph 1., less any amounts expended and not
477 restored. The moneys needed for this transfer may be
478 appropriated by the Legislature from any funds.

479 3. Unless otherwise provided in this subparagraph, an
480 expenditure from the Budget Stabilization Fund must be restored
481 pursuant to a restoration schedule that provides for making five
482 equal annual transfers from the General Revenue Fund, beginning
483 in the third fiscal year following that in which the expenditure
484 was made. For any Budget Stabilization Fund expenditure, the
485 Legislature may establish by law a different restoration
486 schedule and such change may be made at any time during the
487 restoration period. Moneys are hereby appropriated for transfers
488 pursuant to this subparagraph.

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

493 5. The Chief Financial Officer and the Department of
494 Management Services shall transfer funds to water management
495 districts to pay eligible water management district employees

496 | for all benefits due under s. 373.6065, as long as funds remain
 497 | available for the program described under s. 110.152 ~~100.152~~.

498 | ~~(d) The Working Capital Fund shall consist of moneys in~~
 499 | ~~the General Revenue Fund which are in excess of the amount~~
 500 | ~~needed to meet General Revenue Fund appropriations for the~~
 501 | ~~current fiscal year. Each year, no later than the publishing~~
 502 | ~~date of the annual financial statements for the state by the~~
 503 | ~~Chief Financial Officer under s. 216.102, funds shall be~~
 504 | ~~transferred between the Working Capital Fund and the General~~
 505 | ~~Revenue Fund to establish the balance of the Working Capital~~
 506 | ~~Fund for that fiscal year at the amount determined pursuant to~~
 507 | ~~this paragraph.~~

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

510 | 215.5601 Lawton Chiles Endowment Fund.--

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

512 | (a) Funds from the endowment which are available for
 513 | legislative appropriation shall be transferred by the board to
 514 | the Department of Financial Services Tobacco Settlement Clearing
 515 | Trust Fund, created in s. 17.41, and disbursed in accordance
 516 | with the legislative appropriation.

517 | 1. Appropriations by the Legislature to the Department of
 518 | Health from endowment earnings from the principal set aside for
 519 | biomedical research shall be from a category called the James
 520 | and Esther King Biomedical Research Program and shall be
 521 | deposited into the Biomedical Research Trust Fund in the
 522 | Department of Health established in s. 20.435.

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523 2. Appropriations by the Legislature to the Department of
524 Children and Family Services, the Department of Health, or the
525 Department of Elderly Affairs from endowment earnings for health
526 and human services programs ~~shall be from a category called the~~
527 ~~Lawton Chiles Endowment Fund Programs~~ and shall be deposited
528 into each department's respective Tobacco Settlement Trust Fund
529 as appropriated.

530 ~~(f) When advised by the Revenue Estimating Conference that~~
531 ~~a deficit will occur with respect to the appropriations from the~~
532 ~~tobacco settlement trust funds of the state agencies in any~~
533 ~~fiscal year, the Governor shall develop a plan of action to~~
534 ~~eliminate the deficit. Before implementing the plan of action,~~
535 ~~the Governor must comply with s. 216.177(2). In developing the~~
536 ~~plan of action, the Governor shall, to the extent possible,~~
537 ~~preserve legislative policy and intent, and, absent any specific~~
538 ~~directions to the contrary in the General Appropriations Act,~~
539 ~~any reductions in appropriations from the tobacco settlement~~
540 ~~trust funds of the state agencies for a fiscal year shall be~~
541 ~~prorated among the specific appropriations made from all tobacco~~
542 ~~settlement trust funds of the state agencies for that year.~~

543 Section 9. Subsection (3) of section 215.93, Florida
544 Statutes, is amended to read:

545 215.93 Florida Financial Management Information System.--

546 (3) The Florida Financial Management Information System
547 shall include financial management data and utilize the chart of
548 accounts approved by the Chief Financial Officer. Common
549 financial management data shall include, but not be limited to,
550 data codes, titles, and definitions used by one or more of the

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551 functional owner subsystems. The Florida Financial Management
 552 Information System shall utilize common financial management
 553 data codes. The council shall recommend and the board shall
 554 adopt policies regarding the approval and publication of the
 555 financial management data. The Chief Financial Officer shall
 556 adopt policies regarding the approval and publication of the
 557 chart of accounts. The Chief Financial Officer's chart of
 558 accounts shall be consistent with the common financial
 559 management data codes established by the coordinating council.
 560 Further, all systems not a part of the Florida Financial
 561 Management Information System which provide information to the
 562 system shall use the common data codes from the Florida
 563 Financial Management Information System and the Chief Financial
 564 Officer's chart of accounts. Data codes that cannot be supplied
 565 by the Florida Financial Management Information System and the
 566 Chief Financial Officer's chart of accounts and that are
 567 required for use by the information subsystems shall be approved
 568 by the board upon recommendation of the coordinating council.
 569 ~~However, board approval shall not be required for those data~~
 570 ~~codes specified by the Auditor General under the provisions of~~
 571 ~~s. 215.94(6)(c).~~

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

574 215.94 Designation, duties, and responsibilities of
 575 functional owners.--

576 (6)(a) Consistent with the provisions of s. 215.86, the
 577 respective functional owner of each information subsystem shall
 578 be responsible for ensuring ~~The Auditor General shall be advised~~

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579 ~~by the functional owner of each information subsystem as to the~~
 580 ~~date that the development or significant modification of its~~
 581 ~~functional system specifications is to begin.~~

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

585 1. The accounting information produced by the information
 586 subsystem adheres to generally accepted accounting principles.

587 2. The information subsystem contains the necessary
 588 controls to maintain its integrity, within acceptable limits and
 589 at an acceptable cost.

590 3. The information subsystem is auditable.

591 (b)(e) The Auditor General shall be advised by the
 592 functional owner of each information subsystem as to the date
 593 that the development or significant modification of its
 594 functional system specifications is to begin. The Auditor
 595 General shall provide technical advice, as allowed by
 596 professional auditing standards, on specific issues relating to
 597 the design, implementation, and operation of each information
 598 subsystem ~~specify those additional features, characteristics,~~
 599 ~~controls, and internal control measures deemed necessary to~~
 600 ~~carry out the provisions of this subsection. Further, it shall~~
 601 ~~be the responsibility of each functional owner to ensure~~
 602 ~~installation and incorporation of such specified features,~~
 603 ~~characteristics, controls, and internal control measures within~~
 604 ~~each information subsystem.~~

605 Section 11. Section 215.97, Florida Statutes, is amended
 606 to read:

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607 | 215.97 Florida Single Audit Act.--

608 | (1) The purposes of the section are to:

609 | (a) Establish uniform state audit requirements for state

610 | financial assistance provided by state agencies to nonstate

611 | entities to carry out state projects.

612 | (b) Promote sound financial management, including

613 | effective internal controls, with respect to state financial

614 | assistance administered by nonstate entities.

615 | (c) Promote audit economy and efficiency by relying to the

616 | extent possible on already required audits of federal financial

617 | assistance provided to nonstate entities.

618 | (d) Provide for identification of state financial

619 | assistance transactions in the appropriations act, state

620 | accounting records, and recipient organization records.

621 | (e) Promote improved coordination and cooperation within

622 | and between affected state agencies providing state financial

623 | assistance and nonstate entities receiving state assistance.

624 | (f) Ensure, to the maximum extent possible, that state

625 | agencies monitor, use, and followup on audits of state financial

626 | assistance provided to nonstate entities.

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

628 | (a) "Audit threshold" means the threshold amount used to

629 | determine ~~to use in determining~~ when a state single audit or

630 | project-specific audit of a nonstate entity shall be conducted

631 | in accordance with this section. Each nonstate entity that

632 | expends a total amount of state financial assistance equal to or

633 | in excess of \$500,000 ~~\$300,000~~ in any fiscal year of such

634 | nonstate entity shall be required to have a state single audit,

635 | or a project-specific audit, for such fiscal year in accordance
 636 | with the requirements of this section. Every 2 years the Auditor
 637 | General, after consulting with the Executive Office of the
 638 | Governor, the Department of Financial Services ~~Chief Financial~~
 639 | ~~Officer~~, and all state awarding agencies ~~that provide state~~
 640 | ~~financial assistance to nonstate entities~~, shall review the
 641 | threshold amount for requiring audits under this section and may
 642 | adjust such threshold ~~dollar~~ amount consistent with the purposes
 643 | ~~purpose~~ of this section.

644 | (b) "Auditing standards" means the auditing standards as
 645 | stated in the rules of the Auditor General as applicable to for-
 646 | profit organizations, nonprofit organizations, or local
 647 | governmental entities.

648 | (c) "Catalog of State Financial Assistance" means a
 649 | comprehensive listing of state projects. The Catalog of State
 650 | Financial Assistance shall be issued by the Department of
 651 | Financial Services ~~Executive Office of the Governor~~ after
 652 | conferring with the Executive Office of the Governor ~~Chief~~
 653 | ~~Financial Officer~~ and all state awarding agencies ~~that provide~~
 654 | ~~state financial assistance to nonstate entities~~. The Catalog of
 655 | State Financial Assistance shall include for each listed state
 656 | project: the responsible state awarding agency; standard state
 657 | project number identifier; official title; legal authorization;
 658 | and description of the state project, including objectives,
 659 | restrictions, application and awarding procedures, and other
 660 | relevant information determined necessary.

661 | (d) "Coordinating agency" means the state awarding agency
 662 | that provides the predominant amount of state financial

663 assistance expended by a recipient, as determined by the
 664 recipient's Schedule of Expenditures of State Financial
 665 Assistance. To provide continuity, the determination of the
 666 predominant amount of state financial assistance shall be based
 667 upon state financial assistance expended in the recipient's
 668 fiscal years ending in 2006, 2009, and 2012, and every third
 669 year thereafter.

670 (e)(d) "Financial reporting package" means the nonstate
 671 entities' financial statements, Schedule of Expenditures of
 672 State Financial Assistance, auditor's reports, management
 673 letter, auditee's written responses or corrective action plan,
 674 correspondence on followup of prior years' corrective actions
 675 taken, and such other information determined by the Auditor
 676 General to be necessary and consistent with the purposes of this
 677 section.

678 (f)(e) "Federal financial assistance" means financial
 679 assistance from federal sources passed through the state and
 680 provided to nonstate organizations ~~entities~~ to carry out a
 681 federal program. "Federal financial assistance" includes all
 682 types of federal assistance as defined in applicable United
 683 States Office of Management and Budget circulars.

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

687 (h)(g) "Independent auditor" means an independent external
 688 ~~state or local government auditor or a certified public~~
 689 accountant licensed under chapter 473 ~~who meets the independence~~
 690 ~~standards.~~

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

- 695 1. Effectiveness and efficiency of operations.
- 696 2. Reliability of financial operations.
- 697 3. Compliance with applicable laws and regulations.

698 (j)~~(i)~~ "Local governmental entity" means a county as a
 699 whole ~~agency~~, municipality, or special district or any other
 700 entity excluding ~~(other than a district school board, charter~~
 701 school, or ~~community college)~~, or public university, however
 702 styled, which independently exercises any type of governmental
 703 function within the state.

704 (k)~~(j)~~ "Major state project" means any state project
 705 meeting the criteria as stated in the rules of the Department of
 706 Financial Services ~~Executive Office of the Governor~~. Such
 707 criteria shall be established after consultation with all ~~the~~
 708 ~~Chief Financial Officer and appropriate~~ state awarding agencies
 709 ~~that provide state financial assistance~~ and shall consider the
 710 amount of state project expenditures and ~~or~~ expenses or inherent
 711 risks. Each major state project shall be audited in accordance
 712 with the requirements of this section.

713 (l)~~(k)~~ "Nonprofit organization" means any corporation,
 714 trust, association, cooperative, or other organization that:
 715 1. Is operated primarily for scientific, educational
 716 service, charitable, or similar purpose in the public interest.+
 717 2. Is not organized primarily for profit.+

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718 3. Uses net proceeds to maintain, improve, or expand the
719 operations of the organization. ~~and~~

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

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

725 ~~(n)(m)~~ "Recipient" means a nonstate entity that receives
726 state financial assistance directly from a state awarding
727 agency.

728 ~~(o)(n)~~ "Schedule of Expenditures of State Financial
729 Assistance" means a document prepared in accordance with the
730 rules of the Department of Financial Services ~~Chief Financial~~
731 ~~Officer~~ and included in each financial reporting package
732 required by this section.

733 ~~(p)(e)~~ "State awarding agency" means a the state agency,
734 as defined in s. 216.011, that is primarily responsible for the
735 operations and outcomes of a state project, regardless of the
736 state agency that actually provides ~~provided~~ state financial
737 assistance to a the nonstate entity.

738 ~~(q)(p)~~ "State financial assistance" means ~~financial~~
739 ~~assistance from~~ state resources, not including federal financial
740 assistance and state matching on federal programs, provided to a
741 nonstate entity ~~entities~~ to carry out a state project. "State
742 financial assistance" includes the all types of state resources
743 ~~assistance as stated in the rules of the~~ Department of Financial
744 Services ~~Executive Office of the Governor~~ established in
745 consultation with all ~~the Chief Financial Officer and~~

746 ~~appropriate~~ state awarding agencies ~~that provide state financial~~
 747 ~~assistance. It includes~~ State financial assistance may be
 748 provided directly by state awarding agencies or indirectly by
 749 nonstate entities recipients of state awards or subrecipients.
 750 "State financial assistance" ~~It~~ does not include procurement
 751 contracts used to buy goods or services from vendors and. ~~Audits~~
 752 ~~of such procurement contracts with vendors are outside of the~~
 753 ~~scope of this section. Also, audits of~~ contracts to operate
 754 state-owned ~~state-government-owned~~ and contractor-operated
 755 facilities ~~are excluded from the audit requirements of this~~
 756 ~~section.~~

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

760 ~~(s)~~ "State program" means a set of special-purpose
 761 activities undertaken to realize identifiable goals and
 762 objectives in order to achieve a state agency's mission and
 763 legislative intent requiring accountability for state resources.

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

768 ~~(u)(s)~~ "State Projects Compliance Supplement" means a
 769 document issued by the Department of Financial Services
 770 ~~Executive Office of the Governor~~, in consultation with ~~the Chief~~
 771 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~
 772 ~~state financial assistance.~~ The State Projects Compliance
 773 Supplement shall identify state projects, the significant

774 compliance requirements, eligibility requirements, matching
775 requirements, suggested audit procedures, and other relevant
776 information determined necessary.

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

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

784 (x)~~(v)~~ "Subrecipient" means a nonstate entity that
785 receives state financial assistance through another nonstate
786 entity.

787 (y)~~(w)~~ "Vendor" means a dealer, distributor, merchant, or
788 other seller providing goods or services that are required for
789 the conduct of a state project. These goods or services may be
790 for an organization's own use or for the use of beneficiaries of
791 the state project.

792 (3) The Executive Office of the Governor is responsible
793 for notifying the Department of Financial Services of any
794 actions during the budgetary process that impact the Catalog of
795 State Financial Assistance. shall:

796 ~~(a) Upon conferring with the Chief Financial Officer and~~
797 ~~all state awarding agencies, adopt rules necessary to provide~~
798 ~~appropriate guidance to state awarding agencies, recipients and~~
799 ~~subrecipients, and independent auditors of state financial~~
800 ~~assistance relating to the requirements of this section,~~
801 ~~including:~~

802 ~~1. The types or classes of financial assistance considered~~
 803 ~~to be state financial assistance which would be subject to the~~
 804 ~~requirements of this section. This would include guidance to~~
 805 ~~assist in identifying when the state agency or recipient has~~
 806 ~~contracted with a vendor rather than with a recipient or~~
 807 ~~subrecipient.~~

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

809 ~~3. The criteria for selecting state projects for audits~~
 810 ~~based on inherent risk.~~

811 ~~(b) Be responsible for coordinating the initial~~
 812 ~~preparation and subsequent revisions of the Catalog of State~~
 813 ~~Financial Assistance after consultation with the Chief Financial~~
 814 ~~Officer and all state awarding agencies.~~

815 ~~(c) Be responsible for coordinating the initial~~
 816 ~~preparation and subsequent revisions of the State Projects~~
 817 ~~Compliance Supplement, after consultation with the Chief~~
 818 ~~Financial Officer and all state awarding agencies.~~

819 (4) The Department of Financial Services ~~Chief Financial~~
 820 ~~Officer~~ shall:

821 (a) Upon conferring with the Executive Office of the
 822 Governor and all state awarding agencies, adopt rules necessary
 823 to provide appropriate guidance to state awarding agencies,
 824 nonstate entities, and independent auditors of state financial
 825 assistance relating to the requirements of this section,
 826 including:

827 1. The types or classes of state resources considered to
 828 be state financial assistance that would be subject to the
 829 requirements of this section. This would include guidance to

830 assist in identifying when the state awarding agency or a
 831 nonstate entity has contracted with a vendor rather than with a
 832 recipient or subrecipient.

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

834 3. The criteria for selecting state projects for audits
 835 based on inherent risk.

836 (b) Be responsible for coordinating revisions to the
 837 Catalog of State Financial Assistance after consultation with
 838 the Executive Office of the Governor and all state awarding
 839 agencies.

840 (c) Be responsible for coordinating with the Executive
 841 Office of the Governor actions affecting the budgetary process
 842 under paragraph (b).

843 (d) Be responsible for coordinating revisions to the State
 844 Projects Compliance Supplement, after consultation with the
 845 Executive Office of the Governor and all state awarding
 846 agencies.

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

849 1. Recording of state financial assistance and federal
 850 financial assistance appropriations and expenditures within the
 851 state awarding agencies' operating funds.

852 2. Recording of state project number identifiers, as
 853 provided in the Catalog of State Financial Assistance, for state
 854 financial assistance.

855 3. Establishment and recording of an identification code
 856 for each financial transaction, including awarding state
 857 agencies' disbursements of state financial assistance and

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858 federal financial assistance, as to the corresponding type or
 859 organization that is party to the transaction (e.g., other
 860 governmental agencies, nonprofit organizations, and for-profit
 861 organizations), and disbursements of federal financial
 862 assistance, as to whether the party to the transaction is or is
 863 not a nonstate entity ~~recipient or subrecipient~~.

864 ~~(f)(b)~~ 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 ~~recipients and subrecipients~~, and independent
 868 auditors of state financial assistance relating to the format
 869 for the Schedule of Expenditures of State Financial Assistance.

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

875 (5) Each state awarding agency shall:

876 (a) Provide to each a recipient information needed by the
 877 recipient to comply with the requirements of this section,
 878 including:

879 1. The audit and accountability requirements for state
 880 projects as stated in this section and applicable ~~rules of the~~
 881 ~~Executive Office of the Governor~~, rules of the Department of
 882 Financial Services ~~Chief Financial Officer~~, and rules of the
 883 Auditor General.

884 2. Information from the Catalog of State Financial
 885 Assistance, including the standard state project number

886 | identifier; official title; legal authorization; and description
 887 | of the state project including objectives, restrictions, and
 888 | other relevant information determined necessary.

889 | 3. Information from the State Projects Compliance
 890 | Supplement, including the significant compliance requirements,
 891 | eligibility requirements, matching requirements, suggested audit
 892 | procedures, and other relevant information determined necessary.

893 | (b) Require the recipient, as a condition of receiving
 894 | state financial assistance, to allow the state awarding agency,
 895 | the Department of Financial Services ~~Chief Financial Officer~~,
 896 | and the Auditor General access to the recipient's records and
 897 | the recipient's independent auditor's working papers as
 898 | necessary for complying with the requirements of this section.

899 | (c) Notify the recipient that this section does not limit
 900 | the authority of the state awarding agency to conduct or arrange
 901 | for the conduct of additional audits or evaluations of state
 902 | financial assistance or limit the authority of any state
 903 | awarding agency inspector general, the Auditor General, or any
 904 | other state official.

905 | (d) Be provided one copy of each financial reporting
 906 | package prepared in accordance with the requirement of this
 907 | section.

908 | (e) Review the recipient's ~~recipient~~ financial reporting
 909 | package, including the management letters and corrective action
 910 | plans, to the extent necessary to determine whether timely and
 911 | appropriate corrective action has been taken with respect to
 912 | audit findings and recommendations pertaining to state financial

913 assistance that are specific to ~~provided by~~ the state awarding
914 agency.

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

918
919 If the state awarding agency is not the coordinating agency as
920 defined in paragraph (2)(d), the state awarding agency's
921 designated organizational unit shall communicate to the
922 coordinating agency the state awarding agency's approval of the
923 recipient's corrective action plan with respect to findings and
924 recommendations that are not specific to the state awarding
925 agency.

926 (6) Each coordinating agency shall:

927 (a) Review the recipient's financial reporting package,
928 including the management letter and corrective action plan, to
929 identify audit findings and recommendations that affect state
930 financial assistance that are not specific to a particular state
931 awarding agency.

932 (b) For any findings and recommendations identified
933 pursuant to paragraph (a):

934 1. Determine whether timely and appropriate corrective
935 action has been taken.

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

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

941 ~~(7)(6)~~ As a condition of receiving state financial
 942 assistance, each nonstate entity ~~recipient~~ that provides state
 943 financial assistance to a subrecipient shall:

944 (a) Provide to each a subrecipient information needed by
 945 the subrecipient to comply with the requirements of this
 946 section, including:

- 947 1. Identification of the state awarding agency.
- 948 2. The audit and accountability requirements for state
 949 projects as stated in this section and applicable ~~rules of the~~
 950 ~~Executive Office of the Governor~~, rules of the Department of
 951 Financial Services ~~Chief Financial Officer~~, and rules of the
 952 Auditor General.

- 953 3. Information from the Catalog of State Financial
 954 Assistance, including the standard state project number
 955 identifier; official title; legal authorization; and description
 956 of the state project, including objectives, restrictions, and
 957 other relevant information.

- 958 4. Information from the State Projects Compliance
 959 Supplement including the significant compliance requirements,
 960 eligibility requirements, matching requirements, and suggested
 961 audit procedures, and other relevant information determined
 962 necessary.

963 (b) Review the financial reporting package of the
 964 subrecipient ~~audit reports~~, including the management letter and
 965 corrective action plan ~~letters~~, to the extent necessary to
 966 determine whether timely and appropriate corrective action has
 967 been taken with respect to audit findings and recommendations

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968 | pertaining to state financial assistance provided by a ~~the~~ state
969 | awarding agency or nonstate entity.

970 | (c) Perform any ~~such~~ other procedures ~~as~~ specified in
971 | terms and conditions of the written agreement with the state
972 | awarding agency or nonstate entity, including any required
973 | monitoring of the subrecipient's use of state financial
974 | assistance through onsite visits, limited scope audits, or other
975 | specified procedures.

976 | (d) Require subrecipients, as a condition of receiving
977 | state financial assistance, to permit the independent auditor of
978 | the nonstate entity recipient, the state awarding agency, the
979 | Department of Financial Services Chief Financial Officer, and
980 | the Auditor General access to the subrecipient's records and the
981 | subrecipient's independent auditor's working papers as necessary
982 | to comply with the requirements of this section.

983 | (8)~~(7)~~ Each recipient or subrecipient of state financial
984 | assistance shall comply with the following:

985 | (a) Each nonstate entity that ~~receives state financial~~
986 | ~~assistance and~~ meets the audit threshold requirements, in any
987 | fiscal year of the nonstate entity, ~~as~~ stated in the rules of
988 | the Auditor General, shall have a state single audit conducted
989 | for such fiscal year in accordance with the requirements of this
990 | act and with additional requirements established in ~~rules of the~~
991 | ~~Executive Office of the Governor~~, rules of the Department of
992 | Financial Services Chief Financial Officer, and rules of the
993 | Auditor General. If only one state project is involved in a
994 | nonstate entity's fiscal year, the nonstate entity may elect to

995 | have only a state project-specific audit ~~of the state project~~
 996 | ~~for that fiscal year.~~

997 | (b) Each nonstate entity that ~~receives state financial~~
 998 | ~~assistance and~~ does not meet the audit threshold requirements,
 999 | in any fiscal year of the nonstate entity, ~~as~~ stated in this law
 1000 | or the rules of the Auditor General is exempt for such fiscal
 1001 | year from the state single audit requirements of this section.
 1002 | However, such nonstate entity must meet terms and conditions
 1003 | specified in the written agreement with the state awarding
 1004 | agency or nonstate entity.

1005 | (c) If a nonstate entity has extremely limited or no
 1006 | required activities related to the administration of a state
 1007 | project, and only acts as a conduit of state financial
 1008 | assistance, none of the requirements of this section apply to
 1009 | the conduit nonstate entity. However, the nonstate entity that
 1010 | is provided state financial assistance by the conduit nonstate
 1011 | entity is subject to the requirements of this section.

1012 | ~~(d)(e)~~ Regardless of the amount of the state financial
 1013 | assistance, ~~the provisions of this section~~ does ~~de~~ not exempt a
 1014 | nonstate entity from compliance with provisions of law relating
 1015 | to maintaining records concerning state financial assistance to
 1016 | such nonstate entity or allowing access and examination of those
 1017 | records by the state awarding agency, the nonstate entity, the
 1018 | Department of Financial Services ~~Chief Financial Officer,~~ or the
 1019 | Auditor General.

1020 | ~~(e)(d)~~ Audits conducted pursuant to this section shall be
 1021 | performed annually.

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1022 (f)~~(e)~~ Audits conducted pursuant to this section shall be
 1023 conducted by independent auditors in accordance with auditing
 1024 standards ~~as~~ stated in rules of the Auditor General.

1025 (g)~~(f)~~ Upon completion of the audit ~~as~~ required by this
 1026 section, a copy of the recipient's financial reporting package
 1027 shall be filed with the state awarding agency and the Auditor
 1028 General. Upon completion of the audit ~~as~~ required by this
 1029 section, a copy of the subrecipient's financial reporting
 1030 package shall be filed with the nonstate entity recipient that
 1031 provided the state financial assistance and the Auditor General.
 1032 The financial reporting package shall be filed in accordance
 1033 with the rules of the Auditor General.

1034 (h)~~(g)~~ All financial reporting packages prepared pursuant
 1035 to ~~the requirements of~~ this section shall be available for
 1036 public inspection.

1037 (i)~~(h)~~ If an audit conducted pursuant to this section
 1038 discloses any significant audit findings relating to state
 1039 financial assistance, including material noncompliance with
 1040 individual state project compliance requirements or reportable
 1041 conditions in internal controls of the nonstate entity, the
 1042 nonstate entity shall submit as part of the financial reporting
 1043 ~~audit~~ package to the state awarding agency or nonstate entity a
 1044 plan for corrective action to eliminate such audit findings or a
 1045 statement describing the reasons that corrective action is not
 1046 necessary.

1047 (j)~~(i)~~ An audit conducted in accordance with this section
 1048 is in addition to any audit of federal awards required by the
 1049 federal Single Audit Act and other federal laws and regulations.

1050 To the extent that such federally required audits provide the
 1051 state awarding agency or nonstate entity with information it
 1052 requires to carry out its responsibilities under state law or
 1053 other guidance, ~~the~~ a state awarding agency or nonstate entity
 1054 shall rely upon and use that information.

1055 ~~(k)(j)~~ Unless prohibited by law, the costs ~~cost~~ of audits
 1056 pursuant to this section are ~~is~~ allowable charges to state
 1057 projects. However, any charges to state projects should be
 1058 limited to those incremental costs incurred as a result of the
 1059 audit requirements of this section in relation to other audit
 1060 requirements. The nonstate entity should allocate such
 1061 incremental costs to all state projects for which it expended
 1062 state financial assistance.

1063 ~~(l)(k)~~ Audit costs may not be charged to state projects
 1064 when audits required by this section have not been made or have
 1065 been made but not in accordance with this section. If a nonstate
 1066 entity fails to have an audit conducted consistent with this
 1067 section, a state awarding agency or nonstate entity ~~agencies~~ may
 1068 take appropriate corrective action to enforce compliance.

1069 ~~(m)(l)~~ This section does not prohibit the state awarding
 1070 agency or nonstate entity from including terms and conditions in
 1071 the written agreement which require additional assurances that
 1072 state financial assistance meets the applicable requirements of
 1073 laws, regulations, and other compliance rules.

1074 ~~(n)(m)~~ A state awarding agency or nonstate entity that
 1075 ~~provides state financial assistance to nonstate entities and~~
 1076 conducts or arranges for audits of state financial assistance
 1077 that are in addition to the audits conducted under this act,

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1078 | including audits of nonstate entities that do not meet the audit
 1079 | threshold requirements, shall, consistent with other applicable
 1080 | law, arrange for funding the full cost of such additional
 1081 | audits.

1082 | (9)~~(8)~~ The independent auditor when conducting a state
 1083 | single audit of a nonstate entity ~~recipients or subrecipients~~
 1084 | shall:

1085 | (a) Determine whether the nonstate entity's financial
 1086 | statements are presented fairly in all material respects in
 1087 | conformity with generally accepted accounting principles.

1088 | (b) Determine whether state financial assistance shown on
 1089 | the Schedule of Expenditures of State Financial Assistance is
 1090 | presented fairly in all material respects in relation to the
 1091 | nonstate entity's financial statements taken as a whole.

1092 | (c) With respect to internal controls pertaining to each
 1093 | major state project:

1094 | 1. Obtain an understanding of internal controls.+

1095 | 2. Assess control risk.+

1096 | 3. Perform tests of controls unless the controls are
 1097 | deemed to be ineffective.+~~and~~

1098 | 4. Determine whether the nonstate entity has internal
 1099 | controls in place to provide reasonable assurance of compliance
 1100 | with the provisions of laws and rules pertaining to state
 1101 | financial assistance that have a material effect on each major
 1102 | state project.

1103 | (d) Determine whether each major state project complied
 1104 | with the provisions of laws, rules, and guidelines as identified
 1105 | in the State Projects Compliance Supplement, or otherwise

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1106 identified by the state awarding agency, which have a material
 1107 effect on each major state project. When major state projects
 1108 are less than 50 percent of the nonstate entity's total
 1109 expenditures for all state financial assistance, the auditor
 1110 shall select and test additional state projects as major state
 1111 projects as necessary to achieve audit coverage of at least 50
 1112 percent of the expenditures for all state financial assistance
 1113 provided to the nonstate entity. Additional state projects
 1114 needed to meet the 50-percent requirement may be selected on an
 1115 inherent risk basis as stated in the rules of the Department of
 1116 Financial Services ~~Executive Office of the Governor~~.

1117 (e) Report on the results of any audit conducted pursuant
 1118 to this section in accordance with the ~~rules of the Executive~~
 1119 ~~Office of the Governor~~, rules of the Department of Financial
 1120 Services ~~Chief Financial Officer~~, and rules of the Auditor
 1121 General. Financial reporting packages shall ~~Audit reports shall~~
 1122 include summaries of the auditor's results regarding the
 1123 nonstate entity's financial statements; Schedule of Expenditures
 1124 of State Financial Assistance; internal controls; and compliance
 1125 with laws, rules, and guidelines.

1126 (f) Issue a management letter as prescribed in the rules
 1127 of the Auditor General.

1128 (g) Upon notification by the nonstate entity, make
 1129 available the working papers relating to the audit conducted
 1130 pursuant to ~~the requirements of~~ this section to the state
 1131 awarding agency, the Department of Financial Services ~~Chief~~
 1132 ~~Financial Officer~~, or the Auditor General for review or copying.

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1133 | ~~(10)(9)~~ The independent auditor, when conducting a state
1134 | project-specific audit of a nonstate entity ~~recipients or~~
1135 | ~~subrecipients~~, shall:

1136 | (a) Determine whether the nonstate entity's schedule of
1137 | Expenditure of State Financial Assistance is presented fairly in
1138 | all material respects in conformity with stated accounting
1139 | policies.

1140 | (b) Obtain an understanding of internal controls ~~control~~
1141 | and perform tests of internal controls ~~control~~ over the state
1142 | project consistent with the requirements of a major state
1143 | project.

1144 | (c) Determine whether or not the auditee has complied with
1145 | applicable provisions of laws, rules, and guidelines ~~as~~
1146 | identified in the State Projects Compliance Supplement, or
1147 | otherwise identified by the state awarding agency, which could
1148 | have a direct and material effect on the state project.

1149 | (d) Report on the results of the ~~a~~ state project-specific
1150 | audit consistent with the requirements of the state single audit
1151 | and issue a management letter as prescribed in the rules of the
1152 | Auditor General.

1153 | (e) Upon notification by the nonstate entity, make
1154 | available the working papers relating to the audit conducted
1155 | pursuant to ~~the requirements of~~ this section to the state
1156 | awarding agency, the Department of Financial Services ~~Chief~~
1157 | ~~Financial Officer~~, or the Auditor General for review or copying.

1158 | ~~(11)(10)~~ The Auditor General shall:

1159 | (a) Have the authority to audit state financial assistance
1160 | provided to any nonstate entity when determined necessary by the

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1161 Auditor General or when directed by the Legislative Auditing
1162 Committee.

1163 (b) Adopt rules that state the auditing standards that
1164 independent auditors are to follow for audits of nonstate
1165 entities required by this section.

1166 (c) Adopt rules that describe the contents and the filing
1167 deadlines for the financial reporting package.

1168 (d) Provide technical advice upon request of the
1169 Department of Financial Services ~~Chief Financial Officer,~~
1170 ~~Executive Office of the Governor,~~ and state awarding agencies
1171 relating to financial reporting and audit responsibilities
1172 contained in this section.

1173 (e) Be provided one copy of each financial reporting
1174 package prepared in accordance with ~~the requirements of this~~
1175 section.

1176 (f) Perform ongoing reviews of a sample of financial
1177 reporting packages filed pursuant to ~~the requirements of this~~
1178 section to determine compliance with the reporting requirements
1179 of this section and applicable ~~rules of the Executive Office of~~
1180 ~~the Governor,~~ rules of the Department of Financial Services
1181 ~~Chief Financial Officer,~~ and rules of the Auditor General.

1182 Section 12. Paragraphs (a), (b), (gg), (hh), and (jj) of
1183 subsection (1) of section 216.011, Florida Statutes, are
1184 amended, paragraphs (rr) and (ss) are added to said subsection,
1185 and paragraph (c) is added to subsection (3) of said section, to
1186 read:

1187 216.011 Definitions.--

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1188 (1) For the purpose of fiscal affairs of the state,
1189 appropriations acts, legislative budgets, and approved budgets,
1190 each of the following terms has the meaning indicated:

1191 (a) "Annual salary rate" means the monetary compensation
1192 authorized to be paid a position on an annualized basis. The
1193 term does not include moneys authorized for benefits associated
1194 with the position. ~~In calculating salary rate, a vacant position~~
1195 ~~shall be calculated at the minimum of the pay grade for that~~
1196 ~~position.~~

1197 (b) "Appropriation" means a legal authorization to make
1198 expenditures for specific purposes within the amounts authorized
1199 ~~by law in the appropriations act.~~

1200 (gg) "Mandatory reserve" means the reduction of an
1201 appropriation by the Governor or the Legislative Budget
1202 Commission due to an anticipated deficit in a fund, pursuant to
1203 s. 216.221. Action may not be taken to restore a mandatory
1204 reserve either directly or indirectly. ~~"Performance-based~~
1205 ~~program appropriation" means the appropriation category used to~~
1206 ~~fund a specific set of activities or classification of~~
1207 ~~expenditure within an approved performance-based program.~~

1208 (hh) "Budget reserve" means the withholding, as authorized
1209 by the Legislature, of an appropriation, or portion thereof. The
1210 need for a budget reserve may exist until certain conditions set
1211 by the Legislature are met by the affected agency, or such need
1212 may exist due to financial or program changes that have occurred
1213 since, and were unforeseen at the time of, passage of the
1214 General Appropriations Act. ~~"Performance-based program budget"~~

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1215 ~~means a budget that incorporates approved programs and~~
 1216 ~~performance measures.~~

1217 (jj) "Program" means a set of services and activities
 1218 undertaken in accordance with a plan of action organized to
 1219 realize identifiable goals and objectives based on legislative
 1220 authorization.

1221 (rr) "Activity" means a unit of work that has identifiable
 1222 starting and ending points, consumes resources, and produces
 1223 outputs.

1224 (ss) "Qualified expenditure category" means the
 1225 appropriations category used to fund specific activities and
 1226 projects which must be transferred to one or more appropriation
 1227 categories for expenditure upon recommendation by the Governor
 1228 or Chief Justice, as appropriate, and subject to approval by the
 1229 Legislative Budget Commission.

1230 (3) For purposes of this chapter, the term:

1231 (c) "Statutorily authorized entity" means any entity
 1232 primarily acting as an instrumentality of the state, any
 1233 regulatory or governing body, or any other governmental or
 1234 quasi-governmental organization that receives, disburses,
 1235 expends, administers, awards, recommends expenditure of,
 1236 handles, manages, or has custody or control of funds
 1237 appropriated by the Legislature and:

1238 1. Is created, organized, or specifically authorized to be
 1239 created or established by general law; or

1240 2. Assists a department, as defined in s. 20.03(2), or
 1241 other unit of state government in providing programs or services

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1242 | on a statewide basis with a statewide service area or
1243 | population.

1244 | Section 13. Effective July 1, 2006, paragraph (n) of
1245 | subsection (1) of section 216.011, Florida Statutes, is amended
1246 | to read:

1247 | 216.011 Definitions.--

1248 | (1) For the purpose of fiscal affairs of the state,
1249 | appropriations acts, legislative budgets, and approved budgets,
1250 | each of the following terms has the meaning indicated:

1251 | (n) "Expense" means the appropriation category used to
1252 | fund the usual, ordinary, and incidental expenditures by an
1253 | agency or the judicial branch, including such items as
1254 | ~~contractual services, commodities, and~~ supplies of a consumable
1255 | nature, current obligations, and fixed charges, and excluding
1256 | expenditures classified as operating capital outlay. Payments to
1257 | other funds or local, state, or federal agencies may be included
1258 | in this category.

1259 | Section 14. Section 216.013, Florida Statutes, is amended
1260 | to read:

1261 | 216.013 Long-range program plan.--

1262 | ~~(1)~~ State agencies and the judicial branch shall develop
1263 | long-range program plans to achieve state goals using an
1264 | interagency planning process that includes the development of
1265 | integrated agency program service outcomes. The plans shall be
1266 | policy based, priority driven, accountable, and developed
1267 | through careful examination and justification of all agency and
1268 | judicial branch programs. ~~The plan shall cover a period of 5~~
1269 | ~~fiscal years and shall become effective July 1 each year.~~

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1270 (1) Long-range program plans shall provide the framework
 1271 for the development of ~~agency~~ budget requests and shall identify
 1272 or update:

1273 (a) The mission of the agency or judicial branch.

1274 (b) The goals established to accomplish the mission.

1275 (c) The objectives developed to achieve state goals.

1276 (d) The trends and conditions relevant to the mission,
 1277 goals, and objectives.

1278 ~~(e)(a) Identify agency programs and address how agency~~ The
 1279 agency or judicial branch programs that will be used to
 1280 implement state policy and achieve state goals and ~~program~~
 1281 ~~component~~ objectives. ;

1282 (f) The program outcomes and standards to measure progress
 1283 toward program objectives.

1284 ~~(b) Identify and describe agency functions and how they~~
 1285 ~~will be used to achieve designated outcomes;~~

1286 ~~(c) Identify demand, output, total costs, and unit costs~~
 1287 ~~for each function;~~

1288 (g)(d) Provide Information regarding performance
 1289 measurement, which includes, but is not limited to, how data is
 1290 collected, the methodology used to measure a performance
 1291 indicator, the validity and reliability of a measure, the
 1292 appropriateness of a measure, and whether, in the case of
 1293 agencies, the agency inspector general has assessed the
 1294 reliability and validity of agency performance measures,
 1295 pursuant to s. 20.055(2). ;

1296 ~~(e) Identify and justify facility and fixed capital outlay~~
 1297 ~~projects and their associated costs; and~~

1298 ~~(f) Identify and justify information technology~~
 1299 ~~infrastructure and applications and their associated costs for~~
 1300 ~~information technology projects or initiatives.~~

1301 ~~(2) All agency functions and their costs shall be~~
 1302 ~~carefully evaluated and justified by the agency. The~~
 1303 ~~justification must clearly demonstrate the needs of agency~~
 1304 ~~customers and clients and why the agency is proposing functions~~
 1305 ~~and their associated costs to address the needs based on state~~
 1306 ~~priorities, the agency mission, and legislative authorization.~~
 1307 ~~Further, the justification must show how agency functions are~~
 1308 ~~integrated and contribute to the overall achievement of state~~
 1309 ~~goals. Facilities, fixed capital outlay and information~~
 1310 ~~technology infrastructure, and applications shall be evaluated~~
 1311 ~~pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.~~

1312 (2) Each long-range program plan shall cover a period of 5
 1313 fiscal years, be revised annually, and remain in effect until
 1314 replaced or revised.

1315 (3) Long-range program plans or revisions shall be
 1316 presented by state agencies and the judicial branch in a form,
 1317 manner, and timeframe prescribed in written instructions
 1318 prepared by ~~submitted to~~ the Executive Office of the Governor in
 1319 consultation with ~~by August 1 of each year in a form and manner~~
 1320 ~~prescribed by the Executive Office of the Governor and the~~
 1321 ~~chairs of the legislative appropriations committees. Such long-~~
 1322 ~~range program plans for the Judicial Branch shall be submitted~~
 1323 ~~by the Chief Justice of the Supreme Court to the President of~~
 1324 ~~the Senate and the Speaker of the House of Representatives, and~~

1325 ~~a copy shall be provided to the Executive Office of the~~
1326 ~~Governor.~~

1327 ~~(4) The Executive Office of the Governor shall review the~~
1328 ~~long range program plans for executive agencies to ensure that~~
1329 ~~they are consistent with the state's goals and objectives and~~
1330 ~~other requirements as specified in the written instructions and~~
1331 ~~that they provide the framework and context for the agency's~~
1332 ~~budget request.~~

1333 ~~(5) Executive agencies shall incorporate all revisions~~
1334 ~~required by the Governor within 14 working days.~~

1335 ~~(6) Any differences between executive agencies regarding~~
1336 ~~the programs, policies, or long range program plans of such~~
1337 ~~agencies shall be mediated by the Executive Office of the~~
1338 ~~Governor.~~

1339 (4)(7) Each state executive agency and the judicial branch
1340 shall post their long-range program plan on their Internet
1341 website transmit copies of its long range program plan and all
1342 written comments on its plan to the President of the Senate and
1343 the Speaker of the House of Representatives not later than
1344 September 30th of each year, and provide written notice to the
1345 Governor and the Legislature that the plans have been posted 60
1346 days prior to the next regular session of the Legislature.

1347 ~~(8) Long range program plans developed pursuant to this~~
1348 ~~chapter are not rules and therefore are not subject to the~~
1349 ~~provisions of chapter 120.~~

1350 (5)(9) Following the adoption of the annual General
1351 Appropriations Act, the state agencies and the judicial branch
1352 shall make appropriate adjustments to their long-range program

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1353 plans to be consistent with the appropriations and performance
 1354 measures in the General Appropriations Act and legislation
 1355 implementing the General Appropriations Act. Agencies and the
 1356 judicial branch have until June 30 ~~15~~ to make adjustments to
 1357 their plans as posted on their Internet websites ~~and submit the~~
 1358 ~~adjusted plans to the Executive Office of the Governor for~~
 1359 ~~review.~~

1360 (6) Long-range program plans developed pursuant to this
 1361 chapter are not rules and therefore are not subject to the
 1362 provisions of chapter 120.

1363 Section 15. Section 216.023, Florida Statutes, is amended
 1364 to read:

1365 216.023 Legislative budget requests to be furnished to
 1366 Legislature by agencies.--

1367 (1) The head of each state agency, except as provided in
 1368 subsection (2), shall submit a final legislative budget request
 1369 to the Legislature and to the Governor, as chief budget officer
 1370 of the state, in the form and manner prescribed in the budget
 1371 instructions and at such time as specified by the Executive
 1372 Office of the Governor, based on the agency's independent
 1373 judgment of its needs. However, a ~~no~~ state agency may not ~~shall~~
 1374 submit its complete legislative budget request, including all
 1375 supporting forms and schedules required by this chapter, later
 1376 than October ~~September~~ 15 of each year unless an alternative
 1377 date is agreed to be in the best interest of the state by the
 1378 Governor and the chairs of the legislative appropriations
 1379 committees.

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1380 (2) The judicial branch and the Division of Administrative
 1381 Hearings shall submit their complete legislative budget requests
 1382 directly to the Legislature with a copy to the Governor, as
 1383 chief budget officer of the state, in the form and manner as
 1384 prescribed in the budget instructions. However, the complete
 1385 legislative budget requests, including all supporting forms and
 1386 schedules required by this chapter, shall be submitted no later
 1387 than October ~~September~~ 15 of each year unless an alternative
 1388 date is agreed to be in the best interest of the state by the
 1389 Governor and the chairs of the legislative appropriations
 1390 committees.

1391 (3) The Executive Office of the Governor and the
 1392 appropriations committees of the Legislature shall jointly
 1393 develop legislative budget instructions for preparing the
 1394 exhibits and schedules that make up the agency budget from which
 1395 each agency and the judicial branch shall prepare their budget
 1396 request. The budget instructions shall be consistent with s.
 1397 216.141 and shall be transmitted to each agency and to the
 1398 judicial branch no later than July ~~June~~ 15 of each year unless
 1399 an alternative date is agreed to be in the best interest of the
 1400 state by the Governor and the chairs of the legislative
 1401 appropriations committees. In the event that agreement cannot be
 1402 reached between the Executive Office of the Governor and the
 1403 appropriations committees of the Legislature regarding
 1404 legislative budget instructions, the issue shall be resolved by
 1405 the Governor, the President of the Senate, and the Speaker of
 1406 the House of Representatives.

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- 1407 (4)(a) The legislative budget request must contain for
 1408 each program:
- 1409 1. The constitutional or statutory authority for a
 1410 program, a brief purpose statement, and approved program
 1411 components.
 - 1412 2. Information on expenditures for 3 fiscal years (actual
 1413 prior-year expenditures, current-year estimated expenditures,
 1414 and agency budget requested expenditures for the next fiscal
 1415 year) by appropriation category.
 - 1416 3. Details on trust funds and fees.
 - 1417 4. The total number of positions (authorized, fixed, and
 1418 requested).
 - 1419 5. An issue narrative describing and justifying changes in
 1420 amounts and positions requested for current and proposed
 1421 programs for the next fiscal year.
 - 1422 6. Information resource requests.
 - 1423 7. Legislatively approved output and outcome performance
 1424 measures and any proposed revisions to measures.
 - 1425 8. Proposed performance standards for each performance
 1426 measure and justification for the standards and the sources of
 1427 data to be used for measurement.
 - 1428 9. Prior-year performance data on approved performance
 1429 measures and an explanation of deviation from expected
 1430 performance. Performance data must be assessed for reliability
 1431 in accordance with s. 20.055.
 - 1432 10. Proposed performance incentives and disincentives.
 - 1433 11. Supporting information, including applicable cost-
 1434 benefit analyses, business case analyses, performance

1435 contracting procedures, service comparisons, and impacts on
 1436 performance standards for any request to outsource or privatize
 1437 agency functions.

1438 12. An evaluation of any major outsourcing and
 1439 privatization initiatives undertaken during the last 5 fiscal
 1440 years having aggregate expenditures exceeding \$10 million during
 1441 the term of the contract. The evaluation shall include an
 1442 assessment of contractor performance, a comparison of
 1443 anticipated service levels to actual service levels, and a
 1444 comparison of estimated savings to actual savings achieved.
 1445 Consolidated reports issued by the Department of Management
 1446 Services may be used to satisfy this requirement.

1447 (b) It is the intent of the Legislature that total
 1448 accountability measures, including unit-cost data, serve not
 1449 only as a budgeting tool but also as a policymaking tool and an
 1450 accountability tool. Therefore, each state agency and the
 1451 judicial branch must submit a one-page summary of information
 1452 for the preceding year in accordance with the legislative budget
 1453 instructions. Each one-page summary must contain:

- 1454 1. The final budget for the agency and the judicial
 1455 branch.
- 1456 2. Total funds from the General Appropriations Act.
- 1457 3. Adjustments to the General Appropriations Act.
- 1458 4. The line-item listings of all activities.
- 1459 5. The number of activity units performed or accomplished.
- 1460 6. Total expenditures for each activity, including amounts
 1461 paid to contractors and subordinate entities. Expenditures
 1462 related to administrative activities not aligned with output

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1463 | measures must consistently be allocated to activities with
1464 | output measures prior to computing unit costs.

1465 | 7. The cost per unit for each activity, including the
1466 | costs allocated to contractors and subordinate entities.

1467 | 8. The total amount of reversions and pass-through
1468 | expenditures omitted from unit-cost calculations.

1469 |
1470 | At the regular session immediately following the submission of
1471 | the agency unit cost summary, the Legislature shall reduce in
1472 | the General Appropriations Act for the ensuing fiscal year, by
1473 | an amount equal to at least 10 percent of the allocation for the
1474 | fiscal year preceding the current fiscal year, the funding of
1475 | each state agency that fails to submit the report required under
1476 | this paragraph.

1477 | ~~(5) At the time specified in the legislative budget~~
1478 | ~~instructions and in sufficient time to be included in the~~
1479 | ~~Governor's recommended budget, the judicial branch is required~~
1480 | ~~to submit a performance-based program budget request. The Chief~~
1481 | ~~Justice of the Supreme Court shall identify and, after~~
1482 | ~~consultation with the Office of Program Policy Analysis and~~
1483 | ~~Government Accountability, submit to the President of the Senate~~
1484 | ~~and the Speaker of the House of Representatives a list of~~
1485 | ~~proposed programs and associated performance measures. The~~
1486 | ~~judicial branch shall provide documentation to accompany the~~
1487 | ~~list of proposed programs and performance measures as provided~~
1488 | ~~under subsection (4). The judicial branch shall submit a~~
1489 | ~~performance-based program agency budget request using the~~
1490 | ~~programs and performance measures adopted by the Legislature.~~

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1491 ~~The Chief Justice may propose revisions to approved programs or~~
 1492 ~~performance measures for the judicial branch. The Legislature~~
 1493 ~~shall have final approval of all programs and associated~~
 1494 ~~performance measures and standards for the judicial branch~~
 1495 ~~through the General Appropriations Act or legislation~~
 1496 ~~implementing the General Appropriations Act. By September 15,~~
 1497 ~~2001, the Chief Justice of the Supreme Court shall submit to the~~
 1498 ~~President of the Senate and the Speaker of the House of~~
 1499 ~~Representatives a performance-based program budget request for~~
 1500 ~~programs of the judicial branch approved by the Legislature and~~
 1501 ~~provide a copy to the Executive Office of the Governor.~~

1502 (5)~~(6)~~ Agencies must maintain a comprehensive performance
 1503 accountability system and provide a list of performance measures
 1504 maintained by the agency which are in addition to the measures
 1505 approved by the Legislature.

1506 (6)~~(7)~~ Annually, by June 30, executive agencies shall
 1507 submit to the Executive Office of the Governor adjustments to
 1508 their performance standards based on the amounts appropriated
 1509 for each program by the Legislature. When such an adjustment is
 1510 made, all performance standards, including any adjustments made,
 1511 shall be reviewed and revised as necessary by the Executive
 1512 Office of the Governor and, upon approval, submitted to the
 1513 Legislature pursuant to the review and approval process provided
 1514 in s. 216.177. The Senate and the House of Representatives
 1515 appropriations committees ~~Senate Committee on Fiscal Policy and~~
 1516 ~~the House of Representatives Fiscal Responsibility Council~~ shall
 1517 advise Senate substantive committees and House of
 1518 Representatives substantive committees, respectively, of all

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1519 adjustments made to performance standards or measures. The
 1520 Executive Office of the Governor shall maintain ~~both~~ the
 1521 official record of adjustments to the performance standards ~~as~~
 1522 ~~part of the agency's approved operating budget and the official~~
 1523 ~~performance ledger~~. As used in this section, the term "official
 1524 record" ~~"performance ledger"~~ means the official compilation of
 1525 information about state agency performance-based programs and
 1526 measures, including approved programs, approved outputs and
 1527 outcomes, baseline data, approved standards for each performance
 1528 measure and any approved adjustments thereto, as well as actual
 1529 agency performance for each measure.

1530 (7)(8) As a part of the legislative budget request, the
 1531 head of each state agency and the Chief Justice of the Supreme
 1532 Court for the judicial branch shall include an inventory of all
 1533 litigation in which the agency is involved that may require
 1534 additional appropriations to the agency, that may significantly
 1535 affect revenues received or anticipated to be received by the
 1536 state, or that may require ~~or~~ amendments to the law under which
 1537 the agency operates. No later than March 1 following the
 1538 submission of the legislative budget request, the head of the
 1539 state agency and the Chief Justice of the Supreme Court shall
 1540 provide an update of any additions or changes to the inventory.
 1541 Such inventory shall include information specified annually in
 1542 the legislative budget instructions and, within the discretion
 1543 of the head of the state agency or the Chief Justice of the
 1544 Supreme Court, may contain only information found in the
 1545 pleadings.

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1546 ~~(8)(9)~~ Annually, by June 30, the judicial branch shall
 1547 make adjustments to any performance standards for approved
 1548 programs based on the amount appropriated for each program,
 1549 which shall be submitted to the Legislature pursuant to the
 1550 notice and review process provided in s. 216.177. The Senate and
 1551 the House of Representatives appropriations committees ~~Senate~~
 1552 ~~Committee on Fiscal Policy and the House Fiscal Responsibility~~
 1553 ~~Council~~ shall advise Senate substantive committees and House
 1554 substantive committees, respectively, of all adjustments made to
 1555 performance standards or measures.

1556 ~~(9)(10)~~ The Executive Office of the Governor shall review
 1557 the legislative budget request for technical compliance with the
 1558 budget format provided for in the budget instructions. The
 1559 Executive Office of the Governor shall notify the agency or the
 1560 judicial branch of any adjustment required. The agency or
 1561 judicial branch shall make the appropriate corrections as
 1562 requested. If the appropriate technical corrections are not made
 1563 as requested, the Executive Office of the Governor shall adjust
 1564 the budget request to incorporate the appropriate technical
 1565 corrections in the format of the request.

1566 ~~(10)(11)~~ At any time after the Governor submits his or her
 1567 ~~and the Chief Justice submit their~~ recommended budget ~~budgets~~ to
 1568 the Legislature, the head of the agency or judicial branch may
 1569 amend his or her request by transmitting to the Governor and the
 1570 Legislature an amended request in the form and manner prescribed
 1571 in the legislative budget instructions.

1572 ~~(11)(12)~~ The legislative budget request from each agency
 1573 and from the judicial branch shall be reviewed by the

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1574 Legislature. The review may allow for the opportunity to have
 1575 information or testimony by the agency, the judicial branch, the
 1576 Auditor General, the Office of Program Policy Analysis and
 1577 Government Accountability, the Governor's Office of Planning and
 1578 Budgeting, and the public regarding the proper level of funding
 1579 for the agency in order to carry out its mission.

1580 (12)~~(13)~~ In order to ensure an integrated state planning
 1581 and budgeting process, the agency long-range plan should be
 1582 reviewed by the Legislature.

1583 Section 16. Section 216.031, Florida Statutes, is amended
 1584 to read:

1585 216.031 Target budget request.--Either chair of a
 1586 legislative appropriations committee, or the Executive Office of
 1587 the Governor for state agencies, may require the agency or the
 1588 Chief Justice to address major issues separate from those
 1589 outlined in s. 216.023, this section, and s. 216.043 for
 1590 inclusion in the requests of the agency or of the judicial
 1591 branch. The issues shall be submitted to the agency no later
 1592 than July 30 of each year and shall be displayed in its requests
 1593 as provided in the budget instructions. The Executive Office of
 1594 the Governor may request an agency, or the chair of an ~~the~~
 1595 appropriations committee ~~committees~~ of the Senate or the House
 1596 of Representatives may request any agency or the judicial
 1597 branch, to submit ~~no later than September 30 of each year~~ a
 1598 budget plan with respect to targets established by the Governor
 1599 or either chair. The target budget shall require each entity to
 1600 establish an order of priorities for its budget issues and may
 1601 include requests for multiple options for the budget issues. ~~The~~

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1602 ~~target budget may also require each entity to submit a program~~
 1603 ~~budget or a performance-based budget in the format prescribed by~~
 1604 ~~the Executive Office of the Governor or either chair; provided,~~
 1605 ~~however,~~ The target budget format shall be compatible with the
 1606 planning and budgeting system requirements set out in s.
 1607 216.141. Such a request shall not influence the agencies' or
 1608 judicial branch's independent judgment in making legislative
 1609 budget requests, as required by law.

1610 Section 17. Section 216.052, Florida Statutes, is amended
 1611 to read:

1612 216.052 Community budget requests; appropriations;
 1613 ~~grants.--~~

1614 (1) A local, county, or regional governmental entity,
 1615 private organization, or nonprofit organization may submit a
 1616 request for a state appropriation for a program, service, or
 1617 capital outlay initiative that is local or regional in scope, is
 1618 intended to meet a documented need, addresses a statewide
 1619 interest, is intended to produce measurable results, and has
 1620 tangible community support to members of the Legislature, a
 1621 state agency, or the Governor.

1622 ~~(2) Each appropriation to a local government, a private~~
 1623 ~~organization, or a nonprofit organization made pursuant to a~~
 1624 ~~community budget request shall require that the community's~~
 1625 ~~support be tangibly demonstrated by evidence that the program or~~
 1626 ~~service will operate in a financially sound manner. Any~~
 1627 ~~appropriation to a local government, a private organization, or~~
 1628 ~~a nonprofit organization made pursuant to this section should~~
 1629 ~~require local matching funds. The match must be based on the~~

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1630 ~~size and scope of the project and the applicant's ability to~~
 1631 ~~provide the match. In addition, the granting of state funds~~
 1632 ~~shall be used to encourage the establishment of community-based~~
 1633 ~~partnerships between the public sector and the private sector.~~

1634 ~~(3) Each community budget request submitted pursuant to~~
 1635 ~~this section must receive a hearing before a body of duly~~
 1636 ~~elected public officials before being submitted for~~
 1637 ~~consideration.~~

1638 (2)~~(4)~~ For requests submitted to members of the
 1639 Legislature, community budget requests shall be submitted in the
 1640 form and manner prescribed jointly by the President of the
 1641 Senate and the Speaker of the House of Representatives. If the
 1642 President of the Senate and the Speaker of the House of
 1643 Representatives do not agree on a form and manner of submission
 1644 to be used by both houses, each may prescribe a form and manner
 1645 of submission to be used in his or her house.

1646 (3)~~(5)~~ Community budget requests shall be submitted to the
 1647 chairs of the legislative appropriations committees in
 1648 accordance with the schedule established jointly by the
 1649 President of the Senate and the Speaker of the House of
 1650 Representatives. If the President of the Senate and the Speaker
 1651 of the House of Representatives do not agree on a schedule to be
 1652 used by both houses, each may prescribe a schedule to be used in
 1653 his or her house.

1654 (4)~~(6)~~ The Executive Office of the Governor shall
 1655 prescribe the form and manner of submission of requests to state
 1656 agencies and to the Governor.

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1657 (5)~~(7)~~ The retention of interest earned on state funds or
 1658 the amount of interest income earned shall be applied against
 1659 the state entity's obligation to pay the appropriated amount.

1660 ~~(8) Whenever possible, a loan must be made in lieu of a
 1661 grant to a local government, a private organization, or a
 1662 nonprofit organization. It is the intent of the Legislature that
 1663 a revolving loan program shall be established so that the loan
 1664 amount plus interest is paid back by the recipient to the state.~~

1665 ~~(9) Any private or nonprofit organization that is to
 1666 receive funds through a community budget request shall, at the
 1667 time of application for such funds, provide information
 1668 regarding its organization, including a copy of its current
 1669 budget, a list of its board of directors, and, if available, a
 1670 copy of its most recent annual audit report prepared by an
 1671 independent certified public accountant licensed in this state,
 1672 including management letters or other documents associated with
 1673 the audit report.~~

1674 Section 18. Subsection (5) of section 216.053, Florida
 1675 Statutes, is amended to read:

1676 216.053 Summary Information in the General Appropriations
 1677 Act; construction of such information.--

1678 ~~(5) For programs operating under performance-based program
 1679 budgets, the General Appropriations Act shall contain summary
 1680 information that covers specific appropriations and summarizes
 1681 programs and performance.~~

1682 Section 19. Section 216.065, Florida Statutes, is amended
 1683 to read:

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1684 216.065 Fiscal impact statements on actions affecting the
 1685 budget.--In addition to the applicable requirements of chapter
 1686 120, before the Governor, or Governor and Cabinet as a body,
 1687 performing any constitutional or statutory duty, or before any
 1688 state agency or statutorily authorized entity takes ~~take~~ any
 1689 final action that will affect revenues, ~~directly~~ require a
 1690 request for an increased or new appropriation in the following
 1691 fiscal year, ~~or that will~~ transfer current year funds, it they
 1692 shall first provide the legislative appropriations committees
 1693 with a fiscal impact statement that details the effects of such
 1694 action on the budget. The fiscal impact statement must specify
 1695 the estimated budget and revenue impacts for the current year
 1696 and the 2 subsequent fiscal years at the same level of detail
 1697 required to support a legislative budget request, including
 1698 amounts by appropriation category and fund.

1699 Section 20. Subsection (3) is added to section 216.081,
 1700 Florida Statutes, to read:

1701 216.081 Data on legislative and judicial branch
 1702 expenses.--

1703 (3) If the Governor does not receive timely estimates of
 1704 the financial needs of the legislative branch, the Governor's
 1705 recommended budget shall include the amounts appropriated and
 1706 budget entity structure established in the most recent General
 1707 Appropriations Act.

1708 Section 21. Subsection (1) of section 216.133, Florida
 1709 Statutes, is amended to read:

1710 216.133 Definitions; ss. 216.133-216.137.--As used in ss.
 1711 216.133-216.137:

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1712 (1) "Consensus estimating conference" includes the
 1713 Economic Estimating Conference, the Demographic Estimating
 1714 Conference, the Revenue Estimating Conference, the Education
 1715 Estimating Conference, the Criminal Justice Estimating
 1716 Conference, ~~the Juvenile Justice Estimating Conference, the~~
 1717 ~~Child Welfare System Estimating Conference,~~ the Occupational
 1718 Forecasting Conference, the Early Learning Programs Estimating
 1719 Conference, the Self-Insurance Estimating Conference, the
 1720 Florida Retirement System Actuarial Assumption Conference, and
 1721 the Social Services Estimating Conference.

1722 Section 22. Subsections (4) and (5) of section 216.134,
 1723 Florida Statutes, are amended to read:

1724 216.134 Consensus estimating conferences; general
 1725 provisions.--

1726 (4) Consensus estimating conferences are within the
 1727 legislative branch. The membership of each consensus estimating
 1728 conference consists of principals and participants.

1729 (a) A person designated by law as a principal may preside
 1730 over conference sessions, convene conference sessions, request
 1731 information, specify topics to be included on the conference
 1732 agenda, agree or withhold agreement on whether information is to
 1733 be official information of the conference, release official
 1734 information of the conference, interpret official information of
 1735 the conference, and monitor errors in official information of
 1736 the conference.

1737 (b) A participant is any person who is invited to
 1738 participate in the consensus estimating conference by a
 1739 principal. A participant shall, at the request of any principal

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1740 before or during any session of the conference, develop
 1741 alternative forecasts, collect and supply data, perform
 1742 analyses, or provide other information needed by the conference.
 1743 The conference shall consider information provided by
 1744 participants in developing its official information.

1745 (5) All sessions and meetings of a consensus estimating
 1746 conference shall be open to the public ~~as provided in chapter~~
 1747 ~~286~~. The President of the Senate and the Speaker of the House of
 1748 Representatives, jointly, shall be the sole judge for the
 1749 interpretation, implementation, and enforcement of this
 1750 subsection.

1751 Section 23. Subsections (7) through (12) of section
 1752 216.136, Florida Statutes, are amended to read:

1753 216.136 Consensus Estimating Conferences; duties and
 1754 principals.--

1755 ~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--~~

1756 ~~(a) Duties.--The Child Welfare System Estimating~~
 1757 ~~Conference shall develop such official information relating to~~
 1758 ~~the child welfare system of the state, including forecasts of~~
 1759 ~~child welfare caseloads, as the conference determines is needed~~
 1760 ~~for the state planning and budgeting system. Such official~~
 1761 ~~information may include, but is not limited to:~~

1762 ~~1. Estimates and projections of the number of initial and~~
 1763 ~~additional reports of child abuse, abandonment, or neglect made~~
 1764 ~~to the central abuse hotline maintained by the Department of~~
 1765 ~~Children and Family Services as established in s. 39.201(4).~~
 1766 ~~Projections may take into account other factors that may~~
 1767 ~~influence the number of future reports to the abuse hotline.~~

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1768 ~~2.— Estimates and projections of the number of children who~~
 1769 ~~are alleged to be victims of child abuse, abandonment, or~~
 1770 ~~neglect and are in need of emergency shelter, foster care,~~
 1771 ~~residential group care, adoptive services, or other appropriate~~
 1772 ~~care.~~

1773
 1774 ~~In addition, the conference shall develop other official~~
 1775 ~~information relating to the child welfare system of the state~~
 1776 ~~which the conference determines is needed for the state planning~~
 1777 ~~and budgeting system. The Department of Children and Family~~
 1778 ~~Services shall provide information on the child welfare system~~
 1779 ~~requested by the Child Welfare System Estimating Conference, or~~
 1780 ~~individual conference principals, in a timely manner.~~

1781 ~~(b) Principals.—The Executive Office of the Governor, the~~
 1782 ~~coordinator of the Office of Economic and Demographic Research,~~
 1783 ~~and professional staff who have forecasting expertise from the~~
 1784 ~~Department of Children and Family Services, the Senate, and the~~
 1785 ~~House of Representatives, or their designees, are the principals~~
 1786 ~~of the Child Welfare System Estimating Conference. The principal~~
 1787 ~~representing the Executive Office of the Governor shall preside~~
 1788 ~~over sessions of the conference.~~

1789 ~~(8) JUVENILE JUSTICE ESTIMATING CONFERENCE.—~~

1790 ~~(a) Duties.—The Juvenile Justice Estimating Conference~~
 1791 ~~shall develop such official information relating to the juvenile~~
 1792 ~~justice system of the state as is determined by the conference~~
 1793 ~~principals to be needed for the state planning and budgeting~~
 1794 ~~system. This information shall include, but is not limited to:~~
 1795 ~~estimates of juvenile delinquency caseloads and workloads;~~

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1796 ~~estimates for secure, nonsecure, and home juvenile detention~~
 1797 ~~placements; estimates of workloads in the juvenile sections in~~
 1798 ~~the offices of the state attorneys and public defenders;~~
 1799 ~~estimates of mental health and substance abuse treatment~~
 1800 ~~relating to juveniles; and such other information as is~~
 1801 ~~determined by the conference principals to be needed for the~~
 1802 ~~state planning and budgeting system.~~

1803 ~~(b) Principals.--The Executive Office of the Governor, the~~
 1804 ~~Office of Economic and Demographic Research, and professional~~
 1805 ~~staff who have forecasting expertise from the Department of~~
 1806 ~~Juvenile Justice, the Department of Children and Family Services~~
 1807 ~~Substance Abuse and Mental Health Program Offices, the~~
 1808 ~~Department of Law Enforcement, the Senate Appropriations~~
 1809 ~~Committee staff, the House of Representatives Appropriations~~
 1810 ~~Committee staff, or their designees, are the principals of the~~
 1811 ~~Juvenile Justice Estimating Conference. The responsibility of~~
 1812 ~~presiding over sessions of the conference shall be rotated among~~
 1813 ~~the principals. To facilitate policy and legislative~~
 1814 ~~recommendations, the conference may call upon the appropriate~~
 1815 ~~legislative staff.~~

1816 ~~(7)(9)~~ WORKFORCE ESTIMATING CONFERENCE.--

1817 (a) Duties.--

1818 1. The Workforce Estimating Conference shall develop such
 1819 official information on the workforce development system
 1820 planning process as it relates to the personnel needs of
 1821 current, new, and emerging industries as the conference
 1822 determines is needed by the state planning and budgeting system.
 1823 Such information, using quantitative and qualitative research

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1824 methods, must include at least: short-term and long-term
1825 forecasts of employment demand for jobs by occupation and
1826 industry; entry and average wage forecasts among those
1827 occupations; and estimates of the supply of trained and
1828 qualified individuals available or potentially available for
1829 employment in those occupations, with special focus upon those
1830 occupations and industries which require high skills and have
1831 high entry wages and experienced wage levels. In the development
1832 of workforce estimates, the conference shall use, to the fullest
1833 extent possible, local occupational and workforce forecasts and
1834 estimates.

1835 2. The Workforce Estimating Conference shall review data
1836 concerning the local and regional demands for short-term and
1837 long-term employment in High-Skills/High-Wage Program jobs, as
1838 well as other jobs, which data is generated through surveys
1839 conducted as part of the state's Internet-based job matching and
1840 labor market information system authorized under s. 445.011. The
1841 conference shall consider such data in developing its forecasts
1842 for statewide employment demand, including reviewing the local
1843 and regional data for common trends and conditions among
1844 localities or regions which may warrant inclusion of a
1845 particular occupation on the statewide occupational forecasting
1846 list developed by the conference. Based upon its review of such
1847 survey data, the conference shall also make recommendations
1848 semiannually to Workforce Florida, Inc., on additions or
1849 deletions to lists of locally targeted occupations approved by
1850 Workforce Florida, Inc.

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1851 3. During each legislative session, and at other times if
 1852 necessary, the Workforce Estimating Conference shall meet as the
 1853 Workforce Impact Conference for the purpose of determining the
 1854 effects of legislation related to the state's workforce and
 1855 economic development efforts introduced prior to and during such
 1856 legislative session. In addition to the designated principals of
 1857 the impact conference, nonprincipal participants of the impact
 1858 conference shall include a representative of the Florida Chamber
 1859 of Commerce and other interested parties. The impact conference
 1860 shall use both quantitative and qualitative research methods to
 1861 determine the impact of introduced legislation related to
 1862 workforce and economic development issues.

1863 4. Notwithstanding subparagraph 3., the Workforce
 1864 Estimating Conference, for the purposes described in
 1865 subparagraph 1., shall meet no less than 2 times in a calendar
 1866 year. The first meeting shall be held in February and the second
 1867 meeting shall be held in August. Other meetings may be scheduled
 1868 as needed.

1869 (b) Principals.--The Commissioner of Education, the
 1870 Executive Office of the Governor, the director of the Office of
 1871 Tourism, Trade, and Economic Development, the director of the
 1872 Agency for Workforce Innovation, the executive director of the
 1873 Commission for Independent Education, the Chancellor of the
 1874 State University System, the chair of Workforce Florida, Inc.,
 1875 the coordinator of the Office of Economic and Demographic
 1876 Research, or their designees, and professional staff from the
 1877 Senate and the House of Representatives who have forecasting and
 1878 substantive expertise, are the principals of the Workforce

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1879 Estimating Conference. In addition to the designated principals
 1880 of the conference, nonprincipal participants of the conference
 1881 shall include a representative of the Florida Chamber of
 1882 Commerce and other interested parties. The principal
 1883 representing the Executive Office of the Governor shall preside
 1884 over the sessions of the conference.

1885 (8)~~(10)~~ EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.--

1886 (a) Duties.--

1887 1. The Early Learning Programs Estimating Conference shall
 1888 develop estimates and forecasts of the unduplicated count of
 1889 children eligible for school readiness programs in accordance
 1890 with the standards of eligibility established in s. 411.01(6),
 1891 and of children eligible for the Voluntary Prekindergarten
 1892 Education Program in accordance with s. 1002.53(2), as the
 1893 conference determines are needed to support the state planning,
 1894 budgeting, and appropriations processes.

1895 2. The Agency for Workforce Innovation shall provide
 1896 information on needs and waiting lists for school readiness
 1897 programs, and information on the needs for the Voluntary
 1898 Prekindergarten Education Program, as requested by the Early
 1899 Learning Programs Estimating Conference or individual conference
 1900 principals in a timely manner.

1901 (b) Principals.--The Executive Office of the Governor, the
 1902 Director of Economic and Demographic Research, and professional
 1903 staff who have forecasting expertise from the Agency for
 1904 Workforce Innovation, the Department of Children and Family
 1905 Services, the Department of Education, the Senate, and the House
 1906 of Representatives, or their designees, are the principals of

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1907 the Early Learning Programs Estimating Conference. The principal
1908 representing the Executive Office of the Governor shall preside
1909 over sessions of the conference.

1910 ~~(9)(11)~~ SELF-INSURANCE ESTIMATING CONFERENCE.--

1911 (a) Duties.--The Self-Insurance Estimating Conference
1912 shall develop such official information on self-insurance
1913 related issues as the conference determines is needed by the
1914 state planning and budgeting system.

1915 (b) Principals.--The Executive Office of the Governor, the
1916 coordinator of the Office of Economic and Demographic Research,
1917 and professional staff ~~directors of the committees~~ of the Senate
1918 and the House of Representatives who have forecasting and
1919 substantive experience ~~which have primary responsibility for~~
1920 ~~legislation dealing with taxation~~, or their designees, are the
1921 principals of the Self-Insurance Estimating Conference. The
1922 responsibility of presiding over sessions of the conference
1923 shall be rotated among the principals.

1924 ~~(10)(12)~~ FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION
1925 CONFERENCE.--

1926 (a) Duties.--The Florida Retirement System Actuarial
1927 Assumption Conference shall develop official information with
1928 respect to the economic and noneconomic assumptions and funding
1929 methods of the Florida Retirement System necessary to perform
1930 the system actuarial study undertaken pursuant to s. 121.031(3).
1931 Such information shall include: an analysis of the actuarial
1932 assumptions and actuarial methods used in the study and a
1933 determination of whether changes to the assumptions or methods

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1934 need to be made due to experience changes or revised future
1935 forecasts.

1936 (b) Principals.--The Executive Office of the Governor, the
1937 coordinator of the Office of Economic and Demographic Research,
1938 and professional staff of the Senate and House of
1939 Representatives who have forecasting and substantive expertise,
1940 or their designees, are the principals of the Florida Retirement
1941 System Actuarial Assumption Conference. The Executive Office of
1942 the Governor shall have the responsibility of presiding over the
1943 sessions of the conference. The State Board of Administration
1944 and the Division of Retirement shall be participants in the
1945 conference.

1946 Section 24. Subsection (1) of section 216.162, Florida
1947 Statutes, is amended to read:

1948 216.162 Governor's recommended budget to be furnished
1949 Legislature; copies to members.--

1950 (1) At least 30 ~~45~~ days before the scheduled annual
1951 legislative session, the Governor shall furnish each senator and
1952 representative a copy of his or her recommended balanced budget
1953 for the state, based on the Governor's own conclusions and
1954 judgment; ~~provided,~~ however, ~~that~~ in his or her first year in
1955 office a new Governor may request, subject to approval of the
1956 President of the Senate and the Speaker of the House of
1957 Representatives, that his or her recommended balanced budget be
1958 submitted at a later time prior to the Governor's first regular
1959 legislative session.

1960 Section 25. Subsection (2) and paragraph (b) of subsection
1961 (4) of section 216.163, Florida Statutes, are amended to read:

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1962 216.163 Governor's recommended budget; form and content;
 1963 declaration of collective bargaining impasses.--
 1964 (2) The Governor's recommended budget shall also include:
 1965 (a) The Governor's recommendations for operating each
 1966 state agency, and those of the Chief Justice of the Supreme
 1967 Court for operating the judicial branch, for the next fiscal
 1968 year. These recommendations shall be displayed by appropriation
 1969 category within each budget entity and shall also include the
 1970 legislative budget request of the corresponding agency. In order
 1971 to present a balanced budget as required by s. 216.162, the
 1972 Governor's recommendations for operating appropriations may
 1973 include an alternative recommendation to that of the Chief
 1974 Justice.
 1975 (b)1. The Governor's recommendations and those of the
 1976 Chief Justice for fixed capital outlay appropriations for the
 1977 next fiscal year. These recommendations shall be displayed by
 1978 budget entity and shall also include the legislative budget
 1979 request of the corresponding agency. In order to present a
 1980 balanced budget as required by s. 216.162, the Governor's
 1981 recommendations for fixed capital outlay appropriations may
 1982 include an alternative recommendation to that of the Chief
 1983 Justice.
 1984 2. For each specific fixed capital outlay project or group
 1985 of projects or operating capital outlay requests recommended to
 1986 be funded from a proposed state debt or obligation, he or she
 1987 shall make available pursuant to s. 216.164(1)(a) the documents
 1988 set forth in s. 216.0442(2).

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1989 (c) The evaluation of the fixed capital outlay request of
 1990 each agency and the judicial branch and alternatives to the
 1991 proposed projects as made by the Department of Management
 1992 Services pursuant to s. 216.044.

1993 (d) A summary statement of the amount of appropriations
 1994 requested by each state agency and as recommended by the
 1995 Governor and by the judicial branch.

1996 (e) A distinct listing of all nonrecurring appropriations
 1997 recommended by the Governor or the Chief Justice.

1998 (f) The Governor's recommendations for high-risk
 1999 information technology projects which should be subject to
 2000 monitoring under s. 282.322. These recommendations shall include
 2001 proviso language which specifies whether funds are specifically
 2002 provided to contract for project monitoring, or whether the
 2003 Auditor General will conduct such project monitoring. When funds
 2004 are recommended for contracting with a project monitor, such
 2005 funds may equal 1 percent to 5 percent of the project's
 2006 estimated total costs. These funds shall be specifically
 2007 appropriated and nonrecurring.

2008 (g) Any additional information which the Governor or Chief
 2009 Justice feels is needed to justify his or her recommendations.

2010 (4) The Executive Office of the Governor shall review the
 2011 findings of the Office of Program Policy Analysis and Government
 2012 Accountability, to the extent they are available, request any
 2013 reports or additional analyses as necessary, and submit a
 2014 recommendation for executive agencies, which may include a
 2015 recommendation regarding incentives or disincentives for agency
 2016 performance. Incentives or disincentives may apply to all or

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2017 part of a state agency. The Chief Justice shall review the
 2018 findings of the Office of Program Policy Analysis and Government
 2019 Accountability regarding judicial branch performance and make
 2020 appropriate recommendations for the judicial branch.

2021 (b) Disincentives may include, but are not limited to:

2022 1. Mandatory quarterly reports to the Executive Office of
 2023 the Governor and the Legislature on the agency's progress in
 2024 meeting performance standards.

2025 2. Mandatory quarterly appearances before the Legislature,
 2026 the Governor, or the Governor and Cabinet to report on the
 2027 agency's progress in meeting performance standards.

2028 3. Elimination or restructuring of the program, which may
 2029 include, but not be limited to, transfer of the program or
 2030 outsourcing all or a portion of the program.

2031 4. Reduction of total positions for a program.

2032 5. Restriction on or reduction of the spending authority
 2033 provided in s. 216.292(2) (b).

2034 6. Reduction of managerial salaries.

2035 Section 26. Subsections (1) through (4) of section
 2036 216.167, Florida Statutes, are amended to read:

2037 216.167 Governor's recommendations.--The Governor's
 2038 recommendations shall include a financial schedule that
 2039 provides:

2040 (1) The Governor's estimate of the recommended recurring
 2041 revenues available in the Budget Stabilization Fund, ~~the Working~~
 2042 ~~Capital Fund~~, and the General Revenue Fund.

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2043 (2) The Governor's estimate of the recommended
2044 nonrecurring revenues available in the Budget Stabilization
2045 Fund, ~~the Working Capital Fund,~~ and the General Revenue Fund.

2046 (3) The Governor's recommended recurring and nonrecurring
2047 appropriations from the Budget Stabilization Fund, ~~the Working~~
2048 ~~Capital Fund,~~ and the General Revenue Fund.

2049 (4) The Governor's estimates of any interfund loans or
2050 temporary obligations of the Budget Stabilization Fund, the
2051 General Revenue ~~Working Capital~~ Fund, or trust funds, which
2052 loans or obligations are needed to implement his or her
2053 recommended budget.

2054 Section 27. Subsection (4) of section 216.168, Florida
2055 Statutes, is amended to read:

2056 216.168 Governor's amended revenue or budget
2057 recommendations; optional and mandatory.--

2058 (4) If the Governor determines, at any time after he or
2059 she has furnished the Legislature with his or her
2060 recommendations or amended recommendations, that the revenue
2061 estimates upon which the Governor's recommendations were based
2062 are insufficient to fund these recommendations, the Governor
2063 shall amend his or her revenues or appropriations
2064 recommendations to bring the Governor's recommended budget into
2065 balance. ~~On or after March 1, if the Governor determines that~~
2066 ~~there is insufficient time to provide the information for the~~
2067 ~~amended recommendations required in ss. 216.164 and 216.166, he~~
2068 ~~or she shall be exempt from such requirement.~~

2069 Section 28. Subsections (2), (3), and (4) of section
2070 216.177, Florida Statutes, are amended to read:

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2071 216.177 Appropriations acts, statement of intent,
 2072 violation, notice, review and objection procedures.--
 2073 (2)(a) Whenever notice of action to be taken by the
 2074 Executive Office of the Governor or the Chief Justice of the
 2075 Supreme Court is required by this chapter, such notice shall be
 2076 given to the chair and vice chair of the Legislative Budget
 2077 Commission in writing, and shall be delivered at least 14 days
 2078 prior to the action referred to, unless a shorter period is
 2079 approved in writing by the chair and vice chair. If the action
 2080 is solely for the release of funds appropriated by the
 2081 Legislature, the notice shall be delivered at least 3 days
 2082 before the effective date of the action. Action shall not be
 2083 taken on any budget item for which this chapter requires notice
 2084 to the Legislative Budget Commission or the appropriations
 2085 committees without such notice having been provided, even though
 2086 there may be good cause for considering such item.
 2087 (b) If the chair and vice chair of the Legislative Budget
 2088 Commission or the President of the Senate and the Speaker of the
 2089 House of Representatives timely advise, in writing, the
 2090 Executive Office of the Governor or the Chief Justice of the
 2091 Supreme Court that an action or a proposed action, including any
 2092 expenditure of funds resulting from the settlement of litigation
 2093 involving a state agency or officer, whether subject to the
 2094 notice and review requirements of this chapter or not, exceeds
 2095 the delegated authority of the Executive Office of the Governor
 2096 for the executive branch or the Chief Justice for the judicial
 2097 branch, respectively, or is contrary to legislative policy and
 2098 intent, the Governor or the Chief Justice of the Supreme Court

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2099 shall void such action and instruct the affected state agency or
 2100 entity of the judicial branch to change immediately its spending
 2101 action or spending proposal until the Legislative Budget
 2102 Commission or the Legislature addresses the issue. The written
 2103 documentation shall indicate the specific reasons that an action
 2104 or proposed action exceeds the delegated authority or is
 2105 contrary to legislative policy and intent.

2106 (c) The House of Representatives and the Senate shall
 2107 provide by rule that any member of the House of Representatives
 2108 or Senate may request, in writing, of either the President of
 2109 the Senate or the Speaker of the House of Representatives to
 2110 initiate the procedures of paragraph (b).

2111 (3) The Legislature may annually specify any incentives
 2112 and disincentives for agencies operating programs under
 2113 performance-based ~~program~~ budgets pursuant to this chapter in
 2114 the General Appropriations Act or legislation implementing the
 2115 General Appropriations Act.

2116 ~~(4) Notwithstanding the 14-day notice requirements of this~~
 2117 ~~section, the Department of Children and Family Services is~~
 2118 ~~required to provide notice of proposed transfers submitted~~
 2119 ~~pursuant to s. 20.19(5)(b) to the Executive Office of the~~
 2120 ~~Governor and the chairs of the legislative appropriations~~
 2121 ~~committees at least 3 working days prior to their~~
 2122 ~~implementation.~~

2123 Section 29. Subsections (1), (2), (4), (6), (8), (9),
 2124 (10), (12), and (16) of section 216.181, Florida Statutes, are
 2125 amended to read:

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2126 216.181 Approved budgets for operations and fixed capital
2127 outlay.--

2128 (1) The General Appropriations Act and any other acts
2129 containing appropriations shall be considered the original
2130 approved operating budgets for operational and fixed capital
2131 expenditures. Amendments to the approved operating budgets for
2132 operational and fixed capital outlay expenditures from state
2133 agencies may be requested only through the Executive Office of
2134 the Governor and approved by the Governor and the Legislative
2135 Budget Commission as provided in this chapter. Amendments from
2136 the judicial branch may be requested only through, ~~and approved~~
2137 ~~by,~~ the Chief Justice of the Supreme Court and must be approved
2138 by the Chief Justice and the Legislative Budget Commission as
2139 provided in this chapter. This includes amendments which are
2140 necessary to implement the provisions of s. 216.212 or s.
2141 216.221.

2142 (2) Amendments to the original approved operating budgets
2143 for operational and fixed capital outlay expenditures must
2144 comply with the following guidelines in order to be approved by
2145 the Governor and the Legislative Budget Commission ~~as provided~~
2146 ~~in this chapter~~ for the executive branch and the Chief Justice
2147 and the Legislative Budget Commission for the judicial branch:

2148 (a) The amendment must be consistent with legislative
2149 policy and intent.

2150 (b) The amendment may not initiate or commence a new
2151 program, except as authorized by this chapter, or eliminate an
2152 existing program.

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2153 (c) Except as authorized in s. 216.292 or other provisions
 2154 of this chapter, the amendment may not provide funding or
 2155 increased funding for items which were funded by the Legislature
 2156 in an amount less than that requested by the agency ~~or Governor~~
 2157 in the legislative budget request or recommended by the
 2158 Governor, or which were vetoed by the Governor.

2159 (d) For amendments that involve trust funds, there must be
 2160 adequate and appropriate revenues available in the trust fund
 2161 and the amendment must be consistent with the laws authorizing
 2162 such trust funds and the laws relating to the use of the trust
 2163 funds. However, a trust fund shall not be increased in excess of
 2164 the original approved budget, except as provided in subsection
 2165 (11).

2166 (e) The amendment shall not conflict with any provision of
 2167 law.

2168 (f) The amendment must not provide funding for any issue
 2169 which was requested by the agency or branch in its legislative
 2170 budget request and not funded in the General Appropriations Act.

2171 (g) The amendment must include a written description of
 2172 the purpose of the proposed change, an indication of why interim
 2173 budget action is necessary, and the intended recipient of any
 2174 funds for contracted services.

2175 (h) The amendment must not provide general salary
 2176 increases which the Legislature has not authorized in the
 2177 General Appropriations Act or other laws.

2178 (4) To the extent possible, individual members of the
 2179 Senate and the House of Representatives should be advised of

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2180 budget amendments requested by the executive branch and judicial
2181 branch.

2182 (6)(a) The Executive Office of the Governor or the Chief
2183 Justice of the Supreme Court may require the submission of a
2184 detailed plan from the agency or entity of the judicial branch
2185 affected, consistent with the General Appropriations Act,
2186 special appropriations acts, and statements ~~the statement~~ of
2187 intent before transferring and releasing the balance of a lump-
2188 sum appropriation. ~~The provisions of this paragraph are subject~~
2189 ~~to the notice and review procedures set forth in s. 216.177.~~

2190 (b) The Executive Office of the Governor and the Chief
2191 Justice of the Supreme Court may amend, without approval of the
2192 Legislative Budget Commission, state agency and judicial branch
2193 entity budgets, respectively, to reflect the transferred funds
2194 and to provide the associated increased salary rate based on the
2195 approved plans for lump-sum appropriations. This paragraph is
2196 subject to the procedures set forth in s. 216.177.

2197
2198 The Executive Office of the Governor shall transmit to each
2199 state agency and the Chief Financial Officer, and the Chief
2200 Justice shall transmit to each judicial branch component and the
2201 Chief Financial Officer, any approved amendments to the approved
2202 operating budgets.

2203 (8) As part of the approved operating budget, the
2204 Executive Office of the Governor shall furnish to each state
2205 agency, and the Chief Justice of the Supreme Court shall furnish
2206 to the entity of the judicial branch, an approved annual salary
2207 rate for each budget entity containing a salary appropriation.

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2208 | This rate shall be based upon the actual salary rate and shall
 2209 | be consistent with the General Appropriations Act or special
 2210 | appropriations acts. The annual salary rate shall be:

2211 | (a) ~~Determined by~~ Calculated based on the actual salary
 2212 | ~~rate in effect on June 30, and the salary policy and the number~~
 2213 | ~~of authorized positions as specified in the General~~
 2214 | Appropriations Act and adjusted for reorganizations authorized
 2215 | by law, for any other appropriations made by law, and, subject
 2216 | to s. 216.177, for distributions of lump-sum appropriations and
 2217 | administered funds ~~special appropriations acts, or as provided~~
 2218 | ~~pursuant to s. 216.177.~~

2219 | (b) Controlled by department or agency; except for the
 2220 | Department of Education, which shall be controlled by division
 2221 | and for the judicial branch, which shall be controlled at the
 2222 | branch level.

2223 | (c) Assigned to the number of authorized positions.

2224 | (9)(a) ~~The calculation for the annual salary rate for~~
 2225 | ~~vacant and newly authorized positions shall be at no more than~~
 2226 | ~~the midpoint of the range of the pay grade for the position or~~
 2227 | ~~as provided in the General Appropriations Act.~~

2228 | ~~(b)~~ No agency or the judicial branch may exceed its
 2229 | maximum approved annual salary rate for the fiscal year.
 2230 | However, at any time during the fiscal year, an agency or entity
 2231 | of the judicial branch may exceed its approved rate for all
 2232 | budget entities by no more than 5 percent, provided that, by
 2233 | June 30 of every fiscal year, the agency or entity of the
 2234 | judicial branch has reduced its salary rate so that the salary

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2235 | rate for each department ~~budget entity~~ is within the approved
2236 | rate limit for that department ~~budget entity~~.

2237 | (10)(a) The Legislative Budget Commission ~~Executive Office~~
2238 | ~~of the Governor and the Chief Justice of the Supreme Court~~ may
2239 | authorize increases or decreases in ~~increase or decrease~~ the
2240 | approved salary rate for positions ~~for the purpose of~~
2241 | ~~implementing the General Appropriations Act, special~~
2242 | ~~appropriations acts, and actions pursuant to s. 216.262~~
2243 | ~~consistent with legislative intent and policy. Other adjustments~~
2244 | ~~to approved salary rate must be approved by the Legislative~~
2245 | ~~Budget Commission~~ pursuant to the request of the agency filed
2246 | with the Executive Office of the Governor or pursuant to the
2247 | request of an entity of the judicial branch filed with the Chief
2248 | Justice of the Supreme Court, if deemed necessary and in the
2249 | best interest of the state and consistent with legislative
2250 | policy and intent. ~~The provisions of this paragraph are subject~~
2251 | ~~to the notice and review procedures set forth in s. 216.177.~~

2252 | (b) Lump-sum salary bonuses may be provided only if
2253 | specifically appropriated or provided pursuant to s. 110.1245 or
2254 | s. 216.1815.

2255 | (c) State agencies and the judicial branch shall report,
2256 | each fiscal quarter, the number of filled positions, the number
2257 | of vacant positions, and the salary rate associated with each
2258 | category to the Legislative Budget Commission in a form and
2259 | manner prescribed by the commission.

2260 | (d) The salary rate provisions of subsections (8) and (9)
2261 | and this subsection do not apply to the general office program
2262 | of the Executive Office of the Governor.

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2263 (12) There is appropriated nonoperating budget for
 2264 refunds, payments to the United States Treasury, and payments of
 2265 the service charge to the General Revenue Fund, ~~and transfers of~~
 2266 ~~funds specifically required by law.~~ Such authorized budget,
 2267 together with related releases, shall be transmitted by the
 2268 state agency or by the judicial branch to the Chief Financial
 2269 Officer for entry in his or her records in the manner and format
 2270 prescribed by the Executive Office of the Governor in
 2271 consultation with the Chief Financial Officer. A copy of such
 2272 authorized budgets shall be furnished to the Executive Office of
 2273 the Governor or the Chief Justice, the chairs of the legislative
 2274 committees responsible for developing the general appropriations
 2275 acts, and the Auditor General. Notwithstanding the duty
 2276 specified for each state agency in s. 17.61(3), the Governor may
 2277 withhold approval of nonoperating investment authority for
 2278 certain trust funds when deemed in the best interest of the
 2279 state. The Governor for the executive branch, and the Chief
 2280 Justice for the judicial branch, may establish nonoperating
 2281 budgets, with the approval of the chairs of the Senate and the
 2282 House of Representatives appropriations committees, for
 2283 transfers, purchase of investments, special expenses,
 2284 distributions, transfers of funds specifically required by law,
 2285 and any other nonoperating budget categories they deem necessary
 2286 and in the best interest of the state and consistent with
 2287 legislative intent and policy. ~~The provisions of this subsection~~
 2288 ~~are subject to the notice, review, and objection procedures set~~
 2289 ~~forth in s. 216.177.~~ For purposes of this section, the term
 2290 "nonoperating budgets" means nonoperating disbursement authority

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2291 for purchase of investments, refunds, payments to the United
 2292 States Treasury, transfers of funds specifically required by
 2293 law, distributions of assets held by the state in a trustee
 2294 capacity as an agent of fiduciary, special expenses, and other
 2295 nonoperating budget categories, as determined necessary by the
 2296 Executive Office of the Governor and the chairs of the Senate
 2297 and the House of Representatives appropriations committees, not
 2298 otherwise appropriated in the General Appropriations Act. The
 2299 establishment of nonoperating budget authority shall be deemed
 2300 approved by a chair of a legislative committee if written notice
 2301 of the objection is not provided to the Governor or Chief
 2302 Justice, as appropriate, within 14 days of the chair receiving
 2303 notice of the action pursuant to the provisions of s. 216.177.

2304 (16)(a) Funds provided in any specific appropriation in
 2305 the General Appropriations Act may be advanced if the General
 2306 Appropriations Act specifically so provides.

2307 (b) Any agency, or the judicial branch, that has been
 2308 authorized by the General Appropriations Act or expressly
 2309 authorized by other law to make advances for program startup or
 2310 advances for contracted services, in total or periodically,
 2311 shall limit such disbursements to other governmental entities
 2312 and not-for-profit corporations. The amount that ~~which~~ may be
 2313 advanced shall not exceed the expected cash needs of the
 2314 contractor or recipient within the initial 3 months. Thereafter,
 2315 disbursements shall only be made on a reimbursement basis. Any
 2316 agreement that provides for advancements may contain a clause
 2317 that permits the contractor or recipient to temporarily invest
 2318 the proceeds, provided that any interest income shall either be

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2319 returned to the agency or be applied against the agency's
 2320 obligation to pay the contract amount. This paragraph does not
 2321 constitute lawful authority to make any advance payment not
 2322 otherwise authorized by laws relating to a particular agency or
 2323 general laws relating to the expenditure or disbursement of
 2324 public funds. The Chief Financial Officer may, after
 2325 consultation with the legislative appropriations committees,
 2326 advance funds beyond a 3-month requirement if it is determined
 2327 to be consistent with the intent of the approved operating
 2328 budget.

2329 ~~(c) Unless specifically prohibited in the General~~
 2330 ~~Appropriations Act, funds appropriated to the Department of~~
 2331 ~~Children and Family Services and the Department of Health may be~~
 2332 ~~advanced for those contracted services that were approved for~~
 2333 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
 2334 ~~including those services contracted on a fixed price or unit-~~
 2335 ~~cost basis.~~

2336 Section 30. Section 216.192, Florida Statutes, is amended
 2337 to read:

2338 216.192 Release of appropriations; revision of budgets.--

2339 (1) Unless otherwise provided in the General
 2340 Appropriations Act, on July 1 of each fiscal year, up to 25
 2341 percent of the original approved operating budget of each agency
 2342 and of the judicial branch may be released until such time as
 2343 annual plans for quarterly releases for all appropriations have
 2344 been developed, approved, and furnished to the Chief Financial
 2345 Officer by the Executive Office of the Governor for state
 2346 agencies and by the Chief Justice of the Supreme Court for the

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2347 | judicial branch. The plans, including appropriate plans of
 2348 | releases for fixed capital outlay projects that correspond with
 2349 | each project schedule, shall attempt to maximize the use of
 2350 | trust funds and shall be transmitted to the Chief Financial
 2351 | Officer by August 1 of each fiscal year. Such releases shall at
 2352 | no time exceed the total appropriations available to a state
 2353 | agency or to the judicial branch, or the approved budget for
 2354 | such agency or the judicial branch if less. The Chief Financial
 2355 | Officer shall enter such releases in his or her records in
 2356 | accordance with the release plans prescribed by the Executive
 2357 | Office of the Governor and the Chief Justice, unless otherwise
 2358 | amended as provided by law. The Executive Office of the Governor
 2359 | and the Chief Justice shall transmit a copy of the approved
 2360 | annual releases to the head of the state agency, the chair and
 2361 | vice chair of the Legislative Budget Commission, and the Auditor
 2362 | General. The Chief Financial Officer shall authorize all
 2363 | expenditures to be made from the appropriations on the basis of
 2364 | such releases and in accordance with the approved budget, and
 2365 | not otherwise. Expenditures shall be authorized only in
 2366 | accordance with legislative authorizations. Nothing herein
 2367 | precludes periodic reexamination and revision by the Executive
 2368 | Office of the Governor or by the Chief Justice of the annual
 2369 | plans for release of appropriations and the notifications of the
 2370 | parties of all such revisions.

2371 | (2) Any department under the direct supervision of a
 2372 | member of the Cabinet or of a board consisting of the Governor
 2373 | and members of the Cabinet which contends that the plan for
 2374 | releases of funds appropriated to it is contrary to the approved

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2375 | operating budget shall have the right to have the issue reviewed
 2376 | by the Administration Commission which shall decide such issue
 2377 | by majority vote. ~~The appropriations committees of the~~
 2378 | ~~Legislature may advise the Administration Commission on the~~
 2379 | ~~issue.~~

2380 | (3) The Executive Office of the Governor shall make
 2381 | releases within the amounts appropriated and as requested for
 2382 | all appropriations to the legislative branch, and the provisions
 2383 | of subsections (1) and (2) shall not apply to the legislative
 2384 | branch.

2385 | ~~(4) The legislative appropriations committees may advise~~
 2386 | ~~the Chief Financial Officer, the Executive Office of the~~
 2387 | ~~Governor, or the Chief Justice relative to the release of any~~
 2388 | ~~funds under this section.~~

2389 | (4)(5) The annual plans of releases authorized by this
 2390 | section may be considered by the Revenue Estimating Conference
 2391 | in preparation of the statement of financial outlook.

2392 | (5) In order to implement directives contained in the
 2393 | General Appropriations Act or to prevent deficits pursuant to s.
 2394 | 216.221, the Executive Office of the Governor for the executive
 2395 | branch and the Chief Justice for the judicial branch may place
 2396 | appropriations in budget reserve or mandatory reserve.

2397 | (6) All budget actions taken pursuant to the provisions of
 2398 | this section are subject to the notice and review procedures set
 2399 | forth in s. 216.177.

2400 | Section 31. Section 216.195, Florida Statutes, is amended
 2401 | to read:

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2402 216.195 Impoundment of funds; restricted.--The Executive
 2403 Office of the Governor, the Chief Justice of the Supreme Court,
 2404 any member of the Cabinet, or any state agency shall not impound
 2405 any appropriation except as necessary to avoid or eliminate a
 2406 deficit pursuant to the provisions of s. 216.221. As used in
 2407 this section, the term "impoundment" means the omission of any
 2408 appropriation or part of an appropriation in the approved
 2409 operating plan prepared pursuant to s. 216.181 or in the
 2410 schedule of releases prepared pursuant to s. 216.192 or the
 2411 failure of any state agency or the judicial branch to spend an
 2412 appropriation for the stated purposes authorized in the approved
 2413 operating budget. ~~The provisions of this section are subject to~~
 2414 ~~the notice and review procedures of s. 216.177.~~ The Governor or
 2415 either house of the Legislature may seek judicial review of any
 2416 action or proposed action which violates ~~the provisions of this~~
 2417 section.

2418 Section 32. Subsections (2), (3), (5), (7), (9), and (10)
 2419 of section 216.221, Florida Statutes, are amended to read:

2420 216.221 Appropriations as maximum appropriations;
 2421 adjustment of budgets to avoid or eliminate deficits.--

2422 (2) The Legislature may annually provide direction in the
 2423 General Appropriations Act regarding use of any state funds ~~the~~
 2424 ~~Budget Stabilization Fund and Working Capital Fund~~ to offset
 2425 General Revenue Fund deficits.

2426 (3) For purposes of preventing a deficit in the General
 2427 Revenue Fund, all branches and agencies of government ~~that~~
 2428 ~~receive General Revenue Fund appropriations~~ shall participate in
 2429 deficit reduction efforts. Absent specific legislative direction

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2430 ~~in the General Appropriations Act~~, when budget reductions are
 2431 required in order to prevent a deficit under the provisions of
 2432 subsection (7), each branch shall reduce its General Revenue
 2433 Fund appropriations by a proportional amount.

2434 (5)(a) If, in the opinion of the Governor, after
 2435 consultation with the Revenue Estimating Conference, a deficit
 2436 will occur in the General Revenue Fund, he or she shall so
 2437 certify to the commission and to the Chief Justice of the
 2438 Supreme Court. No more than 30 days after certifying that a
 2439 deficit will occur in the General Revenue Fund, the Governor
 2440 shall develop for the executive branch, and the Chief Justice of
 2441 the Supreme Court shall develop for the judicial branch, and
 2442 provide to the commission and to the Legislature plans of action
 2443 to eliminate the deficit.

2444 (b) If, in the opinion of the President of the Senate and
 2445 the Speaker of the House of Representatives, after consultation
 2446 with the Revenue Estimating Conference, a deficit will occur in
 2447 the General Revenue Fund and the Governor has not certified the
 2448 deficit, the President of the Senate and the Speaker of the
 2449 House of Representatives shall so certify. Within 30 days after
 2450 such certification, the Governor shall develop for the executive
 2451 branch and the Chief Justice of the Supreme Court shall develop
 2452 for the judicial branch and provide to the commission and to the
 2453 Legislature plans of action to eliminate the deficit.

2454 (c)(b) In developing a plan of action to prevent deficits
 2455 in accordance with subsection (7), the Governor and Chief
 2456 Justice shall, to the extent possible, preserve legislative
 2457 policy and intent, and, absent any specific direction to the

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2458 | contrary in the General Appropriations Act, the Governor and
 2459 | Chief Justice shall comply with the following guidelines for
 2460 | reductions in the approved operating budgets of the executive
 2461 | branch and the judicial branch:

2462 | ~~1. Entire statewide programs previously established by the~~
 2463 | ~~Legislature should not be eliminated.~~

2464 | 1.2. Education budgets should not be reduced more than
 2465 | provided for in s. 215.16(2).

2466 | 2.3. The use of nonrecurring funds to solve recurring
 2467 | deficits should be minimized.

2468 | 3.4. Newly created programs that are not fully implemented
 2469 | and programs with critical audits, evaluations, and reviews
 2470 | should receive first consideration for reductions.

2471 | 4.5. No agencies or branches of government receiving
 2472 | appropriations should be exempt from reductions.

2473 | 5.6. When reductions in positions are required, the focus
 2474 | should be initially on vacant positions.

2475 | ~~7. Any reductions applied to all agencies and branches~~
 2476 | ~~should be uniformly applied.~~

2477 | 6.8. Reductions that would cause substantial losses of
 2478 | federal funds should be minimized.

2479 | ~~9. To the greatest extent possible, across the board,~~
 2480 | ~~prorated reductions should be considered.~~

2481 | 7.10. Reductions to statewide programs should occur only
 2482 | after review of programs that provide only local benefits.

2483 | 8.11. Reductions in administrative and support functions
 2484 | should be considered before reductions in direct-support
 2485 | services.

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2486 ~~9.12.~~ Maximum reductions should be considered in budgets
2487 for expenses including travel and in budgets for equipment
2488 replacement, outside consultants, and contracts.

2489 ~~10.13.~~ Reductions in salaries for elected state officials
2490 should be considered.

2491 ~~11.14.~~ Reductions that adversely affect the public health,
2492 safety, and welfare should be minimized.

2493 ~~12.15.~~ The Budget Stabilization Fund should not be reduced
2494 to a level that would impair the financial stability of this
2495 state.

2496 ~~13.16.~~ Reductions in programs that are traditionally
2497 funded by the private sector and that may be assumed by private
2498 enterprise should be considered.

2499 ~~14.17.~~ Reductions in programs that are duplicated among
2500 state agencies or branches of government should be considered.

2501 (7) Deficits in the General Revenue Fund that do not meet
2502 the amounts specified by subsection (6) shall be resolved by the
2503 Governor ~~commission~~ for the executive branch and the Chief
2504 Justice of the Supreme Court for the judicial branch. The
2505 Governor ~~commission~~ and Chief Justice shall implement any
2506 directions provided in the General Appropriations Act related to
2507 eliminating deficits and to reducing agency and judicial branch
2508 budgets, including the use of those legislative appropriations
2509 voluntarily placed in reserve. In addition, the Governor and
2510 Chief Justice ~~commission~~ shall implement any directions in the
2511 General Appropriations Act relating to the resolution of deficit
2512 situations. When reducing state agency or judicial branch
2513 budgets, the Governor ~~commission~~ or the Chief Justice,

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2514 | respectively, shall use the guidelines prescribed in subsection
 2515 | (5). The Executive Office of the Governor ~~for the commission,~~
 2516 | and the Chief Justice for the judicial branch, shall implement
 2517 | the deficit reduction plans through amendments to the approved
 2518 | operating budgets in accordance with s. 216.181.

2519 | (9) If, in the opinion of the Chief Financial Officer,
 2520 | after consultation with the Revenue Estimating Conference, a
 2521 | deficit will occur, he or she shall report his or her opinion to
 2522 | the Governor, the President of the Senate, and the Speaker of
 2523 | the House of Representatives in writing. In the event the
 2524 | Governor does not certify a deficit, or the President of the
 2525 | Senate and the Speaker of the House of Representatives do not
 2526 | certify a deficit within 10 days after the Chief Financial
 2527 | Officer's report, the Chief Financial Officer shall report his
 2528 | or her findings and opinion to the commission and the Chief
 2529 | Justice of the Supreme Court.

2530 | (10) When advised by the Revenue Estimating Conference,
 2531 | the Chief Financial Officer, or any agency responsible for a
 2532 | trust fund that a deficit will occur with respect to the
 2533 | appropriations from a specific trust fund in the current fiscal
 2534 | year, the Governor for the executive branch, or the Chief
 2535 | Justice for the judicial branch, shall develop a plan of action
 2536 | to eliminate the deficit. Before implementing the plan of
 2537 | action, the Governor or the Chief Justice must comply with the
 2538 | provisions of s. 216.177(2), and actions to resolve deficits in
 2539 | excess of \$1 million must be approved by the Legislative Budget
 2540 | Commission. In developing the plan of action, the Governor or
 2541 | the Chief Justice shall, to the extent possible, preserve

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2542 legislative policy and intent, ~~and, absent any specific~~
 2543 ~~directions to the contrary in the General Appropriations Act,~~
 2544 ~~any reductions in appropriations from the trust fund for the~~
 2545 ~~fiscal year shall be prorated among the specific appropriations~~
 2546 ~~made from the trust fund for the current fiscal year.~~

2547 Section 33. Subsection (2) of section 216.231, Florida
 2548 Statutes, is amended to read:

2549 216.231 Release of certain classified appropriations.--

2550 (2) The release of appropriated funds classified as
 2551 "deficiency" shall be approved only when a General Revenue Fund
 2552 appropriation for operations of a state agency or of the
 2553 judicial branch is inadequate because the workload or cost of
 2554 the operation exceeds that anticipated by the Legislature and a
 2555 determination has been made by the Governor ~~commission~~ that the
 2556 deficiency will result in an impairment of the activities of an
 2557 agency or of the judicial branch to the extent that the agency
 2558 is unable to carry out its program as provided by the
 2559 Legislature in the general appropriations acts. These funds may
 2560 not be used for creation of any new agency or program, for
 2561 increases of salary, or for the construction or equipping of
 2562 additional buildings.

2563 Section 34. Subsections (3), (6), and (11) of section
 2564 216.235, Florida Statutes, are amended to read:

2565 216.235 Innovation Investment Program.--

2566 (3) For purposes of this section:

2567 (a) "Agency" means an official, officer, commission,
 2568 authority, council, committee, department, division, bureau,
 2569 board, section, or other unit or entity of the executive branch.

2570 ~~(b)~~ "~~Commission~~" means the Information Resource
 2571 ~~Commission.~~
 2572 (b)(e) "Committee" means the State Innovation Committee.
 2573 ~~(c)(d)~~ "Office" means the Office of Tourism, Trade, and
 2574 Economic Development within the Executive Office of the
 2575 Governor.
 2576 (d)(e) "Review board" means a nonpartisan board composed
 2577 of private citizens and public employees who evaluate the
 2578 projects and make funding recommendations to the committee.
 2579 (6) Any agency developing an innovative investment project
 2580 proposal that involves information technology resources may
 2581 consult with and seek technical assistance from the State
 2582 Technology Office ~~commission~~. The office shall consult with the
 2583 State Technology Office ~~commission~~ for any project proposal that
 2584 involves information resource technology. The State Technology
 2585 Office ~~commission~~ is responsible for evaluating these projects
 2586 and for advising the committee and review board of the technical
 2587 feasibility and any transferable benefits of the proposed
 2588 technology. In addition to the requirements of subsection (5),
 2589 the agencies shall provide to the State Technology Office
 2590 ~~commission~~ any information requested by the State Technology
 2591 Office ~~commission~~ to aid in determining that the proposed
 2592 technology is appropriate for the project's success.
 2593 (11) Funds appropriated for the Innovation Investment
 2594 Program shall be distributed by the Executive Office of the
 2595 Governor subject to notice, review, and objection procedures set
 2596 forth in s. 216.177. The office may transfer funds from the
 2597 annual appropriation as necessary to administer the program.

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2598 Proposals considered but not funded by the Legislature as part
 2599 of an agency legislative budget request or the Governor's budget
 2600 recommendation are not eligible to receive funding under the
 2601 Innovation Investment Program.

2602 Section 35. Section 216.241, Florida Statutes, is amended
 2603 to read:

2604 216.241 Initiation or commencement of new programs;
 2605 approval; expenditure of certain revenues.--

2606 (1) A state agency or the judicial branch may not initiate
 2607 or commence any new program, including any new federal program
 2608 or initiative, or make changes in its current programs, as
 2609 provided for in the appropriations act, that require additional
 2610 financing unless funds have been specifically appropriated by
 2611 the Legislature or unless the Legislative Budget Commission ~~or~~
 2612 ~~the Chief Justice of the Supreme Court~~ expressly approves such
 2613 new program or changes. ~~The commission and the Chief Justice~~
 2614 ~~shall give notice as provided in s. 216.177 prior to approving~~
 2615 ~~such new program or changes.~~

2616 (2) ~~No~~ Changes that ~~which~~ are inconsistent with the
 2617 approved ~~operating~~ budget may not ~~shall~~ be made to existing
 2618 programs unless such changes are recommended to the Legislative
 2619 Budget Commission by the Governor or the Chief Justice and the
 2620 Legislative Budget Commission expressly approves such program
 2621 changes. ~~The provisions of This subsection is~~ are subject to the
 2622 notice, review, and objection procedures set forth in s.
 2623 216.177.

2624 (3) Any revenues generated by any tax or fee imposed by
 2625 amendment to the State Constitution after October 1, 1999, shall

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2626 | not be expended by any agency, as defined in s. 120.52(1),
2627 | except pursuant to appropriation by the Legislature.

2628 | Section 36. Subsection (2) of section 216.251, Florida
2629 | Statutes, is amended to read:

2630 | 216.251 Salary appropriations; limitations.--

2631 | (2)(a) The salary for each position not specifically
2632 | indicated in the appropriations acts shall be as provided in one
2633 | of the following subparagraphs:

2634 | 1. Within the classification and pay plans provided for in
2635 | chapter 110.

2636 | 2. Within the classification and pay plans established by
2637 | the Board of Trustees for the Florida School for the Deaf and
2638 | the Blind of the Department of Education and approved by the
2639 | State Board of Education for academic and academic
2640 | administrative personnel.

2641 | 3. Within the classification and pay plan approved and
2642 | administered by the State Board of Education and the Board of
2643 | Governors Board of Regents for those positions in the State
2644 | University System.

2645 | 4. Within the classification and pay plan approved by the
2646 | President of the Senate and the Speaker of the House of
2647 | Representatives, as the case may be, for employees of the
2648 | Legislature.

2649 | 5. Within the approved classification and pay plan for the
2650 | judicial branch.

2651 | ~~6. The salary of all positions not specifically included~~
2652 | ~~in this subsection shall be set by the commission or by the~~
2653 | ~~Chief Justice for the judicial branch.~~

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2654 (b) Salary payments shall be made only to employees
 2655 filling established positions included in the agency's or in the
 2656 judicial branch's approved budgets and amendments thereto as may
 2657 be provided by law; provided, however:

2658 1. Reclassification of established positions may be
 2659 accomplished when justified in accordance with the established
 2660 procedures for reclassifying positions; or

2661 2. When the Division of Risk Management of the Department
 2662 of Financial Services has determined that an employee is
 2663 entitled to receive a temporary partial disability benefit or a
 2664 temporary total disability benefit pursuant to the provisions of
 2665 s. 440.15 and there is medical certification that the employee
 2666 cannot perform the duties of the employee's regular position,
 2667 but the employee can perform some type of work beneficial to the
 2668 agency, the agency may return the employee to the payroll, at
 2669 his or her regular rate of pay, to perform such duties as the
 2670 employee is capable of performing, even if there is not an
 2671 established position in which the employee can be placed.
 2672 Nothing in this subparagraph shall abrogate an employee's rights
 2673 under chapter 440 or chapter 447, nor shall it adversely affect
 2674 the retirement credit of a member of the Florida Retirement
 2675 System in the membership class he or she was in at the time of,
 2676 and during, the member's disability.

2677 Section 37. Paragraphs (a) and (c) of subsection (1) of
 2678 section 216.262, Florida Statutes, are amended to read:

2679 216.262 Authorized positions.--

2680 (1)(a) Unless otherwise expressly provided by law, the
 2681 total number of authorized positions may not exceed the total

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2682 provided in the appropriations acts. In the event any state
 2683 agency or entity of the judicial branch finds that the number of
 2684 positions so provided is not sufficient to administer its
 2685 authorized programs, it may file an application with the
 2686 Executive Office of the Governor or the Chief Justice; and, if
 2687 the Executive Office of the Governor or Chief Justice certifies
 2688 that there are no authorized positions available for addition,
 2689 deletion, or transfer within the agency as provided in paragraph
 2690 (c) and recommends an increase in the number of positions, the
 2691 Governor or the Chief Justice may recommend, ~~after a public~~
 2692 ~~hearing, authorize~~ an increase in the number of positions for
 2693 the following reasons only:

- 2694 1. To implement or provide for continuing federal grants
 2695 or changes in grants not previously anticipated. +
- 2696 2. To meet emergencies pursuant to s. 252.36. +
- 2697 3. To satisfy new federal regulations or changes therein. +
- 2698 4. To take advantage of opportunities to reduce operating
 2699 expenditures or to increase the revenues of the state or local
 2700 government. + ~~and~~
- 2701 5. To authorize positions that ~~which~~ were not fixed by the
 2702 Legislature through error in drafting the appropriations acts.

2703
 2704 Actions recommended pursuant to ~~The provisions of~~ this paragraph
 2705 are subject to approval by the Legislative Budget Commission.
 2706 ~~the notice and review procedures set forth in s. 216.177. A copy~~
 2707 ~~of the application,~~ The certification, and the final
 2708 authorization shall be provided to ~~filed with~~ the Legislative

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2709 Budget Commission, the appropriations committees, and ~~with~~ the
2710 Auditor General.

2711 (c)1. The Executive Office of the Governor, under such
2712 procedures and qualifications as it deems appropriate, shall,
2713 upon agency request, delegate to any state agency authority to
2714 add and delete authorized positions or transfer authorized
2715 positions from one budget entity to another budget entity within
2716 the same division, and may approve additions and deletions of
2717 authorized positions or transfers of authorized positions within
2718 the state agency when such changes would enable the agency to
2719 administer more effectively its authorized and approved
2720 programs. The additions or deletions must be consistent with the
2721 intent of the approved operating budget, must be consistent with
2722 legislative policy and intent, and must not conflict with
2723 specific spending policies specified in the General
2724 Appropriations Act.

2725 2. The Chief Justice of the Supreme Court shall have the
2726 authority to establish procedures for the judicial branch to add
2727 and delete authorized positions or transfer authorized positions
2728 from one budget entity to another budget entity, and to add and
2729 delete authorized positions within the same budget entity, when
2730 such changes are consistent with legislative policy and intent
2731 and do not conflict with spending policies specified in the
2732 General Appropriations Act.

2733 ~~3.a. A state agency may be eligible to retain salary~~
2734 ~~dollars for authorized positions eliminated after July 1, 2001.~~
2735 ~~The agency must certify the eliminated positions to the~~
2736 ~~Legislative Budgeting Commission.~~

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2737 ~~b. The Legislative Budgeting Commission shall authorize~~
 2738 ~~the agency to retain 20 percent of the salary dollars associated~~
 2739 ~~with the eliminated positions and may authorize retention of a~~
 2740 ~~greater percentage. All such salary dollars shall be used for~~
 2741 ~~permanent salary increases.~~

2742 Section 38. Section 216.292, Florida Statutes, is amended
 2743 to read:

2744 (Substantial rewording of section. See
 2745 s. 216.292, F.S., for present text.)

2746 216.292 Appropriations nontransferable; exceptions.--

2747 (1)(a) Funds provided in the General Appropriations Act or
 2748 as otherwise expressly provided by law shall be expended only
 2749 for the purpose for which appropriated, except that such moneys
 2750 may be transferred as provided in this section when it is
 2751 determined to be in the best interest of the state.

2752 Appropriations for fixed capital outlay may not be expended for
 2753 any other purpose. Appropriations may not be transferred between
 2754 state agencies, or between a state agency and the judicial
 2755 branch, unless specifically authorized by law.

2756 (b)1. Authorized revisions of the original approved
 2757 operating budget, together with related changes in the plan for
 2758 release of appropriations, if any, shall be transmitted by the
 2759 state agency or by the judicial branch to the Executive Office
 2760 of the Governor or the Chief Justice, respectively, the chairs
 2761 of the Senate and the House of Representatives appropriations
 2762 committees, the Office of Program Policy Analysis and Government
 2763 Accountability, and the Auditor General. Such authorized
 2764 revisions shall be consistent with the intent of the approved

2765 operating budget, shall be consistent with legislative policy
 2766 and intent, and may not conflict with specific spending policies
 2767 specified in the General Appropriations Act.

2768 2. Authorized revisions, together with related changes, if
 2769 any, in the plan for release of appropriations shall be
 2770 transmitted by the state agency or by the judicial branch to the
 2771 Chief Financial Officer for entry in the Chief Financial
 2772 Officer's records in the manner and format prescribed by the
 2773 Executive Office of the Governor in consultation with the Chief
 2774 Financial Officer.

2775 3. The Executive Office of the Governor or the Chief
 2776 Justice shall forward a copy of the revisions within 7 working
 2777 days to the Chief Financial Officer for entry in his or her
 2778 records in the manner and format prescribed by the Executive
 2779 Office of the Governor in consultation with the Chief Financial
 2780 Officer.

2781 (2) The following transfers are authorized to be made by
 2782 the head of each department or the Chief Justice of the Supreme
 2783 Court whenever it is deemed necessary by reason of changed
 2784 conditions:

2785 (a) The transfer of appropriations funded from identical
 2786 funding sources, except appropriations for fixed capital outlay,
 2787 and the transfer of amounts included within the total original
 2788 approved budget and plans of releases of appropriations as
 2789 furnished pursuant to ss. 216.181 and 216.192, as follows:

2790 1. Between categories of appropriations within a budget
 2791 entity, if no category of appropriation is increased or
 2792 decreased by more than 5 percent of the original approved budget

2793 | or \$250,000, whichever is greater, by all action taken under
 2794 | this subsection.

2795 | 2. Between budget entities within identical categories of
 2796 | appropriations, if no category of appropriation is increased or
 2797 | decreased by more than 5 percent of the original approved budget
 2798 | or \$250,000, whichever is greater, by all action taken under
 2799 | this subsection.

2800 | 3. Any agency exceeding salary rate established pursuant
 2801 | to s. 216.181(8) on June 30th of any fiscal year shall not be
 2802 | authorized to make transfers pursuant to subparagraphs 1. and 2.
 2803 | in the subsequent fiscal year.

2804 | 4. Notice of proposed transfers under subparagraphs 1. and
 2805 | 2. shall be provided to the Executive Office of the Governor and
 2806 | the chairs of the legislative appropriations committees at least
 2807 | 3 days prior to agency implementation in order to provide an
 2808 | opportunity for review. The review shall be limited to ensuring
 2809 | that the transfer is in compliance with the requirements of this
 2810 | paragraph.

2811 | (b) After providing notice at least 5 working days prior
 2812 | to implementation:

2813 | 1. The transfer of funds within programs identified in the
 2814 | General Appropriations Act from identical funding sources
 2815 | between the following appropriation categories without
 2816 | limitation so long as such a transfer does not result in an
 2817 | increase, to the total recurring general revenue or trust fund
 2818 | cost of the agency or entity of the judicial branch in the
 2819 | subsequent fiscal year: other personal services, expenses,
 2820 | operating capital outlay, food products, state attorney and

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2821 public defender operations, data processing services, operating
 2822 and maintenance of patrol vehicles, overtime payments, salary
 2823 incentive payments, compensation to retired judges, law
 2824 libraries, and juror and witness payments.

2825 2. The transfer of funds and positions from identical
 2826 funding sources between salaries and benefits appropriation
 2827 categories within programs identified in the General
 2828 Appropriations Act. Such transfers must be consistent with
 2829 legislative policy and intent and may not adversely affect
 2830 achievement of approved performance outcomes or outputs in any
 2831 program.

2832 (c) The transfer of funds appropriated to accounts
 2833 established for disbursement purposes upon release of such
 2834 appropriation upon request of a department and approval by the
 2835 Chief Financial Officer. Such transfer may only be made to the
 2836 same appropriation category and the same funding source from
 2837 which the funds are transferred.

2838 (d) The transfer of funds by the Executive Office of the
 2839 Governor from appropriations for public school operations to a
 2840 fixed capital outlay appropriation for class size reduction
 2841 based on recommendations of the Florida Education Finance
 2842 Program Appropriation Allocation Conference or the Legislative
 2843 Budget Commission pursuant to s. 1003.03(4)(a). Actions by the
 2844 Governor under this subsection are subject to the notice and
 2845 review provisions of s. 216.177.

2846 (3) The following transfers are authorized with the
 2847 approval of the Executive Office of the Governor for the

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2848 executive branch or the Chief Justice for the judicial branch,
 2849 subject to the notice and review provisions of s. 216.177:

2850 (a) The transfer of appropriations for operations from
 2851 trust funds in excess of those provided in subsection (2), up to
 2852 \$1 million.

2853 (b) The transfer of positions between budget entities.

2854 (4) The following transfers are authorized with the
 2855 approval of the Legislative Budget Commission. Unless waived by
 2856 the chair and vice chair of the commission, notice of such
 2857 transfers must be provided 14 days before the commission
 2858 meeting:

2859 (a) The transfer of appropriations for operations from the
 2860 General Revenue Fund in excess of those provided in this section
 2861 but within a state agency or within the judicial branch, as
 2862 recommended by the Executive Office of the Governor or the Chief
 2863 Justice of the Supreme Court.

2864 (b) The transfer of appropriations for operations from
 2865 trust funds in excess of those provided in this section that
 2866 exceed the greater of 5 percent of the original approved budget
 2867 or \$1 million, as recommended by the Executive Office of the
 2868 Governor or the Chief Justice of the Supreme Court.

2869 (c) The transfer of the portion of an appropriation for a
 2870 named fixed capital outlay project found to be in excess of that
 2871 needed to complete the project to another project for which
 2872 there has been an appropriation in the same fiscal year from the
 2873 same fund and within the same department where a deficiency is
 2874 found to exist, at the request of the Executive Office of the
 2875 Governor for state agencies or the Chief Justice of the Supreme

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2876 Court for the judicial branch. The scope of a fixed capital
 2877 outlay project may not be changed by any transfer of funds made
 2878 pursuant to this subsection.

2879 (d) The transfers necessary to accomplish the purposes of
 2880 reorganization within state agencies or the judicial branch
 2881 authorized by the Legislature when the necessary adjustments of
 2882 appropriations and positions have not been provided in the
 2883 General Appropriations Act.

2884 (5) A transfer of funds may not result in the initiation
 2885 of a fixed capital outlay project that has not received a
 2886 specific legislative appropriation, except that federal funds
 2887 for fixed capital outlay projects for the Department of Military
 2888 Affairs, which do not carry a continuing commitment on future
 2889 appropriations by the Legislature, may be approved by the
 2890 Executive Office of the Governor for the purpose received,
 2891 subject to the notice, review, and objection procedures set
 2892 forth in s. 216.177.

2893 (6) The Chief Financial Officer shall transfer from any
 2894 available funds of an agency or the judicial branch the
 2895 following amounts and shall report all such transfers and the
 2896 reasons therefor to the legislative appropriations committees
 2897 and the Executive Office of the Governor:

2898 (a) The amount due to the Unemployment Compensation Trust
 2899 Fund which is more than 90 days delinquent on reimbursements due
 2900 to the Unemployment Compensation Trust Fund. The amount
 2901 transferred shall be that certified by the state agency
 2902 providing unemployment tax collection services under contract

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2903 | with the Agency for Workforce Innovation through an interagency
 2904 | agreement pursuant to s. 443.1316.

2905 | (b) The amount due to the Division of Risk Management
 2906 | which is more than 90 days delinquent in payment to the Division
 2907 | of Risk Management of the Department of Financial Services for
 2908 | insurance coverage. The amount transferred shall be that
 2909 | certified by the division.

2910 | (c) The amount due to the Communications Working Capital
 2911 | Trust Fund from moneys appropriated in the General
 2912 | Appropriations Act for the purpose of paying for services
 2913 | provided by the state communications system in the Department of
 2914 | Management Services which is unpaid 45 days after the billing
 2915 | date. The amount transferred shall be that billed by the
 2916 | department.

2917 | Section 39. Section 216.301, Florida Statutes, is amended
 2918 | to read:

2919 | 216.301 Appropriations; undisbursed balances.--

2920 | (1)(a) Any balance of any appropriation, except an
 2921 | appropriation for fixed capital outlay, which is not disbursed
 2922 | but which is expended or contracted to be expended shall, at the
 2923 | end of each fiscal year, be certified by the head of the
 2924 | affected state agency or the judicial or legislative branches,
 2925 | on or before August 1 of each year, to the Executive Office of
 2926 | the Governor, showing in detail the obligees to whom obligated
 2927 | and the amounts of such obligations. On or before September 1 of
 2928 | each year, the Executive Office of the Governor shall review and
 2929 | approve or disapprove, consistent with legislative policy and
 2930 | intent, any or all of the items and amounts certified by the

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2931 head of the affected state agency and shall approve all items
 2932 and amounts certified by the Chief Justice of the Supreme Court
 2933 for the judicial branch and by the legislative branch and shall
 2934 furnish the Chief Financial Officer, the legislative
 2935 appropriations committees, and the Auditor General a detailed
 2936 listing of the items and amounts approved as legal encumbrances
 2937 against the undisbursed balance of such appropriation. The
 2938 review shall assure that trust funds have been fully maximized.
 2939 Any such encumbered balance remaining undisbursed on December 31
 2940 of the same calendar year in which such certification was made
 2941 shall revert to the fund from which appropriated, except as
 2942 provided in subsection (3), and shall be available for
 2943 reappropriation by the Legislature. In the event such
 2944 certification is not made and an obligation is proven to be
 2945 legal, due, and unpaid, then the obligation shall be paid and
 2946 charged to the appropriation for the current fiscal year of the
 2947 state agency or the legislative or judicial branch affected.

2948 (b) Any balance of any appropriation, except an
 2949 appropriation for fixed capital outlay, for any given fiscal
 2950 year remaining after charging against it any lawful expenditure
 2951 shall revert to the fund from which appropriated and shall be
 2952 available for reappropriation by the Legislature.

2953 (c) Each department and the judicial branch shall maintain
 2954 the integrity of the General Revenue Fund. Appropriations from
 2955 the General Revenue Fund contained in the original approved
 2956 budget may be transferred to the proper trust fund for
 2957 disbursement. Any reversion of appropriation balances from
 2958 programs which receive funding from the General Revenue Fund and

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2959 | trust funds shall be transferred to the General Revenue Fund
 2960 | within 15 days after such reversion, unless otherwise provided
 2961 | by federal or state law, including the General Appropriations
 2962 | Act. The Executive Office of the Governor or the Chief Justice
 2963 | of the Supreme Court shall determine the state agency or
 2964 | judicial branch programs which are subject to this paragraph.
 2965 | This determination shall be subject to the legislative
 2966 | consultation and objection process in this chapter. The
 2967 | Education Enhancement Trust Fund shall not be subject to the
 2968 | provisions of this section.

2969 | (2)(a) The balance of any appropriation for fixed capital
 2970 | outlay which is not disbursed but expended, contracted, or
 2971 | committed to be expended prior to February 1 of the second
 2972 | fiscal year of the appropriation, or the third fiscal year if it
 2973 | is for an educational facility as defined in chapter 1013 or for
 2974 | a construction project of a state university, shall be certified
 2975 | by the head of the affected state agency or the legislative or
 2976 | judicial branch on February 1 to the Executive Office of the
 2977 | Governor, showing in detail the commitment or to whom obligated
 2978 | and the amount of the commitment or obligation. The Executive
 2979 | Office of the Governor for the executive branch and the Chief
 2980 | Justice for the judicial branch shall review and approve or
 2981 | disapprove, consistent with criteria jointly developed by the
 2982 | Executive Office of the Governor and the legislative
 2983 | appropriations committees, the continuation of such unexpended
 2984 | balances. The Executive Office of the Governor shall, no later
 2985 | than February 20 of each year, furnish the Chief Financial
 2986 | Officer, the legislative appropriations committees, and the

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2987 Auditor General a report listing in detail the items and amounts
 2988 reverting under the authority of this subsection, including the
 2989 fund to which reverted and the agency affected.

2990 (b) The certification required in this subsection shall be
 2991 in the form and on the date approved by the Executive Office of
 2992 the Governor. Any balance that is not certified shall revert to
 2993 the fund from which it was appropriated and be available for
 2994 reappropriation.

2995 (c) The balance of any appropriation for fixed capital
 2996 outlay certified forward under paragraph (a) which is not
 2997 disbursed but expended, contracted, or committed to be expended
 2998 prior to the end of the second fiscal year of the appropriation,
 2999 or the third fiscal year if it is for an educational facility as
 3000 defined in chapter 1013 or for a construction project of a state
 3001 university, and any subsequent fiscal year, shall be certified
 3002 by the head of the affected state agency or the legislative or
 3003 judicial branch on or before August 1 of each year to the
 3004 Executive Office of the Governor, showing in detail the
 3005 commitment or to whom obligated and the amount of such
 3006 commitment or obligation. On or before September 1 of each year,
 3007 the Executive Office of the Governor shall review and approve or
 3008 disapprove, consistent with legislative policy and intent, any
 3009 or all of the items and amounts certified by the head of the
 3010 affected state agency and shall approve all items and amounts
 3011 certified by the Chief Justice of the Supreme Court and by the
 3012 legislative branch and shall furnish the Chief Financial
 3013 Officer, the legislative appropriations committees, and the
 3014 Auditor General a detailed listing of the items and amounts

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3015 approved as legal encumbrances against the undisbursed balances
 3016 of such appropriations. If such certification is not made and
 3017 the balance of the appropriation has reverted and the obligation
 3018 is proven to be legal, due, and unpaid, the obligation shall be
 3019 presented to the Legislature for its consideration.

3020 (3) The President of the Senate and the Speaker of the
 3021 House of Representatives may notify the Executive Office of the
 3022 Governor to retain certified-forward balances from legislative
 3023 budget entities until June 30 of the following fiscal year.

3024 ~~(2)(a) Any balance of any appropriation for fixed capital~~
 3025 ~~outlay not disbursed but expended or contracted or committed to~~
 3026 ~~be expended shall, at the end of each fiscal year, be certified~~
 3027 ~~by the head of the affected state agency or the legislative or~~
 3028 ~~judicial branch, on or before August 1 of each year, to the~~
 3029 ~~Executive Office of the Governor, showing in detail the~~
 3030 ~~commitment or to whom obligated and the amount of such~~
 3031 ~~commitment or obligation. On or before September 1 of each year,~~
 3032 ~~the Executive Office of the Governor shall review and approve or~~
 3033 ~~disapprove, consistent with legislative policy and intent, any~~
 3034 ~~or all of the items and amounts certified by the head of the~~
 3035 ~~affected state agency and shall approve all items and amounts~~
 3036 ~~certified by the Chief Justice of the Supreme Court and by the~~
 3037 ~~legislative branch and shall furnish the Chief Financial~~
 3038 ~~Officer, the legislative appropriations committees, and the~~
 3039 ~~Auditor General a detailed listing of the items and amounts~~
 3040 ~~approved as legal encumbrances against the undisbursed balances~~
 3041 ~~of such appropriations. In the event such certification is not~~
 3042 ~~made and the balance of the appropriation has reverted and the~~

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3043 ~~obligation is proven to be legal, due, and unpaid, then the same~~
 3044 ~~shall be presented to the Legislature for its consideration.~~

3045 ~~(b) Such certification as herein required shall be in the~~
 3046 ~~form and on the date approved by the Executive Office of the~~
 3047 ~~Governor. Any balance not so certified shall revert to the fund~~
 3048 ~~from which appropriated and shall be available for~~
 3049 ~~reappropriation.~~

3050 ~~(3) Notwithstanding the provisions of subsection (2), the~~
 3051 ~~unexpended balance of any appropriation for fixed capital outlay~~
 3052 ~~subject to but not under the terms of a binding contract or a~~
 3053 ~~general construction contract prior to February 1 of the second~~
 3054 ~~fiscal year, or the third fiscal year if it is for an~~
 3055 ~~educational facility as defined in chapter 1013 or a~~
 3056 ~~construction project of a state university, of the appropriation~~
 3057 ~~shall revert on February 1 of such year to the fund from which~~
 3058 ~~appropriated and shall be available for reappropriation. The~~
 3059 ~~Executive Office of the Governor shall, not later than February~~
 3060 ~~20 of each year, furnish the Chief Financial Officer, the~~
 3061 ~~legislative appropriations committees, and the Auditor General a~~
 3062 ~~report listing in detail the items and amounts reverting under~~
 3063 ~~the authority of this subsection, including the fund to which~~
 3064 ~~reverted and the agency affected.~~

3065 Section 40. Effective July 1, 2006, subsection (1) of
 3066 section 216.301, Florida Statutes, as amended by this act, is
 3067 amended to read:

3068 216.301 Appropriations; undisbursed balances.--

3069 (1)(a) Any balance of any appropriation, except an
 3070 appropriation for fixed capital outlay, which is not disbursed

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3071 but which is expended ~~or contracted to be expended~~ shall, at the
 3072 end of each fiscal year, be certified by the head of the
 3073 affected state agency or the judicial or legislative branches,
 3074 on or before August 1 of each year, to the Executive Office of
 3075 the Governor, showing in detail the obligees to whom obligated
 3076 and the amounts of such obligations. ~~On or before September 1 of~~
 3077 ~~each year, the Executive Office of the Governor shall review and~~
 3078 ~~approve or disapprove, consistent with legislative policy and~~
 3079 ~~intent, any or all of the items and amounts certified by the~~
 3080 ~~head of the affected state agency and shall approve all items~~
 3081 ~~and amounts certified by the Chief Justice of the Supreme Court~~
 3082 ~~for the judicial branch and by the legislative branch and shall~~
 3083 ~~furnish the Chief Financial Officer, the legislative~~
 3084 ~~appropriations committees, and the Auditor General a detailed~~
 3085 ~~listing of the items and amounts approved as legal encumbrances~~
 3086 ~~against the undisbursed balance of such appropriation. The~~
 3087 ~~review shall assure that trust funds have been fully maximized.~~
 3088 Any such encumbered balance remaining undisbursed on September
 3089 30 ~~December 31~~ of the same calendar year in which such
 3090 certification was made shall revert to the fund from which
 3091 appropriated, except as provided in subsection (3), and shall be
 3092 available for reappropriation by the Legislature. In the event
 3093 such certification is not made and an obligation is proven to be
 3094 legal, due, and unpaid, then the obligation shall be paid and
 3095 charged to the appropriation for the current fiscal year of the
 3096 state agency or the legislative or judicial branch affected.

3097 (b) Any balance of any appropriation, except an
 3098 appropriation for fixed capital outlay, for any given fiscal

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3099 | year remaining after charging against it any lawful expenditure
 3100 | shall revert to the fund from which appropriated and shall be
 3101 | available for reappropriation by the Legislature.

3102 | (c) Each department and the judicial branch shall maintain
 3103 | the integrity of the General Revenue Fund. Appropriations from
 3104 | the General Revenue Fund contained in the original approved
 3105 | budget may be transferred to the proper trust fund for
 3106 | disbursement. Any reversion of appropriation balances from
 3107 | programs which receive funding from the General Revenue Fund and
 3108 | trust funds shall be transferred to the General Revenue Fund
 3109 | within 15 days after such reversion, unless otherwise provided
 3110 | by federal or state law, including the General Appropriations
 3111 | Act. The Executive Office of the Governor or the Chief Justice
 3112 | of the Supreme Court shall determine the state agency or
 3113 | judicial branch programs which are subject to this paragraph.
 3114 | This determination shall be subject to the legislative
 3115 | consultation and objection process in this chapter. The
 3116 | Education Enhancement Trust Fund shall not be subject to the
 3117 | provisions of this section.

3118 | Section 41. Subsection (3) of section 218.60, Florida
 3119 | Statutes, is amended to read:

3120 | 218.60 Definitions.--

3121 | ~~(3) All estimates of moneys provided pursuant to this part~~
 3122 | ~~utilized by participating units of local government in the first~~
 3123 | ~~year of participation shall be equal to 95 percent of those~~
 3124 | ~~projections made by the revenue estimating conference and~~
 3125 | ~~provided to local governments by the Office of Economic and~~

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3126 ~~Demographic Research, in consultation with the Department of~~
3127 ~~Revenue.~~

3128 Section 42. Subsection (2) of section 252.37, Florida
3129 Statutes, is amended to read:

3130 252.37 Financing.--

3131 (2) It is the legislative intent that the first recourse
3132 be made to funds regularly appropriated to state and local
3133 agencies. If the Governor finds that the demands placed upon
3134 these funds in coping with a particular disaster declared by the
3135 Governor as a state of emergency are unreasonably great, she or
3136 he may make funds available by transferring and expending moneys
3137 appropriated for other purposes, by transferring and expending
3138 moneys out of any unappropriated surplus funds, or from the
3139 Budget Stabilization Fund ~~or Working Capital Fund~~. Following the
3140 expiration or termination of the state of emergency, the
3141 Governor may process a budget amendment under the notice and
3142 review procedures set forth in s. 216.177 to transfer moneys to
3143 satisfy the budget authority granted for such emergency.

3144 Section 43. Subsection (3) of section 265.55, Florida
3145 Statutes, is amended to read:

3146 265.55 Claims.--

3147 (3) The authorization for payment delineated in subsection
3148 (2) shall be forwarded to the Chief Financial Officer. The Chief
3149 Financial Officer shall take appropriate action to execute
3150 authorized payment of the claim from unobligated, unappropriated
3151 moneys in the General Revenue ~~Working Capital~~ Fund, as defined
3152 in s. 215.32.

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3153 Section 44. Subsection (5) of section 288.7091, Florida
3154 Statutes, is amended to read:

3155 288.7091 Duties of the Florida Black Business Investment
3156 Board, Inc.--The Florida Black Business Investment Board, Inc.,
3157 shall:

3158 (5) Include in the criteria for loan decisions,
3159 occupational forecasting results set forth in s. 216.136~~(7)(9)~~
3160 which target high growth jobs;

3161 Section 45. Subsection (5) of section 320.20, Florida
3162 Statutes, is amended to read:

3163 320.20 Disposition of license tax moneys.--The revenue
3164 derived from the registration of motor vehicles, including any
3165 delinquent fees and excluding those revenues collected and
3166 distributed under the provisions of s. 320.081, must be
3167 distributed monthly, as collected, as follows:

3168 (5)(a) Except as provided in paragraph (c), the remainder
3169 of such revenues must be deposited in the State Transportation
3170 Trust Fund.

3171 (b) The Chief Financial Officer each month shall deposit
3172 in the State Transportation Trust Fund an amount, drawn from
3173 other funds in the State Treasury which are not immediately
3174 needed or are otherwise in excess of the amount necessary to
3175 meet the requirements of the State Treasury, which when added to
3176 such remaining revenues each month will equal one-twelfth of the
3177 amount of the anticipated annual revenues to be deposited in the
3178 State Transportation Trust Fund under paragraph (a) as
3179 determined by the Chief Financial Officer after consultation
3180 with the estimated by the most recent revenue estimating

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3181 conference held pursuant to s. 216.136(3). The transfers
3182 required hereunder may be suspended by action of the Legislative
3183 Budget Commission in the event of a significant shortfall of
3184 state revenues.

3185 (c) In any month in which the remaining revenues derived
3186 from the registration of motor vehicles exceed one-twelfth of
3187 those anticipated annual remaining revenues as determined by the
3188 Chief Financial Officer after consultation with the revenue
3189 estimating conference, the excess shall be credited to those
3190 state funds in the State Treasury from which the amount was
3191 originally drawn, up to the amount which was deposited in the
3192 State Transportation Trust Fund under paragraph (b). A final
3193 adjustment must be made in the last months of a fiscal year so
3194 that the total revenue deposited in the State Transportation
3195 Trust Fund each year equals the amount derived from the
3196 registration of motor vehicles, less the amount distributed
3197 under subsection (1). For the purposes of this paragraph and
3198 paragraph (b), the term "remaining revenues" means all revenues
3199 deposited into the State Transportation Trust Fund under
3200 paragraph (a) and subsections (2) and (3). In order that
3201 interest earnings continue to accrue to the General Revenue
3202 Fund, the Department of Transportation may not invest an amount
3203 equal to the cumulative amount of funds deposited in the State
3204 Transportation Trust Fund under paragraph (b) less funds
3205 credited under this paragraph as computed on a monthly basis.
3206 The amounts to be credited under this and the preceding
3207 paragraph must be calculated and certified to the Chief
3208 Financial Officer by the Executive Office of the Governor.

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3209 Section 46. Section 337.023, Florida Statutes, is amended
3210 to read:

3211 337.023 Sale of building; acceptance of replacement
3212 building.--Notwithstanding the provisions of s.
3213 216.292(2)(b)2.~~(4)(b)~~, if the department sells a building, the
3214 department may accept the construction of a replacement
3215 building, in response to a request for proposals, totally or
3216 partially in lieu of cash, and may do so without a specific
3217 legislative appropriation. Such action is subject to the
3218 approval of the Executive Office of the Governor, and is subject
3219 to the notice, review, and objection procedures under s.
3220 216.177. The replacement building shall be consistent with the
3221 current and projected needs of the department as agreed upon by
3222 the department and the Department of Management Services.

3223 Section 47. Paragraph (a) of subsection (2), paragraphs
3224 (c) and (f) of subsection (6), and subsection (7) of section
3225 339.135, Florida Statutes, are amended to read:

3226 339.135 Work program; legislative budget request;
3227 definitions; preparation, adoption, execution, and amendment.--

3228 (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST
3229 FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.--

3230 (a) The department shall file the legislative budget
3231 request in the manner required by chapter 216, setting forth the
3232 department's proposed revenues and expenditures for operational
3233 and fixed capital outlay needs to accomplish the objectives of
3234 the department in the ensuing fiscal year. The right-of-way,
3235 construction, preliminary engineering, maintenance, and all
3236 grants and aids programs of the department shall be set forth

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3237 only in program totals. The legislative budget request must
 3238 include a balanced 36-month forecast of cash and expenditures
 3239 and a 5-year finance plan. The legislative budget request shall
 3240 be amended to conform to the tentative work program. Prior to
 3241 the submission of the tentative work program pursuant to s.
 3242 339.135(4)(f), the department may amend its legislative budget
 3243 request and the tentative work program for ~~based on~~ the most
 3244 recent estimating conference estimate of revenues and the most
 3245 recent federal aid apportionments.

3246 (6) EXECUTION OF THE BUDGET.--

3247 (c) Notwithstanding the provisions of ss. 216.301~~(2)(3)~~
 3248 and 216.351, any unexpended balance remaining at the end of the
 3249 fiscal year in the appropriations to the department for special
 3250 categories; aid to local governments; lump sums for project
 3251 phases which are part of the adopted work program, and for which
 3252 contracts have been executed or bids have been let; and for
 3253 right-of-way land acquisition and relocation assistance for
 3254 parcels from project phases in the adopted work program for
 3255 which appraisals have been completed and approved, may be
 3256 certified forward as fixed capital outlay at the end of each
 3257 fiscal year, to be certified by the head of the state agency on
 3258 or before August 1 of each year to the Executive Office of the
 3259 Governor, showing in detail the commitment or to whom obligated
 3260 and the amount of such commitment or obligation. On or before
 3261 September 1 of each year, the Executive Office of the Governor
 3262 shall review and approve or disapprove, consistent with
 3263 legislative policy and intent, any or all of the items and
 3264 amounts certified by the head of the state agency and shall

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3265 furnish the Chief Financial Officer, the legislative
 3266 appropriations committees, and the Auditor General a detailed
 3267 listing of the items and amounts approved as legal encumbrances
 3268 against the undisbursed balances of such appropriations. In the
 3269 event such certification is not made and the balance of the
 3270 appropriation has reverted and the obligation is proven to be
 3271 legal, due, and unpaid, then the same shall be presented to the
 3272 Legislature for its consideration. Such certification as herein
 3273 required shall be in the form and on the date approved by the
 3274 Executive Office of the Governor ~~under the provisions of s.~~
 3275 ~~216.301(2)(a).~~ Any project phases in the adopted work program
 3276 not certified forward ~~under the provisions of s. 216.301(2)(a)~~
 3277 shall be available for roll forward for the next fiscal year of
 3278 the adopted work program. Spending authority associated with
 3279 such project phases may be rolled forward to the next fiscal
 3280 year upon approval by the Legislative Budget Commission ~~pursuant~~
 3281 ~~to paragraph (f).~~ Increases in spending authority shall be
 3282 limited to amounts of unexpended balances by appropriation
 3283 category. Any project phase certified forward for which bids
 3284 have been let but subsequently rejected shall be available for
 3285 roll forward in the adopted work program for the next fiscal
 3286 year. Spending authority associated with such project phases may
 3287 be rolled forward into the current year from funds certified
 3288 forward ~~pursuant to paragraph (f).~~ The amount certified forward
 3289 may include contingency allowances for right-of-way acquisition
 3290 and relocation, asphalt and petroleum product escalation
 3291 clauses, and contract overages, which allowances shall be
 3292 separately identified in the certification detail. Right-of-way

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3293 acquisition and relocation and contract overages contingency
 3294 allowances shall be based on documented historical patterns.
 3295 These contingency amounts shall be incorporated in the
 3296 certification for each specific category, but when a category
 3297 has an excess and another category has a deficiency, the
 3298 Executive Office of the Governor is authorized to transfer the
 3299 excess to the deficient account.

3300 ~~(f) Notwithstanding the provisions of ss. 216.181(1),~~
 3301 ~~216.292, and 216.351, the Executive Office of the Governor may~~
 3302 ~~amend that portion of the department's original approved fixed~~
 3303 ~~capital outlay budget which comprises the work program pursuant~~
 3304 ~~to subsection (7). Increase in spending authority in paragraph~~
 3305 ~~(c) shall be limited to amounts of unexpended balances by~~
 3306 ~~appropriation category.~~

3307 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

3308 (a) Notwithstanding the provisions of ss. ~~216.181(1),~~
 3309 ~~216.292,~~ and 216.351, the adopted work program may be amended
 3310 only pursuant to the provisions of this subsection.

3311 (b) The department may not transfer any funds for any
 3312 project or project phase between department districts. However,
 3313 a district secretary may agree to a loan of funds to another
 3314 district, if:

3315 1. The funds are used solely to maximize the use or amount
 3316 of funds available to the state;

3317 2. The loan agreement is executed in writing and is signed
 3318 by the district secretaries of the respective districts;

3319 3. Repayment of the loan is to be made within 3 years
 3320 after the date on which the agreement was entered into; and

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3321 4. The adopted work program of the district loaning the
3322 funds would not be substantially impaired if the loan were made,
3323 according to the district secretary.

3324
3325 The loan constitutes an amendment to the adopted work program
3326 and is subject to the procedures specified in paragraph (b) ~~(e)~~.

3327 (c) The department may amend the adopted work program to
3328 transfer fixed capital outlay appropriations for projects within
3329 the same appropriations category or between appropriations
3330 categories, including department, except that the following
3331 amendments which shall be subject to the procedures in paragraph
3332 (d):

3333 1. Any amendment which deletes any project or project
3334 phase;

3335 2. Any amendment which adds a project estimated to cost
3336 over \$150,000 in funds appropriated by the Legislature;

3337 3. Any amendment which advances or defers to another
3338 fiscal year, a right-of-way phase, a construction phase, or a
3339 public transportation project phase estimated to cost over
3340 \$500,000 in funds appropriated by the Legislature, except an
3341 amendment advancing or deferring a phase for a period of 90 days
3342 or less; or

3343 4. Any amendment which advances or defers to another
3344 fiscal year, any preliminary engineering phase or design phase
3345 estimated to cost over \$150,000 in funds appropriated by the
3346 Legislature, except an amendment advancing or deferring a phase
3347 for a period of 90 days or less.

3348 (d)1. Whenever the department proposes any amendment to
 3349 the adopted work program, which amendment is defined in
 3350 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
 3351 subparagraph (c)4., it shall submit the proposed amendment to
 3352 the Governor for approval and shall immediately notify the
 3353 chairs of the legislative appropriations committees, the chairs
 3354 of the legislative transportation committees, each member of the
 3355 Legislature who represents a district affected by the proposed
 3356 amendment, each metropolitan planning organization affected by
 3357 the proposed amendment, and each unit of local government
 3358 affected by the proposed amendment. Such proposed amendment
 3359 shall provide a complete justification of the need for the
 3360 proposed amendment.

3361 2. The Governor shall not approve a proposed amendment
 3362 until 14 days following the notification required in
 3363 subparagraph 1.

3364 3. If either of the chairs of the legislative
 3365 appropriations committees or the President of the Senate or the
 3366 Speaker of the House of Representatives objects in writing to a
 3367 proposed amendment within 14 days following notification and
 3368 specifies the reasons for such objection, the Governor shall
 3369 disapprove the proposed amendment ~~or shall submit the proposed~~
 3370 ~~amendment to the Administration Commission. The proposed~~
 3371 ~~amendment may be approved by the Administration Commission by a~~
 3372 ~~two-thirds vote of the members present with the Governor voting~~
 3373 ~~in the affirmative. In the absence of approval by the~~
 3374 ~~commission, the proposed amendment shall be automatically~~
 3375 ~~disapproved.~~

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3376 (e) Notwithstanding the requirements in paragraphs
 3377 ~~paragraph~~ (d) and (g) and ss. 216.177(2) and 216.351, the
 3378 secretary may request the Executive Office of the Governor to
 3379 amend the adopted work program when an emergency exists, as
 3380 defined in s. 252.34(3), and the emergency relates to the repair
 3381 or rehabilitation of any state transportation facility. The
 3382 Executive Office of the Governor may approve the amendment to
 3383 the adopted work program and amend that portion of the
 3384 department's approved budget in the event that the delay
 3385 incident to the notification requirements in paragraph (d) would
 3386 be detrimental to the interests of the state. However, the
 3387 department shall immediately notify the parties specified in
 3388 paragraph (d) and shall provide such parties written
 3389 justification for the emergency action within 7 days of the
 3390 approval by the Executive Office of the Governor of the
 3391 amendment to the adopted work program and the department's
 3392 budget. In no event may the adopted work program be amended
 3393 under the provisions of this subsection without the
 3394 certification by the comptroller of the department that there
 3395 are sufficient funds available pursuant to the 36-month cash
 3396 forecast and applicable statutes.

3397 (f) The department may authorize the investment of the
 3398 earnings accrued and collected upon the investment of the
 3399 minimum balance of funds required to be maintained in the State
 3400 Transportation Trust Fund pursuant to paragraph (b). Such
 3401 investment shall be limited as provided in s. 288.9607(7).

3402 (g) Any work program amendment which also requires the
 3403 transfer of fixed capital outlay appropriations between

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3404 categories within the department or the increase of an
 3405 appropriation category is subject to the approval of the
 3406 Legislative Budget Commission. If a meeting of the Legislative
 3407 Budget Commission cannot be held within 30 days of the
 3408 department submitting an amendment to the Legislative Budget
 3409 Commission, then the chair and vice chair of the Legislative
 3410 Budget Commission may authorize such amendment to be approved
 3411 pursuant to the provisions of s. 216.177.

3412 Section 48. Subsection (2) of section 373.6065, Florida
 3413 Statutes, is amended to read:

3414 373.6065 Adoption benefits for water management district
 3415 employees.--

3416 (2) The Chief Financial Officer and the Department of
 3417 Management Services shall transfer funds to water management
 3418 districts to pay eligible water management district employees
 3419 for these child adoption monetary benefits in accordance with s.
 3420 215.32(2)(c)5.~~(1)(e)5.~~, as long as funds remain available for
 3421 the program described under s. 110.152.

3422 Section 49. Subsection (3) of section 381.0303, Florida
 3423 Statutes, is amended to read:

3424 381.0303 Health practitioner recruitment for special needs
 3425 shelters.--

3426 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
 3427 Department of Health shall reimburse, subject to the
 3428 availability of funds for this purpose, health care
 3429 practitioners, as defined in s. 456.001, provided the
 3430 practitioner is not providing care to a patient under an
 3431 existing contract, and emergency medical technicians and

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3432 paramedics licensed pursuant to chapter 401 for medical care
 3433 provided at the request of the department in special needs
 3434 shelters or at other locations during times of emergency or
 3435 major disaster. Reimbursement for health care practitioners,
 3436 except for physicians licensed pursuant to chapter 458 or
 3437 chapter 459, shall be based on the average hourly rate that such
 3438 practitioners were paid according to the most recent survey of
 3439 Florida hospitals conducted by the Florida Hospital Association.
 3440 Reimbursement shall be requested on forms prepared by the
 3441 Department of Health. If a Presidential Disaster Declaration has
 3442 been made, and the Federal Government makes funds available, the
 3443 department shall use such funds for reimbursement of eligible
 3444 expenditures. In other situations, or if federal funds do not
 3445 fully compensate the department for reimbursement made pursuant
 3446 to this section, the department shall process ~~submit to the~~
 3447 ~~Cabinet or Legislature, as appropriate,~~ a budget amendment to
 3448 obtain reimbursement from unobligated, unappropriated moneys in
 3449 the General Revenue ~~working capital~~ Fund. Travel expense and per
 3450 diem costs shall be reimbursed pursuant to s. 112.061.

3451 Section 50. Subsection (3) of section 392.69, Florida
 3452 Statutes, is amended to read:

3453 392.69 Appropriation, sinking, and maintenance trust
 3454 funds; additional powers of the department.--

3455 (3) In the execution of its public health program
 3456 functions, notwithstanding s. 216.292 (2)(b)2. ~~(4)(b)~~, the
 3457 department is hereby authorized to use any sums of money which
 3458 it may heretofore have saved or which it may hereafter save from
 3459 its regular operating appropriation, or use any sums of money

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3460 | acquired by gift or grant, or any sums of money it may acquire
3461 | by the issuance of revenue certificates of the hospital to match
3462 | or supplement any state or federal funds, or any moneys received
3463 | by said department by gift or otherwise, for the construction or
3464 | maintenance of additional facilities or improvement to existing
3465 | facilities, as the department deems necessary.

3466 | Section 51. Subsection (5) of section 409.906, Florida
3467 | Statutes, is amended to read:

3468 | 409.906 Optional Medicaid services.--Subject to specific
3469 | appropriations, the agency may make payments for services which
3470 | are optional to the state under Title XIX of the Social Security
3471 | Act and are furnished by Medicaid providers to recipients who
3472 | are determined to be eligible on the dates on which the services
3473 | were provided. Any optional service that is provided shall be
3474 | provided only when medically necessary and in accordance with
3475 | state and federal law. Optional services rendered by providers
3476 | in mobile units to Medicaid recipients may be restricted or
3477 | prohibited by the agency. Nothing in this section shall be
3478 | construed to prevent or limit the agency from adjusting fees,
3479 | reimbursement rates, lengths of stay, number of visits, or
3480 | number of services, or making any other adjustments necessary to
3481 | comply with the availability of moneys and any limitations or
3482 | directions provided for in the General Appropriations Act or
3483 | chapter 216. If necessary to safeguard the state's systems of
3484 | providing services to elderly and disabled persons and subject
3485 | to the notice and review provisions of s. 216.177, the Governor
3486 | may direct the Agency for Health Care Administration to amend
3487 | the Medicaid state plan to delete the optional Medicaid service

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3488 known as "Intermediate Care Facilities for the Developmentally
3489 Disabled." Optional services may include:

3490 (5) CASE MANAGEMENT SERVICES.--The agency may pay for
3491 primary care case management services rendered to a recipient
3492 pursuant to a federally approved waiver, and targeted case
3493 management services for specific groups of targeted recipients,
3494 for which funding has been provided and which are rendered
3495 pursuant to federal guidelines. The agency is authorized to
3496 limit reimbursement for targeted case management services in
3497 order to comply with any limitations or directions provided for
3498 in the General Appropriations Act. ~~Notwithstanding s. 216.292,~~
3499 ~~the Department of Children and Family Services may transfer~~
3500 ~~general funds to the Agency for Health Care Administration to~~
3501 ~~fund state match requirements exceeding the amount specified in~~
3502 ~~the General Appropriations Act for targeted case management~~
3503 ~~services.~~

3504 Section 52. Subsection (11) of section 409.912, Florida
3505 Statutes, is amended to read:

3506 409.912 Cost-effective purchasing of health care.--The
3507 agency shall purchase goods and services for Medicaid recipients
3508 in the most cost-effective manner consistent with the delivery
3509 of quality medical care. To ensure that medical services are
3510 effectively utilized, the agency may, in any case, require a
3511 confirmation or second physician's opinion of the correct
3512 diagnosis for purposes of authorizing future services under the
3513 Medicaid program. This section does not restrict access to
3514 emergency services or poststabilization care services as defined
3515 in 42 C.F.R. part 438.114. Such confirmation or second opinion

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3516 shall be rendered in a manner approved by the agency. The agency
 3517 shall maximize the use of prepaid per capita and prepaid
 3518 aggregate fixed-sum basis services when appropriate and other
 3519 alternative service delivery and reimbursement methodologies,
 3520 including competitive bidding pursuant to s. 287.057, designed
 3521 to facilitate the cost-effective purchase of a case-managed
 3522 continuum of care. The agency shall also require providers to
 3523 minimize the exposure of recipients to the need for acute
 3524 inpatient, custodial, and other institutional care and the
 3525 inappropriate or unnecessary use of high-cost services. The
 3526 agency may mandate prior authorization, drug therapy management,
 3527 or disease management participation for certain populations of
 3528 Medicaid beneficiaries, certain drug classes, or particular
 3529 drugs to prevent fraud, abuse, overuse, and possible dangerous
 3530 drug interactions. The Pharmaceutical and Therapeutics Committee
 3531 shall make recommendations to the agency on drugs for which
 3532 prior authorization is required. The agency shall inform the
 3533 Pharmaceutical and Therapeutics Committee of its decisions
 3534 regarding drugs subject to prior authorization. The agency is
 3535 authorized to limit the entities it contracts with or enrolls as
 3536 Medicaid providers by developing a provider network through
 3537 provider credentialing. The agency may limit its network based
 3538 on the assessment of beneficiary access to care, provider
 3539 availability, provider quality standards, time and distance
 3540 standards for access to care, the cultural competence of the
 3541 provider network, demographic characteristics of Medicaid
 3542 beneficiaries, practice and provider-to-beneficiary standards,
 3543 appointment wait times, beneficiary use of services, provider

3544 turnover, provider profiling, provider licensure history,
 3545 previous program integrity investigations and findings, peer
 3546 review, provider Medicaid policy and billing compliance records,
 3547 clinical and medical record audits, and other factors. Providers
 3548 shall not be entitled to enrollment in the Medicaid provider
 3549 network. The agency is authorized to seek federal waivers
 3550 necessary to implement this policy.

3551 (11) The agency, after notifying the Legislature, may
 3552 apply for waivers of applicable federal laws and regulations as
 3553 necessary to implement more appropriate systems of health care
 3554 for Medicaid recipients and reduce the cost of the Medicaid
 3555 program to the state and federal governments and shall implement
 3556 such programs, after legislative approval, within a reasonable
 3557 period of time after federal approval. These programs must be
 3558 designed primarily to reduce the need for inpatient care,
 3559 custodial care and other long-term or institutional care, and
 3560 other high-cost services.

3561 ~~(a)~~ Prior to seeking legislative approval of such a waiver
 3562 as authorized by this subsection, the agency shall provide
 3563 notice and an opportunity for public comment. Notice shall be
 3564 provided to all persons who have made requests of the agency for
 3565 advance notice and shall be published in the Florida
 3566 Administrative Weekly not less than 28 days prior to the
 3567 intended action.

3568 ~~(b) Notwithstanding s. 216.292, funds that are~~
 3569 ~~appropriated to the Department of Elderly Affairs for the~~
 3570 ~~Assisted Living for the Elderly Medicaid waiver and are not~~

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3571 ~~expended shall be transferred to the agency to fund Medicaid-~~
 3572 ~~reimbursed nursing home care.~~

3573 Section 53. Section 409.16745, Florida Statutes, is
 3574 amended to read:

3575 409.16745 Community partnership matching grant
 3576 program.--It is the intent of the Legislature to improve
 3577 services and local participation in community-based care
 3578 initiatives by fostering community support and providing
 3579 enhanced prevention and in-home services, thereby reducing the
 3580 risk otherwise faced by lead agencies. There is established a
 3581 community partnership matching grant program to be operated by
 3582 the Department of Children and Family Services for the purpose
 3583 of encouraging local participation in community-based care for
 3584 child welfare. Any children's services council or other local
 3585 government entity that makes a financial commitment to a
 3586 community-based care lead agency is eligible for a grant upon
 3587 proof that the children's services council or local government
 3588 entity has provided the selected lead agency at least \$250,000
 3589 from any local resources otherwise available to it. The total
 3590 amount of local contribution may be matched on a two-for-one
 3591 basis up to a maximum amount of \$2 million per council or local
 3592 government entity. Awarded matching grant funds may be used for
 3593 any prevention or in-home services provided by the children's
 3594 services council or other local government entity that meets
 3595 temporary-assistance-for-needy-families' eligibility
 3596 requirements and can be reasonably expected to reduce the number
 3597 of children entering the child welfare system. ~~To ensure~~
 3598 ~~necessary flexibility for the development, start up, and ongoing~~

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3599 ~~operation of community-based care initiatives, the notice period~~
 3600 ~~required for any budget action authorized by the provisions of~~
 3601 ~~s. 20.19(5)(b), is waived for the family safety program;~~
 3602 ~~however, the Department of Children and Family Services must~~
 3603 ~~provide copies of all such actions to the Executive Office of~~
 3604 ~~the Governor and Legislature within 72 hours of their~~
 3605 ~~occurrence.~~ Funding available for the matching grant program is
 3606 subject to legislative appropriation of nonrecurring funds
 3607 provided for the purpose.

3608 Section 54. Subsection (2) of section 468.392, Florida
 3609 Statutes, is amended to read:

3610 468.392 Auctioneer Recovery Fund.--There is created the
 3611 Auctioneer Recovery Fund as a separate account in the
 3612 Professional Regulation Trust Fund. The fund shall be
 3613 administered by the Florida Board of Auctioneers.

3614 (2) All payments and disbursements from the Auctioneer
 3615 Recovery Fund shall be made by the Chief Financial Officer upon
 3616 a voucher signed by the Secretary of Business and Professional
 3617 Regulation or the secretary's designee. ~~Amounts transferred to~~
 3618 ~~the Auctioneer Recovery Fund shall not be subject to any~~
 3619 ~~limitation imposed by an appropriation act of the Legislature.~~

3620 Section 55. Subsection (6) of section 475.484, Florida
 3621 Statutes, is amended to read:

3622 475.484 Payment from the fund.--

3623 (6) All payments and disbursements from the Real Estate
 3624 Recovery Fund shall be made by the Chief Financial Officer upon
 3625 a voucher signed by the secretary of the department. ~~Amounts~~
 3626 ~~transferred to the Real Estate Recovery Fund shall not be~~

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3627 ~~subject to any limitation imposed by an appropriation act of the~~
3628 ~~Legislature.~~

3629 Section 56. Paragraph (b) of subsection (7) of section
3630 631.141, Florida Statutes, is amended to read:

3631 631.141 Conduct of delinquency proceeding; domestic and
3632 alien insurers.--

3633 (7)

3634 (b) In the event that initiation of delinquency
3635 proceedings does not result in appointment of the department as
3636 receiver, or in the event that the funds or assets of an insurer
3637 for which the department is appointed as receiver are
3638 insufficient to cover the cost of compensation to special
3639 agents, counsel, clerks, or assistants and all expenses of
3640 taking, or attempting to take, possession of the insurer, and of
3641 conducting the proceeding, there is appropriated, upon approval
3642 of the Chief Financial Officer and of the Legislative Budget
3643 Commission pursuant to chapter 216, from the Insurance
3644 Regulation Trust Fund to the Division of Rehabilitation and
3645 Liquidation a sum that is sufficient to cover the unreimbursed
3646 costs.

3647 Section 57. Paragraph (b) of subsection (9) of section
3648 921.001, Florida Statutes, is amended to read:

3649 921.001 Sentencing Commission and sentencing guidelines
3650 generally.--

3651 (9)

3652 (b) On or after January 1, 1994, any legislation which:

- 3653 1. Creates a felony offense;
3654 2. Enhances a misdemeanor offense to a felony offense;

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3655 | 3. Moves a felony offense from a lesser offense severity
3656 | level to a higher offense severity level in the offense severity
3657 | ranking chart in s. 921.0012; or

3658 | 4. Reclassifies an existing felony offense to a greater
3659 | felony classification

3660 |
3661 | must provide that such a change result in a net zero sum impact
3662 | in the overall prison population, as determined by the
3663 | Legislature, considering the most recent estimates of the
3664 | Criminal Justice Estimating Conference, unless the legislation
3665 | contains a funding source sufficient in its base or rate to
3666 | accommodate such change or a provision which specifically
3667 | abrogates the application of this paragraph.

3668 | Section 58. Subsection (3) of section 943.61, Florida
3669 | Statutes, is amended to read:

3670 | 943.61 Powers and duties of the Capitol Police.--

3671 | (3) ~~Notwithstanding the provisions of chapter 216, no~~
3672 | ~~assets, personnel, or resources shall be taken from the Capitol~~
3673 | ~~Police, and no appropriation to the Capitol Police shall be~~
3674 | ~~reduced without the express approval of the Governor and the~~
3675 | ~~Legislative Budget Commission.~~ Nothing herein limits the ability
3676 | of the Capitol Police to provide mutual aid to other law
3677 | enforcement agencies as authorized by law unless such a
3678 | limitation is expressly included in the operational security
3679 | plans provided for herein.

3680 | Section 59. Paragraph (a) of subsection (4) of section
3681 | 1003.03, Florida Statutes, is amended to read:

3682 | 1003.03 Maximum class size.--

3683 (4) ACCOUNTABILITY.--

3684 (a) Beginning in the 2003-2004 fiscal year, if the

3685 department determines for any year that a school district has

3686 not reduced average class size as required in subsection (2) at

3687 the time of the third FEFP calculation, the department shall

3688 calculate an amount from the class size reduction operating

3689 categorical which is proportionate to the amount of class size

3690 reduction not accomplished. Upon verification of the

3691 department's calculation by the Florida Education Finance

3692 Program Appropriation Allocation Conference, the Executive

3693 Office of the Governor shall transfer undistributed funds

3694 equivalent to the calculated amount from the district's class

3695 size reduction operating categorical to an approved fixed

3696 capital outlay appropriation for class size reduction in the

3697 affected district pursuant to s. 216.292(2)(d)~~(13)~~. The amount

3698 of funds transferred shall be the lesser of the amount verified

3699 by the Florida Education Finance Program Appropriation

3700 Allocation Conference or the undistributed balance of the

3701 district's class size reduction operating categorical. However,

3702 based upon a recommendation by the Commissioner of Education

3703 that the State Board of Education has reviewed evidence

3704 indicating that a district has been unable to meet class size

3705 reduction requirements despite appropriate effort to do so, the

3706 Legislative Budget Commission may approve an alternative amount

3707 of funds to be transferred from the district's class size

3708 reduction operating categorical to its approved fixed capital

3709 outlay account for class size reduction.

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3710 Section 60. Paragraph (a) of subsection (1) of section
3711 1009.536, Florida Statutes, is amended to read:

3712 1009.536 Florida Gold Seal Vocational Scholars award.--The
3713 Florida Gold Seal Vocational Scholars award is created within
3714 the Florida Bright Futures Scholarship Program to recognize and
3715 reward academic achievement and career preparation by high
3716 school students who wish to continue their education.

3717 (1) A student is eligible for a Florida Gold Seal
3718 Vocational Scholars award if the student meets the general
3719 eligibility requirements for the Florida Bright Futures
3720 Scholarship Program and the student:

3721 (a) Completes the secondary school portion of a sequential
3722 program of studies that requires at least three secondary school
3723 career credits taken over at least 2 academic years, and is
3724 continued in a planned, related postsecondary education program.
3725 If the student's school does not offer such a two-plus-two or
3726 tech-prep program, the student must complete a job-preparatory
3727 career education program selected by ~~the Workforce Estimating~~
3728 ~~Conference~~ or Workforce Florida, Inc., for its ability to
3729 provide high-wage employment in an occupation with high
3730 potential for employment opportunities. On-the-job training may
3731 not be substituted for any of the three required career credits.

3732 Section 61. Subsection (2) of section 1013.512, Florida
3733 Statutes, is amended to read:

3734 1013.512 Land Acquisition and Facilities Advisory Board.--

3735 (2) If the director of the Office of Program Policy
3736 Analysis and Government Accountability (OPPAGA) or the Auditor
3737 General determines in a review or examination that significant

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3738 deficiencies exist in a school district's land acquisition and
 3739 facilities operational processes, he or she shall certify to the
 3740 President of the Senate, the Speaker of the House of
 3741 Representatives, the Legislative Budget Commission, and the
 3742 Governor that the deficiency exists. Upon recommendation by the
 3743 Governor, the Legislative Budget Commission shall approve or
 3744 disapprove the placement of ~~determine whether funds for the~~
 3745 school district funds ~~will be placed~~ in reserve until the
 3746 deficiencies are corrected.

3747 Section 62. Any undisbursed appropriations made from the
 3748 Working Capital Fund, previously created in s. 215.32, Florida
 3749 Statutes, are reappropriated from unallocated moneys in the
 3750 General Revenue Fund; any appropriations made to the Working
 3751 Capital Fund are reappropriated to the General Revenue Fund; and
 3752 any references to the Working Capital Fund in SB 2600 or SB
 3753 2602, or similar legislation, shall be replaced with "the
 3754 General Revenue Fund." It is the intent of the Legislature that
 3755 the provisions of this section control in the event SB 2600 or
 3756 SB 2602, or other similar legislation, are enacted subsequently
 3757 during the 2005 Regular Session. This section expires July 1,
 3758 2006.

3759 Section 63. Sections 216.1825, 216.183, and 288.1234,
 3760 Florida Statutes, are repealed.

3761 Section 64. Except as otherwise provided herein, this act
 3762 shall take effect July 1, 2005.