

By Senator Atwater

25-1036C-05

1                                   A bill to be entitled  
2           An act relating to state planning and  
3           budgeting; amending s. 11.90, F.S.; revising  
4           the membership of the Legislative Budget  
5           Commission; providing for the appointment of  
6           presiding officers; revising requirements for  
7           meetings and a quorum; revising requirements  
8           for appointing the staff of the commission;  
9           requiring the commission to review budget  
10          amendments proposed by the Governor or Chief  
11          Justice; authorizing the commission to perform  
12          other duties prescribed by the Legislature;  
13          creating s. 11.91, F.S.; creating the  
14          Government Efficiency Task Force for the  
15          purpose of recommending improvements to  
16          governmental operations and reducing costs;  
17          providing for the Governor, the President of  
18          the Senate, and the Speaker of the House of  
19          Representatives to appoint its members;  
20          requiring that the task force meet at 4-year  
21          intervals beginning on a specified date;  
22          authorizing the task force to conduct meeting  
23          through teleconferences; providing for members  
24          to be reimbursed for per diem and travel  
25          expenses; requiring the task force to complete  
26          its work within 1 year and report to the  
27          Legislative Budget Commission, the Governor,  
28          and the Chief Justice of the Supreme Court;  
29          amending s. 29.0095, F.S.; requiring the  
30          legislative appropriations committees to  
31          prescribe the format of budget expenditure

1 reports; amending s. 110.1245, F.S., relating  
2 to the savings sharing program; correcting a  
3 reference; amending s. 216.011, F.S.;  
4 redefining the term "consultation" and defining  
5 the term "long-range financial outlook" for  
6 purposes of state fiscal affairs; creating s.  
7 216.012, F.S.; providing requirements for the  
8 long-range financial outlook prepared by the  
9 commission; requiring state agencies to provide  
10 certain information; specifying timeframes for  
11 state agencies and the commission in developing  
12 and completing the long-range financial  
13 outlook; amending s. 216.023, F.S.; clarifying  
14 certain requirements for legislative budget  
15 instructions; amending s. 216.065, F.S.;  
16 requiring fiscal impact statements to be  
17 provided to the Legislative Budget Commission  
18 in addition to the legislative appropriations  
19 committees; requiring that such statements  
20 contain information concerning subsequent  
21 fiscal years; amending s. 216.162, F.S.;  
22 revising the date for the Governor's  
23 recommended budget to be furnished to the  
24 Legislature; authorizing the presiding officers  
25 of the Legislature to approve submission of the  
26 Governor's recommended budget at a later date  
27 than otherwise required; amending s. 216.262,  
28 F.S., relating to the transfer of positions;  
29 correcting a reference; providing a contingent  
30 effective date.

31

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

2

3 Section 1. Section 11.90, Florida Statutes, is amended  
4 to read:

5 11.90 Legislative Budget Commission.--

6 (1) There is created the Legislative Budget  
7 Commission, which is the joint Legislative Budget Commission  
8 created in s. 19, Art. III of the State Constitution, composed  
9 of seven members of the Senate appointed by the President of  
10 the Senate and seven members of the House of Representatives  
11 appointed by the Speaker of the House of Representatives. Each  
12 member shall serve at the pleasure of the officer who  
13 appointed the member. A vacancy on the commission shall be  
14 filled in the same manner as the original appointment. From  
15 November of each odd-numbered year through October of each  
16 even-numbered year, the chairperson of the commission shall be  
17 appointed by the President of the Senate and the vice  
18 chairperson of the commission shall be appointed by the  
19 Speaker of the House of Representatives. From November of each  
20 even-numbered year through October of each odd-numbered year,  
21 the chairperson of the commission shall be appointed the  
22 Speaker of the House of Representatives and the vice  
23 chairperson of the commission shall be appointed by the  
24 President of the Senate. ~~There is created a standing joint~~  
25 ~~committee of the Legislature designated the Legislative Budget~~  
26 ~~Commission, composed of 14 members as follows: seven members~~  
27 ~~of the Senate appointed by the President of the Senate, to~~  
28 ~~include the chair of the Senate Budget Committee or its~~  
29 ~~successor, and seven members of the House of Representatives~~  
30 ~~appointed by the Speaker of the House of Representatives, to~~  
31 ~~include the chair of the Fiscal Responsibility Council or its~~

1 ~~successor.~~ The terms of members shall be for 2 years and shall  
2 run from the organization of one Legislature to the  
3 organization of the next Legislature. ~~Vacancies occurring~~  
4 ~~during the interim period shall be filled in the same manner~~  
5 ~~as the original appointment. During even numbered years, the~~  
6 ~~chair of the commission shall be the chair of the Senate~~  
7 ~~Budget Committee or its successor, and the vice chair of the~~  
8 ~~commission shall be the chair of the House Fiscal~~  
9 ~~Responsibility Council or its successor. During odd numbered~~  
10 ~~years, the chair of the commission shall be the chair of the~~  
11 ~~House Fiscal Responsibility Council or its successor, and the~~  
12 ~~vice chair of the commission shall be the chair of the Senate~~  
13 ~~Budget Committee or its successor.~~

14 (2) The Legislative Budget Commission shall be  
15 governed by joint rules of the Senate and the House of  
16 Representatives which shall remain in effect until repealed or  
17 amended by concurrent resolution.

18 (3) The commission shall convene at the call of the  
19 President of the Senate and the Speaker of the House of  
20 Representatives at least quarterly. A majority of the  
21 commission members of each house plus one additional member  
22 from either house constitutes a quorum. The commission shall  
23 meet at least quarterly. A quorum shall consist of a majority  
24 of members from each house, plus one additional member from  
25 either house. Action by the commission requires a majority  
26 vote of the members present of each house.

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

29 (5) The commission shall be staffed by legislative  
30 staff members, as assigned by the President of the Senate and  
31 the Speaker of the House of Representatives. The commission

1 ~~will be jointly staffed by the appropriations committees of~~  
2 ~~the House of Representatives and the Senate. During~~  
3 ~~even numbered years, the Senate will serve as lead staff, and~~  
4 ~~during odd numbered years, the House of Representatives will~~  
5 ~~serve as lead staff.~~

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

7 (a) Review and approve or disapprove budget amendments  
8 proposed by the Governor or the Chief Justice of the Supreme  
9 Court as provided in chapter 216. Annually review the amount  
10 ~~of state debt outstanding and submit to the President of the~~  
11 ~~Senate and the Speaker of the House of Representatives an~~  
12 ~~estimate of the maximum amount of additional state~~  
13 ~~tax supported debt that prudently may be authorized during the~~  
14 ~~current fiscal year. The estimate shall be advisory and shall~~  
15 ~~in no way bind the Legislature.~~

16 (b) Develop the long-range financial outlook described  
17 in s. 19, Art. III of the State Constitution Promptly after  
18 ~~receiving the report required by s. 215.98(2)(c), the~~  
19 ~~commission shall submit to the President of the Senate and the~~  
20 ~~Speaker of the House of Representatives the commission's~~  
21 ~~estimate of tax supported debt which prudently may be~~  
22 ~~authorized for the next fiscal year, together with a report~~  
23 ~~explaining the basis for the estimate.~~

24  
25 In addition to the powers and duties specified in this  
26 section, the commission shall exercise all other powers and  
27 perform any other duties prescribed by the Legislature.

28 (7) The commission shall review information resources  
29 management needs identified in agency long-range program plans  
30 for consistency with the State Annual Report on Enterprise  
31 Resource Planning and Management and statewide policies

1 adopted by the State Technology Office. The commission shall  
2 also review proposed budget amendments associated with  
3 information technology that involve more than one agency, that  
4 have an outcome that impacts another agency, or that exceed  
5 \$500,000 in total cost over a 1-year period.

6 Section 2. Section 11.91, Florida Statutes, is created  
7 to read:

8 11.91 Government Efficiency Task Force.--

9 (1) There is created the Government Efficiency Task  
10 Force. The task force shall convene no later than January of  
11 2007, and each fourth year thereafter. The task force shall be  
12 composed of 13 members. Five members shall be appointed by the  
13 President of the Senate, five members shall be appointed by  
14 the Speaker of the House of Representatives, and three members  
15 shall be appointed by the Governor. Members of the task force  
16 may include representatives from the private sector, as  
17 designated by the President of the Senate, the Speaker of the  
18 House of Representatives, and the Governor. Each member shall  
19 serve at the pleasure of the officer who appointed the  
20 member. A vacancy on the task force shall be filled in the  
21 same manner as the original appointment. The terms of the  
22 members shall be for 1 year.

23 (2) The task force shall elect a chair from among its  
24 members.

25 (3) The task force shall meet as necessary, but at  
26 least quarterly, at the call of the chair and at the time and  
27 place designated by him or her. The task force may conduct its  
28 meetings through teleconferences or other similar means.

29 (4) Members of the task force are entitled to receive  
30 reimbursement for per diem and travel expenses pursuant to s.  
31 112.061.

1           (5) The task force shall develop recommendations for  
2 improving governmental operations and reducing costs. Staff to  
3 assist the task force in performing its duties shall be  
4 assigned by the President of the Senate and the Speaker of the  
5 House of Representatives.

6           (6) The task force shall complete its works within 1  
7 year and submit its recommendations to the chair and vice  
8 chair of the Legislative Budget Commission, the Governor, and  
9 the Chief Justice of the Supreme Court. The task force may  
10 submit all or part of its recommendations at any time during  
11 the year, but a final report summarizing its recommendations  
12 must be submitted at the completion of its work.

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

15           29.0095 Budget expenditure reports.--

16           (4) The appropriations committees of the Senate and  
17 the House of Representatives ~~Legislative Budget Commission~~  
18 shall prescribe the format of the report required by this  
19 section in consultation with the Chief Justice and the Justice  
20 Administrative Commission.

21           Section 4. Paragraph (b) of subsection (1) of section  
22 110.1245, Florida Statutes, is amended to read:

23           110.1245 Savings sharing program; bonus payments;  
24 other awards.--

25           (1)

26           (b) Each agency head shall recommend employees  
27 individually or by group to be awarded an amount of money,  
28 which amount shall be directly related to the cost savings  
29 realized. Each proposed award and amount of money must be  
30 approved by the Legislative ~~Budget~~ Budgeting Commission.

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1           Section 5. Paragraph (h) of subsection (1) of section  
2 216.011, Florida Statutes, is amended, and paragraph (rr) is  
3 added to that subsection, to read:

4           216.011 Definitions.--

5           (1) For the purpose of fiscal affairs of the state,  
6 appropriations acts, legislative budgets, and approved  
7 budgets, each of the following terms has the meaning  
8 indicated:

9           (h) "Consultation" means communication on fiscal  
10 matters between the Governor and the Legislature to deliberate  
11 and seek advice in an open and forthright manner ~~with the full~~  
12 ~~committee, a subcommittee thereof, the chair, or the staff as~~  
13 ~~deemed appropriate by the chair of the respective~~  
14 ~~appropriations committee.~~

15           (rr) "Long-range financial outlook" means a 3-year  
16 plan, developed by the commission and updated annually using  
17 official information, including, but not limited to,  
18 projections developed by the consensus estimating conferences,  
19 which projects state revenues and expenditures and provides  
20 the framework and context for legislative budget requests  
21 prepared by state agencies.

22           Section 6. Section 216.012, Florida Statutes, is  
23 created to read:

24           216.012 Long-range financial outlook.--

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

27           (2) Each state agency shall provide information to the  
28 commission, based on the commission's direction, which  
29 supports the commission's development and updates of the  
30 long-range financial outlook.

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

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

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

- 8               1. Accept the estimates provided by an agency;  
9               2. Modify the estimates provided by an agency; or  
10              3. Direct an agency to modify its estimates,  
11 consistent with directions specified by the commission.

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

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

17           Section 7. Subsections (1) and (13) of section  
18 216.023, Florida Statutes, are amended, and paragraph (c) is  
19 added to subsection (4) of that section, to read:

20           216.023 Legislative budget requests to be furnished to  
21 Legislature by agencies.--

22           (1) The head of each state agency, except as provided  
23 in subsection (2), shall submit a final legislative budget  
24 request to the Legislature and to the Governor, as chief  
25 budget officer of the state, in the form and manner prescribed  
26 in the budget instructions and at such time as specified by  
27 the Executive Office of the Governor, based on the agency's  
28 independent judgment of its needs. However, ~~a no~~ state agency  
29 ~~may not shall~~ submit its complete legislative budget request,  
30 including all supporting forms and schedules required by this  
31 chapter, later than ~~October~~ September 15 of ~~any each~~ year.

1 unless an alternative date is agreed to be in the best  
2 interests of the state by the President of the Senate, the  
3 Speaker of the House of Representatives, and the Governor.

4 (4)

5 (c) The legislative budget request submitted by each  
6 agency must reflect the long-range financial outlook adopted  
7 by the joint Legislative Budget Commission, either by basing  
8 specific requests on the long-range financial outlook or by  
9 explaining how any specific request varies from the long-range  
10 financial outlook.

11 (13) In order to ensure an integrated state planning  
12 and budgeting process, the agency long-range plan should be  
13 reviewed by the Legislature. The legislative budget request  
14 instructions must provide for consistency between the agency's  
15 long-range plan and the agency's legislative budget request.

16 Section 8. Section 216.065, Florida Statutes, is  
17 amended to read:

18 216.065 Fiscal impact statements on actions affecting  
19 the budget.--In addition to the applicable requirements of  
20 chapter 120, before the Governor, or Governor and Cabinet as a  
21 body, performing any constitutional or statutory duty, or  
22 before any state agency or statutorily authorized entity takes  
23 ~~take~~ any final action that will affect revenues, directly  
24 require a request for an increased or new appropriation in the  
25 following 3 fiscal years, year or ~~that will~~ transfer current  
26 year funds, ~~it they~~ shall first provide the joint Legislative  
27 Budget Commission and the legislative appropriations  
28 committees with a fiscal impact statement that details the  
29 effects of such action on the budget. The fiscal impact  
30 statement must specify the estimated budget and revenue  
31 impacts for the current year and the 2 subsequent fiscal years

1 at the same level of detail required to support a legislative  
2 budget request, including amounts by appropriation category  
3 and fund.

4 Section 9. Subsection (1) of section 216.162, Florida  
5 Statutes, is amended to read:

6 216.162 Governor's recommended budget to be furnished  
7 Legislature; copies to members.--

8 (1) At least 30 ~~45~~ days before the scheduled annual  
9 legislative session or such later date as is approved in  
10 writing by the President of the Senate and the Speaker of the  
11 House of Representatives, the Governor shall furnish each  
12 senator and representative a copy of his or her recommended  
13 balanced budget for the state, based on the Governor's own  
14 conclusions and judgment; ~~provided, however, that in his or~~  
15 ~~her first year in office a new Governor may request, subject~~  
16 ~~to approval of the President of the Senate and the Speaker of~~  
17 ~~the House of Representatives, that his or her recommended~~  
18 ~~balanced budget be submitted at a later time prior to the~~  
19 ~~Governor's first regular legislative session.~~

20 Section 10. Paragraph (c) of subsection (1) of section  
21 216.262, Florida Statutes, is amended to read:

22 216.262 Authorized positions.--

23 (1)

24 (c)1. The Executive Office of the Governor, under such  
25 procedures and qualifications as it deems appropriate, shall,  
26 upon agency request, delegate to any state agency authority to  
27 add and delete authorized positions or transfer authorized  
28 positions from one budget entity to another budget entity  
29 within the same division, and may approve additions and  
30 deletions of authorized positions or transfers of authorized  
31 positions within the state agency when such changes would

1 enable the agency to administer more effectively its  
2 authorized and approved programs. The additions or deletions  
3 must be consistent with the intent of the approved operating  
4 budget, must be consistent with legislative policy and intent,  
5 and must not conflict with specific spending policies  
6 specified in the General Appropriations Act.

7         2. The Chief Justice of the Supreme Court shall have  
8 the authority to establish procedures for the judicial branch  
9 to add and delete authorized positions or transfer authorized  
10 positions from one budget entity to another budget entity, and  
11 to add and delete authorized positions within the same budget  
12 entity, when such changes are consistent with legislative  
13 policy and intent and do not conflict with spending policies  
14 specified in the General Appropriations Act.

15         3.a. A state agency may be eligible to retain salary  
16 dollars for authorized positions eliminated after July 1,  
17 2001. The agency must certify the eliminated positions to the  
18 Legislative Budget ~~Budgeting~~ Commission.

19         b. The Legislative Budget ~~Budgeting~~ Commission shall  
20 authorize the agency to retain 20 percent of the salary  
21 dollars associated with the eliminated positions and may  
22 authorize retention of a greater percentage. All such salary  
23 dollars shall be used for permanent salary increases.

24         Section 11. This act shall take effect upon the  
25 effective date of the amendment to the State Constitution  
26 contained in Senate Joint Resolution No. \_\_\_\_\_, or a similar  
27 constitutional amendment, relating to the state budgeting,  
28 planning, and appropriations processes.

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SENATE SUMMARY

Revises various provisions governing the state's planning and budget process for purposes of implementing an amendment to the State Constitution. Revises the membership and duties of the Legislative Budget Commission. Creates the Government Efficiency Task Force, a 13-member task force appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, which meets every 4 years to develop recommendations for improving governmental operations and reducing costs. Provides requirements for developing and updating a long-range 3-year state financial outlook. Prescribes the timeframes within which state agencies and the commission are required to develop and complete the long-range financial outlook. (See bill for details.)