

By the Committee on Ways and Means; and Senator Atwater

576-1871-05

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. 216.178,  
28 F.S.; extending the deadline for production of  
29 the final budget; amending s. 216.262, F.S.,  
30 relating to the transfer of positions;  
31

1           correcting a reference; providing a contingent  
2           effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6           Section 1. Section 11.90, Florida Statutes, is amended  
7 to read:

8           11.90 Legislative Budget Commission.--

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

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

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

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

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

1           (5) The commission shall be staffed by legislative  
2 staff members, as assigned by the President of the Senate and  
3 the Speaker of the House of Representatives. ~~The commission~~  
4 ~~will be jointly staffed by the appropriations committees of~~  
5 ~~the House of Representatives and the Senate. During~~  
6 ~~even numbered years, the Senate will serve as lead staff, and~~  
7 ~~during odd numbered years, the House of Representatives will~~  
8 ~~serve as lead staff.~~

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

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

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

27  
28 In addition to the powers and duties specified in this  
29 section, the commission shall exercise all other powers and  
30 perform any other duties prescribed by the Legislature.  
31

1           (7) The commission shall review information resources  
2 management needs identified in agency long-range program plans  
3 for consistency with the State Annual Report on Enterprise  
4 Resource Planning and Management and statewide policies  
5 adopted by the State Technology Office. The commission shall  
6 also review proposed budget amendments associated with  
7 information technology that involve more than one agency, that  
8 have an outcome that impacts another agency, or that exceed  
9 \$500,000 in total cost over a 1-year period.

10           Section 2. Section 11.91, Florida Statutes, is created  
11 to read:

12           11.91 Government Efficiency Task Force.--

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

27           (2) The task force shall elect a chair from among its  
28 members.

29           (3) The task force shall meet as necessary, but at  
30 least quarterly, at the call of the chair and at the time and  
31

1 place designated by him or her. The task force may conduct its  
2 meetings through teleconferences or other similar means.

3 (4) Members of the task force are entitled to receive  
4 reimbursement for per diem and travel expenses pursuant to s.  
5 112.061.

6 (5) The task force shall develop recommendations for  
7 improving governmental operations and reducing costs. Staff to  
8 assist the task force in performing its duties shall be  
9 assigned by the President of the Senate, the Speaker of the  
10 House of Representatives, and the Governor.

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

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

20 29.0095 Budget expenditure reports.--

21 (4) The appropriations committees of the Senate and  
22 the House of Representatives ~~Legislative Budget Commission~~  
23 shall prescribe the format of the report required by this  
24 section in consultation with the Chief Justice and the Justice  
25 Administrative Commission.

26 Section 4. Paragraph (b) of subsection (1) of section  
27 110.1245, Florida Statutes, is amended to read:

28 110.1245 Savings sharing program; bonus payments;  
29 other awards.--

30 (1)

31

1 (b) Each agency head shall recommend employees  
2 individually or by group to be awarded an amount of money,  
3 which amount shall be directly related to the cost savings  
4 realized. Each proposed award and amount of money must be  
5 approved by the Legislative ~~Budget~~ ~~Budgeting~~ Commission.

6 Section 5. Paragraph (h) of subsection (1) of section  
7 216.011, Florida Statutes, is amended, and paragraph (rr) is  
8 added to that subsection, to read:

9 216.011 Definitions.--

10 (1) For the purpose of fiscal affairs of the state,  
11 appropriations acts, legislative budgets, and approved  
12 budgets, each of the following terms has the meaning  
13 indicated:

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

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

27 Section 6. Section 216.012, Florida Statutes, is  
28 created to read:

29 216.012 Long-range financial outlook.--

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



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

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

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

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

- 12           1. Accept the estimates provided by an agency;  
13           2. Modify the estimates provided by an agency; or  
14           3. Direct an agency to modify its estimates,  
15 consistent with directions specified by the commission.

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

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

21       Section 7. Subsections (1) and (13) of section  
22 216.023, Florida Statutes, are amended, and paragraph (c) is  
23 added to subsection (4) of that section, to read:

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

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

1 independent judgment of its needs. However, ~~a no~~ state agency  
2 ~~may not shall~~ submit its complete legislative budget request,  
3 including all supporting forms and schedules required by this  
4 chapter, later than October ~~September~~ 15 of any each year,  
5 unless an alternative date is agreed to be in the best  
6 interests of the state by the President of the Senate, the  
7 Speaker of the House of Representatives, and the Governor.

8 (4)

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

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

20 Section 8. Section 216.065, Florida Statutes, is  
21 amended to read:

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

1 committees with a fiscal impact statement that details the  
2 effects of such action on the budget. The fiscal impact  
3 statement must specify the estimated budget and revenue  
4 impacts for the current year and the 2 subsequent fiscal years  
5 at the same level of detail required to support a legislative  
6 budget request, including amounts by appropriation category  
7 and fund.

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

10 216.162 Governor's recommended budget to be furnished  
11 Legislature; copies to members.--

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

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

27 216.178 General Appropriations Act; format;  
28 procedure.--

29 (2) The Office of Planning and Budgeting shall develop  
30 a final budget report that reflects the net appropriations for  
31 each budget item. The report shall reflect actual

1 expenditures for each of the 2 preceding fiscal years and the  
2 estimated expenditures for the current fiscal year. In  
3 addition, the report must contain the actual revenues and cash  
4 balances for the preceding 2 fiscal years and the estimated  
5 revenues and cash balances for the current fiscal year. The  
6 report may also contain expenditure data, program objectives,  
7 and program measures for each state agency program. The report  
8 must be produced by the 120th day of ~~October 15~~ each fiscal  
9 year. A copy of the report must be made available to each  
10 member of the Legislature, to the head of each state agency,  
11 to the Auditor General, to the director of the Office of  
12 Program Policy Analysis and Government Accountability, and to  
13 the public.

14 Section 11. Paragraph (c) of subsection (1) of section  
15 216.262, Florida Statutes, is amended to read:

16 216.262 Authorized positions.--

17 (1)

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

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

9           3.a. A state agency may be eligible to retain salary  
10 dollars for authorized positions eliminated after July 1,  
11 2001. The agency must certify the eliminated positions to the  
12 Legislative Budget ~~Budgeting~~ Commission.

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

18           Section 12. This act shall take effect upon the  
19 effective date of the amendment to the State Constitution  
20 contained in Senate Joint Resolution No. 2144, or a similar  
21 constitutional amendment, relating to the state budgeting,  
22 planning, and appropriations processes.

23  
24                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
25                   COMMITTEE SUBSTITUTE FOR  
26                   Senate Bill 2146

27 Provides for Governor's staff, as well as legislative staff,  
28 to support the Government Efficiency Task Force. Extends the  
29 time frame for production of the final budget report to 120  
30 days after the beginning of each fiscal year.  
31