

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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.
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1 Representative(s) Brummer offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 14.2015 Office of Tourism, Trade, and Economic
8 Development; creation; powers and duties.--

9 (8) The Office of Tourism, Trade, and Economic Development
10 shall ensure that the contract between the Florida Commission on
11 Tourism and the commission's direct-support organization
12 contains a provision to provide the data on the visitor counts
13 and visitor profiles used in revenue estimating, employing the
14 same methodology used in fiscal year 1995-1996 by the Department
15 of Commerce. The Office of Tourism, Trade, and Economic

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16 Development and the Florida Commission on Tourism must advise
17 and consult ~~reach agreement~~ with the Consensus Estimating
18 Conference principals before making any changes in methodology
19 used or information gathered.

20 Section 2. Paragraph (b) of subsection (5) of section
21 20.19, Florida Statutes, is amended to read:

22 20.19 Department of Children and Family Services.--There
23 is created a Department of Children and Family Services.

24 (5) SERVICE DISTRICTS.--

25 (b)~~1~~. The secretary shall appoint a district administrator
26 for each of the service districts. The district administrator
27 shall serve at the pleasure of the secretary and shall perform
28 such duties as assigned by the secretary. ~~Subject to the~~
29 ~~approval of the secretary, such duties shall include~~
30 ~~transferring up to 10 percent of the total district budget, the~~
31 ~~provisions of ss. 216.292 and 216.351 notwithstanding.~~

32 ~~2. For the 2003-2004 fiscal year only, the transfer~~
33 ~~authority provided in this subsection must be specifically~~
34 ~~appropriated in the 2003-2004 General Appropriations Act and~~
35 ~~shall be pursuant to the requirements of s. 216.292. This~~
36 ~~subparagraph expires July 1, 2004.~~

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

41 Section 3. Paragraph (d) of subsection (4) of section
42 20.316, Florida Statutes, is amended to read:

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43 20.316 Department of Juvenile Justice.--There is created a
44 Department of Juvenile Justice.

45 (4) INFORMATION SYSTEMS.--

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

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

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

52 3. Provide automated support to the quality assurance and
53 program review functions.

54 4. Provide automated support to the contract management
55 process.

56 5. Provide automated support to the facility operations
57 management process.

58 6. Provide automated administrative support to increase
59 efficiency, provide the capability of tracking expenditures of
60 funds by the department or contracted service providers that are
61 eligible for federal reimbursement, and reduce forms and
62 paperwork.

63 7. Facilitate connectivity, access, and utilization of
64 information among various state agencies, and other state,
65 federal, local, and private agencies, organizations, and
66 institutions.

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

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70 9. Provide a system for the training of information system
71 users and user groups.

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

74 45.062 Settlements, conditions, or orders when an agency
75 of the executive branch is a party.--

76 (1) In any civil action in which a state executive branch
77 agency or officer is a party in state or federal court, the
78 officer, agent, official, or attorney who represents or is
79 acting on behalf of such agency or officer may not settle such
80 action, consent to any condition, or agree to any order in
81 connection therewith, if the settlement, condition, or order
82 requires the expenditure of or the obligation to expend any
83 state funds or other state resources exceeding \$1 million, the
84 refund or future loss of state revenues exceeding \$10 million,
85 or the establishment of any new program, unless:

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

88 (b) At the time settlement negotiations have begun in
89 earnest, written notification is given to the President of the
90 Senate, the Speaker of the House of Representatives, the Senate
91 and House of Representatives minority leaders, the chairs of the
92 appropriations committees of the Legislature, and the Attorney
93 General.

94 (c)(b) Prior written notification is given at least within
95 5 business days, or as soon thereafter as practicable, before ~~of~~
96 the date the settlement or presettlement agreement or order is

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97 | to be made final to the President of the Senate, the Speaker of
98 | the House of Representatives, the Senate and House of
99 | Representatives minority leaders, the chairs of the
100 | appropriations committees of the Legislature, and the Attorney
101 | General. Such notification shall specify how the agency involved
102 | will address the costs in future years within the limits of
103 | current appropriations.

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

108 | 2. The notification specified in this paragraph is not
109 | required if:

110 | a. The only settlement obligation of the state resulting
111 | from the claim is to pay court costs in an amount less than
112 | \$10,000;

113 | b. Notification would preclude the state's participation
114 | in multistate litigation;

115 | c. Notification is precluded by federal law or regulation;

116 | d. Notification is precluded by court rule or sanction;

117 | e. The head of the primary state agency involved in the
118 | litigation certifies to the President of the Senate and the
119 | Speaker of the House of Representatives, in writing within 5
120 | days after the settlement, the specific reasons prior
121 | notification could not be provided;

122 | f. Settlement or presettlement negotiations are being
123 | conducted with fewer than all of the opposing parties; or

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124 g. The President of the Senate and the Speaker of the
125 House of Representatives or the chairs of the appropriations
126 committees of the Legislature, acting in the best interest of
127 the state, waive notification.

128 (2) The state executive branch agency or officer shall
129 negotiate a closure date as soon as possible for the civil
130 action.

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

134 (4) Any settlement that commits the state to spending in
135 excess of current appropriations or to policy changes
136 inconsistent with current state law shall be contingent upon and
137 subject to legislative appropriation or statutory amendment. The
138 state agency or officer may agree to use all efforts to procure
139 legislative funding or statutory amendment.

140 (5) When a state agency or officer settles an action or
141 legal claim in which the state asserted a right to recover
142 money, all moneys paid to the state by a party in full or
143 partial exchange for a release of the state's claim shall be
144 placed into the General Revenue Fund or the appropriate trust
145 fund.

146 (6)(5) State executive branch agencies and officers shall
147 report to each substantive and fiscal committee of the
148 Legislature having jurisdiction over the reporting agency on all
149 potential settlements that may commit the state to:

150 (a) Spend in excess of current appropriations; or

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151 (b) Make policy changes inconsistent with current state
152 law.

153
154 The state executive branch agency or officer shall provide
155 periodic updates to the appropriate legislative committees on
156 these issues during the settlement process.

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

159 110.1239 State group health insurance program funding.--It
160 is the intent of the Legislature that the state group health
161 insurance program be managed, administered, operated, and funded
162 in such a manner as to maximize the protection of state employee
163 health insurance benefits. Inherent in this intent is the
164 recognition that the health insurance liabilities attributable
165 to the benefits offered state employees should be fairly,
166 orderly, and equitably funded. Accordingly:

167 (1) The division shall determine the level of premiums
168 necessary to fully fund the state group health insurance program
169 for the next fiscal year. Such determination shall be made after
170 each Self-Insurance Estimating Conference as provided in s.
171 216.136(9)~~(11)~~, but not later than December 1 and April 1 of
172 each fiscal year.

173 Section 6. Paragraph (b) of subsection (1) of section
174 110.1245, Florida Statutes, is amended to read:

175 110.1245 Savings sharing program; bonus payments; other
176 awards.--

177 (1)

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178 (b) Each agency head shall recommend employees
179 individually or by group to be awarded an amount of money, which
180 amount shall be directly related to the cost savings realized.
181 Each proposed award and amount of money must be approved by the
182 Legislative Budget ~~Budgeting~~ Commission.

183 Section 7. Section 215.32, Florida Statutes, is amended to
184 read:

185 215.32 State funds; segregation.--

186 (1) All moneys received by the state shall be deposited in
187 the State Treasury unless specifically provided otherwise by law
188 and shall be deposited in and accounted for by the Chief
189 Financial Officer within the following funds, which funds are
190 hereby created and established:

191 (a) General Revenue Fund.

192 (b) Trust funds.

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

194 (c)(d) Budget Stabilization Fund.

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

197 (a) The General Revenue Fund shall consist of all moneys
198 received by the state from every source whatsoever, except as
199 provided in paragraphs (b) and (c). Such moneys shall be
200 expended pursuant to General Revenue Fund appropriations acts,
201 ~~or~~ transferred as provided in paragraph (c), or maintained as
202 unallocated general revenue. Unallocated general revenue shall
203 be considered the working capital balance of the state and shall
204 consist of moneys in the General Revenue Fund that are in excess

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205 of the amount needed to meet General Revenue Fund appropriations
206 for the current fiscal year. Annually, at least 5 percent of the
207 ~~estimated increase in General Revenue Fund receipts for the~~
208 ~~upcoming fiscal year over the current year General Revenue Fund~~
209 ~~effective appropriations shall be appropriated for state-level~~
210 ~~capital outlay, including infrastructure improvement and general~~
211 ~~renovation, maintenance, and repairs.~~

212 (b)1. The trust funds shall consist of moneys received by
213 the state which under law or under trust agreement are
214 segregated for a purpose authorized by law. The state agency or
215 branch of state government receiving or collecting such moneys
216 shall be responsible for their proper expenditure as provided by
217 law. Upon the request of the state agency or branch of state
218 government responsible for the administration of the trust fund,
219 the Chief Financial Officer may establish accounts within the
220 trust fund at a level considered necessary for proper
221 accountability. Once an account is established within a trust
222 fund, the Chief Financial Officer may authorize payment from
223 that account only upon determining that there is sufficient cash
224 and releases at the level of the account.

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

228 a. Operations or operating trust fund, for use as a
229 depository for funds to be used for program operations funded by
230 program revenues, with the exception of administrative

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231 activities when the operations or operating trust fund is a
232 proprietary fund.

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

235 c. Administrative trust fund, for use as a depository for
236 funds to be used for management activities that are departmental
237 in nature and funded by indirect cost earnings and assessments
238 against trust funds. Proprietary funds are excluded from the
239 requirement of using an administrative trust fund.

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

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

246 f. Clearing funds trust fund, for use as a depository for
247 funds to account for collections pending distribution to lawful
248 recipients.

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

252
253 To the extent possible, each agency must adjust its internal
254 accounting to use existing trust funds consistent with the
255 requirements of this subparagraph. If an agency does not have
256 trust funds listed in this subparagraph and cannot make such
257 adjustment, the agency must recommend the creation of the

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258 necessary trust funds to the Legislature no later than the next
259 scheduled review of the agency's trust funds pursuant to s.
260 215.3206.

261 3. All such moneys are hereby appropriated to be expended
262 in accordance with the law or trust agreement under which they
263 were received, subject always to the provisions of chapter 216
264 relating to the appropriation of funds and to the applicable
265 laws relating to the deposit or expenditure of moneys in the
266 State Treasury.

267 4.a. Notwithstanding any provision of law restricting the
268 use of trust funds to specific purposes, unappropriated cash
269 balances from selected trust funds may be authorized by the
270 Legislature for transfer to the Budget Stabilization Fund and
271 General Revenue ~~Working Capital~~ Fund in the General
272 Appropriations Act.

273 b. This subparagraph does not apply to trust funds
274 required by federal programs or mandates; trust funds
275 established for bond covenants, indentures, or resolutions whose
276 revenues are legally pledged by the state or public body to meet
277 debt service or other financial requirements of any debt
278 obligations of the state or any public body; the State
279 Transportation Trust Fund; the trust fund containing the net
280 annual proceeds from the Florida Education Lotteries; the
281 Florida Retirement System Trust Fund; trust funds under the
282 management of the State Board of Education ~~Board of Regents~~,
283 where such trust funds are for auxiliary enterprises, self-
284 insurance, and contracts, grants, and donations, as those terms

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285 are defined by general law; trust funds that serve as clearing
286 funds or accounts for the Chief Financial Officer or state
287 agencies; trust funds that account for assets held by the state
288 in a trustee capacity as an agent or fiduciary for individuals,
289 private organizations, or other governmental units; and other
290 trust funds authorized by the State Constitution.

291 (c)1. The Budget Stabilization Fund shall consist of
292 amounts equal to at least 5 percent of net revenue collections
293 for the General Revenue Fund during the last completed fiscal
294 year. The Budget Stabilization Fund's principal balance shall
295 not exceed an amount equal to 10 percent of the last completed
296 fiscal year's net revenue collections for the General Revenue
297 Fund. As used in this paragraph, the term "last completed fiscal
298 year" means the most recently completed fiscal year prior to the
299 regular legislative session at which the Legislature considers
300 the General Appropriations Act for the year in which the
301 transfer to the Budget Stabilization Fund must be made under
302 this paragraph.

303 2. By September 15 of each year, the Governor shall
304 authorize the Chief Financial Officer to transfer, and the Chief
305 Financial Officer shall transfer pursuant to appropriations made
306 by law, to the Budget Stabilization Fund the amount of money
307 needed for the balance of that fund to equal the amount
308 specified in subparagraph 1., less any amounts expended and not
309 restored. The moneys needed for this transfer may be
310 appropriated by the Legislature from any funds.

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311 3. Unless otherwise provided in this subparagraph, an
312 expenditure from the Budget Stabilization Fund must be restored
313 pursuant to a restoration schedule that provides for making five
314 equal annual transfers from the General Revenue Fund, beginning
315 in the third fiscal year following that in which the expenditure
316 was made. For any Budget Stabilization Fund expenditure, the
317 Legislature may establish by law a different restoration
318 schedule and such change may be made at any time during the
319 restoration period. Moneys are hereby appropriated for transfers
320 pursuant to this subparagraph.

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

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

330 ~~(d) The Working Capital Fund shall consist of moneys in~~
331 ~~the General Revenue Fund which are in excess of the amount~~
332 ~~needed to meet General Revenue Fund appropriations for the~~
333 ~~current fiscal year. Each year, no later than the publishing~~
334 ~~date of the annual financial statements for the state by the~~
335 ~~Chief Financial Officer under s. 216.102, funds shall be~~
336 ~~transferred between the Working Capital Fund and the General~~
337 ~~Revenue Fund to establish the balance of the Working Capital~~

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338 ~~Fund for that fiscal year at the amount determined pursuant to~~
339 ~~this paragraph.~~

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

342 215.5601 Lawton Chiles Endowment Fund.--

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

344 (a) Funds from the endowment which are available for
345 legislative appropriation shall be transferred by the board to
346 the Department of Financial Services Tobacco Settlement Clearing
347 Trust Fund, created in s. 17.41, and disbursed in accordance
348 with the legislative appropriation.

349 1. Appropriations by the Legislature to the Department of
350 Health from endowment earnings from the principal set aside for
351 biomedical research shall be from a category called the James
352 and Esther King Biomedical Research Program and shall be
353 deposited into the Biomedical Research Trust Fund in the
354 Department of Health established in s. 20.435.

355 2. Appropriations by the Legislature to the Department of
356 Children and Family Services, the Department of Health, or the
357 Department of Elderly Affairs from endowment earnings for health
358 and human services programs ~~shall be from a category called the~~
359 ~~Lawton Chiles Endowment Fund Programs~~ and shall be deposited
360 into each department's respective Tobacco Settlement Trust Fund
361 as appropriated.

362 ~~(f) When advised by the Revenue Estimating Conference that~~
363 ~~a deficit will occur with respect to the appropriations from the~~
364 ~~tobacco settlement trust funds of the state agencies in any~~

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365 ~~fiscal year, the Governor shall develop a plan of action to~~
366 ~~eliminate the deficit. Before implementing the plan of action,~~
367 ~~the Governor must comply with s. 216.177(2). In developing the~~
368 ~~plan of action, the Governor shall, to the extent possible,~~
369 ~~preserve legislative policy and intent, and, absent any specific~~
370 ~~directions to the contrary in the General Appropriations Act,~~
371 ~~any reductions in appropriations from the tobacco settlement~~
372 ~~trust funds of the state agencies for a fiscal year shall be~~
373 ~~prorated among the specific appropriations made from all tobacco~~
374 ~~settlement trust funds of the state agencies for that year.~~

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

377 215.93 Florida Financial Management Information System.--

378 (3) The Florida Financial Management Information System
379 shall include financial management data and utilize the chart of
380 accounts approved by the Chief Financial Officer. Common
381 financial management data shall include, but not be limited to,
382 data codes, titles, and definitions used by one or more of the
383 functional owner subsystems. The Florida Financial Management
384 Information System shall utilize common financial management
385 data codes. The council shall recommend and the board shall
386 adopt policies regarding the approval and publication of the
387 financial management data. The Chief Financial Officer shall
388 adopt policies regarding the approval and publication of the
389 chart of accounts. The Chief Financial Officer's chart of
390 accounts shall be consistent with the common financial
391 management data codes established by the coordinating council.

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392 Further, all systems not a part of the Florida Financial
393 Management Information System which provide information to the
394 system shall use the common data codes from the Florida
395 Financial Management Information System and the Chief Financial
396 Officer's chart of accounts. Data codes that cannot be supplied
397 by the Florida Financial Management Information System and the
398 Chief Financial Officer's chart of accounts and that are
399 required for use by the information subsystems shall be approved
400 by the board upon recommendation of the coordinating council.
401 ~~However, board approval shall not be required for those data~~
402 ~~codes specified by the Auditor General under the provisions of~~
403 ~~s. 215.94(6)(c).~~

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

406 215.94 Designation, duties, and responsibilities of
407 functional owners.--

408 (6)(a) Consistent with the provisions of s. 215.86, the
409 respective functional owner of each information subsystem shall
410 be responsible for ensuring ~~The Auditor General shall be advised~~
411 ~~by the functional owner of each information subsystem as to the~~
412 ~~date that the development or significant modification of its~~
413 ~~functional system specifications is to begin.~~

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

417 1. The accounting information produced by the information
418 subsystem adheres to generally accepted accounting principles.

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419 2. The information subsystem contains the necessary
420 controls to maintain its integrity, within acceptable limits and
421 at an acceptable cost.

422 3. The information subsystem is auditable.

423 ~~(b)(e)~~ The Auditor General shall be advised by the
424 functional owner of each information subsystem as to the date
425 that the development or significant modification of its
426 functional system specifications is to begin. The Auditor
427 General shall provide technical advice, as allowed by
428 professional auditing standards, on specific issues relating to
429 the design, implementation, and operation of each information
430 subsystem ~~specify those additional features, characteristics,~~
431 ~~controls, and internal control measures deemed necessary to~~
432 ~~carry out the provisions of this subsection. Further, it shall~~
433 ~~be the responsibility of each functional owner to ensure~~
434 ~~installation and incorporation of such specified features,~~
435 ~~characteristics, controls, and internal control measures within~~
436 ~~each information subsystem.~~

437 Section 11. Section 215.97, Florida Statutes, is amended
438 to read:

439 215.97 Florida Single Audit Act.--

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

441 (a) Establish uniform state audit requirements for state
442 financial assistance provided by state agencies to nonstate
443 entities to carry out state projects.

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444 (b) Promote sound financial management, including
445 effective internal controls, with respect to state financial
446 assistance administered by nonstate entities.

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

450 (d) Provide for identification of state financial
451 assistance transactions in the appropriations act, state
452 accounting records, and recipient organization records.

453 (e) Promote improved coordination and cooperation within
454 and between affected state agencies providing state financial
455 assistance and nonstate entities receiving state assistance.

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

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

460 (a) "Audit threshold" means the threshold amount used to
461 determine to use in determining when a state single audit or
462 project-specific audit of a nonstate entity shall be conducted
463 in accordance with this section. Each nonstate entity that
464 expends a total amount of state financial assistance equal to or
465 in excess of \$500,000 ~~\$300,000~~ in any fiscal year of such
466 nonstate entity shall be required to have a state single audit,
467 or a project-specific audit, for such fiscal year in accordance
468 with the requirements of this section. Every 2 years the Auditor
469 General, after consulting with the Executive Office of the
470 Governor, the Department of Financial Services ~~Chief Financial~~

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471 ~~Officer~~, and all state awarding agencies ~~that provide state~~
472 ~~financial assistance to nonstate entities~~, shall review the
473 threshold amount for requiring audits under this section and may
474 adjust such threshold ~~dollar~~ amount consistent with the purposes
475 ~~purpose~~ of this section.

476 (b) "Auditing standards" means the auditing standards as
477 stated in the rules of the Auditor General as applicable to for-
478 profit organizations, nonprofit organizations, or local
479 governmental entities.

480 (c) "Catalog of State Financial Assistance" means a
481 comprehensive listing of state projects. The Catalog of State
482 Financial Assistance shall be issued by the Department of
483 Financial Services ~~Executive Office of the Governor~~ after
484 conferring with the Executive Office of the Governor ~~Chief~~
485 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~
486 ~~state financial assistance to nonstate entities~~. The Catalog of
487 State Financial Assistance shall include for each listed state
488 project: the responsible state awarding agency; standard state
489 project number identifier; official title; legal authorization;
490 and description of the state project, including objectives,
491 restrictions, application and awarding procedures, and other
492 relevant information determined necessary.

493 (d) "Coordinating agency" means the state awarding agency
494 that provides the predominant amount of state financial
495 assistance expended by a recipient, as determined by the
496 recipient's Schedule of Expenditures of State Financial
497 Assistance. To provide continuity, the determination of the

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498 predominant amount of state financial assistance shall be based
499 upon state financial assistance expended in the recipient's
500 fiscal years ending in 2006, 2009, and 2012, and every third
501 year thereafter.

502 (e)(d) "Financial reporting package" means the nonstate
503 entities' financial statements, Schedule of Expenditures of
504 State Financial Assistance, auditor's reports, management
505 letter, auditee's written responses or corrective action plan,
506 correspondence on followup of prior years' corrective actions
507 taken, and such other information determined by the Auditor
508 General to be necessary and consistent with the purposes of this
509 section.

510 (f)(e) "Federal financial assistance" means financial
511 assistance from federal sources passed through the state and
512 provided to nonstate organizations ~~entities~~ to carry out a
513 federal program. "Federal financial assistance" includes all
514 types of federal assistance as defined in applicable United
515 States Office of Management and Budget circulars.

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

519 (h)(g) "Independent auditor" means an independent ~~external~~
520 ~~state or local government auditor or a certified public~~
521 accountant licensed under chapter 473 ~~who meets the independence~~
522 ~~standards.~~

523 (i)(h) "Internal control over state projects" means a
524 process, effected by a nonstate ~~an~~ entity's management and other

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525 personnel, designed to provide reasonable assurance regarding
526 the achievement of objectives in the following categories:

- 527 1. Effectiveness and efficiency of operations.
528 2. Reliability of financial operations.
529 3. Compliance with applicable laws and regulations.

530 (j)(i) "Local governmental entity" means a county as a
531 whole ~~agency~~, municipality, or special district or any other
532 entity excluding ~~(other than a district school board, charter~~
533 ~~school, or community college), or public university,~~ however
534 styled, which independently exercises any type of governmental
535 function within the state.

536 (k)(j) "Major state project" means any state project
537 meeting the criteria as stated in the rules of the Department of
538 Financial Services ~~Executive Office of the Governor~~. Such
539 criteria shall be established after consultation with all ~~the~~
540 ~~Chief Financial Officer and appropriate~~ state awarding agencies
541 ~~that provide state financial assistance~~ and shall consider the
542 amount of state project expenditures and ~~or~~ expenses or inherent
543 risks. Each major state project shall be audited in accordance
544 with the requirements of this section.

545 (l)(k) "Nonprofit organization" means any corporation,
546 trust, association, cooperative, or other organization that:
547 1. Is operated primarily for scientific, educational
548 service, charitable, or similar purpose in the public interest.
549 2. Is not organized primarily for profit.
550 3. Uses net proceeds to maintain, improve, or expand the
551 operations of the organization. ~~and~~

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

554 ~~(m)(1)~~ "Nonstate entity" means a local governmental
555 entity, nonprofit organization, or for-profit organization that
556 receives state financial assistance ~~resources~~.

557 ~~(n)(m)~~ "Recipient" means a nonstate entity that receives
558 state financial assistance directly from a state awarding
559 agency.

560 ~~(o)(n)~~ "Schedule of Expenditures of State Financial
561 Assistance" means a document prepared in accordance with the
562 rules of the Department of Financial Services ~~Chief Financial~~
563 ~~Officer~~ and included in each financial reporting package
564 required by this section.

565 ~~(p)(e)~~ "State awarding agency" means a the state agency,
566 as defined in s. 216.011, that is primarily responsible for the
567 operations and outcomes of a state project, regardless of the
568 state agency that actually provides ~~provided~~ state financial
569 assistance to a the nonstate entity.

570 ~~(q)(p)~~ "State financial assistance" means ~~financial~~
571 ~~assistance from~~ state resources, not including federal financial
572 assistance and state matching on federal programs, provided to a
573 nonstate entity ~~entities~~ to carry out a state project. "State
574 financial assistance" includes the all types of state resources
575 ~~assistance as stated in the rules of the~~ Department of Financial
576 Services ~~Executive Office of the Governor~~ established in
577 consultation with all the ~~Chief Financial Officer and~~
578 ~~appropriate state~~ awarding agencies that provide state financial

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579 assistance. ~~It includes~~ State financial assistance may be
580 provided directly by state awarding agencies or indirectly by
581 nonstate entities recipients of state awards or subrecipients.
582 "State financial assistance" ~~It~~ does not include procurement
583 contracts used to buy goods or services from vendors and. ~~Audits~~
584 ~~of such procurement contracts with vendors are outside of the~~
585 ~~scope of this section. Also, audits of contracts to operate~~
586 state-owned state-government-owned and contractor-operated
587 facilities ~~are excluded from the audit requirements of this~~
588 section.

589 (r)(g) "State matching" means state resources provided to
590 a nonstate entity entities to be used to meet federal financial
591 participation matching requirements ~~of federal programs.~~

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

596 (t)(r) "State project" means a state program that provides
597 all state financial assistance to a nonstate organization and
598 that must be entity assigned a single state project number
599 identifier in the Catalog of State Financial Assistance.

600 (u)(s) "State Projects Compliance Supplement" means a
601 document issued by the Department of Financial Services
602 ~~Executive Office of the Governor~~, in consultation with ~~the Chief~~
603 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~
604 ~~state financial assistance.~~ The State Projects Compliance
605 Supplement shall identify state projects, the significant

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606 compliance requirements, eligibility requirements, matching
607 requirements, suggested audit procedures, and other relevant
608 information determined necessary.

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

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

616 ~~(x)(v)~~ "Subrecipient" means a nonstate entity that
617 receives state financial assistance through another nonstate
618 entity.

619 ~~(y)(w)~~ "Vendor" means a dealer, distributor, merchant, or
620 other seller providing goods or services that are required for
621 the conduct of a state project. These goods or services may be
622 for an organization's own use or for the use of beneficiaries of
623 the state project.

624 (3) The Executive Office of the Governor is responsible
625 for notifying the Department of Financial Services of any
626 actions during the budgetary process that impact the Catalog of
627 State Financial Assistance. ~~shall:~~

628 ~~(a) Upon conferring with the Chief Financial Officer and~~
629 ~~all state awarding agencies, adopt rules necessary to provide~~
630 ~~appropriate guidance to state awarding agencies, recipients and~~
631 ~~subrecipients, and independent auditors of state financial~~

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632 ~~assistance relating to the requirements of this section,~~
633 ~~including:~~

634 ~~1. The types or classes of financial assistance considered~~
635 ~~to be state financial assistance which would be subject to the~~
636 ~~requirements of this section. This would include guidance to~~
637 ~~assist in identifying when the state agency or recipient has~~
638 ~~contracted with a vendor rather than with a recipient or~~
639 ~~subrecipient.~~

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

641 ~~3. The criteria for selecting state projects for audits~~
642 ~~based on inherent risk.~~

643 ~~(b) Be responsible for coordinating the initial~~
644 ~~preparation and subsequent revisions of the Catalog of State~~
645 ~~Financial Assistance after consultation with the Chief Financial~~
646 ~~Officer and all state awarding agencies.~~

647 ~~(c) Be responsible for coordinating the initial~~
648 ~~preparation and subsequent revisions of the State Projects~~
649 ~~Compliance Supplement, after consultation with the Chief~~
650 ~~Financial Officer and all state awarding agencies.~~

651 (4) The Department of Financial Services ~~Chief Financial~~
652 ~~Officer~~ shall:

653 (a) Upon conferring with the Executive Office of the
654 Governor and all state awarding agencies, adopt rules necessary
655 to provide appropriate guidance to state awarding agencies,
656 nonstate entities, and independent auditors of state financial
657 assistance relating to the requirements of this section,
658 including:

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659 1. The types or classes of state resources considered to
660 be state financial assistance that would be subject to the
661 requirements of this section. This would include guidance to
662 assist in identifying when the state awarding agency or a
663 nonstate entity has contracted with a vendor rather than with a
664 recipient or subrecipient.

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

666 3. The criteria for selecting state projects for audits
667 based on inherent risk.

668 (b) Be responsible for coordinating revisions to the
669 Catalog of State Financial Assistance after consultation with
670 the Executive Office of the Governor and all state awarding
671 agencies.

672 (c) Be responsible for coordinating with the Executive
673 Office of the Governor actions affecting the budgetary process
674 under paragraph (b).

675 (d) Be responsible for coordinating revisions to the State
676 Projects Compliance Supplement, after consultation with the
677 Executive Office of the Governor and all state awarding
678 agencies.

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

681 1. Recording of state financial assistance and federal
682 financial assistance appropriations and expenditures within the
683 state awarding agencies' operating funds.

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684 2. Recording of state project number identifiers, as
685 provided in the Catalog of State Financial Assistance, for state
686 financial assistance.

687 3. Establishment and recording of an identification code
688 for each financial transaction, including awarding state
689 agencies' disbursements of state financial assistance and
690 federal financial assistance, as to the corresponding type or
691 organization that is party to the transaction (e.g., other
692 governmental agencies, nonprofit organizations, and for-profit
693 organizations), and disbursements of federal financial
694 assistance, as to whether the party to the transaction is or is
695 not a nonstate entity recipient or subrecipient.

696 (f)(b) Upon conferring with the Executive Office of the
697 Governor and all state awarding agencies, adopt rules necessary
698 to provide appropriate guidance to state awarding agencies,
699 nonstate entities recipients and subrecipients, and independent
700 auditors of state financial assistance relating to the format
701 for the Schedule of Expenditures of State Financial Assistance.

702 (g)(e) Perform any inspections, reviews, investigations,
703 or audits of state financial assistance considered necessary in
704 carrying out the Department of Financial Services' Chief
705 Financial Officer's legal responsibilities for state financial
706 assistance or to comply with the requirements of this section.

707 (5) Each state awarding agency shall:

708 (a) Provide to each a recipient information needed by the
709 recipient to comply with the requirements of this section,
710 including:

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711 1. The audit and accountability requirements for state
712 projects as stated in this section and applicable ~~rules of the~~
713 ~~Executive Office of the Governor,~~ rules of the Department of
714 Financial Services Chief Financial Officer, and rules of the
715 Auditor General.

716 2. Information from the Catalog of State Financial
717 Assistance, including the standard state project number
718 identifier; official title; legal authorization; and description
719 of the state project including objectives, restrictions, and
720 other relevant information determined necessary.

721 3. Information from the State Projects Compliance
722 Supplement, including the significant compliance requirements,
723 eligibility requirements, matching requirements, suggested audit
724 procedures, and other relevant information determined necessary.

725 (b) Require the recipient, as a condition of receiving
726 state financial assistance, to allow the state awarding agency,
727 the Department of Financial Services Chief Financial Officer,
728 and the Auditor General access to the recipient's records and
729 the recipient's independent auditor's working papers as
730 necessary for complying with the requirements of this section.

731 (c) Notify the recipient that this section does not limit
732 the authority of the state awarding agency to conduct or arrange
733 for the conduct of additional audits or evaluations of state
734 financial assistance or limit the authority of any state
735 awarding agency inspector general, the Auditor General, or any
736 other state official.

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737 (d) Be provided one copy of each financial reporting
738 package prepared in accordance with the requirement of this
739 section.

740 (e) Review the recipient's ~~recipient~~ financial reporting
741 package, including the management letters and corrective action
742 plans, to the extent necessary to determine whether timely and
743 appropriate corrective action has been taken with respect to
744 audit findings and recommendations pertaining to state financial
745 assistance that are specific to ~~provided by~~ the state awarding
746 agency.

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

750
751 If the state awarding agency is not the coordinating agency as
752 defined in paragraph (2)(d), the state awarding agency's
753 designated organizational unit shall communicate to the
754 coordinating agency the state awarding agency's approval of the
755 recipient's corrective action plan with respect to findings and
756 recommendations that are not specific to the state awarding
757 agency.

758 (6) Each coordinating agency shall:

759 (a) Review the recipient's financial reporting package,
760 including the management letter and corrective action plan, to
761 identify audit findings and recommendations that affect state
762 financial assistance that are not specific to a particular state
763 awarding agency.

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764 (b) For any findings and recommendations identified
765 pursuant to paragraph (a):

766 1. Determine whether timely and appropriate corrective
767 action has been taken.

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

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

773 (7)(6) As a condition of receiving state financial
774 assistance, each nonstate entity recipient that provides state
775 financial assistance to a subrecipient shall:

776 (a) Provide to each a subrecipient information needed by
777 the subrecipient to comply with the requirements of this
778 section, including:

779 1. Identification of the state awarding agency.

780 2. The audit and accountability requirements for state
781 projects as stated in this section and applicable ~~rules of the~~
782 ~~Executive Office of the Governor~~, rules of the Department of
783 Financial Services Chief Financial Officer, and rules of the
784 Auditor General.

785 3. Information from the Catalog of State Financial
786 Assistance, including the standard state project number
787 identifier; official title; legal authorization; and description
788 of the state project, including objectives, restrictions, and
789 other relevant information.

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790 4. Information from the State Projects Compliance
791 Supplement including the significant compliance requirements,
792 eligibility requirements, matching requirements, and suggested
793 audit procedures, and other relevant information determined
794 necessary.

795 (b) Review the financial reporting package of the
796 subrecipient audit reports, including the management letter and
797 corrective action plan letters, to the extent necessary to
798 determine whether timely and appropriate corrective action has
799 been taken with respect to audit findings and recommendations
800 pertaining to state financial assistance provided by a the state
801 awarding agency or nonstate entity.

802 (c) Perform any such other procedures ~~as~~ specified in
803 terms and conditions of the written agreement with the state
804 awarding agency or nonstate entity, including any required
805 monitoring of the subrecipient's use of state financial
806 assistance through onsite visits, limited scope audits, or other
807 specified procedures.

808 (d) Require subrecipients, as a condition of receiving
809 state financial assistance, to permit the independent auditor of
810 the nonstate entity recipient, the state awarding agency, the
811 Department of Financial Services Chief Financial Officer, and
812 the Auditor General access to the subrecipient's records and the
813 subrecipient's independent auditor's working papers as necessary
814 to comply with the requirements of this section.

815 ~~(8)(7)~~ Each recipient or subrecipient of state financial
816 assistance shall comply with the following:

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817 (a) Each nonstate entity that ~~receives state financial~~
818 ~~assistance and~~ meets the audit threshold requirements, in any
819 fiscal year of the nonstate entity, ~~as~~ stated in the rules of
820 the Auditor General, shall have a state single audit conducted
821 for such fiscal year in accordance with the requirements of this
822 act and with additional requirements established in ~~rules of the~~
823 ~~Executive Office of the Governor,~~ rules of the Department of
824 Financial Services Chief Financial Officer, and rules of the
825 Auditor General. If only one state project is involved in a
826 nonstate entity's fiscal year, the nonstate entity may elect to
827 have only a state project-specific audit ~~of the state project~~
828 ~~for that fiscal year.~~

829 (b) Each nonstate entity that ~~receives state financial~~
830 ~~assistance and~~ does not meet the audit threshold requirements,
831 in any fiscal year of the nonstate entity, ~~as~~ stated in this law
832 or the rules of the Auditor General is exempt for such fiscal
833 year from the state single audit requirements of this section.
834 However, such nonstate entity must meet terms and conditions
835 specified in the written agreement with the state awarding
836 agency or nonstate entity.

837 (c) If a nonstate entity has extremely limited or no
838 required activities related to the administration of a state
839 project, and only acts as a conduit of state financial
840 assistance, none of the requirements of this section apply to
841 the conduit nonstate entity. However, the nonstate entity that
842 is provided state financial assistance by the conduit nonstate
843 entity is subject to the requirements of this section.

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844 ~~(d)~~(e) Regardless of the amount of the state financial
845 assistance, ~~the provisions of~~ this section does ~~de~~ not exempt a
846 nonstate entity from compliance with provisions of law relating
847 to maintaining records concerning state financial assistance to
848 such nonstate entity or allowing access and examination of those
849 records by the state awarding agency, the nonstate entity, the
850 Department of Financial Services Chief Financial Officer, or the
851 Auditor General.

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

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

857 ~~(g)~~(f) Upon completion of the audit ~~as~~ required by this
858 section, a copy of the recipient's financial reporting package
859 shall be filed with the state awarding agency and the Auditor
860 General. Upon completion of the audit ~~as~~ required by this
861 section, a copy of the subrecipient's financial reporting
862 package shall be filed with the nonstate entity recipient that
863 provided the state financial assistance and the Auditor General.
864 The financial reporting package shall be filed in accordance
865 with the rules of the Auditor General.

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

869 ~~(i)~~(h) If an audit conducted pursuant to this section
870 discloses any significant audit findings relating to state

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871 financial assistance, including material noncompliance with
872 individual state project compliance requirements or reportable
873 conditions in internal controls of the nonstate entity, the
874 nonstate entity shall submit as part of the financial reporting
875 ~~audit~~ package to the state awarding agency or nonstate entity a
876 plan for corrective action to eliminate such audit findings or a
877 statement describing the reasons that corrective action is not
878 necessary.

879 (j)~~(i)~~ An audit conducted in accordance with this section
880 is in addition to any audit of federal awards required by the
881 federal Single Audit Act and other federal laws and regulations.
882 To the extent that such federally required audits provide the
883 state awarding agency or nonstate entity with information it
884 requires to carry out its responsibilities under state law or
885 other guidance, the a state awarding agency or nonstate entity
886 shall rely upon and use that information.

887 (k)~~(j)~~ Unless prohibited by law, the costs ~~cost~~ of audits
888 pursuant to this section are ~~is~~ allowable charges to state
889 projects. However, any charges to state projects should be
890 limited to those incremental costs incurred as a result of the
891 audit requirements of this section in relation to other audit
892 requirements. The nonstate entity should allocate such
893 incremental costs to all state projects for which it expended
894 state financial assistance.

895 (l)~~(k)~~ Audit costs may not be charged to state projects
896 when audits required by this section have not been made or have
897 been made but not in accordance with this section. If a nonstate

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898 entity fails to have an audit conducted consistent with this
899 section, a state awarding agency or nonstate entity ~~agencies~~ may
900 take appropriate corrective action to enforce compliance.

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

906 ~~(n)(m)~~ A state awarding agency or nonstate entity that
907 ~~provides state financial assistance to nonstate entities and~~
908 conducts or arranges for audits of state financial assistance
909 that are in addition to the audits conducted under this act,
910 including audits of nonstate entities that do not meet the audit
911 threshold requirements, shall, consistent with other applicable
912 law, arrange for funding the full cost of such additional
913 audits.

914 ~~(9)(8)~~ The independent auditor when conducting a state
915 single audit of a nonstate entity ~~recipients or subrecipients~~
916 shall:

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

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

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924 (c) With respect to internal controls pertaining to each
925 major state project:

926 1. Obtain an understanding of internal controls.†

927 2. Assess control risk.†

928 3. Perform tests of controls unless the controls are
929 deemed to be ineffective.†~~and~~

930 4. Determine whether the nonstate entity has internal
931 controls in place to provide reasonable assurance of compliance
932 with the provisions of laws and rules pertaining to state
933 financial assistance that have a material effect on each major
934 state project.

935 (d) Determine whether each major state project complied
936 with the provisions of laws, rules, and guidelines as identified
937 in the State Projects Compliance Supplement, or otherwise
938 identified by the state awarding agency, which have a material
939 effect on each major state project. When major state projects
940 are less than 50 percent of the nonstate entity's total
941 expenditures for all state financial assistance, the auditor
942 shall select and test additional state projects as major state
943 projects as necessary to achieve audit coverage of at least 50
944 percent of the expenditures for all state financial assistance
945 provided to the nonstate entity. Additional state projects
946 needed to meet the 50-percent requirement may be selected on an
947 inherent risk basis as stated in the rules of the Department of
948 Financial Services ~~Executive Office of the Governor.~~

949 (e) Report on the results of any audit conducted pursuant
950 to this section in accordance with the ~~rules of the Executive~~

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951 ~~Office of the Governor,~~ rules of the Department of Financial
952 Services Chief Financial Officer, and rules of the Auditor
953 General. Financial reporting packages shall ~~Audit reports shall~~
954 include summaries of the auditor's results regarding the
955 nonstate entity's financial statements; Schedule of Expenditures
956 of State Financial Assistance; internal controls; and compliance
957 with laws, rules, and guidelines.

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

960 (g) Upon notification by the nonstate entity, make
961 available the working papers relating to the audit conducted
962 pursuant to ~~the requirements of~~ this section to the state
963 awarding agency, the Department of Financial Services Chief
964 Financial Officer, or the Auditor General for review or copying.

965 ~~(10)(9)~~ The independent auditor, when conducting a state
966 project-specific audit of a nonstate entity ~~recipients or~~
967 ~~subrecipients,~~ shall:

968 (a) Determine whether the nonstate entity's schedule of
969 Expenditure of State Financial Assistance is presented fairly in
970 all material respects in conformity with stated accounting
971 policies.

972 (b) Obtain an understanding of internal controls ~~control~~
973 and perform tests of internal controls ~~control~~ over the state
974 project consistent with the requirements of a major state
975 project.

976 (c) Determine whether or not the auditee has complied with
977 applicable provisions of laws, rules, and guidelines as

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978 identified in the State Projects Compliance Supplement, or
979 otherwise identified by the state awarding agency, which could
980 have a direct and material effect on the state project.

981 (d) Report on the results of the a state project-specific
982 audit consistent with the requirements of the state single audit
983 and issue a management letter as prescribed in the rules of the
984 Auditor General.

985 (e) Upon notification by the nonstate entity, make
986 available the working papers relating to the audit conducted
987 pursuant to ~~the requirements of~~ this section to the state
988 awarding agency, the Department of Financial Services ~~Chief~~
989 ~~Financial Officer~~, or the Auditor General for review or copying.

990 (11)~~(10)~~ The Auditor General shall:

991 (a) Have the authority to audit state financial assistance
992 provided to any nonstate entity when determined necessary by the
993 Auditor General or when directed by the Legislative Auditing
994 Committee.

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

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

1000 (d) Provide technical advice upon request of the
1001 Department of Financial Services ~~Chief Financial Officer,~~
1002 ~~Executive Office of the Governor,~~ and state awarding agencies
1003 relating to financial reporting and audit responsibilities
1004 contained in this section.

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1005 (e) Be provided one copy of each financial reporting
1006 package prepared in accordance with ~~the requirements of this~~
1007 section.

1008 (f) Perform ongoing reviews of a sample of financial
1009 reporting packages filed pursuant to ~~the requirements of this~~
1010 section to determine compliance with the reporting requirements
1011 of this section and applicable ~~rules of the Executive Office of~~
1012 ~~the Governor,~~ rules of the Department of Financial Services
1013 ~~Chief Financial Officer,~~ and rules of the Auditor General.

1014 Section 12. Paragraphs (a), (b), (gg), (hh), and (jj) of
1015 subsection (1) of section 216.011, Florida Statutes, are
1016 amended, paragraphs (rr) and (ss) are added to said subsection,
1017 and paragraph (c) is added to subsection (3) of said section, to
1018 read:

1019 216.011 Definitions.--

1020 (1) For the purpose of fiscal affairs of the state,
1021 appropriations acts, legislative budgets, and approved budgets,
1022 each of the following terms has the meaning indicated:

1023 (a) "Annual salary rate" means the monetary compensation
1024 authorized to be paid a position on an annualized basis. The
1025 term does not include moneys authorized for benefits associated
1026 with the position. ~~In calculating salary rate, a vacant position~~
1027 ~~shall be calculated at the minimum of the pay grade for that~~
1028 ~~position.~~

1029 (b) "Appropriation" means a legal authorization to make
1030 expenditures for specific purposes within the amounts authorized
1031 by law ~~in the appropriations act.~~

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1032 (gg) "Mandatory reserve" means the reduction of an
1033 appropriation by the Governor or the Legislative Budget
1034 Commission due to an anticipated deficit in a fund, pursuant to
1035 s. 216.221. Action may not be taken to restore a mandatory
1036 reserve either directly or indirectly. ~~"Performance-based~~
1037 ~~program appropriation" means the appropriation category used to~~
1038 ~~fund a specific set of activities or classification of~~
1039 ~~expenditure within an approved performance-based program.~~

1040 (hh) "Budget reserve" means the withholding, as authorized
1041 by the Legislature, of an appropriation, or portion thereof. The
1042 need for a budget reserve may exist until certain conditions set
1043 by the Legislature are met by the affected agency, or such need
1044 may exist due to financial or program changes that have occurred
1045 since, and were unforeseen at the time of, passage of the
1046 General Appropriations Act. ~~"Performance-based program budget"~~
1047 ~~means a budget that incorporates approved programs and~~
1048 ~~performance measures.~~

1049 (jj) "Program" means a set of services and activities
1050 undertaken in accordance with a plan of action organized to
1051 realize identifiable goals and objectives based on legislative
1052 authorization.

1053 (rr) "Activity" means a unit of work that has identifiable
1054 starting and ending points, consumes resources, and produces
1055 outputs.

1056 (ss) "Qualified expenditure category" means the
1057 appropriations category used to fund specific activities and
1058 projects which must be transferred to one or more appropriation

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1059 categories for expenditure upon recommendation by the Governor
1060 or Chief Justice, as appropriate, and subject to approval by the
1061 Legislative Budget Commission.

1062 (3) For purposes of this chapter, the term:

1063 (c) "Statutorily authorized entity" means any entity
1064 primarily acting as an instrumentality of the state, any
1065 regulatory or governing body, or any other governmental or
1066 quasi-governmental organization that receives, disburses,
1067 expends, administers, awards, recommends expenditure of,
1068 handles, manages, or has custody or control of funds
1069 appropriated by the Legislature and:

1070 1. Is created, organized, or specifically authorized to be
1071 created or established by general law; or

1072 2. Assists a department, as defined in s. 20.03(2), or
1073 other unit of state government in providing programs or services
1074 on a statewide basis with a statewide service area or
1075 population.

1076 Section 13. Effective July 1, 2006, paragraph (n) of
1077 subsection (1) of section 216.011, Florida Statutes, is amended
1078 to read:

1079 216.011 Definitions.--

1080 (1) For the purpose of fiscal affairs of the state,
1081 appropriations acts, legislative budgets, and approved budgets,
1082 each of the following terms has the meaning indicated:

1083 (n) "Expense" means the appropriation category used to
1084 fund the usual, ordinary, and incidental expenditures by an
1085 agency or the judicial branch, including such items as

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1086 ~~contractual services, commodities, and~~ supplies of a consumable
1087 nature, current obligations, and fixed charges, and excluding
1088 expenditures classified as operating capital outlay. Payments to
1089 other funds or local, state, or federal agencies may be included
1090 in this category.

1091 Section 14. Section 216.013, Florida Statutes, is amended
1092 to read:

1093 216.013 Long-range program plan.--

1094 ~~(1)~~ State agencies and the judicial branch shall develop
1095 long-range program plans to achieve state goals using an
1096 interagency planning process that includes the development of
1097 integrated agency program service outcomes. The plans shall be
1098 policy based, priority driven, accountable, and developed
1099 through careful examination and justification of all agency and
1100 judicial branch programs. The plan shall cover a period of 5
1101 fiscal years and shall become effective July 1 each year.

1102 (1) Long-range program plans shall provide the framework
1103 for the development of agency budget requests and shall identify
1104 or update:

1105 (a) The mission of the agency or judicial branch.

1106 (b) The goals established to accomplish the mission.

1107 (c) The objectives developed to achieve state goals.

1108 (d) The trends and conditions relevant to the mission,
1109 goals, and objectives.

1110 ~~(e)-(a) Identify agency programs and address how agency~~ The
1111 agency or judicial branch programs that will be used to

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1112 implement state policy and achieve state goals and ~~program~~
1113 ~~component~~ objectives.†

1114 (f) The program outcomes and standards to measure progress
1115 toward program objectives.

1116 ~~(b) Identify and describe agency functions and how they~~
1117 ~~will be used to achieve designated outcomes;~~

1118 ~~(c) Identify demand, output, total costs, and unit costs~~
1119 ~~for each function;~~

1120 (g)~~(d)~~ Provide Information regarding performance
1121 measurement, which includes, but is not limited to, how data is
1122 collected, the methodology used to measure a performance
1123 indicator, the validity and reliability of a measure, the
1124 appropriateness of a measure, and whether, in the case of
1125 agencies, the agency inspector general has assessed the
1126 reliability and validity of agency performance measures,
1127 pursuant to s. 20.055(2).†

1128 ~~(e) Identify and justify facility and fixed capital outlay~~
1129 ~~projects and their associated costs; and~~

1130 ~~(f) Identify and justify information technology~~
1131 ~~infrastructure and applications and their associated costs for~~
1132 ~~information technology projects or initiatives.~~

1133 ~~(2) All agency functions and their costs shall be~~
1134 ~~carefully evaluated and justified by the agency. The~~
1135 ~~justification must clearly demonstrate the needs of agency~~
1136 ~~customers and clients and why the agency is proposing functions~~
1137 ~~and their associated costs to address the needs based on state~~
1138 ~~priorities, the agency mission, and legislative authorization.~~

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1139 ~~Further, the justification must show how agency functions are~~
1140 ~~integrated and contribute to the overall achievement of state~~
1141 ~~goals. Facilities, fixed capital outlay and information~~
1142 ~~technology infrastructure, and applications shall be evaluated~~
1143 ~~pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.~~

1144 (2) Each long-range program plan shall cover a period of 5
1145 fiscal years, be revised annually, and remain in effect until
1146 replaced or revised.

1147 (3) Long-range program plans or revisions shall be
1148 presented by state agencies and the judicial branch in a form,
1149 manner, and timeframe prescribed in written instructions
1150 prepared by ~~submitted to~~ the Executive Office of the Governor in
1151 consultation with ~~by August 1 of each year in a form and manner~~
1152 ~~prescribed by the Executive Office of the Governor and the~~
1153 ~~chairs of the legislative appropriations committees. Such long-~~
1154 ~~range program plans for the Judicial Branch shall be submitted~~
1155 ~~by the Chief Justice of the Supreme Court to the President of~~
1156 ~~the Senate and the Speaker of the House of Representatives, and~~
1157 ~~a copy shall be provided to the Executive Office of the~~
1158 ~~Governor.~~

1159 ~~(4) The Executive Office of the Governor shall review the~~
1160 ~~long range program plans for executive agencies to ensure that~~
1161 ~~they are consistent with the state's goals and objectives and~~
1162 ~~other requirements as specified in the written instructions and~~
1163 ~~that they provide the framework and context for the agency's~~
1164 ~~budget request.~~

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1165 ~~(5) Executive agencies shall incorporate all revisions~~
1166 ~~required by the Governor within 14 working days.~~

1167 ~~(6) Any differences between executive agencies regarding~~
1168 ~~the programs, policies, or long-range program plans of such~~
1169 ~~agencies shall be mediated by the Executive Office of the~~
1170 ~~Governor.~~

1171 (4)(7) Each state executive agency and the judicial branch
1172 shall post their long-range program plan on their Internet
1173 website transmit copies of its long-range program plan and all
1174 written comments on its plan to the President of the Senate and
1175 the Speaker of the House of Representatives not later than
1176 September 30th of each year, and provide written notice to the
1177 Governor and the Legislature that the plans have been posted 60
1178 days prior to the next regular session of the Legislature.

1179 ~~(8) Long-range program plans developed pursuant to this~~
1180 ~~chapter are not rules and therefore are not subject to the~~
1181 ~~provisions of chapter 120.~~

1182 (5)(9) Following the adoption of the annual General
1183 Appropriations Act, the state agencies and the judicial branch
1184 shall make appropriate adjustments to their long-range program
1185 plans to be consistent with the appropriations and performance
1186 measures in the General Appropriations Act and legislation
1187 implementing the General Appropriations Act. Agencies and the
1188 judicial branch have until June 30 15 to make adjustments to
1189 their plans as posted on their Internet websites and submit the
1190 adjusted plans to the Executive Office of the Governor for
1191 review.

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1192 (6) Long-range program plans developed pursuant to this
1193 chapter are not rules and therefore are not subject to the
1194 provisions of chapter 120.

1195 Section 15. Section 216.023, Florida Statutes, is amended
1196 to read:

1197 216.023 Legislative budget requests to be furnished to
1198 Legislature by agencies.--

1199 (1) The head of each state agency, except as provided in
1200 subsection (2), shall submit a final legislative budget request
1201 to the Legislature and to the Governor, as chief budget officer
1202 of the state, in the form and manner prescribed in the budget
1203 instructions and at such time as specified by the Executive
1204 Office of the Governor, based on the agency's independent
1205 judgment of its needs. However, a ne state agency may not shall
1206 submit its complete legislative budget request, including all
1207 supporting forms and schedules required by this chapter, later
1208 than ~~October~~ ~~September~~ 15 of each year unless an alternative
1209 date is agreed to be in the best interest of the state by the
1210 Governor and the chairs of the legislative appropriations
1211 committees.

1212 (2) The judicial branch and the Division of Administrative
1213 Hearings shall submit their complete legislative budget requests
1214 directly to the Legislature with a copy to the Governor, as
1215 chief budget officer of the state, in the form and manner as
1216 prescribed in the budget instructions. However, the complete
1217 legislative budget requests, including all supporting forms and
1218 schedules required by this chapter, shall be submitted no later

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1219 than October ~~September~~ 15 of each year unless an alternative
1220 date is agreed to be in the best interest of the state by the
1221 Governor and the chairs of the legislative appropriations
1222 committees.

1223 (3) The Executive Office of the Governor and the
1224 appropriations committees of the Legislature shall jointly
1225 develop legislative budget instructions for preparing the
1226 exhibits and schedules that make up the agency budget from which
1227 each agency and the judicial branch shall prepare their budget
1228 request. The budget instructions shall be consistent with s.
1229 216.141 and shall be transmitted to each agency and to the
1230 judicial branch no later than July ~~June~~ 15 of each year unless
1231 an alternative date is agreed to be in the best interest of the
1232 state by the Governor and the chairs of the legislative
1233 appropriations committees. In the event that agreement cannot be
1234 reached between the Executive Office of the Governor and the
1235 appropriations committees of the Legislature regarding
1236 legislative budget instructions, the issue shall be resolved by
1237 the Governor, the President of the Senate, and the Speaker of
1238 the House of Representatives.

1239 (4)(a) The legislative budget request must contain for
1240 each program:

1241 1. The constitutional or statutory authority for a
1242 program, a brief purpose statement, and approved program
1243 components.

1244 2. Information on expenditures for 3 fiscal years (actual
1245 prior-year expenditures, current-year estimated expenditures,

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1246 and agency budget requested expenditures for the next fiscal
1247 year) by appropriation category.

1248 3. Details on trust funds and fees.

1249 4. The total number of positions (authorized, fixed, and
1250 requested).

1251 5. An issue narrative describing and justifying changes in
1252 amounts and positions requested for current and proposed
1253 programs for the next fiscal year.

1254 6. Information resource requests.

1255 7. Legislatively approved output and outcome performance
1256 measures and any proposed revisions to measures.

1257 8. Proposed performance standards for each performance
1258 measure and justification for the standards and the sources of
1259 data to be used for measurement.

1260 9. Prior-year performance data on approved performance
1261 measures and an explanation of deviation from expected
1262 performance. Performance data must be assessed for reliability
1263 in accordance with s. 20.055.

1264 10. Proposed performance incentives and disincentives.

1265 11. Supporting information, including applicable cost-
1266 benefit analyses, business case analyses, performance
1267 contracting procedures, service comparisons, and impacts on
1268 performance standards for any request to outsource or privatize
1269 agency functions.

1270 12. An evaluation of any major outsourcing and
1271 privatization initiatives undertaken during the last 5 fiscal
1272 years having aggregate expenditures exceeding \$10 million during

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1273 the term of the contract. The evaluation shall include an
1274 assessment of contractor performance, a comparison of
1275 anticipated service levels to actual service levels, and a
1276 comparison of estimated savings to actual savings achieved.
1277 Consolidated reports issued by the Department of Management
1278 Services may be used to satisfy this requirement.

1279 (b) It is the intent of the Legislature that total
1280 accountability measures, including unit-cost data, serve not
1281 only as a budgeting tool but also as a policymaking tool and an
1282 accountability tool. Therefore, each state agency and the
1283 judicial branch must submit a one-page summary of information
1284 for the preceding year in accordance with the legislative budget
1285 instructions. Each one-page summary must contain:

- 1286 1. The final budget for the agency and the judicial
1287 branch.
- 1288 2. Total funds from the General Appropriations Act.
- 1289 3. Adjustments to the General Appropriations Act.
- 1290 4. The line-item listings of all activities.
- 1291 5. The number of activity units performed or accomplished.
- 1292 6. Total expenditures for each activity, including amounts
1293 paid to contractors and subordinate entities. Expenditures
1294 related to administrative activities not aligned with output
1295 measures must consistently be allocated to activities with
1296 output measures prior to computing unit costs.
- 1297 7. The cost per unit for each activity, including the
1298 costs allocated to contractors and subordinate entities.

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1299 8. The total amount of reversions and pass-through
1300 expenditures omitted from unit-cost calculations.

1301
1302 At the regular session immediately following the submission of
1303 the agency unit cost summary, the Legislature shall reduce in
1304 the General Appropriations Act for the ensuing fiscal year, by
1305 an amount equal to at least 10 percent of the allocation for the
1306 fiscal year preceding the current fiscal year, the funding of
1307 each state agency that fails to submit the report required under
1308 this paragraph.

1309 ~~(5) At the time specified in the legislative budget~~
1310 ~~instructions and in sufficient time to be included in the~~
1311 ~~Governor's recommended budget, the judicial branch is required~~
1312 ~~to submit a performance-based program budget request. The Chief~~
1313 ~~Justice of the Supreme Court shall identify and, after~~
1314 ~~consultation with the Office of Program Policy Analysis and~~
1315 ~~Government Accountability, submit to the President of the Senate~~
1316 ~~and the Speaker of the House of Representatives a list of~~
1317 ~~proposed programs and associated performance measures. The~~
1318 ~~judicial branch shall provide documentation to accompany the~~
1319 ~~list of proposed programs and performance measures as provided~~
1320 ~~under subsection (4). The judicial branch shall submit a~~
1321 ~~performance-based program agency budget request using the~~
1322 ~~programs and performance measures adopted by the Legislature.~~
1323 ~~The Chief Justice may propose revisions to approved programs or~~
1324 ~~performance measures for the judicial branch. The Legislature~~
1325 ~~shall have final approval of all programs and associated~~

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1326 ~~performance measures and standards for the judicial branch~~
1327 ~~through the General Appropriations Act or legislation~~
1328 ~~implementing the General Appropriations Act. By September 15,~~
1329 ~~2001, the Chief Justice of the Supreme Court shall submit to the~~
1330 ~~President of the Senate and the Speaker of the House of~~
1331 ~~Representatives a performance-based program budget request for~~
1332 ~~programs of the judicial branch approved by the Legislature and~~
1333 ~~provide a copy to the Executive Office of the Governor.~~

1334 (5)(6) Agencies must maintain a comprehensive performance
1335 accountability system and provide a list of performance measures
1336 maintained by the agency which are in addition to the measures
1337 approved by the Legislature.

1338 (6)(7) Annually, by June 30, executive agencies shall
1339 submit to the Executive Office of the Governor adjustments to
1340 their performance standards based on the amounts appropriated
1341 for each program by the Legislature. When such an adjustment is
1342 made, all performance standards, including any adjustments made,
1343 shall be reviewed and revised as necessary by the Executive
1344 Office of the Governor and, upon approval, submitted to the
1345 Legislature pursuant to the review and approval process provided
1346 in s. 216.177. The Senate and the House of Representatives
1347 appropriations committees ~~Senate Committee on Fiscal Policy and~~
1348 ~~the House of Representatives Fiscal Responsibility Council~~ shall
1349 advise Senate substantive committees and House of
1350 Representatives substantive committees, respectively, of all
1351 adjustments made to performance standards or measures. The
1352 Executive Office of the Governor shall maintain both the

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1353 official record of adjustments to the performance standards ~~as~~
1354 ~~part of the agency's approved operating budget and the official~~
1355 ~~performance ledger~~. As used in this section, the term "official
1356 record" "performance ledger" means the official compilation of
1357 information about state agency performance-based programs and
1358 measures, including approved programs, approved outputs and
1359 outcomes, baseline data, approved standards for each performance
1360 measure and any approved adjustments thereto, as well as actual
1361 agency performance for each measure.

1362 (7)(8) As a part of the legislative budget request, the
1363 head of each state agency and the Chief Justice of the Supreme
1364 Court for the judicial branch shall include an inventory of all
1365 litigation in which the agency is involved that may require
1366 additional appropriations to the agency, that may significantly
1367 affect revenues received or anticipated to be received by the
1368 state, or that may require ~~or~~ amendments to the law under which
1369 the agency operates. No later than March 1 following the
1370 submission of the legislative budget request, the head of the
1371 state agency and the Chief Justice of the Supreme Court shall
1372 provide an update of any additions or changes to the inventory.
1373 Such inventory shall include information specified annually in
1374 the legislative budget instructions and, within the discretion
1375 of the head of the state agency or the Chief Justice of the
1376 Supreme Court, may contain only information found in the
1377 pleadings.

1378 (8)(9) Annually, by June 30, the judicial branch shall
1379 make adjustments to any performance standards for approved

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1380 programs based on the amount appropriated for each program,
1381 which shall be submitted to the Legislature pursuant to the
1382 notice and review process provided in s. 216.177. The Senate and
1383 the House of Representatives appropriations committees ~~Senate~~
1384 ~~Committee on Fiscal Policy and the House Fiscal Responsibility~~
1385 ~~Council~~ shall advise Senate substantive committees and House
1386 substantive committees, respectively, of all adjustments made to
1387 performance standards or measures.

1388 ~~(9)~~~~(10)~~ The Executive Office of the Governor shall review
1389 the legislative budget request for technical compliance with the
1390 budget format provided for in the budget instructions. The
1391 Executive Office of the Governor shall notify the agency or the
1392 judicial branch of any adjustment required. The agency or
1393 judicial branch shall make the appropriate corrections as
1394 requested. If the appropriate technical corrections are not made
1395 as requested, the Executive Office of the Governor shall adjust
1396 the budget request to incorporate the appropriate technical
1397 corrections in the format of the request.

1398 ~~(10)~~~~(11)~~ At any time after the Governor submits his or her
1399 ~~and the Chief Justice submit their~~ recommended budget ~~budgets~~ to
1400 the Legislature, the head of the agency or judicial branch may
1401 amend his or her request by transmitting to the Governor and the
1402 Legislature an amended request in the form and manner prescribed
1403 in the legislative budget instructions.

1404 ~~(11)~~~~(12)~~ The legislative budget request from each agency
1405 and from the judicial branch shall be reviewed by the
1406 Legislature. The review may allow for the opportunity to have

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1407 information or testimony by the agency, the judicial branch, the
1408 Auditor General, the Office of Program Policy Analysis and
1409 Government Accountability, the Governor's Office of Planning and
1410 Budgeting, and the public regarding the proper level of funding
1411 for the agency in order to carry out its mission.

1412 (12)~~(13)~~ In order to ensure an integrated state planning
1413 and budgeting process, the agency long-range plan should be
1414 reviewed by the Legislature.

1415 Section 16. Section 216.031, Florida Statutes, is amended
1416 to read:

1417 216.031 Target budget request.--Either chair of a
1418 legislative appropriations committee, or the Executive Office of
1419 the Governor for state agencies, may require the agency or the
1420 Chief Justice to address major issues separate from those
1421 outlined in s. 216.023, this section, and s. 216.043 for
1422 inclusion in the requests of the agency or of the judicial
1423 branch. The issues shall be submitted to the agency no later
1424 than July 30 of each year and shall be displayed in its requests
1425 as provided in the budget instructions. The Executive Office of
1426 the Governor may request an agency, or the chair of an ~~the~~
1427 appropriations committee ~~committees~~ of the Senate or the House
1428 of Representatives may request any agency or the judicial
1429 branch, to submit ~~no later than September 30 of each year~~ a
1430 budget plan with respect to targets established by the Governor
1431 or either chair. The target budget shall require each entity to
1432 establish an order of priorities for its budget issues and may
1433 include requests for multiple options for the budget issues. ~~The~~

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1434 ~~target budget may also require each entity to submit a program~~
1435 ~~budget or a performance based budget in the format prescribed by~~
1436 ~~the Executive Office of the Governor or either chair; provided,~~
1437 ~~however,~~ The target budget format shall be compatible with the
1438 planning and budgeting system requirements set out in s.
1439 216.141. Such a request shall not influence the agencies' or
1440 judicial branch's independent judgment in making legislative
1441 budget requests, as required by law.

1442 Section 17. Section 216.052, Florida Statutes, is amended
1443 to read:

1444 216.052 Community budget requests; appropriations;
1445 ~~grants.--~~

1446 (1) A local, county, or regional governmental entity,
1447 private organization, or nonprofit organization may submit a
1448 request for a state appropriation for a program, service, or
1449 capital outlay initiative that is local or regional in scope, is
1450 intended to meet a documented need, addresses a statewide
1451 interest, is intended to produce measurable results, and has
1452 tangible community support to members of the Legislature, a
1453 state agency, or the Governor.

1454 ~~(2) Each appropriation to a local government, a private~~
1455 ~~organization, or a nonprofit organization made pursuant to a~~
1456 ~~community budget request shall require that the community's~~
1457 ~~support be tangibly demonstrated by evidence that the program or~~
1458 ~~service will operate in a financially sound manner. Any~~
1459 ~~appropriation to a local government, a private organization, or~~
1460 ~~a nonprofit organization made pursuant to this section should~~

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1461 ~~require local matching funds. The match must be based on the~~
1462 ~~size and scope of the project and the applicant's ability to~~
1463 ~~provide the match. In addition, the granting of state funds~~
1464 ~~shall be used to encourage the establishment of community-based~~
1465 ~~partnerships between the public sector and the private sector.~~

1466 ~~(3) Each community budget request submitted pursuant to~~
1467 ~~this section must receive a hearing before a body of duly~~
1468 ~~elected public officials before being submitted for~~
1469 ~~consideration.~~

1470 ~~(2)~~(4) For requests submitted to members of the
1471 Legislature, community budget requests shall be submitted in the
1472 form and manner prescribed jointly by the President of the
1473 Senate and the Speaker of the House of Representatives. If the
1474 President of the Senate and the Speaker of the House of
1475 Representatives do not agree on a form and manner of submission
1476 to be used by both houses, each may prescribe a form and manner
1477 of submission to be used in his or her house.

1478 ~~(3)~~(5) Community budget requests shall be submitted to the
1479 chairs of the legislative appropriations committees in
1480 accordance with the schedule established jointly by the
1481 President of the Senate and the Speaker of the House of
1482 Representatives. If the President of the Senate and the Speaker
1483 of the House of Representatives do not agree on a schedule to be
1484 used by both houses, each may prescribe a schedule to be used in
1485 his or her house.

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1486 ~~(4)(6)~~ The Executive Office of the Governor shall
1487 prescribe the form and manner of submission of requests to state
1488 agencies and to the Governor.

1489 ~~(5)(7)~~ The retention of interest earned on state funds or
1490 the amount of interest income earned shall be applied against
1491 the state entity's obligation to pay the appropriated amount.

1492 ~~(8) Whenever possible, a loan must be made in lieu of a~~
1493 ~~grant to a local government, a private organization, or a~~
1494 ~~nonprofit organization. It is the intent of the Legislature that~~
1495 ~~a revolving loan program shall be established so that the loan~~
1496 ~~amount plus interest is paid back by the recipient to the state.~~

1497 ~~(9) Any private or nonprofit organization that is to~~
1498 ~~receive funds through a community budget request shall, at the~~
1499 ~~time of application for such funds, provide information~~
1500 ~~regarding its organization, including a copy of its current~~
1501 ~~budget, a list of its board of directors, and, if available, a~~
1502 ~~copy of its most recent annual audit report prepared by an~~
1503 ~~independent certified public accountant licensed in this state,~~
1504 ~~including management letters or other documents associated with~~
1505 ~~the audit report.~~

1506 Section 18. Subsection (5) of section 216.053, Florida
1507 Statutes, is amended to read:

1508 216.053 Summary Information in the General Appropriations
1509 Act; construction of such information.--

1510 ~~(5) For programs operating under performance-based program~~
1511 ~~budgets, the General Appropriations Act shall contain summary~~

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1512 ~~information that covers specific appropriations and summarizes~~
1513 ~~programs and performance.~~

1514 Section 19. Section 216.065, Florida Statutes, is amended
1515 to read:

1516 216.065 Fiscal impact statements on actions affecting the
1517 budget.--In addition to the applicable requirements of chapter
1518 120, before the Governor, or Governor and Cabinet as a body,
1519 performing any constitutional or statutory duty, or before any
1520 state agency or statutorily authorized entity takes ~~take~~ any
1521 final action that will affect revenues, ~~directly~~ require a
1522 request for an increased or new appropriation in the following
1523 fiscal year, ~~or that will transfer current year funds, it they~~
1524 shall first provide the legislative appropriations committees
1525 with a fiscal impact statement that details the effects of such
1526 action on the budget. The fiscal impact statement must specify
1527 the estimated budget and revenue impacts for the current year
1528 and the 2 subsequent fiscal years at the same level of detail
1529 required to support a legislative budget request, including
1530 amounts by appropriation category and fund.

1531 Section 20. Subsection (3) is added to section 216.081,
1532 Florida Statutes, to read:

1533 216.081 Data on legislative and judicial branch
1534 expenses.--

1535 (3) If the Governor does not receive timely estimates of
1536 the financial needs of the legislative branch, the Governor's
1537 recommended budget shall include the amounts appropriated and

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1538 budget entity structure established in the most recent General
1539 Appropriations Act.

1540 Section 21. Subsection (1) of section 216.133, Florida
1541 Statutes, is amended to read:

1542 216.133 Definitions; ss. 216.133-216.137.--As used in ss.
1543 216.133-216.137:

1544 (1) "Consensus estimating conference" includes the
1545 Economic Estimating Conference, the Demographic Estimating
1546 Conference, the Revenue Estimating Conference, the Education
1547 Estimating Conference, the Criminal Justice Estimating
1548 Conference, ~~the Juvenile Justice Estimating Conference, the~~
1549 ~~Child Welfare System Estimating Conference,~~ the Occupational
1550 Forecasting Conference, the Early Learning Programs Estimating
1551 Conference, the Self-Insurance Estimating Conference, the
1552 Florida Retirement System Actuarial Assumption Conference, and
1553 the Social Services Estimating Conference.

1554 Section 22. Subsections (4) and (5) of section 216.134,
1555 Florida Statutes, are amended to read:

1556 216.134 Consensus estimating conferences; general
1557 provisions.--

1558 (4) Consensus estimating conferences are within the
1559 legislative branch. The membership of each consensus estimating
1560 conference consists of principals and participants.

1561 (a) A person designated by law as a principal may preside
1562 over conference sessions, convene conference sessions, request
1563 information, specify topics to be included on the conference
1564 agenda, agree or withhold agreement on whether information is to

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1565 | be official information of the conference, release official
1566 | information of the conference, interpret official information of
1567 | the conference, and monitor errors in official information of
1568 | the conference.

1569 | (b) A participant is any person who is invited to
1570 | participate in the consensus estimating conference by a
1571 | principal. A participant shall, at the request of any principal
1572 | before or during any session of the conference, develop
1573 | alternative forecasts, collect and supply data, perform
1574 | analyses, or provide other information needed by the conference.
1575 | The conference shall consider information provided by
1576 | participants in developing its official information.

1577 | (5) All sessions and meetings of a consensus estimating
1578 | conference shall be open to the public ~~as provided in chapter~~
1579 | ~~286.~~ The President of the Senate and the Speaker of the House of
1580 | Representatives, jointly, shall be the sole judge for the
1581 | interpretation, implementation, and enforcement of this
1582 | subsection.

1583 | Section 23. Subsections (7) through (12) of section
1584 | 216.136, Florida Statutes, are amended to read:

1585 | 216.136 Consensus Estimating Conferences; duties and
1586 | principals.--

1587 | ~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--~~

1588 | ~~(a) Duties.--The Child Welfare System Estimating~~
1589 | ~~Conference shall develop such official information relating to~~
1590 | ~~the child welfare system of the state, including forecasts of~~
1591 | ~~child welfare caseloads, as the conference determines is needed~~

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1592 ~~for the state planning and budgeting system. Such official~~
1593 ~~information may include, but is not limited to:~~

1594 ~~1. Estimates and projections of the number of initial and~~
1595 ~~additional reports of child abuse, abandonment, or neglect made~~
1596 ~~to the central abuse hotline maintained by the Department of~~
1597 ~~Children and Family Services as established in s. 39.201(4).~~
1598 ~~Projections may take into account other factors that may~~
1599 ~~influence the number of future reports to the abuse hotline.~~

1600 ~~2. Estimates and projections of the number of children who~~
1601 ~~are alleged to be victims of child abuse, abandonment, or~~
1602 ~~neglect and are in need of emergency shelter, foster care,~~
1603 ~~residential group care, adoptive services, or other appropriate~~
1604 ~~care.~~

1605
1606 ~~In addition, the conference shall develop other official~~
1607 ~~information relating to the child welfare system of the state~~
1608 ~~which the conference determines is needed for the state planning~~
1609 ~~and budgeting system. The Department of Children and Family~~
1610 ~~Services shall provide information on the child welfare system~~
1611 ~~requested by the Child Welfare System Estimating Conference, or~~
1612 ~~individual conference principals, in a timely manner.~~

1613 ~~(b) Principals. The Executive Office of the Governor, the~~
1614 ~~coordinator of the Office of Economic and Demographic Research,~~
1615 ~~and professional staff who have forecasting expertise from the~~
1616 ~~Department of Children and Family Services, the Senate, and the~~
1617 ~~House of Representatives, or their designees, are the principals~~
1618 ~~of the Child Welfare System Estimating Conference. The principal~~

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1619 ~~representing the Executive Office of the Governor shall preside~~
1620 ~~over sessions of the conference.~~

1621 ~~(8) JUVENILE JUSTICE ESTIMATING CONFERENCE.—~~

1622 ~~(a) Duties.—The Juvenile Justice Estimating Conference~~
1623 ~~shall develop such official information relating to the juvenile~~
1624 ~~justice system of the state as is determined by the conference~~
1625 ~~principals to be needed for the state planning and budgeting~~
1626 ~~system. This information shall include, but is not limited to:~~
1627 ~~estimates of juvenile delinquency caseloads and workloads;~~
1628 ~~estimates for secure, nonsecure, and home juvenile detention~~
1629 ~~placements; estimates of workloads in the juvenile sections in~~
1630 ~~the offices of the state attorneys and public defenders;~~
1631 ~~estimates of mental health and substance abuse treatment~~
1632 ~~relating to juveniles; and such other information as is~~
1633 ~~determined by the conference principals to be needed for the~~
1634 ~~state planning and budgeting system.~~

1635 ~~(b) Principals.—The Executive Office of the Governor, the~~
1636 ~~Office of Economic and Demographic Research, and professional~~
1637 ~~staff who have forecasting expertise from the Department of~~
1638 ~~Juvenile Justice, the Department of Children and Family Services~~
1639 ~~Substance Abuse and Mental Health Program Offices, the~~
1640 ~~Department of Law Enforcement, the Senate Appropriations~~
1641 ~~Committee staff, the House of Representatives Appropriations~~
1642 ~~Committee staff, or their designees, are the principals of the~~
1643 ~~Juvenile Justice Estimating Conference. The responsibility of~~
1644 ~~presiding over sessions of the conference shall be rotated among~~
1645 ~~the principals. To facilitate policy and legislative~~

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1646 ~~recommendations, the conference may call upon the appropriate~~
1647 ~~legislative staff.~~

1648 ~~(7)(9)~~ WORKFORCE ESTIMATING CONFERENCE.--

1649 (a) Duties.--

1650 1. The Workforce Estimating Conference shall develop such
1651 official information on the workforce development system
1652 planning process as it relates to the personnel needs of
1653 current, new, and emerging industries as the conference
1654 determines is needed by the state planning and budgeting system.
1655 Such information, using quantitative and qualitative research
1656 methods, must include at least: short-term and long-term
1657 forecasts of employment demand for jobs by occupation and
1658 industry; entry and average wage forecasts among those
1659 occupations; and estimates of the supply of trained and
1660 qualified individuals available or potentially available for
1661 employment in those occupations, with special focus upon those
1662 occupations and industries which require high skills and have
1663 high entry wages and experienced wage levels. In the development
1664 of workforce estimates, the conference shall use, to the fullest
1665 extent possible, local occupational and workforce forecasts and
1666 estimates.

1667 2. The Workforce Estimating Conference shall review data
1668 concerning the local and regional demands for short-term and
1669 long-term employment in High-Skills/High-Wage Program jobs, as
1670 well as other jobs, which data is generated through surveys
1671 conducted as part of the state's Internet-based job matching and
1672 labor market information system authorized under s. 445.011. The

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1673 conference shall consider such data in developing its forecasts
1674 for statewide employment demand, including reviewing the local
1675 and regional data for common trends and conditions among
1676 localities or regions which may warrant inclusion of a
1677 particular occupation on the statewide occupational forecasting
1678 list developed by the conference. Based upon its review of such
1679 survey data, the conference shall also make recommendations
1680 semiannually to Workforce Florida, Inc., on additions or
1681 deletions to lists of locally targeted occupations approved by
1682 Workforce Florida, Inc.

1683 3. During each legislative session, and at other times if
1684 necessary, the Workforce Estimating Conference shall meet as the
1685 Workforce Impact Conference for the purpose of determining the
1686 effects of legislation related to the state's workforce and
1687 economic development efforts introduced prior to and during such
1688 legislative session. In addition to the designated principals of
1689 the impact conference, nonprincipal participants of the impact
1690 conference shall include a representative of the Florida Chamber
1691 of Commerce and other interested parties. The impact conference
1692 shall use both quantitative and qualitative research methods to
1693 determine the impact of introduced legislation related to
1694 workforce and economic development issues.

1695 4. Notwithstanding subparagraph 3., the Workforce
1696 Estimating Conference, for the purposes described in
1697 subparagraph 1., shall meet no less than 2 times in a calendar
1698 year. The first meeting shall be held in February and the second

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1699 meeting shall be held in August. Other meetings may be scheduled
1700 as needed.

1701 (b) Principals.--The Commissioner of Education, the
1702 Executive Office of the Governor, the director of the Office of
1703 Tourism, Trade, and Economic Development, the director of the
1704 Agency for Workforce Innovation, the executive director of the
1705 Commission for Independent Education, the Chancellor of the
1706 State University System, the chair of Workforce Florida, Inc.,
1707 the coordinator of the Office of Economic and Demographic
1708 Research, or their designees, and professional staff from the
1709 Senate and the House of Representatives who have forecasting and
1710 substantive expertise, are the principals of the Workforce
1711 Estimating Conference. In addition to the designated principals
1712 of the conference, nonprincipal participants of the conference
1713 shall include a representative of the Florida Chamber of
1714 Commerce and other interested parties. The principal
1715 representing the Executive Office of the Governor shall preside
1716 over the sessions of the conference.

1717 ~~(8)(10)~~ EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.--

1718 (a) Duties.--

1719 1. The Early Learning Programs Estimating Conference shall
1720 develop estimates and forecasts of the unduplicated count of
1721 children eligible for school readiness programs in accordance
1722 with the standards of eligibility established in s. 411.01(6),
1723 and of children eligible for the Voluntary Prekindergarten
1724 Education Program in accordance with s. 1002.53(2), as the

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1725 conference determines are needed to support the state planning,
1726 budgeting, and appropriations processes.

1727 2. The Agency for Workforce Innovation shall provide
1728 information on needs and waiting lists for school readiness
1729 programs, and information on the needs for the Voluntary
1730 Prekindergarten Education Program, as requested by the Early
1731 Learning Programs Estimating Conference or individual conference
1732 principals in a timely manner.

1733 (b) Principals.--The Executive Office of the Governor, the
1734 Director of Economic and Demographic Research, and professional
1735 staff who have forecasting expertise from the Agency for
1736 Workforce Innovation, the Department of Children and Family
1737 Services, the Department of Education, the Senate, and the House
1738 of Representatives, or their designees, are the principals of
1739 the Early Learning Programs Estimating Conference. The principal
1740 representing the Executive Office of the Governor shall preside
1741 over sessions of the conference.

1742 ~~(9)(11)~~ SELF-INSURANCE ESTIMATING CONFERENCE.--

1743 (a) Duties.--The Self-Insurance Estimating Conference
1744 shall develop such official information on self-insurance
1745 related issues as the conference determines is needed by the
1746 state planning and budgeting system.

1747 (b) Principals.--The Executive Office of the Governor, the
1748 coordinator of the Office of Economic and Demographic Research,
1749 and professional staff ~~directors of the committees~~ of the Senate
1750 and the House of Representatives who have forecasting and
1751 substantive experience ~~which have primary responsibility for~~

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1752 ~~legislation dealing with taxation~~, or their designees, are the
1753 principals of the Self-Insurance Estimating Conference. The
1754 responsibility of presiding over sessions of the conference
1755 shall be rotated among the principals.

1756 ~~(10)(12)~~ FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION
1757 CONFERENCE.--

1758 (a) Duties.--The Florida Retirement System Actuarial
1759 Assumption Conference shall develop official information with
1760 respect to the economic and noneconomic assumptions and funding
1761 methods of the Florida Retirement System necessary to perform
1762 the system actuarial study undertaken pursuant to s. 121.031(3).
1763 Such information shall include: an analysis of the actuarial
1764 assumptions and actuarial methods used in the study and a
1765 determination of whether changes to the assumptions or methods
1766 need to be made due to experience changes or revised future
1767 forecasts.

1768 (b) Principals.--The Executive Office of the Governor, the
1769 coordinator of the Office of Economic and Demographic Research,
1770 and professional staff of the Senate and House of
1771 Representatives who have forecasting and substantive expertise,
1772 or their designees, are the principals of the Florida Retirement
1773 System Actuarial Assumption Conference. The Executive Office of
1774 the Governor shall have the responsibility of presiding over the
1775 sessions of the conference. The State Board of Administration
1776 and the Division of Retirement shall be participants in the
1777 conference.

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1778 Section 24. Subsection (1) of section 216.162, Florida
1779 Statutes, is amended to read:

1780 216.162 Governor's recommended budget to be furnished
1781 Legislature; copies to members.--

1782 (1) At least 30 ~~45~~ days before the scheduled annual
1783 legislative session, the Governor shall furnish each senator and
1784 representative a copy of his or her recommended balanced budget
1785 for the state, based on the Governor's own conclusions and
1786 judgment; ~~provided,~~ however, ~~that~~ in his or her first year in
1787 office a new Governor may request, subject to approval of the
1788 President of the Senate and the Speaker of the House of
1789 Representatives, that his or her recommended balanced budget be
1790 submitted at a later time prior to the Governor's first regular
1791 legislative session.

1792 Section 25. Subsection (2) and paragraph (b) of subsection
1793 (4) of section 216.163, Florida Statutes, are amended to read:

1794 216.163 Governor's recommended budget; form and content;
1795 declaration of collective bargaining impasses.--

1796 (2) The Governor's recommended budget shall also include:

1797 (a) The Governor's recommendations for operating each
1798 state agency, and those of the Chief Justice of the Supreme
1799 Court for operating the judicial branch, for the next fiscal
1800 year. These recommendations shall be displayed by appropriation
1801 category within each budget entity and shall also include the
1802 legislative budget request of the corresponding agency. In order
1803 to present a balanced budget as required by s. 216.162, the
1804 Governor's recommendations for operating appropriations may

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1805 include an alternative recommendation to that of the Chief
1806 Justice.

1807 (b)1. The Governor's recommendations and those of the
1808 Chief Justice for fixed capital outlay appropriations for the
1809 next fiscal year. These recommendations shall be displayed by
1810 budget entity and shall also include the legislative budget
1811 request of the corresponding agency. In order to present a
1812 balanced budget as required by s. 216.162, the Governor's
1813 recommendations for fixed capital outlay appropriations may
1814 include an alternative recommendation to that of the Chief
1815 Justice.

1816 2. For each specific fixed capital outlay project or group
1817 of projects or operating capital outlay requests recommended to
1818 be funded from a proposed state debt or obligation, he or she
1819 shall make available pursuant to s. 216.164(1)(a) the documents
1820 set forth in s. 216.0442(2).

1821 (c) The evaluation of the fixed capital outlay request of
1822 each agency and the judicial branch and alternatives to the
1823 proposed projects as made by the Department of Management
1824 Services pursuant to s. 216.044.

1825 (d) A summary statement of the amount of appropriations
1826 requested by each state agency and as recommended by the
1827 Governor and by the judicial branch.

1828 (e) A distinct listing of all nonrecurring appropriations
1829 recommended by the Governor or the Chief Justice.

1830 (f) The Governor's recommendations for high-risk
1831 information technology projects which should be subject to

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1832 monitoring under s. 282.322. These recommendations shall include
1833 proviso language which specifies whether funds are specifically
1834 provided to contract for project monitoring, or whether the
1835 Auditor General will conduct such project monitoring. When funds
1836 are recommended for contracting with a project monitor, such
1837 funds may equal 1 percent to 5 percent of the project's
1838 estimated total costs. These funds shall be specifically
1839 appropriated and nonrecurring.

1840 (g) Any additional information which the Governor or Chief
1841 Justice feels is needed to justify his or her recommendations.

1842 (4) The Executive Office of the Governor shall review the
1843 findings of the Office of Program Policy Analysis and Government
1844 Accountability, to the extent they are available, request any
1845 reports or additional analyses as necessary, and submit a
1846 recommendation for executive agencies, which may include a
1847 recommendation regarding incentives or disincentives for agency
1848 performance. Incentives or disincentives may apply to all or
1849 part of a state agency. The Chief Justice shall review the
1850 findings of the Office of Program Policy Analysis and Government
1851 Accountability regarding judicial branch performance and make
1852 appropriate recommendations for the judicial branch.

1853 (b) Disincentives may include, but are not limited to:

1854 1. Mandatory quarterly reports to the Executive Office of
1855 the Governor and the Legislature on the agency's progress in
1856 meeting performance standards.

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1857 2. Mandatory quarterly appearances before the Legislature,
1858 the Governor, or the Governor and Cabinet to report on the
1859 agency's progress in meeting performance standards.

1860 3. Elimination or restructuring of the program, which may
1861 include, but not be limited to, transfer of the program or
1862 outsourcing all or a portion of the program.

1863 4. Reduction of total positions for a program.

1864 5. Restriction on or reduction of the spending authority
1865 provided in s. 216.292(2)(b).

1866 6. Reduction of managerial salaries.

1867 Section 26. Subsections (1) through (4) of section
1868 216.167, Florida Statutes, are amended to read:

1869 216.167 Governor's recommendations.--The Governor's
1870 recommendations shall include a financial schedule that
1871 provides:

1872 (1) The Governor's estimate of the recommended recurring
1873 revenues available in the Budget Stabilization Fund, ~~the Working~~
1874 ~~Capital Fund~~, and the General Revenue Fund.

1875 (2) The Governor's estimate of the recommended
1876 nonrecurring revenues available in the Budget Stabilization
1877 Fund, ~~the Working Capital Fund~~, and the General Revenue Fund.

1878 (3) The Governor's recommended recurring and nonrecurring
1879 appropriations from the Budget Stabilization Fund, ~~the Working~~
1880 ~~Capital Fund~~, and the General Revenue Fund.

1881 (4) The Governor's estimates of any interfund loans or
1882 temporary obligations of the Budget Stabilization Fund, the
1883 General Revenue ~~Working Capital~~ Fund, or trust funds, which

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1884 loans or obligations are needed to implement his or her
1885 recommended budget.

1886 Section 27. Subsection (4) of section 216.168, Florida
1887 Statutes, is amended to read:

1888 216.168 Governor's amended revenue or budget
1889 recommendations; optional and mandatory.--

1890 (4) If the Governor determines, at any time after he or
1891 she has furnished the Legislature with his or her
1892 recommendations or amended recommendations, that the revenue
1893 estimates upon which the Governor's recommendations were based
1894 are insufficient to fund these recommendations, the Governor
1895 shall amend his or her revenues or appropriations
1896 recommendations to bring the Governor's recommended budget into
1897 balance. ~~On or after March 1, if the Governor determines that~~
1898 ~~there is insufficient time to provide the information for the~~
1899 ~~amended recommendations required in ss. 216.164 and 216.166, he~~
1900 ~~or she shall be exempt from such requirement.~~

1901 Section 28. Subsections (2), (3), and (4) of section
1902 216.177, Florida Statutes, are amended to read:

1903 216.177 Appropriations acts, statement of intent,
1904 violation, notice, review and objection procedures.--

1905 (2)(a) Whenever notice of action to be taken by the
1906 Executive Office of the Governor or the Chief Justice of the
1907 Supreme Court is required by this chapter, such notice shall be
1908 given to the chair and vice chair of the Legislative Budget
1909 Commission in writing, and shall be delivered at least 14 days
1910 prior to the action referred to, unless a shorter period is

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1911 approved in writing by the chair and vice chair. If the action
1912 is solely for the release of funds appropriated by the
1913 Legislature, the notice shall be delivered at least 3 days
1914 before the effective date of the action. Action shall not be
1915 taken on any budget item for which this chapter requires notice
1916 to the Legislative Budget Commission or the appropriations
1917 committees without such notice having been provided, even though
1918 there may be good cause for considering such item.

1919 (b) If the chair and vice chair of the Legislative Budget
1920 Commission or the President of the Senate and the Speaker of the
1921 House of Representatives timely advise, in writing, the
1922 Executive Office of the Governor or the Chief Justice of the
1923 Supreme Court that an action or a proposed action, including any
1924 expenditure of funds resulting from the settlement of litigation
1925 involving a state agency or officer, whether subject to the
1926 notice and review requirements of this chapter or not, exceeds
1927 the delegated authority of the Executive Office of the Governor
1928 for the executive branch or the Chief Justice for the judicial
1929 branch, respectively, or is contrary to legislative policy and
1930 intent, the Governor or the Chief Justice of the Supreme Court
1931 shall void such action and instruct the affected state agency or
1932 entity of the judicial branch to change immediately its spending
1933 action or spending proposal until the Legislative Budget
1934 Commission or the Legislature addresses the issue. The written
1935 documentation shall indicate the specific reasons that an action
1936 or proposed action exceeds the delegated authority or is
1937 contrary to legislative policy and intent.

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1938 (c) The House of Representatives and the Senate shall
1939 provide by rule that any member of the House of Representatives
1940 or Senate may request, in writing, of either the President of
1941 the Senate or the Speaker of the House of Representatives to
1942 initiate the procedures of paragraph (b).

1943 (3) The Legislature may annually specify any incentives
1944 and disincentives for agencies operating programs under
1945 performance-based program budgets pursuant to this chapter in
1946 the General Appropriations Act or legislation implementing the
1947 General Appropriations Act.

1948 ~~(4) Notwithstanding the 14-day notice requirements of this~~
1949 ~~section, the Department of Children and Family Services is~~
1950 ~~required to provide notice of proposed transfers submitted~~
1951 ~~pursuant to s. 20.19(5)(b) to the Executive Office of the~~
1952 ~~Governor and the chairs of the legislative appropriations~~
1953 ~~committees at least 3 working days prior to their~~
1954 ~~implementation.~~

1955 Section 29. Subsections (1), (2), (4), (6), (8), (9),
1956 (10), (12), and (16) of section 216.181, Florida Statutes, are
1957 amended to read:

1958 216.181 Approved budgets for operations and fixed capital
1959 outlay.--

1960 (1) The General Appropriations Act and any other acts
1961 containing appropriations shall be considered the original
1962 approved operating budgets for operational and fixed capital
1963 expenditures. Amendments to the approved operating budgets for
1964 operational and fixed capital outlay expenditures from state

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1965 agencies may be requested only through the Executive Office of
1966 the Governor and approved by the Governor and the Legislative
1967 Budget Commission as provided in this chapter. Amendments from
1968 the judicial branch may be requested only through, ~~and approved~~
1969 ~~by~~, the Chief Justice of the Supreme Court and must be approved
1970 by the Chief Justice and the Legislative Budget Commission as
1971 provided in this chapter. This includes amendments which are
1972 necessary to implement the provisions of s. 216.212 or s.
1973 216.221.

1974 (2) Amendments to the original approved operating budgets
1975 for operational and fixed capital outlay expenditures must
1976 comply with the following guidelines in order to be approved by
1977 the Governor and the Legislative Budget Commission ~~as provided~~
1978 ~~in this chapter~~ for the executive branch and the Chief Justice
1979 and the Legislative Budget Commission for the judicial branch:

1980 (a) The amendment must be consistent with legislative
1981 policy and intent.

1982 (b) The amendment may not initiate or commence a new
1983 program, except as authorized by this chapter, or eliminate an
1984 existing program.

1985 (c) Except as authorized in s. 216.292 or other provisions
1986 of this chapter, the amendment may not provide funding or
1987 increased funding for items which were funded by the Legislature
1988 in an amount less than that requested by the agency ~~or Governor~~
1989 in the legislative budget request or recommended by the
1990 Governor, or which were vetoed by the Governor.

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1991 (d) For amendments that involve trust funds, there must be
1992 adequate and appropriate revenues available in the trust fund
1993 and the amendment must be consistent with the laws authorizing
1994 such trust funds and the laws relating to the use of the trust
1995 funds. However, a trust fund shall not be increased in excess of
1996 the original approved budget, except as provided in subsection
1997 (11).

1998 (e) The amendment shall not conflict with any provision of
1999 law.

2000 (f) The amendment must not provide funding for any issue
2001 which was requested by the agency or branch in its legislative
2002 budget request and not funded in the General Appropriations Act.

2003 (g) The amendment must include a written description of
2004 the purpose of the proposed change, an indication of why interim
2005 budget action is necessary, and the intended recipient of any
2006 funds for contracted services.

2007 (h) The amendment must not provide general salary
2008 increases which the Legislature has not authorized in the
2009 General Appropriations Act or other laws.

2010 (4) To the extent possible, individual members of the
2011 Senate and the House of Representatives should be advised of
2012 budget amendments requested by the executive branch and judicial
2013 branch.

2014 (6)(a) The Executive Office of the Governor or the Chief
2015 Justice of the Supreme Court may require the submission of a
2016 detailed plan from the agency or entity of the judicial branch
2017 affected, consistent with the General Appropriations Act,

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2018 special appropriations acts, and statements ~~the statement~~ of
2019 intent before transferring and releasing the balance of a lump-
2020 sum appropriation. ~~The provisions of this paragraph are subject~~
2021 ~~to the notice and review procedures set forth in s. 216.177.~~

2022 (b) The Executive Office of the Governor and the Chief
2023 Justice of the Supreme Court may amend, without approval of the
2024 Legislative Budget Commission, state agency and judicial branch
2025 entity budgets, respectively, to reflect the transferred funds
2026 and to provide the associated increased salary rate based on the
2027 approved plans for lump-sum appropriations. This paragraph is
2028 subject to the procedures set forth in s. 216.177.

2029
2030 The Executive Office of the Governor shall transmit to each
2031 state agency and the Chief Financial Officer, and the Chief
2032 Justice shall transmit to each judicial branch component and the
2033 Chief Financial Officer, any approved amendments to the approved
2034 operating budgets.

2035 (8) As part of the approved operating budget, the
2036 Executive Office of the Governor shall furnish to each state
2037 agency, and the Chief Justice of the Supreme Court shall furnish
2038 to the entity of the judicial branch, an approved annual salary
2039 rate for each budget entity containing a salary appropriation.
2040 This rate shall be based upon the actual salary rate and shall
2041 be consistent with the General Appropriations Act or special
2042 appropriations acts. The annual salary rate shall be:

2043 (a) Determined by ~~Calculated based on~~ the actual salary
2044 ~~rate in effect on June 30, and the salary policy and the number~~

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2045 ~~of authorized positions as specified in the General~~
2046 ~~Appropriations Act and adjusted for reorganizations authorized~~
2047 ~~by law, for any other appropriations made by law, and, subject~~
2048 ~~to s. 216.177, for distributions of lump-sum appropriations and~~
2049 ~~administered funds special appropriations acts, or as provided~~
2050 ~~pursuant to s. 216.177.~~

2051 (b) Controlled by department or agency; except for the
2052 Department of Education, which shall be controlled by division
2053 and for the judicial branch, which shall be controlled at the
2054 branch level.

2055 (c) Assigned to the number of authorized positions.

2056 ~~(9)(a) The calculation for the annual salary rate for~~
2057 ~~vacant and newly authorized positions shall be at no more than~~
2058 ~~the midpoint of the range of the pay grade for the position or~~
2059 ~~as provided in the General Appropriations Act.~~

2060 ~~(b)~~ No agency or the judicial branch may exceed its
2061 maximum approved annual salary rate for the fiscal year.
2062 However, at any time during the fiscal year, an agency or entity
2063 of the judicial branch may exceed its approved rate for all
2064 budget entities by no more than 5 percent, provided that, by
2065 June 30 of every fiscal year, the agency or entity of the
2066 judicial branch has reduced its salary rate so that the salary
2067 rate for each department budget entity is within the approved
2068 rate limit for that department budget entity.

2069 (10)(a) The Legislative Budget Commission ~~Executive Office~~
2070 ~~of the Governor and the Chief Justice of the Supreme Court~~ may
2071 authorize increases or decreases in ~~increase or decrease the~~

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2072 approved salary rate for positions ~~for the purpose of~~
2073 ~~implementing the General Appropriations Act, special~~
2074 ~~appropriations acts, and actions pursuant to s. 216.262~~
2075 ~~consistent with legislative intent and policy. Other adjustments~~
2076 ~~to approved salary rate must be approved by the Legislative~~
2077 ~~Budget Commission~~ pursuant to the request of the agency filed
2078 with the Executive Office of the Governor or pursuant to the
2079 request of an entity of the judicial branch filed with the Chief
2080 Justice of the Supreme Court, if deemed necessary and in the
2081 best interest of the state and consistent with legislative
2082 policy and intent. ~~The provisions of this paragraph are subject~~
2083 ~~to the notice and review procedures set forth in s. 216.177.~~

2084 (b) Lump-sum salary bonuses may be provided only if
2085 specifically appropriated or provided pursuant to s. 110.1245 or
2086 s. 216.1815.

2087 (c) State agencies and the judicial branch shall report,
2088 each fiscal quarter, the number of filled positions, the number
2089 of vacant positions, and the salary rate associated with each
2090 category to the Legislative Budget Commission in a form and
2091 manner prescribed by the commission.

2092 (d) The salary rate provisions of subsections (8) and (9)
2093 and this subsection do not apply to the general office program
2094 of the Executive Office of the Governor.

2095 (12) There is appropriated nonoperating budget for
2096 refunds, payments to the United States Treasury, and payments of
2097 the service charge to the General Revenue Fund, ~~and transfers of~~
2098 ~~funds specifically required by law.~~ Such authorized budget,

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2099 together with related releases, shall be transmitted by the
2100 state agency or by the judicial branch to the Chief Financial
2101 Officer for entry in his or her records in the manner and format
2102 prescribed by the Executive Office of the Governor in
2103 consultation with the Chief Financial Officer. A copy of such
2104 authorized budgets shall be furnished to the Executive Office of
2105 the Governor or the Chief Justice, the chairs of the legislative
2106 committees responsible for developing the general appropriations
2107 acts, and the Auditor General. Notwithstanding the duty
2108 specified for each state agency in s. 17.61(3), the Governor may
2109 withhold approval of nonoperating investment authority for
2110 certain trust funds when deemed in the best interest of the
2111 state. The Governor for the executive branch, and the Chief
2112 Justice for the judicial branch, may establish nonoperating
2113 budgets, with the approval of the chairs of the Senate and the
2114 House of Representatives appropriations committees, for
2115 transfers, purchase of investments, special expenses,
2116 distributions, transfers of funds specifically required by law,
2117 and any other nonoperating budget categories they deem necessary
2118 and in the best interest of the state and consistent with
2119 legislative intent and policy. ~~The provisions of this subsection~~
2120 ~~are subject to the notice, review, and objection procedures set~~
2121 ~~forth in s. 216.177.~~ For purposes of this section, the term
2122 "nonoperating budgets" means nonoperating disbursement authority
2123 for purchase of investments, refunds, payments to the United
2124 States Treasury, transfers of funds specifically required by
2125 law, distributions of assets held by the state in a trustee

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2126 capacity as an agent of fiduciary, special expenses, and other
2127 nonoperating budget categories, as determined necessary by the
2128 Executive Office of the Governor and the chairs of the Senate
2129 and the House of Representatives appropriations committees, not
2130 otherwise appropriated in the General Appropriations Act. The
2131 establishment of nonoperating budget authority shall be deemed
2132 approved by a chair of a legislative committee if written notice
2133 of the objection is not provided to the Governor or Chief
2134 Justice, as appropriate, within 14 days of the chair receiving
2135 notice of the action pursuant to the provisions of s. 216.177.

2136 (16)(a) Funds provided in any specific appropriation in
2137 the General Appropriations Act may be advanced if the General
2138 Appropriations Act specifically so provides.

2139 (b) Any agency, or the judicial branch, that has been
2140 authorized by the General Appropriations Act or expressly
2141 authorized by other law to make advances for program startup or
2142 advances for contracted services, in total or periodically,
2143 shall limit such disbursements to other governmental entities
2144 and not-for-profit corporations. The amount that ~~which~~ may be
2145 advanced shall not exceed the expected cash needs of the
2146 contractor or recipient within the initial 3 months. Thereafter,
2147 disbursements shall only be made on a reimbursement basis. Any
2148 agreement that provides for advancements may contain a clause
2149 that permits the contractor or recipient to temporarily invest
2150 the proceeds, provided that any interest income shall either be
2151 returned to the agency or be applied against the agency's
2152 obligation to pay the contract amount. This paragraph does not

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2153 constitute lawful authority to make any advance payment not
2154 otherwise authorized by laws relating to a particular agency or
2155 general laws relating to the expenditure or disbursement of
2156 public funds. The Chief Financial Officer may, after
2157 consultation with the legislative appropriations committees,
2158 advance funds beyond a 3-month requirement if it is determined
2159 to be consistent with the intent of the approved operating
2160 budget.

2161 ~~(c) Unless specifically prohibited in the General~~
2162 ~~Appropriations Act, funds appropriated to the Department of~~
2163 ~~Children and Family Services and the Department of Health may be~~
2164 ~~advanced for those contracted services that were approved for~~
2165 ~~advancement by the Comptroller in fiscal year 1993-1994,~~
2166 ~~including those services contracted on a fixed-price or unit-~~
2167 ~~cost basis.~~

2168 Section 30. Section 216.192, Florida Statutes, is amended
2169 to read:

2170 216.192 Release of appropriations; revision of budgets.--

2171 (1) Unless otherwise provided in the General
2172 Appropriations Act, on July 1 of each fiscal year, up to 25
2173 percent of the original approved operating budget of each agency
2174 and of the judicial branch may be released until such time as
2175 annual plans for quarterly releases for all appropriations have
2176 been developed, approved, and furnished to the Chief Financial
2177 Officer by the Executive Office of the Governor for state
2178 agencies and by the Chief Justice of the Supreme Court for the
2179 judicial branch. The plans, including appropriate plans of

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HOUSE AMENDMENT

Bill No. CS/SB 2610

Amendment No. (for drafter's use only)

2180 releases for fixed capital outlay projects that correspond with
2181 each project schedule, shall attempt to maximize the use of
2182 trust funds and shall be transmitted to the Chief Financial
2183 Officer by August 1 of each fiscal year. Such releases shall at
2184 no time exceed the total appropriations available to a state
2185 agency or to the judicial branch, or the approved budget for
2186 such agency or the judicial branch if less. The Chief Financial
2187 Officer shall enter such releases in his or her records in
2188 accordance with the release plans prescribed by the Executive
2189 Office of the Governor and the Chief Justice, unless otherwise
2190 amended as provided by law. The Executive Office of the Governor
2191 and the Chief Justice shall transmit a copy of the approved
2192 annual releases to the head of the state agency, the chair and
2193 vice chair of the Legislative Budget Commission, and the Auditor
2194 General. The Chief Financial Officer shall authorize all
2195 expenditures to be made from the appropriations on the basis of
2196 such releases and in accordance with the approved budget, and
2197 not otherwise. Expenditures shall be authorized only in
2198 accordance with legislative authorizations. Nothing herein
2199 precludes periodic reexamination and revision by the Executive
2200 Office of the Governor or by the Chief Justice of the annual
2201 plans for release of appropriations and the notifications of the
2202 parties of all such revisions.

2203 (2) Any department under the direct supervision of a
2204 member of the Cabinet or of a board consisting of the Governor
2205 and members of the Cabinet which contends that the plan for
2206 releases of funds appropriated to it is contrary to the approved

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2207 operating budget shall have the right to have the issue reviewed
2208 by the Administration Commission which shall decide such issue
2209 by majority vote. ~~The appropriations committees of the~~
2210 ~~Legislature may advise the Administration Commission on the~~
2211 ~~issue.~~

2212 (3) The Executive Office of the Governor shall make
2213 releases within the amounts appropriated and as requested for
2214 all appropriations to the legislative branch, and the provisions
2215 of subsections (1) and (2) shall not apply to the legislative
2216 branch.

2217 ~~(4) The legislative appropriations committees may advise~~
2218 ~~the Chief Financial Officer, the Executive Office of the~~
2219 ~~Governor, or the Chief Justice relative to the release of any~~
2220 ~~funds under this section.~~

2221 (4)(5) The annual plans of releases authorized by this
2222 section may be considered by the Revenue Estimating Conference
2223 in preparation of the statement of financial outlook.

2224 (5) In order to implement directives contained in the
2225 General Appropriations Act or to prevent deficits pursuant to s.
2226 216.221, the Executive Office of the Governor for the executive
2227 branch and the Chief Justice for the judicial branch may place
2228 appropriations in budget reserve or mandatory reserve.

2229 (6) All budget actions taken pursuant to the provisions of
2230 this section are subject to the notice and review procedures set
2231 forth in s. 216.177.

2232 Section 31. Section 216.195, Florida Statutes, is amended
2233 to read:

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Amendment No. (for drafter's use only)

2234 216.195 Impoundment of funds; restricted.--The Executive
2235 Office of the Governor, the Chief Justice of the Supreme Court,
2236 any member of the Cabinet, or any state agency shall not impound
2237 any appropriation except as necessary to avoid or eliminate a
2238 deficit pursuant to the provisions of s. 216.221. As used in
2239 this section, the term "impoundment" means the omission of any
2240 appropriation or part of an appropriation in the approved
2241 operating plan prepared pursuant to s. 216.181 or in the
2242 schedule of releases prepared pursuant to s. 216.192 or the
2243 failure of any state agency or the judicial branch to spend an
2244 appropriation for the stated purposes authorized in the approved
2245 operating budget. ~~The provisions of this section are subject to~~
2246 ~~the notice and review procedures of s. 216.177.~~ The Governor or
2247 either house of the Legislature may seek judicial review of any
2248 action or proposed action which violates ~~the provisions of this~~
2249 section.

2250 Section 32. Subsections (2), (3), (5), (7), (9), and (10)
2251 of section 216.221, Florida Statutes, are amended to read:

2252 216.221 Appropriations as maximum appropriations;
2253 adjustment of budgets to avoid or eliminate deficits.--

2254 (2) The Legislature may annually provide direction in the
2255 General Appropriations Act regarding use of any state funds ~~the~~
2256 ~~Budget Stabilization Fund and Working Capital Fund~~ to offset
2257 General Revenue Fund deficits.

2258 (3) For purposes of preventing a deficit in the General
2259 Revenue Fund, all branches and agencies of government ~~that~~
2260 ~~receive General Revenue Fund appropriations~~ shall participate in

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2261 deficit reduction efforts. Absent specific legislative direction
2262 ~~in the General Appropriations Act~~, when budget reductions are
2263 required in order to prevent a deficit under the provisions of
2264 subsection (7), each branch shall reduce its General Revenue
2265 Fund appropriations by a proportional amount.

2266 (5)(a) If, in the opinion of the Governor, after
2267 consultation with the Revenue Estimating Conference, a deficit
2268 will occur in the General Revenue Fund, he or she shall so
2269 certify to the commission and to the Chief Justice of the
2270 Supreme Court. No more than 30 days after certifying that a
2271 deficit will occur in the General Revenue Fund, the Governor
2272 shall develop for the executive branch, and the Chief Justice of
2273 the Supreme Court shall develop for the judicial branch, and
2274 provide to the commission and to the Legislature plans of action
2275 to eliminate the deficit.

2276 (b) If, in the opinion of the President of the Senate and
2277 the Speaker of the House of Representatives, after consultation
2278 with the Revenue Estimating Conference, a deficit will occur in
2279 the General Revenue Fund and the Governor has not certified the
2280 deficit, the President of the Senate and the Speaker of the
2281 House of Representatives shall so certify. Within 30 days after
2282 such certification, the Governor shall develop for the executive
2283 branch and the Chief Justice of the Supreme Court shall develop
2284 for the judicial branch and provide to the commission and to the
2285 Legislature plans of action to eliminate the deficit.

2286 (c)(b) In developing a plan of action to prevent deficits
2287 in accordance with subsection (7), the Governor and Chief

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2288 Justice shall, to the extent possible, preserve legislative
2289 policy and intent, and, absent any specific direction to the
2290 contrary in the General Appropriations Act, the Governor and
2291 Chief Justice shall comply with the following guidelines for
2292 reductions in the approved operating budgets of the executive
2293 branch and the judicial branch:

2294 ~~1. Entire statewide programs previously established by the~~
2295 ~~Legislature should not be eliminated.~~

2296 1.2. Education budgets should not be reduced more than
2297 provided for in s. 215.16(2).

2298 2.3. The use of nonrecurring funds to solve recurring
2299 deficits should be minimized.

2300 3.4. Newly created programs that are not fully implemented
2301 and programs with critical audits, evaluations, and reviews
2302 should receive first consideration for reductions.

2303 4.5. No agencies or branches of government receiving
2304 appropriations should be exempt from reductions.

2305 5.6. When reductions in positions are required, the focus
2306 should be initially on vacant positions.

2307 ~~7. Any reductions applied to all agencies and branches~~
2308 ~~should be uniformly applied.~~

2309 6.8. Reductions that would cause substantial losses of
2310 federal funds should be minimized.

2311 ~~9. To the greatest extent possible, across the board,~~
2312 ~~prorated reductions should be considered.~~

2313 7.10. Reductions to statewide programs should occur only
2314 after review of programs that provide only local benefits.

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2315 ~~8.11.~~ Reductions in administrative and support functions
2316 should be considered before reductions in direct-support
2317 services.

2318 ~~9.12.~~ Maximum reductions should be considered in budgets
2319 for expenses including travel and in budgets for equipment
2320 replacement, outside consultants, and contracts.

2321 ~~10.13.~~ Reductions in salaries for elected state officials
2322 should be considered.

2323 ~~11.14.~~ Reductions that adversely affect the public health,
2324 safety, and welfare should be minimized.

2325 ~~12.15.~~ The Budget Stabilization Fund should not be reduced
2326 to a level that would impair the financial stability of this
2327 state.

2328 ~~13.16.~~ Reductions in programs that are traditionally
2329 funded by the private sector and that may be assumed by private
2330 enterprise should be considered.

2331 ~~14.17.~~ Reductions in programs that are duplicated among
2332 state agencies or branches of government should be considered.

2333 (7) Deficits in the General Revenue Fund that do not meet
2334 the amounts specified by subsection (6) shall be resolved by the
2335 Governor commission for the executive branch and the Chief
2336 Justice of the Supreme Court for the judicial branch. The
2337 Governor commission and Chief Justice shall implement any
2338 directions provided in the General Appropriations Act related to
2339 eliminating deficits and to reducing agency and judicial branch
2340 budgets, including the use of those legislative appropriations
2341 voluntarily placed in reserve. In addition, the Governor and

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2342 Chief Justice ~~commission~~ shall implement any directions in the
2343 General Appropriations Act relating to the resolution of deficit
2344 situations. When reducing state agency or judicial branch
2345 budgets, the Governor ~~commission~~ or the Chief Justice,
2346 respectively, shall use the guidelines prescribed in subsection
2347 (5). The Executive Office of the Governor ~~for the commission~~,
2348 and the Chief Justice for the judicial branch, shall implement
2349 the deficit reduction plans through amendments to the approved
2350 operating budgets in accordance with s. 216.181.

2351 (9) If, in the opinion of the Chief Financial Officer,
2352 after consultation with the Revenue Estimating Conference, a
2353 deficit will occur, he or she shall report his or her opinion to
2354 the Governor, the President of the Senate, and the Speaker of
2355 the House of Representatives in writing. In the event the
2356 Governor does not certify a deficit, or the President of the
2357 Senate and the Speaker of the House of Representatives do not
2358 certify a deficit within 10 days after the Chief Financial
2359 Officer's report, the Chief Financial Officer shall report his
2360 or her findings and opinion to the commission and the Chief
2361 Justice of the Supreme Court.

2362 (10) When advised by the Revenue Estimating Conference,
2363 the Chief Financial Officer, or any agency responsible for a
2364 trust fund that a deficit will occur with respect to the
2365 appropriations from a specific trust fund in the current fiscal
2366 year, the Governor for the executive branch, or the Chief
2367 Justice for the judicial branch, shall develop a plan of action
2368 to eliminate the deficit. Before implementing the plan of

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2369 | action, the Governor or the Chief Justice must comply with the
2370 | provisions of s. 216.177(2), and actions to resolve deficits in
2371 | excess of \$1 million must be approved by the Legislative Budget
2372 | Commission. In developing the plan of action, the Governor or
2373 | the Chief Justice shall, to the extent possible, preserve
2374 | legislative policy and intent, ~~and, absent any specific~~
2375 | ~~directions to the contrary in the General Appropriations Act,~~
2376 | ~~any reductions in appropriations from the trust fund for the~~
2377 | ~~fiscal year shall be prorated among the specific appropriations~~
2378 | ~~made from the trust fund for the current fiscal year.~~

2379 | Section 33. Subsection (2) of section 216.231, Florida
2380 | Statutes, is amended to read:

2381 | 216.231 Release of certain classified appropriations.--

2382 | (2) The release of appropriated funds classified as
2383 | "deficiency" shall be approved only when a General Revenue Fund
2384 | appropriation for operations of a state agency or of the
2385 | judicial branch is inadequate because the workload or cost of
2386 | the operation exceeds that anticipated by the Legislature and a
2387 | determination has been made by the Governor ~~commission~~ that the
2388 | deficiency will result in an impairment of the activities of an
2389 | agency or of the judicial branch to the extent that the agency
2390 | is unable to carry out its program as provided by the
2391 | Legislature in the general appropriations acts. These funds may
2392 | not be used for creation of any new agency or program, for
2393 | increases of salary, or for the construction or equipping of
2394 | additional buildings.

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2395 Section 34. Subsections (3), (6), and (11) of section
2396 216.235, Florida Statutes, are amended to read:

2397 216.235 Innovation Investment Program.--

2398 (3) For purposes of this section:

2399 (a) "Agency" means an official, officer, commission,
2400 authority, council, committee, department, division, bureau,
2401 board, section, or other unit or entity of the executive branch.

2402 ~~(b) "Commission" means the Information Resource~~
2403 ~~Commission.~~

2404 (b)(e) "Committee" means the State Innovation Committee.

2405 (c)(d) "Office" means the Office of Tourism, Trade, and
2406 Economic Development within the Executive Office of the
2407 Governor.

2408 (d)(e) "Review board" means a nonpartisan board composed
2409 of private citizens and public employees who evaluate the
2410 projects and make funding recommendations to the committee.

2411 (6) Any agency developing an innovative investment project
2412 proposal that involves information technology resources may
2413 consult with and seek technical assistance from the State
2414 Technology Office ~~commission~~. The office shall consult with the
2415 State Technology Office ~~commission~~ for any project proposal that
2416 involves information resource technology. The State Technology
2417 Office ~~commission~~ is responsible for evaluating these projects
2418 and for advising the committee and review board of the technical
2419 feasibility and any transferable benefits of the proposed
2420 technology. In addition to the requirements of subsection (5),
2421 the agencies shall provide to the State Technology Office

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2422 ~~commission~~ any information requested by the State Technology
2423 Office ~~commission~~ to aid in determining that the proposed
2424 technology is appropriate for the project's success.

2425 (11) Funds appropriated for the Innovation Investment
2426 Program shall be distributed by the Executive Office of the
2427 Governor subject to notice, review, and objection procedures set
2428 forth in s. 216.177. The office may transfer funds from the
2429 annual appropriation as necessary to administer the program.
2430 Proposals considered but not funded by the Legislature as part
2431 of an agency legislative budget request or the Governor's budget
2432 recommendation are not eligible to receive funding under the
2433 Innovation Investment Program.

2434 Section 35. Section 216.241, Florida Statutes, is amended
2435 to read:

2436 216.241 Initiation or commencement of new programs;
2437 approval; expenditure of certain revenues.--

2438 (1) A state agency or the judicial branch may not initiate
2439 or commence any new program, including any new federal program
2440 or initiative, or make changes in its current programs, as
2441 provided for in the appropriations act, that require additional
2442 financing unless funds have been specifically appropriated by
2443 the Legislature or unless the Legislative Budget Commission ~~or~~
2444 ~~the Chief Justice of the Supreme Court~~ expressly approves such
2445 new program or changes. ~~The commission and the Chief Justice~~
2446 ~~shall give notice as provided in s. 216.177 prior to approving~~
2447 ~~such new program or changes.~~

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2448 (2) ~~No~~ Changes that which are inconsistent with the
2449 approved ~~operating~~ budget may not shall be made to existing
2450 programs unless such changes are recommended to the Legislative
2451 Budget Commission by the Governor or the Chief Justice and the
2452 Legislative Budget Commission expressly approves such program
2453 changes. ~~The provisions of~~ This subsection is ~~are~~ subject to the
2454 notice, review, and objection procedures set forth in s.
2455 216.177.

2456 (3) Any revenues generated by any tax or fee imposed by
2457 amendment to the State Constitution after October 1, 1999, shall
2458 not be expended by any agency, as defined in s. 120.52(1),
2459 except pursuant to appropriation by the Legislature.

2460 Section 36. Subsection (2) of section 216.251, Florida
2461 Statutes, is amended to read:

2462 216.251 Salary appropriations; limitations.--

2463 (2)(a) The salary for each position not specifically
2464 indicated in the appropriations acts shall be as provided in one
2465 of the following subparagraphs:

2466 1. Within the classification and pay plans provided for in
2467 chapter 110.

2468 2. Within the classification and pay plans established by
2469 the Board of Trustees for the Florida School for the Deaf and
2470 the Blind of the Department of Education and approved by the
2471 State Board of Education for academic and academic
2472 administrative personnel.

2473 3. Within the classification and pay plan approved and
2474 administered by the State Board of Education and the Board of

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2475 ~~Governors Board of Regents~~ for those positions in the State
2476 University System.

2477 4. Within the classification and pay plan approved by the
2478 President of the Senate and the Speaker of the House of
2479 Representatives, as the case may be, for employees of the
2480 Legislature.

2481 5. Within the approved classification and pay plan for the
2482 judicial branch.

2483 ~~6. The salary of all positions not specifically included~~
2484 ~~in this subsection shall be set by the commission or by the~~
2485 ~~Chief Justice for the judicial branch.~~

2486 (b) Salary payments shall be made only to employees
2487 filling established positions included in the agency's or in the
2488 judicial branch's approved budgets and amendments thereto as may
2489 be provided by law; provided, however:

2490 1. Reclassification of established positions may be
2491 accomplished when justified in accordance with the established
2492 procedures for reclassifying positions; or

2493 2. When the Division of Risk Management of the Department
2494 of Financial Services has determined that an employee is
2495 entitled to receive a temporary partial disability benefit or a
2496 temporary total disability benefit pursuant to the provisions of
2497 s. 440.15 and there is medical certification that the employee
2498 cannot perform the duties of the employee's regular position,
2499 but the employee can perform some type of work beneficial to the
2500 agency, the agency may return the employee to the payroll, at
2501 his or her regular rate of pay, to perform such duties as the

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2502 employee is capable of performing, even if there is not an
2503 established position in which the employee can be placed.
2504 Nothing in this subparagraph shall abrogate an employee's rights
2505 under chapter 440 or chapter 447, nor shall it adversely affect
2506 the retirement credit of a member of the Florida Retirement
2507 System in the membership class he or she was in at the time of,
2508 and during, the member's disability.

2509 Section 37. Paragraphs (a) and (c) of subsection (1) of
2510 section 216.262, Florida Statutes, are amended to read:

2511 216.262 Authorized positions.--

2512 (1)(a) Unless otherwise expressly provided by law, the
2513 total number of authorized positions may not exceed the total
2514 provided in the appropriations acts. In the event any state
2515 agency or entity of the judicial branch finds that the number of
2516 positions so provided is not sufficient to administer its
2517 authorized programs, it may file an application with the
2518 Executive Office of the Governor or the Chief Justice; and, if
2519 the Executive Office of the Governor or Chief Justice certifies
2520 that there are no authorized positions available for addition,
2521 deletion, or transfer within the agency as provided in paragraph
2522 (c) and recommends an increase in the number of positions, the
2523 Governor or the Chief Justice may recommend, ~~after a public~~
2524 ~~hearing~~, ~~authorize~~ an increase in the number of positions for
2525 the following reasons only:

2526 1. To implement or provide for continuing federal grants
2527 or changes in grants not previously anticipated. +

2528 2. To meet emergencies pursuant to s. 252.36. +

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2529 3. To satisfy new federal regulations or changes therein.†

2530 4. To take advantage of opportunities to reduce operating
2531 expenditures or to increase the revenues of the state or local
2532 government.†~~and~~

2533 5. To authorize positions that ~~which~~ were not fixed by the
2534 Legislature through error in drafting the appropriations acts.

2535

2536 Actions recommended pursuant to ~~The provisions of~~ this paragraph
2537 are subject to approval by the Legislative Budget Commission.

2538 ~~the notice and review procedures set forth in s. 216.177. A copy~~
2539 ~~of the application,~~ The certification, and the final

2540 authorization shall be provided to ~~filed with~~ the Legislative
2541 Budget Commission, the appropriations committees, and ~~with~~ the
2542 Auditor General.

2543 (c)1. The Executive Office of the Governor, under such
2544 procedures and qualifications as it deems appropriate, shall,
2545 upon agency request, delegate to any state agency authority to
2546 add and delete authorized positions or transfer authorized
2547 positions from one budget entity to another budget entity within
2548 the same division, and may approve additions and deletions of
2549 authorized positions or transfers of authorized positions within
2550 the state agency when such changes would enable the agency to
2551 administer more effectively its authorized and approved
2552 programs. The additions or deletions must be consistent with the
2553 intent of the approved operating budget, must be consistent with
2554 legislative policy and intent, and must not conflict with

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2555 specific spending policies specified in the General
2556 Appropriations Act.

2557 2. The Chief Justice of the Supreme Court shall have the
2558 authority to establish procedures for the judicial branch to add
2559 and delete authorized positions or transfer authorized positions
2560 from one budget entity to another budget entity, and to add and
2561 delete authorized positions within the same budget entity, when
2562 such changes are consistent with legislative policy and intent
2563 and do not conflict with spending policies specified in the
2564 General Appropriations Act.

2565 ~~3.a. A state agency may be eligible to retain salary~~
2566 ~~dollars for authorized positions eliminated after July 1, 2001.~~
2567 ~~The agency must certify the eliminated positions to the~~
2568 ~~Legislative Budgeting Commission.~~

2569 ~~b. The Legislative Budgeting Commission shall authorize~~
2570 ~~the agency to retain 20 percent of the salary dollars associated~~
2571 ~~with the eliminated positions and may authorize retention of a~~
2572 ~~greater percentage. All such salary dollars shall be used for~~
2573 ~~permanent salary increases.~~

2574 Section 38. Section 216.292, Florida Statutes, is amended
2575 to read:

2576 (Substantial rewording of section. See
2577 s. 216.292, F.S., for present text.)

2578 216.292 Appropriations nontransferable; exceptions.--

2579 (1)(a) Funds provided in the General Appropriations Act or
2580 as otherwise expressly provided by law shall be expended only
2581 for the purpose for which appropriated, except that such moneys

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2582 may be transferred as provided in this section when it is
2583 determined to be in the best interest of the state.

2584 Appropriations for fixed capital outlay may not be expended for
2585 any other purpose. Appropriations may not be transferred between
2586 state agencies, or between a state agency and the judicial
2587 branch, unless specifically authorized by law.

2588 (b)1. Authorized revisions of the original approved
2589 operating budget, together with related changes in the plan for
2590 release of appropriations, if any, shall be transmitted by the
2591 state agency or by the judicial branch to the Executive Office
2592 of the Governor or the Chief Justice, respectively, the chairs
2593 of the Senate and the House of Representatives appropriations
2594 committees, the Office of Program Policy Analysis and Government
2595 Accountability, and the Auditor General. Such authorized
2596 revisions shall be consistent with the intent of the approved
2597 operating budget, shall be consistent with legislative policy
2598 and intent, and may not conflict with specific spending policies
2599 specified in the General Appropriations Act.

2600 2. Authorized revisions, together with related changes, if
2601 any, in the plan for release of appropriations shall be
2602 transmitted by the state agency or by the judicial branch to the
2603 Chief Financial Officer for entry in the Chief Financial
2604 Officer's records in the manner and format prescribed by the
2605 Executive Office of the Governor in consultation with the Chief
2606 Financial Officer.

2607 3. The Executive Office of the Governor or the Chief
2608 Justice shall forward a copy of the revisions within 7 working

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2609 days to the Chief Financial Officer for entry in his or her
2610 records in the manner and format prescribed by the Executive
2611 Office of the Governor in consultation with the Chief Financial
2612 Officer.

2613 (2) The following transfers are authorized to be made by
2614 the head of each department or the Chief Justice of the Supreme
2615 Court whenever it is deemed necessary by reason of changed
2616 conditions:

2617 (a) The transfer of appropriations funded from identical
2618 funding sources, except appropriations for fixed capital outlay,
2619 and the transfer of amounts included within the total original
2620 approved budget and plans of releases of appropriations as
2621 furnished pursuant to ss. 216.181 and 216.192, as follows:

2622 1. Between categories of appropriations within a budget
2623 entity, if no category of appropriation is increased or
2624 decreased by more than 5 percent of the original approved budget
2625 or \$250,000, whichever is greater, by all action taken under
2626 this subsection.

2627 2. Between budget entities within identical categories of
2628 appropriations, if no category of appropriation is increased or
2629 decreased by more than 5 percent of the original approved budget
2630 or \$250,000, whichever is greater, by all action taken under
2631 this subsection.

2632 3. Any agency exceeding salary rate established pursuant
2633 to s. 216.181(8) on June 30th of any fiscal year shall not be
2634 authorized to make transfers pursuant to subparagraphs 1. and 2.
2635 in the subsequent fiscal year.

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2636 4. Notice of proposed transfers under subparagraphs 1. and
2637 2. shall be provided to the Executive Office of the Governor and
2638 the chairs of the legislative appropriations committees at least
2639 3 days prior to agency implementation in order to provide an
2640 opportunity for review. The review shall be limited to ensuring
2641 that the transfer is in compliance with the requirements of this
2642 paragraph.

2643 (b) After providing notice at least 5 working days prior
2644 to implementation:

2645 1. The transfer of funds within programs identified in the
2646 General Appropriations Act from identical funding sources
2647 between the following appropriation categories without
2648 limitation so long as such a transfer does not result in an
2649 increase, to the total recurring general revenue or trust fund
2650 cost of the agency or entity of the judicial branch in the
2651 subsequent fiscal year: other personal services, expenses,
2652 operating capital outlay, food products, state attorney and
2653 public defender operations, data processing services, operating
2654 and maintenance of patrol vehicles, overtime payments, salary
2655 incentive payments, compensation to retired judges, law
2656 libraries, and juror and witness payments.

2657 2. The transfer of funds and positions from identical
2658 funding sources between salaries and benefits appropriation
2659 categories within programs identified in the General
2660 Appropriations Act. Such transfers must be consistent with
2661 legislative policy and intent and may not adversely affect

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2662 achievement of approved performance outcomes or outputs in any
2663 program.

2664 (c) The transfer of funds appropriated to accounts
2665 established for disbursement purposes upon release of such
2666 appropriation upon request of a department and approval by the
2667 Chief Financial Officer. Such transfer may only be made to the
2668 same appropriation category and the same funding source from
2669 which the funds are transferred.

2670 (d) The transfer of funds by the Executive Office of the
2671 Governor from appropriations for public school operations to a
2672 fixed capital outlay appropriation for class size reduction
2673 based on recommendations of the Florida Education Finance
2674 Program Appropriation Allocation Conference or the Legislative
2675 Budget Commission pursuant to s. 1003.03(4)(a). Actions by the
2676 Governor under this subsection are subject to the notice and
2677 review provisions of s. 216.177.

2678 (3) The following transfers are authorized with the
2679 approval of the Executive Office of the Governor for the
2680 executive branch or the Chief Justice for the judicial branch,
2681 subject to the notice and review provisions of s. 216.177:

2682 (a) The transfer of appropriations for operations from
2683 trust funds in excess of those provided in subsection (2), up to
2684 \$1 million.

2685 (b) The transfer of positions between budget entities.

2686 (4) The following transfers are authorized with the
2687 approval of the Legislative Budget Commission. Unless waived by
2688 the chair and vice chair of the commission, notice of such

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2689 transfers must be provided 14 days before the commission
2690 meeting:

2691 (a) The transfer of appropriations for operations from the
2692 General Revenue Fund in excess of those provided in this section
2693 but within a state agency or within the judicial branch, as
2694 recommended by the Executive Office of the Governor or the Chief
2695 Justice of the Supreme Court.

2696 (b) The transfer of appropriations for operations from
2697 trust funds in excess of those provided in this section that
2698 exceed the greater of 5 percent of the original approved budget
2699 or \$1 million, as recommended by the Executive Office of the
2700 Governor or the Chief Justice of the Supreme Court.

2701 (c) The transfer of the portion of an appropriation for a
2702 named fixed capital outlay project found to be in excess of that
2703 needed to complete the project to another project for which
2704 there has been an appropriation in the same fiscal year from the
2705 same fund and within the same department where a deficiency is
2706 found to exist, at the request of the Executive Office of the
2707 Governor for state agencies or the Chief Justice of the Supreme
2708 Court for the judicial branch. The scope of a fixed capital
2709 outlay project may not be changed by any transfer of funds made
2710 pursuant to this subsection.

2711 (d) The transfers necessary to accomplish the purposes of
2712 reorganization within state agencies or the judicial branch
2713 authorized by the Legislature when the necessary adjustments of
2714 appropriations and positions have not been provided in the
2715 General Appropriations Act.

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2716 (5) A transfer of funds may not result in the initiation
2717 of a fixed capital outlay project that has not received a
2718 specific legislative appropriation, except that federal funds
2719 for fixed capital outlay projects for the Department of Military
2720 Affairs, which do not carry a continuing commitment on future
2721 appropriations by the Legislature, may be approved by the
2722 Executive Office of the Governor for the purpose received,
2723 subject to the notice, review, and objection procedures set
2724 forth in s. 216.177.

2725 (6) The Chief Financial Officer shall transfer from any
2726 available funds of an agency or the judicial branch the
2727 following amounts and shall report all such transfers and the
2728 reasons therefor to the legislative appropriations committees
2729 and the Executive Office of the Governor:

2730 (a) The amount due to the Unemployment Compensation Trust
2731 Fund which is more than 90 days delinquent on reimbursements due
2732 to the Unemployment Compensation Trust Fund. The amount
2733 transferred shall be that certified by the state agency
2734 providing unemployment tax collection services under contract
2735 with the Agency for Workforce Innovation through an interagency
2736 agreement pursuant to s. 443.1316.

2737 (b) The amount due to the Division of Risk Management
2738 which is more than 90 days delinquent in payment to the Division
2739 of Risk Management of the Department of Financial Services for
2740 insurance coverage. The amount transferred shall be that
2741 certified by the division.

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2742 (c) The amount due to the Communications Working Capital
2743 Trust Fund from moneys appropriated in the General
2744 Appropriations Act for the purpose of paying for services
2745 provided by the state communications system in the Department of
2746 Management Services which is unpaid 45 days after the billing
2747 date. The amount transferred shall be that billed by the
2748 department.

2749 Section 39. Section 216.301, Florida Statutes, is amended
2750 to read:

2751 216.301 Appropriations; undisbursed balances.--

2752 (1)(a) Any balance of any appropriation, except an
2753 appropriation for fixed capital outlay, which is not disbursed
2754 but which is expended or contracted to be expended shall, at the
2755 end of each fiscal year, be certified by the head of the
2756 affected state agency or the judicial or legislative branches,
2757 on or before August 1 of each year, to the Executive Office of
2758 the Governor, showing in detail the obligees to whom obligated
2759 and the amounts of such obligations. On or before September 1 of
2760 each year, the Executive Office of the Governor shall review and
2761 approve or disapprove, consistent with legislative policy and
2762 intent, any or all of the items and amounts certified by the
2763 head of the affected state agency and shall approve all items
2764 and amounts certified by the Chief Justice of the Supreme Court
2765 for the judicial branch and by the legislative branch and shall
2766 furnish the Chief Financial Officer, the legislative
2767 appropriations committees, and the Auditor General a detailed
2768 listing of the items and amounts approved as legal encumbrances

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2769 against the undisbursed balance of such appropriation. The
2770 review shall assure that trust funds have been fully maximized.
2771 Any such encumbered balance remaining undisbursed on December 31
2772 of the same calendar year in which such certification was made
2773 shall revert to the fund from which appropriated, except as
2774 provided in subsection (3), and shall be available for
2775 reappropriation by the Legislature. In the event such
2776 certification is not made and an obligation is proven to be
2777 legal, due, and unpaid, then the obligation shall be paid and
2778 charged to the appropriation for the current fiscal year of the
2779 state agency or the legislative or judicial branch affected.

2780 (b) Any balance of any appropriation, except an
2781 appropriation for fixed capital outlay, for any given fiscal
2782 year remaining after charging against it any lawful expenditure
2783 shall revert to the fund from which appropriated and shall be
2784 available for reappropriation by the Legislature.

2785 (c) Each department and the judicial branch shall maintain
2786 the integrity of the General Revenue Fund. Appropriations from
2787 the General Revenue Fund contained in the original approved
2788 budget may be transferred to the proper trust fund for
2789 disbursement. Any reversion of appropriation balances from
2790 programs which receive funding from the General Revenue Fund and
2791 trust funds shall be transferred to the General Revenue Fund
2792 within 15 days after such reversion, unless otherwise provided
2793 by federal or state law, including the General Appropriations
2794 Act. The Executive Office of the Governor or the Chief Justice
2795 of the Supreme Court shall determine the state agency or

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2796 judicial branch programs which are subject to this paragraph.
2797 This determination shall be subject to the legislative
2798 consultation and objection process in this chapter. The
2799 Education Enhancement Trust Fund shall not be subject to the
2800 provisions of this section.

2801 (2)(a) The balance of any appropriation for fixed capital
2802 outlay which is not disbursed but expended, contracted, or
2803 committed to be expended prior to February 1 of the second
2804 fiscal year of the appropriation, or the third fiscal year if it
2805 is for an educational facility as defined in chapter 1013 or for
2806 a construction project of a state university, shall be certified
2807 by the head of the affected state agency or the legislative or
2808 judicial branch on February 1 to the Executive Office of the
2809 Governor, showing in detail the commitment or to whom obligated
2810 and the amount of the commitment or obligation. The Executive
2811 Office of the Governor for the executive branch and the Chief
2812 Justice for the judicial branch shall review and approve or
2813 disapprove, consistent with criteria jointly developed by the
2814 Executive Office of the Governor and the legislative
2815 appropriations committees, the continuation of such unexpended
2816 balances. The Executive Office of the Governor shall, no later
2817 than February 20 of each year, furnish the Chief Financial
2818 Officer, the legislative appropriations committees, and the
2819 Auditor General a report listing in detail the items and amounts
2820 reverting under the authority of this subsection, including the
2821 fund to which reverted and the agency affected.

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2822 (b) The certification required in this subsection shall be
2823 in the form and on the date approved by the Executive Office of
2824 the Governor. Any balance that is not certified shall revert to
2825 the fund from which it was appropriated and be available for
2826 reappropriation.

2827 (c) The balance of any appropriation for fixed capital
2828 outlay certified forward under paragraph (a) which is not
2829 disbursed but expended, contracted, or committed to be expended
2830 prior to the end of the second fiscal year of the appropriation,
2831 or the third fiscal year if it is for an educational facility as
2832 defined in chapter 1013 or for a construction project of a state
2833 university, and any subsequent fiscal year, shall be certified
2834 by the head of the affected state agency or the legislative or
2835 judicial branch on or before August 1 of each year to the
2836 Executive Office of the Governor, showing in detail the
2837 commitment or to whom obligated and the amount of such
2838 commitment or obligation. On or before September 1 of each year,
2839 the Executive Office of the Governor shall review and approve or
2840 disapprove, consistent with legislative policy and intent, any
2841 or all of the items and amounts certified by the head of the
2842 affected state agency and shall approve all items and amounts
2843 certified by the Chief Justice of the Supreme Court and by the
2844 legislative branch and shall furnish the Chief Financial
2845 Officer, the legislative appropriations committees, and the
2846 Auditor General a detailed listing of the items and amounts
2847 approved as legal encumbrances against the undisbursed balances
2848 of such appropriations. If such certification is not made and

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2849 the balance of the appropriation has reverted and the obligation
2850 is proven to be legal, due, and unpaid, the obligation shall be
2851 presented to the Legislature for its consideration.

2852 (3) The President of the Senate and the Speaker of the
2853 House of Representatives may notify the Executive Office of the
2854 Governor to retain certified-forward balances from legislative
2855 budget entities until June 30 of the following fiscal year.

2856 ~~(2)(a) Any balance of any appropriation for fixed capital~~
2857 ~~outlay not disbursed but expended or contracted or committed to~~
2858 ~~be expended shall, at the end of each fiscal year, be certified~~
2859 ~~by the head of the affected state agency or the legislative or~~
2860 ~~judicial branch, on or before August 1 of each year, to the~~
2861 ~~Executive Office of the Governor, showing in detail the~~
2862 ~~commitment or to whom obligated and the amount of such~~
2863 ~~commitment or obligation. On or before September 1 of each year,~~
2864 ~~the Executive Office of the Governor shall review and approve or~~
2865 ~~disapprove, consistent with legislative policy and intent, any~~
2866 ~~or all of the items and amounts certified by the head of the~~
2867 ~~affected state agency and shall approve all items and amounts~~
2868 ~~certified by the Chief Justice of the Supreme Court and by the~~
2869 ~~legislative branch and shall furnish the Chief Financial~~
2870 ~~Officer, the legislative appropriations committees, and the~~
2871 ~~Auditor General a detailed listing of the items and amounts~~
2872 ~~approved as legal encumbrances against the undisbursed balances~~
2873 ~~of such appropriations. In the event such certification is not~~
2874 ~~made and the balance of the appropriation has reverted and the~~

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2875 ~~obligation is proven to be legal, due, and unpaid, then the same~~
2876 ~~shall be presented to the Legislature for its consideration.~~

2877 ~~(b) Such certification as herein required shall be in the~~
2878 ~~form and on the date approved by the Executive Office of the~~
2879 ~~Governor. Any balance not so certified shall revert to the fund~~
2880 ~~from which appropriated and shall be available for~~
2881 ~~reappropriation.~~

2882 ~~(3) Notwithstanding the provisions of subsection (2), the~~
2883 ~~unexpended balance of any appropriation for fixed capital outlay~~
2884 ~~subject to but not under the terms of a binding contract or a~~
2885 ~~general construction contract prior to February 1 of the second~~
2886 ~~fiscal year, or the third fiscal year if it is for an~~
2887 ~~educational facility as defined in chapter 1013 or a~~
2888 ~~construction project of a state university, of the appropriation~~
2889 ~~shall revert on February 1 of such year to the fund from which~~
2890 ~~appropriated and shall be available for reappropriation. The~~
2891 ~~Executive Office of the Governor shall, not later than February~~
2892 ~~20 of each year, furnish the Chief Financial Officer, the~~
2893 ~~legislative appropriations committees, and the Auditor General a~~
2894 ~~report listing in detail the items and amounts reverting under~~
2895 ~~the authority of this subsection, including the fund to which~~
2896 ~~reverted and the agency affected.~~

2897 Section 40. Effective July 1, 2006, subsection (1) of
2898 section 216.301, Florida Statutes, as amended by this act, is
2899 amended to read:

2900 216.301 Appropriations; undisbursed balances.--

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2901 (1)(a) Any balance of any appropriation, except an
2902 appropriation for fixed capital outlay, which is not disbursed
2903 but which is expended ~~or contracted to be expended~~ shall, at the
2904 end of each fiscal year, be certified by the head of the
2905 affected state agency or the judicial or legislative branches,
2906 on or before August 1 of each year, to the Executive Office of
2907 the Governor, showing in detail the obligees to whom obligated
2908 and the amounts of such obligations. ~~On or before September 1 of~~
2909 ~~each year, the Executive Office of the Governor shall review and~~
2910 ~~approve or disapprove, consistent with legislative policy and~~
2911 ~~intent, any or all of the items and amounts certified by the~~
2912 ~~head of the affected state agency and shall approve all items~~
2913 ~~and amounts certified by the Chief Justice of the Supreme Court~~
2914 ~~for the judicial branch and by the legislative branch and shall~~
2915 ~~furnish the Chief Financial Officer, the legislative~~
2916 ~~appropriations committees, and the Auditor General a detailed~~
2917 ~~listing of the items and amounts approved as legal encumbrances~~
2918 ~~against the undisbursed balance of such appropriation. The~~
2919 ~~review shall assure that trust funds have been fully maximized.~~
2920 Any such encumbered balance remaining undisbursed on September
2921 30 ~~December 31~~ of the same calendar year in which such
2922 certification was made shall revert to the fund from which
2923 appropriated, except as provided in subsection (3), and shall be
2924 available for reappropriation by the Legislature. In the event
2925 such certification is not made and an obligation is proven to be
2926 legal, due, and unpaid, then the obligation shall be paid and

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2927 | charged to the appropriation for the current fiscal year of the
2928 | state agency or the legislative or judicial branch affected.

2929 | (b) Any balance of any appropriation, except an
2930 | appropriation for fixed capital outlay, for any given fiscal
2931 | year remaining after charging against it any lawful expenditure
2932 | shall revert to the fund from which appropriated and shall be
2933 | available for reappropriation by the Legislature.

2934 | (c) Each department and the judicial branch shall maintain
2935 | the integrity of the General Revenue Fund. Appropriations from
2936 | the General Revenue Fund contained in the original approved
2937 | budget may be transferred to the proper trust fund for
2938 | disbursement. Any reversion of appropriation balances from
2939 | programs which receive funding from the General Revenue Fund and
2940 | trust funds shall be transferred to the General Revenue Fund
2941 | within 15 days after such reversion, unless otherwise provided
2942 | by federal or state law, including the General Appropriations
2943 | Act. The Executive Office of the Governor or the Chief Justice
2944 | of the Supreme Court shall determine the state agency or
2945 | judicial branch programs which are subject to this paragraph.
2946 | This determination shall be subject to the legislative
2947 | consultation and objection process in this chapter. The
2948 | Education Enhancement Trust Fund shall not be subject to the
2949 | provisions of this section.

2950 | Section 41. Subsection (3) of section 218.60, Florida
2951 | Statutes, is amended to read:

2952 | 218.60 Definitions.--

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2953 ~~(3) All estimates of moneys provided pursuant to this part~~
2954 ~~utilized by participating units of local government in the first~~
2955 ~~year of participation shall be equal to 95 percent of those~~
2956 ~~projections made by the revenue estimating conference and~~
2957 ~~provided to local governments by the Office of Economic and~~
2958 ~~Demographic Research, in consultation with the Department of~~
2959 ~~Revenue.~~

2960 Section 42. Subsection (2) of section 252.37, Florida
2961 Statutes, is amended to read:

2962 252.37 Financing.--

2963 (2) It is the legislative intent that the first recourse
2964 be made to funds regularly appropriated to state and local
2965 agencies. If the Governor finds that the demands placed upon
2966 these funds in coping with a particular disaster declared by the
2967 Governor as a state of emergency are unreasonably great, she or
2968 he may make funds available by transferring and expending moneys
2969 appropriated for other purposes, by transferring and expending
2970 moneys out of any unappropriated surplus funds, or from the
2971 Budget Stabilization Fund ~~or Working Capital Fund~~. Following the
2972 expiration or termination of the state of emergency, the
2973 Governor may process a budget amendment under the notice and
2974 review procedures set forth in s. 216.177 to transfer moneys to
2975 satisfy the budget authority granted for such emergency.

2976 Section 43. Subsection (3) of section 265.55, Florida
2977 Statutes, is amended to read:

2978 265.55 Claims.--

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2979 (3) The authorization for payment delineated in subsection
2980 (2) shall be forwarded to the Chief Financial Officer. The Chief
2981 Financial Officer shall take appropriate action to execute
2982 authorized payment of the claim from unobligated, unappropriated
2983 moneys in the General Revenue ~~Working Capital~~ Fund, as defined
2984 in s. 215.32.

2985 Section 44. Subsection (5) of section 288.7091, Florida
2986 Statutes, is amended to read:

2987 288.7091 Duties of the Florida Black Business Investment
2988 Board, Inc.--The Florida Black Business Investment Board, Inc.,
2989 shall:

2990 (5) Include in the criteria for loan decisions,
2991 occupational forecasting results set forth in s. 216.136~~(7)~~~~(9)~~
2992 which target high growth jobs;

2993 Section 45. Subsection (5) of section 320.20, Florida
2994 Statutes, is amended to read:

2995 320.20 Disposition of license tax moneys.--The revenue
2996 derived from the registration of motor vehicles, including any
2997 delinquent fees and excluding those revenues collected and
2998 distributed under the provisions of s. 320.081, must be
2999 distributed monthly, as collected, as follows:

3000 (5)(a) Except as provided in paragraph (c), the remainder
3001 of such revenues must be deposited in the State Transportation
3002 Trust Fund.

3003 (b) The Chief Financial Officer each month shall deposit
3004 in the State Transportation Trust Fund an amount, drawn from
3005 other funds in the State Treasury which are not immediately

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3006 needed or are otherwise in excess of the amount necessary to
3007 meet the requirements of the State Treasury, which when added to
3008 such remaining revenues each month will equal one-twelfth of the
3009 amount of the anticipated annual revenues to be deposited in the
3010 State Transportation Trust Fund under paragraph (a) as
3011 determined by the Chief Financial Officer after consultation
3012 with the estimated by the most recent revenue estimating
3013 conference held pursuant to s. 216.136(3). The transfers
3014 required hereunder may be suspended by action of the Legislative
3015 Budget Commission in the event of a significant shortfall of
3016 state revenues.

3017 (c) In any month in which the remaining revenues derived
3018 from the registration of motor vehicles exceed one-twelfth of
3019 those anticipated annual remaining revenues as determined by the
3020 Chief Financial Officer after consultation with the revenue
3021 estimating conference, the excess shall be credited to those
3022 state funds in the State Treasury from which the amount was
3023 originally drawn, up to the amount which was deposited in the
3024 State Transportation Trust Fund under paragraph (b). A final
3025 adjustment must be made in the last months of a fiscal year so
3026 that the total revenue deposited in the State Transportation
3027 Trust Fund each year equals the amount derived from the
3028 registration of motor vehicles, less the amount distributed
3029 under subsection (1). For the purposes of this paragraph and
3030 paragraph (b), the term "remaining revenues" means all revenues
3031 deposited into the State Transportation Trust Fund under
3032 paragraph (a) and subsections (2) and (3). In order that

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3033 interest earnings continue to accrue to the General Revenue
3034 Fund, the Department of Transportation may not invest an amount
3035 equal to the cumulative amount of funds deposited in the State
3036 Transportation Trust Fund under paragraph (b) less funds
3037 credited under this paragraph as computed on a monthly basis.
3038 The amounts to be credited under this and the preceding
3039 paragraph must be calculated and certified to the Chief
3040 Financial Officer by the Executive Office of the Governor.

3041 Section 46. Section 337.023, Florida Statutes, is amended
3042 to read:

3043 337.023 Sale of building; acceptance of replacement
3044 building.--Notwithstanding the provisions of s.
3045 216.292(2)(b)2.~~(4)(b)~~, if the department sells a building, the
3046 department may accept the construction of a replacement
3047 building, in response to a request for proposals, totally or
3048 partially in lieu of cash, and may do so without a specific
3049 legislative appropriation. Such action is subject to the
3050 approval of the Executive Office of the Governor, and is subject
3051 to the notice, review, and objection procedures under s.
3052 216.177. The replacement building shall be consistent with the
3053 current and projected needs of the department as agreed upon by
3054 the department and the Department of Management Services.

3055 Section 47. Paragraph (a) of subsection (2), paragraphs
3056 (c) and (f) of subsection (6), and subsection (7) of section
3057 339.135, Florida Statutes, are amended to read:

3058 339.135 Work program; legislative budget request;
3059 definitions; preparation, adoption, execution, and amendment.--

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3060 (2) SUBMISSION OF LEGISLATIVE BUDGET REQUEST AND REQUEST
3061 FOR LIST OF ADDITIONAL TRANSPORTATION PROJECTS.--

3062 (a) The department shall file the legislative budget
3063 request in the manner required by chapter 216, setting forth the
3064 department's proposed revenues and expenditures for operational
3065 and fixed capital outlay needs to accomplish the objectives of
3066 the department in the ensuing fiscal year. The right-of-way,
3067 construction, preliminary engineering, maintenance, and all
3068 grants and aids programs of the department shall be set forth
3069 only in program totals. The legislative budget request must
3070 include a balanced 36-month forecast of cash and expenditures
3071 and a 5-year finance plan. The legislative budget request shall
3072 be amended to conform to the tentative work program. Prior to
3073 the submission of the tentative work program pursuant to s.
3074 339.135(4)(f), the department may amend its legislative budget
3075 request and the tentative work program for ~~based on~~ the most
3076 recent estimating conference estimate of revenues and the most
3077 recent federal aid apportionments.

3078 (6) EXECUTION OF THE BUDGET.--

3079 (c) Notwithstanding the provisions of ss. 216.301~~(2)~~~~(3)~~
3080 and 216.351, any unexpended balance remaining at the end of the
3081 fiscal year in the appropriations to the department for special
3082 categories; aid to local governments; lump sums for project
3083 phases which are part of the adopted work program, and for which
3084 contracts have been executed or bids have been let; and for
3085 right-of-way land acquisition and relocation assistance for
3086 parcels from project phases in the adopted work program for

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3087 which appraisals have been completed and approved, may be
3088 certified forward as fixed capital outlay at the end of each
3089 fiscal year, to be certified by the head of the state agency on
3090 or before August 1 of each year to the Executive Office of the
3091 Governor, showing in detail the commitment or to whom obligated
3092 and the amount of such commitment or obligation. On or before
3093 September 1 of each year, the Executive Office of the Governor
3094 shall review and approve or disapprove, consistent with
3095 legislative policy and intent, any or all of the items and
3096 amounts certified by the head of the state agency and shall
3097 furnish the Chief Financial Officer, the legislative
3098 appropriations committees, and the Auditor General a detailed
3099 listing of the items and amounts approved as legal encumbrances
3100 against the undisbursed balances of such appropriations. In the
3101 event such certification is not made and the balance of the
3102 appropriation has reverted and the obligation is proven to be
3103 legal, due, and unpaid, then the same shall be presented to the
3104 Legislature for its consideration. Such certification as herein
3105 required shall be in the form and on the date approved by the
3106 Executive Office of the Governor ~~under the provisions of s.~~
3107 ~~216.301(2)(a).~~ Any project phases in the adopted work program
3108 not certified forward ~~under the provisions of s. 216.301(2)(a)~~
3109 shall be available for roll forward for the next fiscal year of
3110 the adopted work program. Spending authority associated with
3111 such project phases may be rolled forward to the next fiscal
3112 year upon approval by the Legislative Budget Commission ~~pursuant~~
3113 ~~to paragraph (f).~~ Increases in spending authority shall be

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3114 limited to amounts of unexpended balances by appropriation
3115 category. Any project phase certified forward for which bids
3116 have been let but subsequently rejected shall be available for
3117 roll forward in the adopted work program for the next fiscal
3118 year. Spending authority associated with such project phases may
3119 be rolled forward into the current year from funds certified
3120 forward ~~pursuant to paragraph (f).~~ The amount certified forward
3121 may include contingency allowances for right-of-way acquisition
3122 and relocation, asphalt and petroleum product escalation
3123 clauses, and contract overages, which allowances shall be
3124 separately identified in the certification detail. Right-of-way
3125 acquisition and relocation and contract overages contingency
3126 allowances shall be based on documented historical patterns.
3127 These contingency amounts shall be incorporated in the
3128 certification for each specific category, but when a category
3129 has an excess and another category has a deficiency, the
3130 Executive Office of the Governor is authorized to transfer the
3131 excess to the deficient account.

3132 ~~(f) Notwithstanding the provisions of ss. 216.181(1),~~
3133 ~~216.292, and 216.351, the Executive Office of the Governor may~~
3134 ~~amend that portion of the department's original approved fixed~~
3135 ~~capital outlay budget which comprises the work program pursuant~~
3136 ~~to subsection (7). Increase in spending authority in paragraph~~
3137 ~~(e) shall be limited to amounts of unexpended balances by~~
3138 ~~appropriation category.~~

3139 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

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3140 (a) Notwithstanding the provisions of ss. ~~216.181(1)~~,
3141 216.292~~7~~ and 216.351, the adopted work program may be amended
3142 only pursuant to the provisions of this subsection.

3143 (b) The department may not transfer any funds for any
3144 project or project phase between department districts. However,
3145 a district secretary may agree to a loan of funds to another
3146 district, if:

3147 1. The funds are used solely to maximize the use or amount
3148 of funds available to the state;

3149 2. The loan agreement is executed in writing and is signed
3150 by the district secretaries of the respective districts;

3151 3. Repayment of the loan is to be made within 3 years
3152 after the date on which the agreement was entered into; and

3153 4. The adopted work program of the district loaning the
3154 funds would not be substantially impaired if the loan were made,
3155 according to the district secretary.

3156
3157 The loan constitutes an amendment to the adopted work program
3158 and is subject to the procedures specified in paragraph (b) ~~(e)~~.

3159 (c) The department may amend the adopted work program to
3160 transfer fixed capital outlay appropriations for projects within
3161 the same appropriations category or between appropriations
3162 categories, including department, except that the following
3163 amendments which shall be subject to the procedures in paragraph
3164 (d):

3165 1. Any amendment which deletes any project or project
3166 phase;

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Amendment No. (for drafter's use only)

3167 2. Any amendment which adds a project estimated to cost
3168 over \$150,000 in funds appropriated by the Legislature;

3169 3. Any amendment which advances or defers to another
3170 fiscal year, a right-of-way phase, a construction phase, or a
3171 public transportation project phase estimated to cost over
3172 \$500,000 in funds appropriated by the Legislature, except an
3173 amendment advancing or deferring a phase for a period of 90 days
3174 or less; or

3175 4. Any amendment which advances or defers to another
3176 fiscal year, any preliminary engineering phase or design phase
3177 estimated to cost over \$150,000 in funds appropriated by the
3178 Legislature, except an amendment advancing or deferring a phase
3179 for a period of 90 days or less.

3180 (d)1. Whenever the department proposes any amendment to
3181 the adopted work program, which amendment is defined in
3182 subparagraph (c)1., subparagraph (c)2., subparagraph (c)3., or
3183 subparagraph (c)4., it shall submit the proposed amendment to
3184 the Governor for approval and shall immediately notify the
3185 chairs of the legislative appropriations committees, the chairs
3186 of the legislative transportation committees, each member of the
3187 Legislature who represents a district affected by the proposed
3188 amendment, each metropolitan planning organization affected by
3189 the proposed amendment, and each unit of local government
3190 affected by the proposed amendment. Such proposed amendment
3191 shall provide a complete justification of the need for the
3192 proposed amendment.

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3193 2. The Governor shall not approve a proposed amendment
3194 until 14 days following the notification required in
3195 subparagraph 1.

3196 3. If either of the chairs of the legislative
3197 appropriations committees or the President of the Senate or the
3198 Speaker of the House of Representatives objects in writing to a
3199 proposed amendment within 14 days following notification and
3200 specifies the reasons for such objection, the Governor shall
3201 disapprove the proposed amendment ~~or shall submit the proposed~~
3202 ~~amendment to the Administration Commission. The proposed~~
3203 ~~amendment may be approved by the Administration Commission by a~~
3204 ~~two-thirds vote of the members present with the Governor voting~~
3205 ~~in the affirmative. In the absence of approval by the~~
3206 ~~commission, the proposed amendment shall be automatically~~
3207 ~~disapproved.~~

3208 (e) Notwithstanding the requirements in paragraphs
3209 ~~paragraph~~ (d) and (g) and ss. 216.177(2) and 216.351, the
3210 secretary may request the Executive Office of the Governor to
3211 amend the adopted work program when an emergency exists, as
3212 defined in s. 252.34(3), and the emergency relates to the repair
3213 or rehabilitation of any state transportation facility. The
3214 Executive Office of the Governor may approve the amendment to
3215 the adopted work program and amend that portion of the
3216 department's approved budget in the event that the delay
3217 incident to the notification requirements in paragraph (d) would
3218 be detrimental to the interests of the state. However, the
3219 department shall immediately notify the parties specified in

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3220 paragraph (d) and shall provide such parties written
3221 justification for the emergency action within 7 days of the
3222 approval by the Executive Office of the Governor of the
3223 amendment to the adopted work program and the department's
3224 budget. In no event may the adopted work program be amended
3225 under the provisions of this subsection without the
3226 certification by the comptroller of the department that there
3227 are sufficient funds available pursuant to the 36-month cash
3228 forecast and applicable statutes.

3229 (f) The department may authorize the investment of the
3230 earnings accrued and collected upon the investment of the
3231 minimum balance of funds required to be maintained in the State
3232 Transportation Trust Fund pursuant to paragraph (b). Such
3233 investment shall be limited as provided in s. 288.9607(7).

3234 (g) Any work program amendment which also requires the
3235 transfer of fixed capital outlay appropriations between
3236 categories within the department or the increase of an
3237 appropriation category is subject to the approval of the
3238 Legislative Budget Commission. If a meeting of the Legislative
3239 Budget Commission cannot be held within 30 days of the
3240 department submitting an amendment to the Legislative Budget
3241 Commission, then the chair and vice chair of the Legislative
3242 Budget Commission may authorize such amendment to be approved
3243 pursuant to the provisions of s. 216.177.

3244 Section 48. Subsection (2) of section 373.6065, Florida
3245 Statutes, is amended to read:

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Amendment No. (for drafter's use only)

3246 373.6065 Adoption benefits for water management district
3247 employees.--

3248 (2) The Chief Financial Officer and the Department of
3249 Management Services shall transfer funds to water management
3250 districts to pay eligible water management district employees
3251 for these child adoption monetary benefits in accordance with s.
3252 215.32(2)(c)5.~~(1)(e)5.~~, as long as funds remain available for
3253 the program described under s. 110.152.

3254 Section 49. Subsection (3) of section 381.0303, Florida
3255 Statutes, is amended to read:

3256 381.0303 Health practitioner recruitment for special needs
3257 shelters.--

3258 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
3259 Department of Health shall reimburse, subject to the
3260 availability of funds for this purpose, health care
3261 practitioners, as defined in s. 456.001, provided the
3262 practitioner is not providing care to a patient under an
3263 existing contract, and emergency medical technicians and
3264 paramedics licensed pursuant to chapter 401 for medical care
3265 provided at the request of the department in special needs
3266 shelters or at other locations during times of emergency or
3267 major disaster. Reimbursement for health care practitioners,
3268 except for physicians licensed pursuant to chapter 458 or
3269 chapter 459, shall be based on the average hourly rate that such
3270 practitioners were paid according to the most recent survey of
3271 Florida hospitals conducted by the Florida Hospital Association.
3272 Reimbursement shall be requested on forms prepared by the

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3273 Department of Health. If a Presidential Disaster Declaration has
3274 been made, and the Federal Government makes funds available, the
3275 department shall use such funds for reimbursement of eligible
3276 expenditures. In other situations, or if federal funds do not
3277 fully compensate the department for reimbursement made pursuant
3278 to this section, the department shall process ~~submit to the~~
3279 ~~Cabinet or Legislature, as appropriate,~~ a budget amendment to
3280 obtain reimbursement from unobligated, unappropriated moneys in
3281 the General Revenue ~~working capital~~ Fund. Travel expense and per
3282 diem costs shall be reimbursed pursuant to s. 112.061.

3283 Section 50. Subsection (3) of section 392.69, Florida
3284 Statutes, is amended to read:

3285 392.69 Appropriation, sinking, and maintenance trust
3286 funds; additional powers of the department.--

3287 (3) In the execution of its public health program
3288 functions, notwithstanding s. 216.292(2)(b)2.(4)(b), the
3289 department is hereby authorized to use any sums of money which
3290 it may heretofore have saved or which it may hereafter save from
3291 its regular operating appropriation, or use any sums of money
3292 acquired by gift or grant, or any sums of money it may acquire
3293 by the issuance of revenue certificates of the hospital to match
3294 or supplement any state or federal funds, or any moneys received
3295 by said department by gift or otherwise, for the construction or
3296 maintenance of additional facilities or improvement to existing
3297 facilities, as the department deems necessary.

3298 Section 51. Subsection (5) of section 409.906, Florida
3299 Statutes, is amended to read:

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3300 409.906 Optional Medicaid services.--Subject to specific
3301 appropriations, the agency may make payments for services which
3302 are optional to the state under Title XIX of the Social Security
3303 Act and are furnished by Medicaid providers to recipients who
3304 are determined to be eligible on the dates on which the services
3305 were provided. Any optional service that is provided shall be
3306 provided only when medically necessary and in accordance with
3307 state and federal law. Optional services rendered by providers
3308 in mobile units to Medicaid recipients may be restricted or
3309 prohibited by the agency. Nothing in this section shall be
3310 construed to prevent or limit the agency from adjusting fees,
3311 reimbursement rates, lengths of stay, number of visits, or
3312 number of services, or making any other adjustments necessary to
3313 comply with the availability of moneys and any limitations or
3314 directions provided for in the General Appropriations Act or
3315 chapter 216. If necessary to safeguard the state's systems of
3316 providing services to elderly and disabled persons and subject
3317 to the notice and review provisions of s. 216.177, the Governor
3318 may direct the Agency for Health Care Administration to amend
3319 the Medicaid state plan to delete the optional Medicaid service
3320 known as "Intermediate Care Facilities for the Developmentally
3321 Disabled." Optional services may include:

3322 (5) CASE MANAGEMENT SERVICES.--The agency may pay for
3323 primary care case management services rendered to a recipient
3324 pursuant to a federally approved waiver, and targeted case
3325 management services for specific groups of targeted recipients,
3326 for which funding has been provided and which are rendered

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3327 pursuant to federal guidelines. The agency is authorized to
3328 limit reimbursement for targeted case management services in
3329 order to comply with any limitations or directions provided for
3330 in the General Appropriations Act. ~~Notwithstanding s. 216.292,~~
3331 ~~the Department of Children and Family Services may transfer~~
3332 ~~general funds to the Agency for Health Care Administration to~~
3333 ~~fund state match requirements exceeding the amount specified in~~
3334 ~~the General Appropriations Act for targeted case management~~
3335 ~~services.~~

3336 Section 52. Subsection (11) of section 409.912, Florida
3337 Statutes, is amended to read:

3338 409.912 Cost-effective purchasing of health care.--The
3339 agency shall purchase goods and services for Medicaid recipients
3340 in the most cost-effective manner consistent with the delivery
3341 of quality medical care. To ensure that medical services are
3342 effectively utilized, the agency may, in any case, require a
3343 confirmation or second physician's opinion of the correct
3344 diagnosis for purposes of authorizing future services under the
3345 Medicaid program. This section does not restrict access to
3346 emergency services or poststabilization care services as defined
3347 in 42 C.F.R. part 438.114. Such confirmation or second opinion
3348 shall be rendered in a manner approved by the agency. The agency
3349 shall maximize the use of prepaid per capita and prepaid
3350 aggregate fixed-sum basis services when appropriate and other
3351 alternative service delivery and reimbursement methodologies,
3352 including competitive bidding pursuant to s. 287.057, designed
3353 to facilitate the cost-effective purchase of a case-managed

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HOUSE AMENDMENT

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Amendment No. (for drafter's use only)

3354 continuum of care. The agency shall also require providers to
3355 minimize the exposure of recipients to the need for acute
3356 inpatient, custodial, and other institutional care and the
3357 inappropriate or unnecessary use of high-cost services. The
3358 agency may mandate prior authorization, drug therapy management,
3359 or disease management participation for certain populations of
3360 Medicaid beneficiaries, certain drug classes, or particular
3361 drugs to prevent fraud, abuse, overuse, and possible dangerous
3362 drug interactions. The Pharmaceutical and Therapeutics Committee
3363 shall make recommendations to the agency on drugs for which
3364 prior authorization is required. The agency shall inform the
3365 Pharmaceutical and Therapeutics Committee of its decisions
3366 regarding drugs subject to prior authorization. The agency is
3367 authorized to limit the entities it contracts with or enrolls as
3368 Medicaid providers by developing a provider network through
3369 provider credentialing. The agency may limit its network based
3370 on the assessment of beneficiary access to care, provider
3371 availability, provider quality standards, time and distance
3372 standards for access to care, the cultural competence of the
3373 provider network, demographic characteristics of Medicaid
3374 beneficiaries, practice and provider-to-beneficiary standards,
3375 appointment wait times, beneficiary use of services, provider
3376 turnover, provider profiling, provider licensure history,
3377 previous program integrity investigations and findings, peer
3378 review, provider Medicaid policy and billing compliance records,
3379 clinical and medical record audits, and other factors. Providers
3380 shall not be entitled to enrollment in the Medicaid provider

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3381 network. The agency is authorized to seek federal waivers
3382 necessary to implement this policy.

3383 (11) The agency, after notifying the Legislature, may
3384 apply for waivers of applicable federal laws and regulations as
3385 necessary to implement more appropriate systems of health care
3386 for Medicaid recipients and reduce the cost of the Medicaid
3387 program to the state and federal governments and shall implement
3388 such programs, after legislative approval, within a reasonable
3389 period of time after federal approval. These programs must be
3390 designed primarily to reduce the need for inpatient care,
3391 custodial care and other long-term or institutional care, and
3392 other high-cost services.

3393 (a) Prior to seeking legislative approval of such a waiver
3394 as authorized by this subsection, the agency shall provide
3395 notice and an opportunity for public comment. Notice shall be
3396 provided to all persons who have made requests of the agency for
3397 advance notice and shall be published in the Florida
3398 Administrative Weekly not less than 28 days prior to the
3399 intended action.

3400 ~~(b) Notwithstanding s. 216.292, funds that are~~
3401 ~~appropriated to the Department of Elderly Affairs for the~~
3402 ~~Assisted Living for the Elderly Medicaid waiver and are not~~
3403 ~~expended shall be transferred to the agency to fund Medicaid-~~
3404 ~~reimbursed nursing home care.~~

3405 Section 53. Section 409.16745, Florida Statutes, is
3406 amended to read:

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3407 409.16745 Community partnership matching grant
3408 program.--It is the intent of the Legislature to improve
3409 services and local participation in community-based care
3410 initiatives by fostering community support and providing
3411 enhanced prevention and in-home services, thereby reducing the
3412 risk otherwise faced by lead agencies. There is established a
3413 community partnership matching grant program to be operated by
3414 the Department of Children and Family Services for the purpose
3415 of encouraging local participation in community-based care for
3416 child welfare. Any children's services council or other local
3417 government entity that makes a financial commitment to a
3418 community-based care lead agency is eligible for a grant upon
3419 proof that the children's services council or local government
3420 entity has provided the selected lead agency at least \$250,000
3421 from any local resources otherwise available to it. The total
3422 amount of local contribution may be matched on a two-for-one
3423 basis up to a maximum amount of \$2 million per council or local
3424 government entity. Awarded matching grant funds may be used for
3425 any prevention or in-home services provided by the children's
3426 services council or other local government entity that meets
3427 temporary-assistance-for-needy-families' eligibility
3428 requirements and can be reasonably expected to reduce the number
3429 of children entering the child welfare system. ~~To ensure~~
3430 ~~necessary flexibility for the development, start up, and ongoing~~
3431 ~~operation of community-based care initiatives, the notice period~~
3432 ~~required for any budget action authorized by the provisions of~~
3433 ~~s. 20.19(5)(b), is waived for the family safety program;~~

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3434 ~~however, the Department of Children and Family Services must~~
3435 ~~provide copies of all such actions to the Executive Office of~~
3436 ~~the Governor and Legislature within 72 hours of their~~
3437 ~~occurrence.~~ Funding available for the matching grant program is
3438 subject to legislative appropriation of nonrecurring funds
3439 provided for the purpose.

3440 Section 54. Subsection (2) of section 468.392, Florida
3441 Statutes, is amended to read:

3442 468.392 Auctioneer Recovery Fund.--There is created the
3443 Auctioneer Recovery Fund as a separate account in the
3444 Professional Regulation Trust Fund. The fund shall be
3445 administered by the Florida Board of Auctioneers.

3446 (2) All payments and disbursements from the Auctioneer
3447 Recovery Fund shall be made by the Chief Financial Officer upon
3448 a voucher signed by the Secretary of Business and Professional
3449 Regulation or the secretary's designee. ~~Amounts transferred to~~
3450 ~~the Auctioneer Recovery Fund shall not be subject to any~~
3451 ~~limitation imposed by an appropriation act of the Legislature.~~

3452 Section 55. Subsection (6) of section 475.484, Florida
3453 Statutes, is amended to read:

3454 475.484 Payment from the fund.--

3455 (6) All payments and disbursements from the Real Estate
3456 Recovery Fund shall be made by the Chief Financial Officer upon
3457 a voucher signed by the secretary of the department. ~~Amounts~~
3458 ~~transferred to the Real Estate Recovery Fund shall not be~~
3459 ~~subject to any limitation imposed by an appropriation act of the~~
3460 ~~Legislature.~~

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3461 Section 56. Paragraph (b) of subsection (7) of section
3462 631.141, Florida Statutes, is amended to read:

3463 631.141 Conduct of delinquency proceeding; domestic and
3464 alien insurers.--

3465 (7)

3466 (b) In the event that initiation of delinquency
3467 proceedings does not result in appointment of the department as
3468 receiver, or in the event that the funds or assets of an insurer
3469 for which the department is appointed as receiver are
3470 insufficient to cover the cost of compensation to special
3471 agents, counsel, clerks, or assistants and all expenses of
3472 taking, or attempting to take, possession of the insurer, and of
3473 conducting the proceeding, there is appropriated, upon approval
3474 of the Chief Financial Officer and of the Legislative Budget
3475 Commission pursuant to chapter 216, from the Insurance
3476 Regulation Trust Fund to the Division of Rehabilitation and
3477 Liquidation a sum that is sufficient to cover the unreimbursed
3478 costs.

3479 Section 57. Paragraph (b) of subsection (9) of section
3480 921.001, Florida Statutes, is amended to read:

3481 921.001 Sentencing Commission and sentencing guidelines
3482 generally.--

3483 (9)

3484 (b) On or after January 1, 1994, any legislation which:

3485 1. Creates a felony offense;

3486 2. Enhances a misdemeanor offense to a felony offense;

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3487 3. Moves a felony offense from a lesser offense severity
3488 level to a higher offense severity level in the offense severity
3489 ranking chart in s. 921.0012; or

3490 4. Reclassifies an existing felony offense to a greater
3491 felony classification

3492
3493 must provide that such a change result in a net zero sum impact
3494 in the overall prison population, as determined by the
3495 Legislature, considering the most recent estimates of the
3496 Criminal Justice Estimating Conference, unless the legislation
3497 contains a funding source sufficient in its base or rate to
3498 accommodate such change or a provision which specifically
3499 abrogates the application of this paragraph.

3500 Section 58. Subsection (3) of section 943.61, Florida
3501 Statutes, is amended to read:

3502 943.61 Powers and duties of the Capitol Police.--

3503 (3) ~~Notwithstanding the provisions of chapter 216, no~~
3504 ~~assets, personnel, or resources shall be taken from the Capitol~~
3505 ~~Police, and no appropriation to the Capitol Police shall be~~
3506 ~~reduced without the express approval of the Governor and the~~
3507 ~~Legislative Budget Commission.~~ Nothing herein limits the ability
3508 of the Capitol Police to provide mutual aid to other law
3509 enforcement agencies as authorized by law unless such a
3510 limitation is expressly included in the operational security
3511 plans provided for herein.

3512 Section 59. Paragraph (a) of subsection (4) of section
3513 1003.03, Florida Statutes, is amended to read:

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Amendment No. (for drafter's use only)

3514 1003.03 Maximum class size.--
3515 (4) ACCOUNTABILITY.--
3516 (a) Beginning in the 2003-2004 fiscal year, if the
3517 department determines for any year that a school district has
3518 not reduced average class size as required in subsection (2) at
3519 the time of the third FEFP calculation, the department shall
3520 calculate an amount from the class size reduction operating
3521 categorical which is proportionate to the amount of class size
3522 reduction not accomplished. Upon verification of the
3523 department's calculation by the Florida Education Finance
3524 Program Appropriation Allocation Conference, the Executive
3525 Office of the Governor shall transfer undistributed funds
3526 equivalent to the calculated amount from the district's class
3527 size reduction operating categorical to an approved fixed
3528 capital outlay appropriation for class size reduction in the
3529 affected district pursuant to s. 216.292(2)(d)~~(13)~~. The amount
3530 of funds transferred shall be the lesser of the amount verified
3531 by the Florida Education Finance Program Appropriation
3532 Allocation Conference or the undistributed balance of the
3533 district's class size reduction operating categorical. However,
3534 based upon a recommendation by the Commissioner of Education
3535 that the State Board of Education has reviewed evidence
3536 indicating that a district has been unable to meet class size
3537 reduction requirements despite appropriate effort to do so, the
3538 Legislative Budget Commission may approve an alternative amount
3539 of funds to be transferred from the district's class size

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3540 reduction operating categorical to its approved fixed capital
3541 outlay account for class size reduction.

3542 Section 60. Paragraph (a) of subsection (1) of section
3543 1009.536, Florida Statutes, is amended to read:

3544 1009.536 Florida Gold Seal Vocational Scholars award.--The
3545 Florida Gold Seal Vocational Scholars award is created within
3546 the Florida Bright Futures Scholarship Program to recognize and
3547 reward academic achievement and career preparation by high
3548 school students who wish to continue their education.

3549 (1) A student is eligible for a Florida Gold Seal
3550 Vocational Scholars award if the student meets the general
3551 eligibility requirements for the Florida Bright Futures
3552 Scholarship Program and the student:

3553 (a) Completes the secondary school portion of a sequential
3554 program of studies that requires at least three secondary school
3555 career credits taken over at least 2 academic years, and is
3556 continued in a planned, related postsecondary education program.
3557 If the student's school does not offer such a two-plus-two or
3558 tech-prep program, the student must complete a job-preparatory
3559 career education program selected by ~~the Workforce Estimating~~
3560 ~~Conference~~ or Workforce Florida, Inc., for its ability to
3561 provide high-wage employment in an occupation with high
3562 potential for employment opportunities. On-the-job training may
3563 not be substituted for any of the three required career credits.

3564 Section 61. Subsection (2) of section 1013.512, Florida
3565 Statutes, is amended to read:

3566 1013.512 Land Acquisition and Facilities Advisory Board.--

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Amendment No. (for drafter's use only)

3567 (2) If the director of the Office of Program Policy
3568 Analysis and Government Accountability (OPPAGA) or the Auditor
3569 General determines in a review or examination that significant
3570 deficiencies exist in a school district's land acquisition and
3571 facilities operational processes, he or she shall certify to the
3572 President of the Senate, the Speaker of the House of
3573 Representatives, the Legislative Budget Commission, and the
3574 Governor that the deficiency exists. Upon recommendation by the
3575 Governor, the Legislative Budget Commission shall approve or
3576 disapprove the placement of ~~determine whether funds for the~~
3577 ~~school district funds will be placed~~ in reserve until the
3578 deficiencies are corrected.

3579 Section 62. Any undisbursed appropriations made from the
3580 Working Capital Fund, previously created in s. 215.32, Florida
3581 Statutes, are reappropriated from unallocated moneys in the
3582 General Revenue Fund; any appropriations made to the Working
3583 Capital Fund are reappropriated to the General Revenue Fund; and
3584 any references to the Working Capital Fund in SB 2600 or SB
3585 2602, or similar legislation, shall be replaced with "the
3586 General Revenue Fund." It is the intent of the Legislature that
3587 the provisions of this section control in the event SB 2600 or
3588 SB 2602, or other similar legislation, are enacted subsequently
3589 during the 2005 Regular Session. This section expires July 1,
3590 2006.

3591 Section 63. Sections 216.1825, 216.183, and 288.1234,
3592 Florida Statutes, are repealed.

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3593 Section 64. Except as otherwise provided herein, this act
3594 shall take effect July 1, 2005.

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3597

===== T I T L E A M E N D M E N T =====

3598

Remove the entire title and insert:

3599

A bill to be entitled

3600

An act relating to the management of state financial

3601

matters; amending s. 14.2015, F.S.; requiring the Office

3602

of Tourism, Trade, and Economic Development and the

3603

Florida Commission on Tourism to advise and consult with

3604

the Consensus Estimating Conference principals concerning

3605

certain duties; amending s. 20.19, F.S.; eliminating

3606

certain transfer authority of district administrators in

3607

the Department of Children and Family Services; amending

3608

s. 20.316, F.S., relating to the Department of Juvenile

3609

Justice information systems; correcting a reference;

3610

amending s. 45.062, F.S.; limiting the ability of agencies

3611

to settle lawsuits in certain circumstances; requiring

3612

that certain legislative officers and the Attorney General

3613

receive prior notice concerning settlement negotiations

3614

and presettlement agreements or orders; providing certain

3615

exceptions; requiring that moneys paid in settlement of a

3616

legal action be placed into the General Revenue Fund or an

3617

appropriate trust fund; amending s. 110.1239, F.S.;

3618

correcting a cross reference; amending s. 110.1245, F.S.,

3619

relating to a savings sharing program; correcting a

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HOUSE AMENDMENT

Bill No. CS/SB 2610

Amendment No. (for drafter's use only)

3620 reference; amending s. 215.32, F.S.; providing for
3621 unallocated general revenue; revising a provision relating
3622 to the restoration of expenditures from the Budget
3623 Stabilization Fund; revising requirements and uses of
3624 Working Capital Fund moneys; amending s. 215.5601, F.S.;
3625 revising provisions relating to appropriations to and uses
3626 of the Lawton Chiles Endowment Fund; amending ss. 215.93
3627 and 215.94, F.S.; revising duties of the Financial
3628 Management Information Board, the functional owners of
3629 information subsystems, and the Auditor General relating
3630 to the Florida Financial Management Information System;
3631 amending s. 215.97, F.S., relating to the Florida Single
3632 Audit Act; revising and providing definitions; revising
3633 the uniform state audit requirements for state financial
3634 assistance provided by state agencies to nonstate
3635 entities; requiring the Department of Financial Services
3636 to adopt rules and perform additional duties with respect
3637 to the provision of financial assistance to carry out
3638 state projects; revising duties of the Executive Office of
3639 the Governor and Chief Financial Officer and specifying
3640 duties of coordinating agencies; exempting certain
3641 nonstate entities from the requirements of the Florida
3642 Single Audit Act; amending s. 216.011, F.S.; revising and
3643 providing definitions; amending s. 216.013, F.S.; revising
3644 requirements for the long-range program plans developed by
3645 state agencies and the judicial branch; providing for the
3646 preparation of form, manner, and timeframe instructions

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3647 for such plans; revising the plan submission date;
3648 revising the date by which to submit adjustments to such
3649 plans; requiring the plans to be posted on the Internet;
3650 providing that long-range program plans are exempt from
3651 ch. 120; amending s. 216.023, F.S.; providing for
3652 alternate dates for agencies to submit legislative budget
3653 requests; changing the requirements for an annual
3654 inventory of certain litigation; requiring and specifying
3655 additional information in legislative budget requests;
3656 revising requirements of the judicial branch's legislative
3657 budget requests; revising duties of the Executive Office
3658 of the Governor, the Legislature, and the Chief Justice
3659 relating to legislative budget requests; amending s.
3660 216.031, F.S.; revising requirements for target budget
3661 requests; amending s. 216.052, F.S.; deleting certain
3662 requirements relating to community budget requests;
3663 amending s. 216.053, F.S.; deleting the requirement that
3664 the General Appropriations Act contain summary information
3665 concerning performance-based program budgets; amending s.
3666 216.065, F.S.; revising requirements relating to fiscal
3667 impact statements on actions affecting the budget;
3668 amending s. 216.081, F.S.; providing data requirements for
3669 the Governor's recommended budget under certain
3670 circumstances; amending s. 216.133, F.S.; deleting
3671 references to conform; amending s. 216.134, F.S.;
3672 stipulating that consensus estimating conferences are
3673 within the legislative branch; revising provisions

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Amendment No. (for drafter's use only)

3674 relating to public meetings of consensus estimating
3675 conferences; amending s. 216.136, F.S.; deleting
3676 provisions for the Child Welfare System Estimating
3677 Conference and the Juvenile Justice Estimating Conference;
3678 revising provisions relating to the principals of the
3679 Self-Insurance Estimating Conference and the Florida
3680 Retirement System Actuarial Assumption Conference;
3681 amending s. 216.162, F.S.; revising the date for the
3682 Governor to submit the recommended budget to the
3683 Legislature; amending s. 216.163, F.S.; authorizing the
3684 Governor's budget recommendation to include an alternative
3685 recommendation for operating and fixed capital outlay
3686 appropriations to that of the Chief Justice; amending s.
3687 216.167, F.S.; deleting references to the Working Capital
3688 Fund, to conform; amending s. 216.168, F.S.; deleting
3689 provisions exempting the Governor from a requirement to
3690 submit amended recommendations; amending s. 216.177, F.S.;
3691 revising notice and review requirements for actions taken
3692 under ch. 216, F.S., to provide for funds expended in
3693 settlement of agency litigation; deleting an obsolete
3694 provision; amending s. 216.181, F.S.; requiring approval
3695 of certain amendments to an approved operating budget by
3696 the Legislative Budget Commission; revising requirements
3697 for determining salary rates; authorizing the Legislative
3698 Budget Commission to approve salary rates; revising
3699 provisions relating to how the annual salary rate is
3700 determined and controlled; deleting certain notice

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Amendment No. (for drafter's use only)

3701 requirements; requiring that the legislative
3702 appropriations committees approve certain nonoperating
3703 budgets; deleting the authority to advance certain
3704 contracted services funds in the Department of Children
3705 and Family Service and the Department of Health; amending
3706 s. 216.192, F.S.; deleting provisions authorizing the
3707 legislative appropriations committees to provide advice
3708 regarding the release of funds; authorizing the Executive
3709 Office of the Governor and the Chief Justice to place
3710 appropriations in mandatory reserve or budget reserve;
3711 amending s. 216.195, F.S.; deleting certain notice and
3712 review requirements for the impoundment of funds; amending
3713 s. 216.221, F.S.; authorizing the Legislature to direct
3714 the use of any state funds in an appropriations act to
3715 offset General Revenue Fund deficits; revising
3716 requirements for adjusting budgets in order to avoid or
3717 eliminate a deficit; revising procedures for certifying a
3718 budget deficit; revising requirements for the Governor and
3719 the Chief Justice in developing plans of action; requiring
3720 that the Legislative Budget Commission implement certain
3721 reductions in appropriations; revising requirements for
3722 resolving deficits; requiring that certain actions to
3723 resolve a deficit be approved by the Legislative Budget
3724 Commission; amending s. 216.231, F.S., relating to the
3725 release of classified appropriations, to conform; amending
3726 s. 216.235, F.S.; limiting the funding of certain
3727 proposals under the Innovation Investment Program;

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HOUSE AMENDMENT

Bill No. CS/SB 2610

Amendment No. (for drafter's use only)

3728 correcting references; amending s. 216.241, F.S.;

3729 requiring that the initiation or commencement of new

3730 programs be approved by the Legislative Budget Commission;

3731 deleting certain notice requirements; amending s. 216.251,

3732 F.S.; correcting a reference; revising requirements for

3733 establishing certain salaries; amending s. 216.262, F.S.;

3734 requiring the Legislative Budget Commission to approve

3735 certain increases in the number of positions for

3736 authorized programs; deleting provisions authorizing an

3737 agency to retain salary dollars under certain

3738 circumstances; amending s. 216.292, F.S.; revising

3739 provisions relating to the transferability of

3740 appropriations; revising limitations on the

3741 transferability of appropriations; prohibiting spending

3742 fixed capital outlay for other purposes; providing notice

3743 and review requirements prior to implementation of certain

3744 transfers; prohibiting transferring appropriations except

3745 as otherwise provided by law; providing certain

3746 exceptions; amending s. 216.301, F.S.; revising

3747 requirements for continuing unexpended balances of

3748 appropriations for fixed capital outlay; requiring

3749 approval by the Executive Office of the Governor;

3750 authorizing the President of the Senate and the Speaker of

3751 the House of Representatives to provide for the retention

3752 of certain balances from legislative budget entities;

3753 revising the certification forward process for operating

3754 appropriations; amending s. 218.60, F.S.; deleting an

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3755 | obsolete provision; amending ss. 252.37 and 265.55, F.S.;
3756 | deleting certain references to the Working Capital Fund,
3757 | to conform; amending s. 288.7091, F.S.; correcting a cross
3758 | reference; amending s. 320.20, F.S.; providing duties of
3759 | the Chief Financial Officer with respect to the deposit of
3760 | certain trust fund moneys; amending s. 337.023, F.S.;
3761 | correcting a cross reference; amending s. 339.135, F.S.;
3762 | revising requirements for the tentative work programs
3763 | submitted by the Department of Transportation; specifying
3764 | procedures by which unexpended balances in certain
3765 | appropriations may be certified forward as fixed capital
3766 | outlay; requiring that the Legislative Budget Commission
3767 | approve certain extensions of spending authority; revising
3768 | requirements for amending certain work programs; requiring
3769 | approval of the Legislative Budget Commission for certain
3770 | work program amendments; amending 373.6065, F.S.;
3771 | correcting a cross reference; amending s. 381.0303, F.S.;
3772 | authorizing the Department of Health to obtain
3773 | reimbursement for special needs shelters from
3774 | unappropriated moneys in the General Revenue Fund;
3775 | amending s. 392.69, F.S.; correcting a cross reference;
3776 | amending s. 409.906, F.S.; deleting provisions authorizing
3777 | the Department of Children and Family Services to transfer
3778 | certain funds in excess of the amount specified in the
3779 | General Appropriations Act; amending s. 409.912, F.S.,
3780 | relating to the transfer of certain funds from the
3781 | Department of Elderly Affairs to the Agency for Health

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HOUSE AMENDMENT

Bill No. CS/SB 2610

Amendment No. (for drafter's use only)

3782 Care Administration, to conform; amending s. 409.16745,
3783 F.S.; eliminating 72-hour notification for transfer of
3784 budget authority for the community partnership matching
3785 grant program; amending ss. 468.392 and 475.484, F.S.;
3786 deleting provisions exempting funds in the Auctioneer
3787 Recovery Fund and the Real Estate Recovery Fund from
3788 limitations imposed by an appropriation act; amending s.
3789 631.141, F.S.; clarifying provisions requiring the
3790 Legislative Budget Commission to approve certain
3791 appropriations; amending s. 921.001, F.S.; requiring the
3792 Legislature to make certain determinations with respect to
3793 legislation affecting the prison population; amending s.
3794 943.61, F.S.; deleting a provision requiring approval by
3795 the Governor and the Legislative Budget Commission for
3796 appropriations to the Capitol Police; amending s. 1003.03,
3797 F.S.; correcting a cross reference; amending s. 1009.536,
3798 F.S.; deleting duties of the Workforce Estimating
3799 Conference with respect to certain career education
3800 programs; amending s. 1013.512, F.S.; requiring a
3801 recommendation by the Governor before placing certain
3802 school district funds in reserve; providing for references
3803 to the Working Capital Fund in certain legislation to be
3804 replaced with a reference to the General Revenue Fund;
3805 repealing s. 216.1825, F.S., relating to zero-based
3806 budgeting; repealing s. 216.183, F.S., relating to
3807 entities using performance-based program budgets;
3808 repealing s. 288.1234, F.S., relating to the guaranty of

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3809 | state obligations and the Olympic Games Guaranty Account;
3810 | providing effective dates.

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