

1 reference; amending s. 215.32, F.S.; providing
2 for unallocated general revenue; revising a
3 provision relating to the restoration of
4 expenditures from the Budget Stabilization
5 Fund; eliminating the Working Capital Fund as a
6 fund type; amending s. 215.5601, F.S., relating
7 to the Lawton Chiles Endowment Fund; revising
8 provisions governing appropriations to the
9 fund; amending ss. 215.93 and 215.94, F.S.,
10 relating to the Florida Financial Management
11 Information System; revising duties of the
12 Financial Management Information Board and the
13 functional owners of the information
14 subsystems; requiring the Auditor General to
15 provide technical advice; amending s. 215.97,
16 F.S., relating to the Florida Single Audit Act;
17 revising and providing definitions; revising
18 the uniform state audit requirements for state
19 financial assistance that is provided by state
20 agencies to nonstate entities; requiring the
21 Department of Financial Services to adopt rules
22 and perform additional duties with respect to
23 the provision of financial assistance to carry
24 out state projects; specifying duties of
25 coordinating agencies; exempting nonstate
26 entities that act only as a conduit of state
27 financial assistance from the requirements of
28 the Florida Single Audit Act; amending s.
29 216.011, F.S.; revising definitions applicable
30 to the fiscal affairs of the state; defining
31 the terms "mandatory reserve," "budget

1 reserve," "activity," and "statutorily
2 authorized entity"; amending s. 216.013, F.S.;
3 revising requirements for the long-range
4 program plans developed by state agencies;
5 providing for submitting such plans on an
6 alternate date under certain circumstances;
7 revising the date for making adjustments;
8 amending s. 216.023, F.S., relating to
9 legislative budget requests; providing
10 alternate dates for submitting such requests
11 under certain circumstances; providing
12 requirements for a request to outsource or
13 privatize agency functions; deleting certain
14 requirements for performance-based program
15 budget requests; amending s. 216.031, F.S.;
16 revising requirements for target budget
17 requests; repealing s. 216.052(2), (3), (8),
18 and (9), F.S., relating to community budget
19 requests and a revolving loan program;
20 repealing s. 216.053(5), F.S., relating to
21 summary information concerning
22 performance-based program budgets; amending s.
23 216.065, F.S.; requiring that a fiscal impact
24 statement provided to the legislative
25 appropriations committees contain information
26 concerning subsequent fiscal years; amending s.
27 216.081, F.S.; providing data requirements for
28 the Governor's recommended budget under certain
29 circumstances; amending s. 216.133, F.S.;
30 deleting references to conform; amending s.
31 216.134, F.S.; stipulating that consensus

1 estimating conferences are within the
2 legislative branch; revising provisions
3 relating to public meetings of consensus
4 estimating conferences; amending s. 216.136,
5 F.S.; deleting provisions for the Child Welfare
6 System Estimating Conference and the Juvenile
7 Justice Estimating Conference; amending s.
8 216.162, F.S.; revising the date for the
9 Governor to submit the recommended budget for
10 the state; amending s. 216.167, F.S.; deleting
11 references to the Working Capital Fund to
12 conform to changes made by the act; amending s.
13 216.168, F.S.; deleting provisions exempting
14 the Governor from a requirement to submit
15 amended recommendations; amending s. 216.177,
16 F.S.; revising requirements for notifying the
17 Legislature of actions taken under ch. 216,
18 F.S., and funds expended in settlement of
19 agency litigation; amending s. 216.181, F.S.;
20 requiring approval of certain amendments to an
21 approved operating budget by the Legislative
22 Budget Commission; clarifying provisions with
23 respect to the notice required for the transfer
24 of lump-sum appropriations; revising
25 requirements for determining salary rates;
26 authorizing the Legislative Budget Commission
27 to approve salary rates; deleting certain
28 notice requirements; authorizing certain
29 refunds, payments, and transfers pursuant to
30 budget authority within the executive branch
31 and the judicial branch; requiring notice to

1 the chairs of the legislative committees
2 responsible for developing the general
3 appropriations acts; repealing ss. 216.1825 and
4 216.183, F.S., relating to the use of
5 zero-based budgeting principles and
6 performance-based program budgets; amending s.
7 216.192, F.S.; requiring an agency to submit an
8 operational work plan for approval before funds
9 or positions are released or transferred or
10 spending authority is increased for information
11 technology projects; providing requirements for
12 the work plan; requiring that the agency submit
13 project-status reports; requiring that the
14 frequency of work plans and status reports be
15 specified in the General Appropriations Act;
16 deleting provisions authorizing the legislative
17 appropriations committees to provide advice
18 regarding the release of funds; authorizing the
19 Executive Office of the Governor and the Chief
20 Justice to place appropriations in mandatory
21 reserve or budget reserve; amending s. 216.195,
22 F.S.; deleting certain notice and review
23 requirements for the impoundment of funds;
24 amending s. 216.221, F.S.; authorizing the
25 Legislature to direct the use of any state
26 funds in an appropriations act; revising
27 requirements for adjusting budgets in order to
28 avoid or eliminate a deficit; revising
29 procedures for certifying a budget deficit;
30 revising requirements for the Governor and the
31 Chief Justice in developing plans of action;

1 requiring that the Legislative Budget
2 Commission implement certain reductions in
3 appropriations; revising requirements for
4 resolving deficits; requiring that certain
5 actions to resolve a deficit be approved by the
6 Legislative Budget Commission; amending s.
7 216.231, F.S., relating to the release of
8 classified appropriations; conforming
9 provisions to changes made by the act; amending
10 s. 216.235, F.S., relating to the Innovation
11 Investment Program; correcting references;
12 limiting the funding of certain proposals under
13 the program; amending s. 216.241, F.S.;
14 requiring that the initiation or commencement
15 of new programs be approved by the Legislative
16 Budget Commission; deleting certain notice
17 requirements; limiting certain other actions
18 and budget adjustments by a state agency or the
19 judicial branch without the approval of the
20 Legislature or the Legislative Budget
21 Commission; amending s. 216.251, F.S.;
22 correcting a reference; revising requirements
23 for establishing certain salaries; amending s.
24 216.262, F.S.; requiring the Legislative Budget
25 Commission to approve certain increases in the
26 number of positions; deleting provisions
27 authorizing an agency to retain salary dollars
28 under certain circumstances; amending s.
29 216.292, F.S.; revising provisions limiting the
30 transferability of appropriations; prohibiting
31 spending fixed capital outlay for other

1 purposes; prohibiting transferring
2 appropriations except as otherwise provided by
3 law; providing certain exceptions; amending s.
4 216.301, F.S.; revising requirements for
5 continuing unexpended balances of
6 appropriations for fixed capital outlay;
7 requiring approval by the Executive Office of
8 the Governor; authorizing the President of the
9 Senate and the Speaker of the House of
10 Representatives to provide for the retention of
11 certain balances from legislative budget
12 entities; repealing s. 218.60(3), F.S.,
13 relating to estimates made by the revenue
14 estimating conference and provided to local
15 governments; amending ss. 252.37 and 265.55,
16 F.S.; deleting certain references to the
17 Working Capital Fund to conform to changes made
18 by the act; repealing s. 288.1234, F.S.,
19 relating to the Olympic Games Guaranty Account
20 within the Economic Development Trust Fund;
21 amending s. 288.7091, F.S.; correcting a
22 cross-reference; amending s. 320.20, F.S.;
23 providing duties of the Chief Financial Officer
24 with respect to the deposit of certain trust
25 fund moneys based on anticipated annual
26 revenues; amending s. 339.135, F.S.; requiring
27 that the Legislative Budget Commission approve
28 certain extensions of spending authority;
29 revising requirements for amending certain work
30 programs; amending s. 381.0303, F.S.;
31 authorizing the Department of Health to obtain

1 reimbursement for special needs shelters from
2 unappropriated moneys in the General Revenue
3 Fund; amending s. 409.906, F.S.; deleting
4 provisions authorizing the Department of
5 Children and Family Services to transfer
6 certain funds in excess of the amount specified
7 in the General Appropriations Act; repealing s.
8 409.912(11)(b), F.S., relating to the transfer
9 of certain funds from the Department of Elderly
10 Affairs to the Agency for Health Care
11 Administration; amending ss. 468.392 and
12 475.484, F.S.; deleting provisions exempting
13 funds in the Auctioneer Recovery Fund and the
14 Real Estate Recovery Fund from limitations
15 imposed by an appropriation act; amending s.
16 631.141, F.S.; clarifying provisions requiring
17 the Legislative Budget Commission to approve
18 certain appropriations; amending s. 921.001,
19 F.S.; requiring the Legislature to make certain
20 determinations with respect to legislation that
21 affects the prison population; amending s.
22 943.61, F.S., relating to appropriations to the
23 Capitol Police; deleting provisions requiring
24 approval by the Governor and the Legislative
25 Budget Commission; amending s. 1009.536, F.S.;
26 deleting duties of the Workforce Estimating
27 Conference with respect to certain career
28 education programs; amending s. 1013.512, F.S.;
29 requiring a recommendation by the Governor
30 before placing certain school district funds in
31 reserve; providing for references to the

1 Working Capital Fund in certain appropriations
2 and proviso language to be replaced with a
3 reference to the General Revenue Fund;
4 providing effective dates.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

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

10 14.2015 Office of Tourism, Trade, and Economic
11 Development; creation; powers and duties.--

12 (8) The Office of Tourism, Trade, and Economic
13 Development shall ensure that the contract between the Florida
14 Commission on Tourism and the commission's direct-support
15 organization contains a provision to provide the data on the
16 visitor counts and visitor profiles used in revenue
17 estimating, employing the same methodology used in fiscal year
18 1995-1996 by the Department of Commerce. The Office of
19 Tourism, Trade, and Economic Development and the Florida
20 Commission on Tourism must advise and consult ~~reach agreement~~
21 with the Consensus Estimating Conference principals before
22 making any changes in methodology used or information
23 gathered.

24 Section 2. Paragraph (d) of subsection (4) of section
25 20.316, Florida Statutes, is amended to read:

26 20.316 Department of Juvenile Justice.--There is
27 created a Department of Juvenile Justice.

28 (4) INFORMATION SYSTEMS.--

29 (d) The management information system shall, at a
30 minimum:
31

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

3 2. Provide timely access to current data and computing
4 capacity to support outcome evaluation, legislative oversight,
5 ~~the Juvenile Justice Estimating Conference,~~ and other
6 research.

7 3. Provide automated support to the quality assurance
8 and program review functions.

9 4. Provide automated support to the contract
10 management process.

11 5. Provide automated support to the facility
12 operations management process.

13 6. Provide automated administrative support to
14 increase efficiency, provide the capability of tracking
15 expenditures of funds by the department or contracted service
16 providers that are eligible for federal reimbursement, and
17 reduce forms and paperwork.

18 7. Facilitate connectivity, access, and utilization of
19 information among various state agencies, and other state,
20 federal, local, and private agencies, organizations, and
21 institutions.

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

25 9. Provide a system for the training of information
26 system users and user groups.

27 Section 3. Effective July 1, 2006, section 45.062,
28 Florida Statutes, is amended to read:

29 45.062 Settlements, conditions, or orders when an
30 agency of the executive branch is a party.--

31

1 (1) In any civil action in which a state executive
2 branch agency or officer is a party in state or federal court,
3 the officer, agent, official, or attorney who represents or is
4 acting on behalf of such agency or officer may not settle such
5 action, consent to any condition, or agree to any order in
6 connection therewith, if the settlement, condition, or order
7 requires the expenditure of or the obligation to expend any
8 state funds or other state resources, the refund or future
9 loss of state revenues exceeding \$10 million, or the
10 establishment of any new program, unless:

11 (a) The expenditure is provided for by an existing
12 appropriation or program established by law; ~~and~~

13 **(b) At the time settlement negotiations are begun in**
14 **earnest, written notification is given to the President of the**
15 **Senate, the Speaker of the House of Representatives, the**
16 **Senate and House minority leaders, the chairs of the**
17 **appropriations committees of the Legislature, and the Attorney**
18 **General; and**

19 **(c)(b)** Prior written notification is given at least
20 ~~within~~ 5 business days before ~~of~~ the date the settlement or
21 presettlement agreement or order is to be made final to the
22 President of the Senate, the Speaker of the House of
23 Representatives, the Senate and House minority leaders, the
24 chairs of the appropriations committees of the Legislature,
25 and the Attorney General. Such notification is a condition
26 precedent to the agency's authority to enter into the
27 settlement or presettlement agreement and shall be subject to
28 the review and objection procedures of s. 216.177. Such
29 notification shall specify how the agency involved will
30 address the costs in future years within the limits of current
31 appropriations.

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

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

9 (2) The state executive branch agency or officer shall
10 negotiate a closure date as soon as possible for the civil
11 action.

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

15 (4) Any settlement that commits the state to spending
16 in excess of current appropriations or to policy changes
17 inconsistent with current state law shall be contingent upon
18 and subject to legislative appropriation or statutory
19 amendment. The state agency or officer may agree to use all
20 efforts to procure legislative funding or statutory amendment.

21 (5) When a state agency or officer settles an action
22 or legal claim in which the state asserted a right to recover
23 money, all moneys paid to the state by a party in full or
24 partial exchange for a release of the state's claim shall be
25 placed unobligated into the General Revenue Fund or the
26 appropriate trust fund. A settlement may not authorize or
27 ratify any payment outside the State Treasury, other than to a
28 person, as defined in s. 1.01, suffering an injury arising out
29 of the transaction or course of conduct giving rise to the
30 settled claim. This subsection does not limit the right of a
31

1 private party to settle a claim independent of the settlement
2 by a public party.

3 ~~(6)(5)~~ State executive branch agencies and officers
4 shall report to each substantive and fiscal committee of the
5 Legislature having jurisdiction over the reporting agency on
6 all potential settlements that may commit the state to:

- 7 (a) Spend in excess of current appropriations; or
8 (b) Make policy changes inconsistent with current
9 state law.

10
11 The state executive branch agency or officer shall provide
12 periodic updates to the appropriate legislative committees on
13 these issues during the settlement process.

14 (7) In any civil action in which a state executive
15 branch agency or officer is a party in state or federal court,
16 the officer, agent, official, or attorney who represents or is
17 acting on behalf of such agency or officer may not settle such
18 action if the settlement requires the other party to commit
19 funds to a particular purpose as a condition of the
20 settlement, unless at least 5 business days before the date
21 the settlement agreement is to be made final written notice is
22 given to the President of the Senate, the Speaker of the House
23 of Representatives, the Senate and House minority leaders, the
24 chairs of the appropriations committees of the Legislature,
25 and the Attorney General. Such notification is a condition
26 precedent to the agency's authority to enter into the
27 settlement and is subject to the review and objection
28 procedures of s. 216.177.

29 Section 4. Subsection (1) of section 110.1239, Florida
30 Statutes, is amended to read:
31

1 110.1239 State group health insurance program
2 funding.--It is the intent of the Legislature that the state
3 group health insurance program be managed, administered,
4 operated, and funded in such a manner as to maximize the
5 protection of state employee health insurance benefits.
6 Inherent in this intent is the recognition that the health
7 insurance liabilities attributable to the benefits offered
8 state employees should be fairly, orderly, and equitably
9 funded. Accordingly:

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

16 Section 5. Paragraph (b) of subsection (1) of section
17 110.1245, Florida Statutes, is amended to read:

18 110.1245 Savings sharing program; bonus payments;
19 other awards.--

20 (1)

21 (b) Each agency head shall recommend employees
22 individually or by group to be awarded an amount of money,
23 which amount shall be directly related to the cost savings
24 realized. Each proposed award and amount of money must be
25 approved by the Legislative Budget ~~Budgeting~~ Commission.

26 Section 6. Section 215.32, Florida Statutes, is
27 amended to read:

28 215.32 State funds; segregation.--

29 (1) All moneys received by the state shall be
30 deposited in the State Treasury unless specifically provided
31 otherwise by law and shall be deposited in and accounted for

1 by the Chief Financial Officer within the following funds,
2 which funds are hereby created and established:

3 (a) General Revenue Fund.

4 (b) Trust funds.

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

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

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

9 (a) The General Revenue Fund shall consist of all
10 moneys received by the state from every source whatsoever,
11 except as provided in paragraphs (b) and (c). Such moneys
12 shall be expended pursuant to General Revenue Fund
13 appropriations acts, ~~or~~ transferred as provided in paragraph
14 (c), or maintained as unallocated general revenue. Unallocated
15 general revenue shall be considered the working capital
16 balance of the state and shall consist of moneys in the
17 General Revenue Fund which are in excess of the amount needed
18 to meet General Revenue Fund appropriations for the current
19 fiscal year. Annually, at least 5 percent of the estimated
20 increase in General Revenue Fund receipts for the upcoming
21 fiscal year over the current year General Revenue Fund
22 effective appropriations shall be appropriated for state level
23 capital outlay, including infrastructure improvement and
24 general renovation, maintenance, and repairs.

25 (b)1. The trust funds shall consist of moneys received
26 by the state which under law or under trust agreement are
27 segregated for a purpose authorized by law. The state agency
28 or branch of state government receiving or collecting such
29 moneys shall be responsible for their proper expenditure as
30 provided by law. Upon the request of the state agency or
31 branch of state government responsible for the administration

1 of the trust fund, the Chief Financial Officer may establish
2 accounts within the trust fund at a level considered necessary
3 for proper accountability. Once an account is established
4 within a trust fund, the Chief Financial Officer may authorize
5 payment from that account only upon determining that there is
6 sufficient cash and releases at the level of the account.

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

11 a. Operations or operating trust fund, for use as a
12 depository for funds to be used for program operations funded
13 by program revenues, with the exception of administrative
14 activities when the operations or operating trust fund is a
15 proprietary fund.

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

18 c. Administrative trust fund, for use as a depository
19 for funds to be used for management activities that are
20 departmental in nature and funded by indirect cost earnings
21 and assessments against trust funds. Proprietary funds are
22 excluded from the requirement of using an administrative trust
23 fund.

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

28 e. Agency working capital trust fund, for use as a
29 depository for funds to be used pursuant to s. 216.272.
30
31

1 f. Clearing funds trust fund, for use as a depository
2 for funds to account for collections pending distribution to
3 lawful recipients.

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

7
8 To the extent possible, each agency must adjust its internal
9 accounting to use existing trust funds consistent with the
10 requirements of this subparagraph. If an agency does not have
11 trust funds listed in this subparagraph and cannot make such
12 adjustment, the agency must recommend the creation of the
13 necessary trust funds to the Legislature no later than the
14 next scheduled review of the agency's trust funds pursuant to
15 s. 215.3206.

16 3. All such moneys are hereby appropriated to be
17 expended in accordance with the law or trust agreement under
18 which they were received, subject always to the provisions of
19 chapter 216 relating to the appropriation of funds and to the
20 applicable laws relating to the deposit or expenditure of
21 moneys in the State Treasury.

22 4.a. Notwithstanding any provision of law restricting
23 the use of trust funds to specific purposes, unappropriated
24 cash balances from selected trust funds may be authorized by
25 the Legislature for transfer to the Budget Stabilization Fund
26 and General Revenue ~~Working Capital~~ Fund in the General
27 Appropriations Act.

28 b. This subparagraph does not apply to trust funds
29 required by federal programs or mandates; trust funds
30 established for bond covenants, indentures, or resolutions
31 whose revenues are legally pledged by the state or public body

1 | to meet debt service or other financial requirements of any
2 | debt obligations of the state or any public body; the State
3 | Transportation Trust Fund; the trust fund containing the net
4 | annual proceeds from the Florida Education Lotteries; the
5 | Florida Retirement System Trust Fund; trust funds under the
6 | management of the State Board of Education ~~Board of Regents~~,
7 | where such trust funds are for auxiliary enterprises,
8 | self-insurance, and contracts, grants, and donations, as those
9 | terms are defined by general law; trust funds that serve as
10 | clearing funds or accounts for the Chief Financial Officer or
11 | state agencies; trust funds that account for assets held by
12 | the state in a trustee capacity as an agent or fiduciary for
13 | individuals, private organizations, or other governmental
14 | units; and other trust funds authorized by the State
15 | Constitution.

16 | (c)1. The Budget Stabilization Fund shall consist of
17 | amounts equal to at least 5 percent of net revenue collections
18 | for the General Revenue Fund during the last completed fiscal
19 | year. The Budget Stabilization Fund's principal balance shall
20 | not exceed an amount equal to 10 percent of the last completed
21 | fiscal year's net revenue collections for the General Revenue
22 | Fund. As used in this paragraph, the term "last completed
23 | fiscal year" means the most recently completed fiscal year
24 | prior to the regular legislative session at which the
25 | Legislature considers the General Appropriations Act for the
26 | year in which the transfer to the Budget Stabilization Fund
27 | must be made under this paragraph.

28 | 2. By September 15 of each year, the Governor shall
29 | authorize the Chief Financial Officer to transfer, and the
30 | Chief Financial Officer shall transfer pursuant to
31 | appropriations made by law, to the Budget Stabilization Fund

1 | the amount of money needed for the balance of that fund to
2 | equal the amount specified in subparagraph 1., less any
3 | amounts expended and not restored. The moneys needed for this
4 | transfer may be appropriated by the Legislature from any
5 | funds.

6 | 3. Unless otherwise provided in this subparagraph, an
7 | expenditure from the Budget Stabilization Fund must be
8 | restored pursuant to a restoration schedule that provides for
9 | making five equal annual transfers from the General Revenue
10 | Fund, beginning in the third fiscal year following that in
11 | which the expenditure was made. For any Budget Stabilization
12 | Fund expenditure, the Legislature may establish by law a
13 | different restoration schedule and such change may be made at
14 | any time during the restoration period. Moneys are hereby
15 | appropriated for transfers pursuant to this subparagraph.

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

20 | 5. The Chief Financial Officer and the Department of
21 | Management Services shall transfer funds to water management
22 | districts to pay eligible water management district employees
23 | for all benefits due under s. 373.6065, as long as funds
24 | remain available for the program described under s. 100.152.

25 | ~~(d) The Working Capital Fund shall consist of moneys~~
26 | ~~in the General Revenue Fund which are in excess of the amount~~
27 | ~~needed to meet General Revenue Fund appropriations for the~~
28 | ~~current fiscal year. Each year, no later than the publishing~~
29 | ~~date of the annual financial statements for the state by the~~
30 | ~~Chief Financial Officer under s. 216.102, funds shall be~~
31 | ~~transferred between the Working Capital Fund and the General~~

1 ~~Revenue Fund to establish the balance of the Working Capital~~
2 ~~Fund for that fiscal year at the amount determined pursuant to~~
3 ~~this paragraph.~~

4 Section 7. Subsection (5) of section 215.5601, Florida
5 Statutes, is amended to read:

6 215.5601 Lawton Chiles Endowment Fund.--

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

8 (a) Funds from the endowment which are available for
9 legislative appropriation shall be transferred by the board to
10 the Department of Financial Services Tobacco Settlement
11 Clearing Trust Fund, created in s. 17.41, and disbursed in
12 accordance with the legislative appropriation.

13 1. Appropriations by the Legislature to the Department
14 of Health from endowment earnings from the principal set aside
15 for biomedical research shall be from a category called the
16 James and Esther King Biomedical Research Program and shall be
17 deposited into the Biomedical Research Trust Fund in the
18 Department of Health established in s. 20.435.

19 2. Appropriations by the Legislature to the Department
20 of Children and Family Services, the Department of Health, or
21 the Department of Elderly Affairs from endowment earnings for
22 health and human services programs ~~shall be from a category~~
23 ~~called the Lawton Chiles Endowment Fund Programs~~ and shall be
24 deposited into each department's respective Tobacco Settlement
25 Trust Fund as appropriated.

26 (b) In order to ensure that the expenditure of funds
27 earned from the Lawton Chiles Endowment Fund will be used for
28 the purposes intended by the Legislature, the Legislature
29 shall establish line item categories for the state agencies
30 describing the designated use of the appropriated funds as
31 provided in the General Appropriations Act.

1 (c) The secretaries of the state agencies shall
2 conduct meetings to discuss priorities for endowment funding
3 for health and human services programs for children and elders
4 before submitting their legislative budget requests to the
5 Executive Office of the Governor and the Legislature. The
6 purpose of the meetings is to gain consensus for priority
7 requests and recommended endowment funding levels for those
8 priority requests. No later than September 1 of each year, the
9 secretaries of the state agencies shall also submit their
10 consensus priority requests to the Lawton Chiles Endowment
11 Fund Advisory Council created in subsection (6).

12 (d) Subject to legislative appropriations, state
13 agencies shall use distributions from the endowment to enhance
14 or support increases in clients served or to meet increases in
15 program costs in health and human services program areas.
16 Funds distributed from the endowment may not be used to
17 supplant existing revenues.

18 (e) Notwithstanding s. 216.301 and pursuant to s.
19 216.351, all unencumbered balances of appropriations from each
20 department's respective Tobacco Settlement Trust Fund as of
21 June 30 or undisbursed balances as of December 31 shall revert
22 to the endowment's principal. Unencumbered balances in the
23 Biomedical Research Trust Fund shall be managed as provided in
24 s. 20.435(1)(h)2.

25 ~~(f) When advised by the Revenue Estimating Conference~~
26 ~~that a deficit will occur with respect to the appropriations~~
27 ~~from the tobacco settlement trust funds of the state agencies~~
28 ~~in any fiscal year, the Governor shall develop a plan of~~
29 ~~action to eliminate the deficit. Before implementing the plan~~
30 ~~of action, the Governor must comply with s. 216.177(2). In~~
31 ~~developing the plan of action, the Governor shall, to the~~

1 ~~extent possible, preserve legislative policy and intent, and,~~
2 ~~absent any specific directions to the contrary in the General~~
3 ~~Appropriations Act, any reductions in appropriations from the~~
4 ~~tobacco settlement trust funds of the state agencies for a~~
5 ~~fiscal year shall be prorated among the specific~~
6 ~~appropriations made from all tobacco settlement trust funds of~~
7 ~~the state agencies for that year.~~

8 Section 8. Subsection (3) of section 215.93, Florida
9 Statutes, is amended to read:

10 215.93 Florida Financial Management Information
11 System.--

12 (3) The Florida Financial Management Information
13 System shall include financial management data and utilize the
14 chart of accounts approved by the Chief Financial Officer.
15 Common financial management data shall include, but not be
16 limited to, data codes, titles, and definitions used by one or
17 more of the functional owner subsystems. The Florida
18 Financial Management Information System shall utilize common
19 financial management data codes. The council shall recommend
20 and the board shall adopt policies regarding the approval and
21 publication of the financial management data. The Chief
22 Financial Officer shall adopt policies regarding the approval
23 and publication of the chart of accounts. The Chief Financial
24 Officer's chart of accounts shall be consistent with the
25 common financial management data codes established by the
26 coordinating council. Further, all systems not a part of the
27 Florida Financial Management Information System which provide
28 information to the system shall use the common data codes from
29 the Florida Financial Management Information System and the
30 Chief Financial Officer's chart of accounts. Data codes that
31 cannot be supplied by the Florida Financial Management

1 Information System and the Chief Financial Officer's chart of
2 accounts and that are required for use by the information
3 subsystems shall be approved by the board upon recommendation
4 of the coordinating council. ~~However, board approval shall not~~
5 ~~be required for those data codes specified by the Auditor~~
6 ~~General under the provisions of s. 215.94(6)(c).~~

7 Section 9. Subsection (6) of section 215.94, Florida
8 Statutes, is amended to read:

9 215.94 Designation, duties, and responsibilities of
10 functional owners.--

11 (6)(a) Consistent with the provisions of s. 215.86,
12 the respective functional owner of each information subsystem
13 shall be responsible for ensuring ~~The Auditor General shall be~~
14 ~~advised by the functional owner of each information subsystem~~
15 ~~as to the date that the development or significant~~
16 ~~modification of its functional system specifications is to~~
17 ~~begin.~~

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

21 1. The accounting information produced by the
22 information subsystem adheres to generally accepted accounting
23 principles.

24 2. The information subsystem contains the necessary
25 controls to maintain its integrity, within acceptable limits
26 and at an acceptable cost.

27 3. The information subsystem is auditable.

28 ~~(b)(c)~~ The Auditor General shall be advised by the
29 functional owner of each information subsystem as to the date
30 that the development or significant modification of its
31 functional system specifications is to begin. The Auditor

1 General shall provide technical advice, as allowed by
2 professional auditing standards, on specific issues relating
3 to the design, implementation, and operation of each
4 information subsystem. ~~specify those additional features,~~
5 ~~characteristics, controls, and internal control measures~~
6 ~~deemed necessary to carry out the provisions of this~~
7 ~~subsection. Further, it shall be the responsibility of each~~
8 ~~functional owner to ensure installation and incorporation of~~
9 ~~such specified features, characteristics, controls, and~~
10 ~~internal control measures within each information subsystem.~~

11 Section 10. Section 215.97, Florida Statutes, is
12 amended to read:

13 215.97 Florida Single Audit Act.--

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

15 (a) Establish uniform state audit requirements for
16 state financial assistance provided by state agencies to
17 nonstate entities to carry out state projects.

18 (b) Promote sound financial management, including
19 effective internal controls, with respect to state financial
20 assistance administered by nonstate entities.

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

24 (d) Provide for identification of state financial
25 assistance transactions in the appropriations act, state
26 accounting records, and recipient organization records.

27 (e) Promote improved coordination and cooperation
28 within and between affected state agencies providing state
29 financial assistance and nonstate entities receiving state
30 assistance.

31

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

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

5 (a) "Audit threshold" means the threshold amount used
6 ~~to determine to use in determining~~ when a state single audit
7 ~~or project-specific audit~~ of a nonstate entity shall be
8 conducted in accordance with this section. Each nonstate
9 entity that expends a total amount of state financial
10 assistance equal to or in excess of ~~\$500,000~~\$300,000 in any
11 fiscal year of such nonstate entity shall be required to have
12 a state single audit, ~~or a project-specific audit,~~ for such
13 fiscal year in accordance with the requirements of this
14 section. Every 2 years the Auditor General, after consulting
15 with the Executive Office of the Governor, the Department of
16 Financial Services ~~Chief Financial Officer~~, and all state
17 ~~awarding agencies that provide state financial assistance to~~
18 ~~nonstate entities~~, shall review the threshold amount for
19 requiring audits under this section and may adjust such
20 threshold ~~dollar~~ amount consistent with the purposes ~~purpose~~
21 of this section.

22 (b) "Auditing standards" means the auditing standards
23 as stated in the rules of the Auditor General as applicable to
24 for-profit organizations, nonprofit organizations, or local
25 governmental entities.

26 (c) "Catalog of State Financial Assistance" means a
27 comprehensive listing of state projects. The Catalog of State
28 Financial Assistance shall be issued by the Department of
29 Financial Services ~~Executive Office of the Governor~~ after
30 conferring with the Executive Office of the Governor ~~Chief~~
31 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~

1 ~~state financial assistance to nonstate entities.~~ The Catalog
2 of State Financial Assistance shall include for each listed
3 state project: the responsible state awarding agency; standard
4 state project number identifier; official title; legal
5 authorization; and description of the state project, including
6 objectives, restrictions, application and awarding procedures,
7 and other relevant information determined necessary.

8 (d) "Coordinating agency" means the state awarding
9 agency that provides the predominant amount of state financial
10 assistance expended by a recipient, as determined by the
11 recipient's Schedule of Expenditures of State Financial
12 Assistance. To provide continuity, the determination of the
13 predominant amount of state financial assistance shall be
14 based upon state financial assistance expended in the
15 recipient's fiscal years ending in 2006, 2009, and 2012, and
16 every third year thereafter.

17 (e)(d) "Financial reporting package" means the
18 nonstate entities' financial statements, Schedule of
19 Expenditures of State Financial Assistance, auditor's reports,
20 management letter, auditee's written responses or corrective
21 action plan, correspondence on followup of prior years'
22 corrective actions taken, and such other information
23 determined by the Auditor General to be necessary and
24 consistent with the purposes of this section.

25 (f)(e) "Federal financial assistance" means financial
26 assistance from federal sources passed through the state and
27 provided to nonstate organizations ~~entities~~ to carry out a
28 federal program. "Federal financial assistance" includes all
29 types of federal assistance as defined in applicable United
30 States Office of Management and Budget circulars.

31

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

4 ~~(h)(g)~~ "Independent auditor" means an independent
5 ~~external state or local government auditor or a certified~~
6 public accountant licensed under chapter 473 ~~who meets the~~
7 ~~independence standards.~~

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

- 13 1. Effectiveness and efficiency of operations.
- 14 2. Reliability of financial operations.
- 15 3. Compliance with applicable laws and regulations.

16 ~~(j)(i)~~ "Local governmental entity" means a county as a
17 whole ~~agency~~, municipality, or special district or any other
18 entity excluding~~(other than~~ a district school board, charter
19 school, ~~or~~ community college), or public university, however
20 styled, which independently exercises any type of governmental
21 function within the state.

22 ~~(k)(j)~~ "Major state project" means any state project
23 meeting the criteria as stated in the rules of the Department
24 of Financial Services ~~Executive Office of the Governor~~. Such
25 criteria shall be established after consultation with all ~~the~~
26 ~~Chief Financial Officer and appropriate state~~ awarding
27 agencies ~~that provide state financial assistance~~ and shall
28 consider the amount of state project expenditures and ~~or~~
29 expenses or inherent risks. Each major state project shall be
30 audited in accordance with the requirements of this section.

31

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

3 1. Is operated primarily for scientific, educational
4 service, charitable, or similar purpose in the public
5 interest;

6 2. Is not organized primarily for profit;

7 3. Uses net proceeds to maintain, improve, or expand
8 the operations of the organization; and

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

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

14 ~~(n)(m)~~ "Recipient" means a nonstate entity that
15 receives state financial assistance directly from a state
16 awarding agency.

17 ~~(o)(n)~~ "Schedule of Expenditures of State Financial
18 Assistance" means a document prepared in accordance with the
19 rules of the Department of Financial Services ~~Chief Financial~~
20 ~~Officer~~ and included in each financial reporting package
21 required by this section.

22 ~~(p)(o)~~ "State awarding agency" means a the state
23 agency, as defined in s. 216.011, that is primarily
24 responsible for the operations and outcomes of a state
25 project, regardless of the state agency that actually provides
26 ~~provided~~ state financial assistance to a the nonstate entity.

27 ~~(q)(p)~~ "State financial assistance" means ~~financial~~
28 ~~assistance from~~ state resources, not including federal
29 financial assistance and state matching on federal programs,
30 provided to a nonstate entity ~~entities~~ to carry out a state
31 project. "State financial assistance" includes the all types

1 of state resources ~~assistance as~~ stated in the rules of the
2 Department of Financial Services ~~Executive Office of the~~
3 ~~Governor~~ established in consultation with all ~~the~~ Chief
4 ~~Financial Officer~~ and appropriate state awarding agencies that
5 ~~provide state financial assistance. It includes~~ State
6 financial assistance may be provided directly by state
7 awarding agencies or indirectly by nonstate entities
8 ~~recipients of state awards or subrecipients. State financial~~
9 assistance ~~It~~ does not include procurement contracts used to
10 buy goods or services from vendors and. ~~Audits of such~~
11 ~~procurement contracts with vendors are outside of the scope of~~
12 ~~this section. Also, audits of contracts to operate~~ state-owned
13 ~~state government owned~~ and contractor-operated facilities are
14 ~~excluded from the audit requirements of this section.~~

15 (r)(q) "State matching" means state resources provided
16 to a nonstate entity ~~entities to be used~~ to meet federal
17 financial participation matching requirements ~~of federal~~
18 ~~programs.~~

19 (s) "State program" means a set of special-purpose
20 activities undertaken to realize identifiable goals and
21 objectives in order to achieve a state agency's mission and
22 legislative intent requiring accountability for state
23 resources.

24 (t)(r) "State project" means a state program that
25 provides ~~all~~ state financial assistance to a nonstate
26 organization and that must be ~~entity~~ assigned a ~~single~~ state
27 project number identifier in the Catalog of State Financial
28 Assistance.

29 (u)(s) "State Projects Compliance Supplement" means a
30 document issued by the Department of Financial Services
31 ~~Executive Office of the Governor~~, in consultation with ~~the~~

1 ~~Chief Financial Officer and~~ all state awarding agencies ~~that~~
2 ~~provide state financial assistance~~. The State Projects
3 Compliance Supplement shall identify state projects, the
4 significant compliance requirements, eligibility requirements,
5 matching requirements, suggested audit procedures, and other
6 relevant information determined necessary.

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

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

15 ~~(x)(v)~~ "Subrecipient" means a nonstate entity that
16 receives state financial assistance through another nonstate
17 entity.

18 ~~(y)(w)~~ "Vendor" means a dealer, distributor, merchant,
19 or other seller providing goods or services that are required
20 for the conduct of a state project. These goods or services
21 may be for an organization's own use or for the use of
22 beneficiaries of the state project.

23 (3) The Executive Office of the Governor is
24 responsible for notifying the Department of Financial Services
25 of any actions during the budgetary process which impact the
26 Catalog of State Financial Assistance. ~~shall:~~

27 ~~(a) Upon conferring with the Chief Financial Officer~~
28 ~~and all state awarding agencies, adopt rules necessary to~~
29 ~~provide appropriate guidance to state awarding agencies,~~
30 ~~recipients and subrecipients, and independent auditors of~~

31

1 ~~state financial assistance relating to the requirements of~~
2 ~~this section, including:~~

3 ~~1. The types or classes of financial assistance~~
4 ~~considered to be state financial assistance which would be~~
5 ~~subject to the requirements of this section. This would~~
6 ~~include guidance to assist in identifying when the state~~
7 ~~agency or recipient has contracted with a vendor rather than~~
8 ~~with a recipient or subrecipient.~~

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

10 ~~3. The criteria for selecting state projects for~~
11 ~~audits based on inherent risk.~~

12 ~~(b) Be responsible for coordinating the initial~~
13 ~~preparation and subsequent revisions of the Catalog of State~~
14 ~~Financial Assistance after consultation with the Chief~~
15 ~~Financial Officer and all state awarding agencies.~~

16 ~~(c) Be responsible for coordinating the initial~~
17 ~~preparation and subsequent revisions of the State Projects~~
18 ~~Compliance Supplement, after consultation with the Chief~~
19 ~~Financial Officer and all state awarding agencies.~~

20 (4) The Department of Financial Services Chief
21 Financial Officer shall:

22 (a) Upon conferring with the Executive Office of the
23 Governor and all state awarding agencies, adopt rules
24 necessary to provide appropriate guidance to state awarding
25 agencies, nonstate entities, and independent auditors of state
26 financial assistance relating to the requirements of this
27 section, including:

28 1. The types or classes of state resources considered
29 to be state financial assistance that would be subject to the
30 requirements of this section. This would include guidance to
31 assist in identifying when the state awarding agency or a

1 nonstate entity has contracted with a vendor rather than with
2 a recipient or subrecipient.

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

4 3. The criteria for selecting state projects for
5 audits based on inherent risk.

6 (b) Be responsible for coordinating revisions to the
7 Catalog of State Financial Assistance after consultation with
8 the Executive Office of the Governor and all state awarding
9 agencies.

10 (c) Be responsible for coordinating with the Executive
11 Office of the Governor actions affecting the budgetary process
12 under paragraph (b).

13 (d) Be responsible for coordinating revisions to the
14 State Projects Compliance Supplement, after consultation with
15 the Executive Office of the Governor and all state awarding
16 agencies.

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

19 1. Recording of state financial assistance and federal
20 financial assistance appropriations and expenditures within
21 the state awarding agencies' operating funds.

22 2. Recording of state project number identifiers, as
23 provided in the Catalog of State Financial Assistance, for
24 state financial assistance.

25 3. Establishment and recording of an identification
26 code for each financial transaction, including awarding state
27 agencies' disbursements of state financial assistance and
28 federal financial assistance, as to the corresponding type or
29 organization that is party to the transaction (e.g., other
30 governmental agencies, nonprofit organizations, and for-profit
31 organizations), and disbursements of federal financial

1 assistance, as to whether the party to the transaction is or
2 is not a nonstate entity ~~recipient or subrecipient~~.

3 ~~(f)(b)~~ Upon conferring with the Executive Office of
4 the Governor and all state awarding agencies, adopt rules
5 necessary to provide appropriate guidance to state awarding
6 agencies, nonstate entities ~~recipients and subrecipients~~, and
7 independent auditors of state financial assistance relating to
8 the format for the Schedule of Expenditures of State Financial
9 Assistance.

10 ~~(g)(e)~~ Perform any inspections, reviews,
11 investigations, or audits of state financial assistance
12 considered necessary in carrying out the Department of
13 Financial Services' ~~Chief Financial Officer's~~ legal
14 responsibilities for state financial assistance or to comply
15 with the requirements of this section.

16 (5) Each state awarding agency shall:

17 (a) Provide to each ~~a~~ recipient information needed by
18 the recipient to comply with the requirements of this section,
19 including:

20 1. The audit and accountability requirements for state
21 projects as stated in this section and applicable ~~rules of the~~
22 ~~Executive Office of the Governor~~, rules of the Department of
23 Financial Services ~~Chief Financial Officer~~, and rules of the
24 Auditor General.

25 2. Information from the Catalog of State Financial
26 Assistance, including the standard state project number
27 identifier; official title; legal authorization; and
28 description of the state project including objectives,
29 restrictions, and other relevant information determined
30 necessary.
31

1 3. Information from the State Projects Compliance
2 Supplement, including the significant compliance requirements,
3 eligibility requirements, matching requirements, suggested
4 audit procedures, and other relevant information determined
5 necessary.

6 (b) Require the recipient, as a condition of receiving
7 state financial assistance, to allow the state awarding
8 agency, the Department of Financial Services ~~Chief Financial~~
9 ~~Officer~~, and the Auditor General access to the recipient's
10 records and the recipient's independent auditor's working
11 papers as necessary for complying with the requirements of
12 this section.

13 (c) Notify the recipient that this section does not
14 limit the authority of the state awarding agency to conduct or
15 arrange for the conduct of additional audits or evaluations of
16 state financial assistance or limit the authority of any state
17 awarding agency inspector general, the Auditor General, or any
18 other state official.

19 (d) Be provided one copy of each financial reporting
20 package prepared in accordance with the requirement of this
21 section.

22 (e) Review the recipient's ~~recipient~~ financial
23 reporting package, including the management letters and
24 corrective action plans, to the extent necessary to determine
25 whether timely and appropriate corrective action has been
26 taken with respect to audit findings and recommendations
27 pertaining to state financial assistance that are specific to
28 ~~provided by~~ the state awarding agency.

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

1
2 If the state awarding agency is not the coordinating agency as
3 defined in paragraph (2)(d), the state awarding agency's
4 designated organizational unit shall communicate to the
5 coordinating agency the state awarding agency's approval of
6 the recipient's corrective action plan with respect to
7 findings and recommendations that are not specific to the
8 state awarding agency.

9 (6) Each coordinating agency shall:

10 (a) Review the recipient's financial reporting
11 package, including the management letter and corrective action
12 plan, to identify audit findings and recommendations that
13 affect state financial assistance which are not specific to a
14 particular state awarding agency.

15 (b) For any such findings and recommendations,
16 determine:

17 1. Whether timely and appropriate corrective action
18 has been taken.

19 2. Promptly inform the state awarding agency's
20 contact, as provided in paragraph (5)(f), of actions taken by
21 the recipient to comply with the approved corrective action
22 plan.

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

25 (7)(6) As a condition of receiving state financial
26 assistance, each nonstate entity recipient that provides state
27 financial assistance to a subrecipient shall:

28 (a) Provide to each a subrecipient information needed
29 by the subrecipient to comply with the requirements of this
30 section, including:

31 1. Identification of the state awarding agency.

1 2. The audit and accountability requirements for state
2 projects as stated in this section and applicable ~~rules of the~~
3 ~~Executive Office of the Governor,~~ rules of the Department of
4 Financial Services Chief Financial Officer, and rules of the
5 Auditor General.

6 3. Information from the Catalog of State Financial
7 Assistance, including the standard state project number
8 identifier; official title; legal authorization; and
9 description of the state project, including objectives,
10 restrictions, and other relevant information.

11 4. Information from the State Projects Compliance
12 Supplement including the significant compliance requirements,
13 eligibility requirements, matching requirements, and suggested
14 audit procedures, and other relevant information determined
15 necessary.

16 (b) Review the financial reporting package of the
17 subrecipient ~~audit reports,~~ including the management letter
18 and corrective action plan letters, to the extent necessary to
19 determine whether timely and appropriate corrective action has
20 been taken with respect to audit findings and recommendations
21 pertaining to state financial assistance provided by ~~a the~~
22 state awarding agency or nonstate entity.

23 (c) Perform any such other procedures ~~as~~ specified in
24 terms and conditions of the written agreement with the state
25 awarding agency or nonstate entity, including any required
26 monitoring of the subrecipient's use of state financial
27 assistance through onsite visits, limited scope audits, or
28 other specified procedures.

29 (d) Require subrecipients, as a condition of receiving
30 state financial assistance, to permit the independent auditor
31 of the nonstate entity recipient, the state awarding agency,

1 the Department of Financial Services ~~Chief Financial Officer~~,
2 and the Auditor General access to the subrecipient's records
3 and the subrecipient's independent auditor's working papers as
4 necessary to comply with the requirements of this section.

5 ~~(8)(7)~~ Each recipient or subrecipient of state
6 financial assistance shall comply with the following:

7 (a) Each nonstate entity that ~~receives state financial~~
8 ~~assistance and~~ meets the audit threshold requirements, in any
9 fiscal year of the nonstate entity, ~~as~~ stated in the rules of
10 the Auditor General, shall have a state single audit conducted
11 for such fiscal year in accordance with the requirements of
12 this act and with additional requirements established in ~~rules~~
13 ~~of the Executive Office of the Governor~~, rules of the
14 Department of Financial Services ~~Chief Financial Officer~~, and
15 rules of the Auditor General. If only one state project is
16 involved in a nonstate entity's fiscal year, the nonstate
17 entity may elect to have only a state project-specific audit
18 ~~of the state project for that fiscal year.~~

19 (b) Each nonstate entity that ~~receives state financial~~
20 ~~assistance and~~ does not meet the audit threshold requirements,
21 in any fiscal year of the nonstate entity, ~~as~~ stated in this
22 law or the rules of the Auditor General is exempt for such
23 fiscal year from the state single audit requirements of this
24 section. However, such nonstate entity must meet terms and
25 conditions specified in the written agreement with the state
26 awarding agency or nonstate entity.

27 (c) If a nonstate entity has no, or extremely limited,
28 required activities related to the administration of a state
29 project, and only acts as a conduit of state financial
30 assistance, none of the requirements of the Florida Single
31 Audit Act apply to the conduit nonstate entity. However, the

1 nonstate entity that is provided state financial assistance by
2 the conduit nonstate entity is subject to the requirements of
3 the Florida Single Audit Act.

4 ~~(d)(e)~~ Regardless of the amount of the state financial
5 assistance, ~~the provisions of this section~~ does de not exempt
6 a nonstate entity from compliance with provisions of law
7 relating to maintaining records concerning state financial
8 assistance to such nonstate entity or allowing access and
9 examination of those records by the state awarding agency, the
10 nonstate entity, the Department of Financial Services Chief
11 Financial Officer, or the Auditor General.

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

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

17 ~~(g)(f)~~ Upon completion of the audit ~~as~~ required by
18 this section, a copy of the recipient's financial reporting
19 package shall be filed with the state awarding agency and the
20 Auditor General. Upon completion of the audit ~~as~~ required by
21 this section, a copy of the subrecipient's financial reporting
22 package shall be filed with the nonstate entity recipient that
23 provided the state financial assistance and the Auditor
24 General. The financial reporting package shall be filed in
25 accordance with the rules of the Auditor General.

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

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

1 individual state project compliance requirements or reportable
2 conditions in internal controls of the nonstate entity, the
3 nonstate entity shall submit as part of the financial
4 reporting ~~audit~~ package to the state awarding agency or
5 nonstate entity a plan for corrective action to eliminate such
6 audit findings or a statement describing the reasons that
7 corrective action is not necessary.

8 ~~(j)(i)~~ An audit conducted in accordance with this
9 section is in addition to any audit of federal awards required
10 by the federal Single Audit Act and other federal laws and
11 regulations. To the extent that such federally required audits
12 provide the state awarding agency or nonstate entity with
13 information it requires to carry out its responsibilities
14 under state law or other guidance, ~~the~~ ~~a~~ state awarding agency
15 or nonstate entity shall rely upon and use that information.

16 ~~(k)(j)~~ Unless prohibited by law, the costs ~~cost~~ of
17 audits pursuant to this section are ~~is~~ allowable charges to
18 state projects. However, any charges to state projects should
19 be limited to those incremental costs incurred as a result of
20 the audit requirements of this section in relation to other
21 audit requirements. The nonstate entity should allocate such
22 incremental costs to all state projects for which it expended
23 state financial assistance.

24 ~~(l)(k)~~ Audit costs may not be charged to state
25 projects when audits required by this section have not been
26 made or have been made but not in accordance with this
27 section. If a nonstate entity fails to have an audit conducted
28 consistent with this section, a state awarding agency or
29 nonstate entity ~~agencies~~ may take appropriate corrective
30 action to enforce compliance.

31

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

7 ~~(n)(m)~~ A state awarding agency or nonstate entity that
8 ~~provides state financial assistance to nonstate entities and~~
9 conducts or arranges for audits of state financial assistance
10 that are in addition to the audits conducted under this act,
11 including audits of nonstate entities that do not meet the
12 audit threshold requirements, shall, consistent with other
13 applicable law, arrange for funding the full cost of such
14 additional audits.

15 ~~(9)(8)~~ The independent auditor when conducting a state
16 single audit of a nonstate entity ~~recipients or subrecipients~~
17 shall:

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

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

25 (c) With respect to internal controls pertaining to
26 each major state project:

- 27 1. Obtain an understanding of internal controls;
- 28 2. Assess control risk;
- 29 3. Perform tests of controls unless the controls are
- 30 deemed to be ineffective; and

31

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

6 (d) Determine whether each major state project
7 complied with the provisions of laws, rules, and guidelines as
8 identified in the State Projects Compliance Supplement, or
9 otherwise identified by the state awarding agency, which have
10 a material effect on each major state project. When major
11 state projects are less than 50 percent of the nonstate
12 entity's total expenditures for all state financial
13 assistance, the auditor shall select and test additional state
14 projects as major state projects as necessary to achieve audit
15 coverage of at least 50 percent of the expenditures for all
16 state financial assistance provided to the nonstate entity.
17 Additional state projects needed to meet the 50-percent
18 requirement may be selected on an inherent risk basis as
19 stated in the rules of the Department of Financial Services
20 ~~Executive Office of the Governor~~.

21 (e) Report on the results of any audit conducted
22 pursuant to this section in accordance with the ~~rules of the~~
23 ~~Executive Office of the Governor~~, rules of the Department of
24 Financial Services ~~Chief Financial Officer~~, and rules of the
25 Auditor General. Financial reporting packages must ~~Audit~~
26 ~~reports shall~~ include summaries of the auditor's results
27 regarding the nonstate entity's financial statements; Schedule
28 of Expenditures of State Financial Assistance; internal
29 controls; and compliance with laws, rules, and guidelines.

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

1 (g) Upon notification by the nonstate entity, make
2 available the working papers relating to the audit conducted
3 pursuant to ~~the requirements of~~ this section to the state
4 awarding agency, the Department of Financial Services Chief
5 ~~Financial Officer~~, or the Auditor General for review or
6 copying.

7 ~~(10)(9)~~ The independent auditor, when conducting a
8 state project-specific audit of a nonstate entity recipients
9 ~~or subrecipients~~, shall:

10 (a) Determine whether the nonstate entity's Schedule
11 of Expenditure of State Financial Assistance is presented
12 fairly in all material respects in conformity with stated
13 accounting policies.

14 (b) Obtain an understanding of internal controls
15 ~~control~~ and perform tests of internal controls ~~control~~ over
16 the state project consistent with the requirements of a major
17 state project.

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

23 (d) Report on the results of the ~~a~~ state
24 project-specific audit consistent with the requirements of the
25 state single audit and issue a management letter as prescribed
26 in the rules of the Auditor General.

27 (e) Upon notification by the nonstate entity, make
28 available the working papers relating to the audit conducted
29 pursuant to ~~the requirements of~~ this section to the state
30 awarding agency, the Department of Financial Services Chief
31

1 ~~Financial Officer~~, or the Auditor General for review or
2 copying.

3 ~~(11)(10)~~ The Auditor General shall:

4 (a) Have the authority to audit state financial
5 assistance provided to any nonstate entity when determined
6 necessary by the Auditor General or when directed by the
7 Legislative Auditing Committee.

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

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

13 (d) Provide technical advice upon request of the
14 Department of Financial Services Chief Financial Officer,
15 ~~Executive Office of the Governor~~, and state awarding agencies
16 relating to financial reporting and audit responsibilities
17 contained in this section.

18 (e) Be provided one copy of each financial reporting
19 package prepared in accordance with ~~the requirements of this~~
20 section.

21 (f) Perform ongoing reviews of a sample of financial
22 reporting packages filed pursuant to ~~the requirements of this~~
23 section to determine compliance with the reporting
24 requirements of this section and applicable ~~rules of the~~
25 ~~Executive Office of the Governor~~, rules of the Department of
26 Financial Services Chief Financial Officer, and rules of the
27 Auditor General.

28 Section 11. Paragraphs (a), (b), (n), (gg), (hh), and
29 (jj) of subsection (1) of section 216.011, Florida Statutes,
30 are amended, paragraph (rr) is added to that subsection, and
31

1 paragraph (c) is added to subsection (3) of that section, to
2 read:

3 216.011 Definitions.--

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

8 (a) "Annual salary rate" means the monetary
9 compensation authorized to be paid a position on an annualized
10 basis. The term does not include moneys authorized for
11 benefits associated with the position. ~~In calculating salary~~
12 ~~rate, a vacant position shall be calculated at the minimum of~~
13 ~~the pay grade for that position.~~

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

17 (n) "Expense" means the appropriation category used to
18 fund the usual, ordinary, and incidental expenditures by an
19 agency or the judicial branch, including such items as
20 ~~contractual services~~, commodities, ~~and~~ supplies of a
21 consumable nature, current obligations, and fixed charges, and
22 excluding expenditures classified as operating capital outlay.
23 Payments to other funds or local, state, or federal agencies
24 may be included in this category.

25 (gg) "Mandatory reserve" means the reduction of an
26 appropriation by the Governor or the Legislative Budget
27 Commission due to an anticipated deficit in a fund, pursuant
28 to s. 216.221. Action may not be taken to restore a mandatory
29 reserve either directly or indirectly. ~~"Performance based~~
30 ~~program appropriation" means the appropriation category used~~
31

1 ~~to fund a specific set of activities or classification of~~
2 ~~expenditure within an approved performance based program.~~

3 (hh) "Budget reserve" means the withholding, as
4 authorized by the Legislature, of an appropriation or portion
5 thereof. The need for a budget reserve may exist until certain
6 conditions set by the Legislature are met by the affected
7 agency, or such need may exist due to financial or program
8 changes that have occurred since, and were unforeseen at the
9 time of, passage of the General Appropriations Act.

10 ~~"Performance based program budget" means a budget that~~
11 ~~incorporates approved programs and performance measures.~~

12 (jj) "Program" means a set of services and activities
13 undertaken in accordance with a plan of action organized to
14 realize identifiable goals and objectives based on legislative
15 authorization.

16 (rr) "Activity" means a unit of work which has
17 identifiable starting and ending points, consumes resources,
18 and produces outputs.

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

20 (c) "Statutorily authorized entity" means any entity
21 primarily acting as an instrumentality of the state, any
22 regulatory or governing body, or any other governmental or
23 quasi-governmental organization that receives, disburses,
24 expends, administers, awards, recommends expenditure of,
25 handles, manages, or has custody or control of funds
26 appropriated by the Legislature and:

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

29 2. Assists a department, as defined in s. 20.03(2), or
30 other unit of state government in providing programs or
31

1 services on a statewide basis with a statewide service area or
2 population.

3 Section 12. Subsections (1), (2), (3), and (9) of
4 section 216.013, Florida Statutes, are amended to read:

5 216.013 Long-range program plan.--

6 (1) State agencies shall develop long-range program
7 plans to achieve state goals using an interagency planning
8 process that includes the development of integrated agency
9 program service outcomes. The plan shall cover a period of 5
10 fiscal years and shall become effective July 1 each year.
11 Long-range program plans shall provide the framework for the
12 development of agency budget requests and shall:

13 (a) Identify agency programs and address how agency
14 programs will be used to implement state policy and achieve
15 state goals and program component objectives;

16 (b) Identify and describe agency services and
17 activities ~~functions~~ and how they will be used to achieve
18 designated outcomes;

19 (c) Identify demand, output, total costs, and unit
20 costs for each activity ~~function~~;

21 (d) Provide information regarding performance
22 measurement, which includes, but is not limited to, how data
23 is collected, the methodology used to measure a performance
24 indicator, the validity and reliability of a measure, the
25 appropriateness of a measure, and whether the agency inspector
26 general has assessed the reliability and validity of agency
27 performance measures, pursuant to s. 20.055(2);

28 (e) Identify and justify facility and fixed capital
29 outlay projects and their associated costs; and
30
31

1 (f) Identify and justify information technology
2 infrastructure and applications and their associated costs for
3 information technology projects or initiatives.

4 (2) All agency activities ~~functions~~ and their costs
5 shall be carefully evaluated and justified by the agency. The
6 justification must clearly demonstrate the needs of agency
7 customers and clients and why the agency is proposing
8 functions and their associated costs to address the needs
9 based on state priorities, the agency mission, and legislative
10 authorization. Further, the justification must show how
11 agency functions are integrated and contribute to the overall
12 achievement of state goals. Facilities, fixed capital outlay
13 and information technology infrastructure, and applications
14 shall be evaluated pursuant to ss. 216.0158, 216.043, and
15 216.0446, respectively.

16 (3) Long-range program plans shall be submitted to the
17 Executive Office of the Governor by August 1 of each year,
18 unless an alternative date is agreed to be in the best
19 interests of the state by the Governor and the chairs of the
20 legislative appropriations committees, in a form and manner
21 prescribed by the ~~Executive Office of the~~ Governor and the
22 chairs of the legislative appropriations committees. Such
23 long-range program plans for the Judicial Branch shall be
24 submitted by the Chief Justice of the Supreme Court to the
25 President of the Senate and the Speaker of the House of
26 Representatives, and a copy shall be provided to the Executive
27 Office of the Governor.

28 (9) Agencies and the judicial branch shall make
29 appropriate adjustments to their long-range program plans to
30 be consistent with the appropriations and performance measures
31 in the General Appropriations Act and legislation implementing

1 | the General Appropriations Act. Agencies and the judicial
2 | branch have until June ~~30~~ 15 to make adjustments to their
3 | plans and submit the adjusted plans to the Executive Office of
4 | the Governor for review.

5 | Section 13. Section 216.023, Florida Statutes, is
6 | amended to read:

7 | 216.023 Legislative budget requests to be furnished to
8 | Legislature by agencies.--

9 | (1) The head of each state agency, except as provided
10 | in subsection (2), shall submit a final legislative budget
11 | request to the Legislature and to the Governor, as chief
12 | budget officer of the state, in the form and manner prescribed
13 | in the budget instructions and at such time as specified by
14 | the Executive Office of the Governor, based on the agency's
15 | independent judgment of its needs. However, ~~a no~~ state agency
16 | ~~may not shall~~ submit its complete legislative budget request,
17 | including all supporting forms and schedules required by this
18 | chapter, later than October ~~September~~ 15 of ~~any each~~ year
19 | unless an alternative date is agreed to be in the best
20 | interests of the state by the Governor and the chairs of the
21 | legislative appropriations committees.

22 | (2) The judicial branch and the Division of
23 | Administrative Hearings shall submit their complete
24 | legislative budget requests directly to the Legislature with a
25 | copy to the Governor, as chief budget officer of the state, in
26 | the form and manner as prescribed in the budget instructions.
27 | However, the complete legislative budget requests, including
28 | all supporting forms and schedules required by this chapter,
29 | shall be submitted no later than October ~~September~~ 15 of each
30 | year unless an alternative date is agreed to be in the best
31 |

1 interests of the state by the Governor and the chairs of the
2 legislative appropriations committees.

3 (3) The Executive Office of the Governor and the
4 appropriations committees of the Legislature shall jointly
5 develop legislative budget instructions for preparing the
6 exhibits and schedules that make up the agency budget from
7 which each agency and the judicial branch shall prepare their
8 budget request. The budget instructions shall be consistent
9 with s. 216.141 and shall be transmitted to each agency and to
10 the judicial branch no later than July ~~June~~ 15 of each year
11 unless an alternative date is agreed to be in the best

12 interests of the state by the Governor and the chairs of the
13 legislative appropriations committees. In the event that
14 agreement cannot be reached between the Executive Office of
15 the Governor and the appropriations committees of the
16 Legislature regarding legislative budget instructions, the
17 issue shall be resolved by the Governor, the President of the
18 Senate, and the Speaker of the House of Representatives.

19 (4)(a) The legislative budget request must contain for
20 each program:

21 1. The constitutional or statutory authority for a
22 program, a brief purpose statement, and approved program
23 components.

24 2. Information on expenditures for 3 fiscal years
25 (actual prior-year expenditures, current-year estimated
26 expenditures, and agency budget requested expenditures for the
27 next fiscal year) by appropriation category.

28 3. Details on trust funds and fees.

29 4. The total number of positions (authorized, fixed,
30 and requested).

31

1 5. An issue narrative describing and justifying
2 changes in amounts and positions requested for current and
3 proposed programs for the next fiscal year.

4 6. Information resource requests.

5 7. Legislatively approved output and outcome
6 performance measures and any proposed revisions to measures.

7 8. Proposed performance standards for each performance
8 measure and justification for the standards and the sources of
9 data to be used for measurement.

10 9. Prior-year performance data on approved performance
11 measures and an explanation of deviation from expected
12 performance. Performance data must be assessed for reliability
13 in accordance with s. 20.055.

14 10. Proposed performance incentives and disincentives.

15 11. Supporting information, including applicable
16 cost-benefit analyses, business case analyses, performance
17 contracting procedures, service comparisons, and impacts to
18 performance standards for any requests to outsource or
19 privatize agency functions.

20 12. An evaluation of any major outsourcing and
21 privatization initiatives undertaken during the last 5 fiscal
22 years having aggregate expenditures exceeding \$10 million
23 during the term of the contract. The evaluation shall include
24 an assessment of contractor performance, a comparison of
25 anticipated service levels to actual service levels, and a
26 comparison of estimated savings to actual savings achieved.
27 Consolidated reports issued by the Department of Management
28 Services may be used to satisfy this requirement.

29 (b) It is the intent of the Legislature that total
30 accountability measures, including unit-cost data, serve not
31 only as a budgeting tool but also as a policymaking tool and

1 an accountability tool. Therefore, each state agency and the
2 judicial branch must submit a one-page summary of information
3 for the preceding year in accordance with the legislative
4 budget instructions. Each one-page summary must contain:

5 1. The final budget for the agency and the judicial
6 branch.

7 2. Total funds from the General Appropriations Act.

8 3. Adjustments to the General Appropriations Act.

9 4. The line-item listings of all activities.

10 5. The number of activity units performed or
11 accomplished.

12 6. Total expenditures for each activity, including
13 amounts paid to contractors and subordinate entities.
14 Expenditures related to administrative activities not aligned
15 with output measures must consistently be allocated to
16 activities with output measures prior to computing unit costs.

17 7. The cost per unit for each activity, including the
18 costs allocated to contractors and subordinate entities.

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

21
22 At the regular session immediately following the submission of
23 the agency unit cost summary, the Legislature shall reduce in
24 the General Appropriations Act for the ensuing fiscal year, by
25 an amount equal to at least 10 percent of the allocation for
26 the fiscal year preceding the current fiscal year, the funding
27 of each state agency that fails to submit the report required
28 under this paragraph.

29 ~~(5) At the time specified in the legislative budget~~
30 ~~instructions and in sufficient time to be included in the~~
31 ~~Governor's recommended budget, the judicial branch is required~~

1 ~~to submit a performance based program budget request. The~~
2 ~~Chief Justice of the Supreme Court shall identify and, after~~
3 ~~consultation with the Office of Program Policy Analysis and~~
4 ~~Government Accountability, submit to the President of the~~
5 ~~Senate and the Speaker of the House of Representatives a list~~
6 ~~of proposed programs and associated performance measures. The~~
7 ~~judicial branch shall provide documentation to accompany the~~
8 ~~list of proposed programs and performance measures as provided~~
9 ~~under subsection (4). The judicial branch shall submit a~~
10 ~~performance based program agency budget request using the~~
11 ~~programs and performance measures adopted by the Legislature.~~
12 ~~The Chief Justice may propose revisions to approved programs~~
13 ~~or performance measures for the judicial branch. The~~
14 ~~Legislature shall have final approval of all programs and~~
15 ~~associated performance measures and standards for the judicial~~
16 ~~branch through the General Appropriations Act or legislation~~
17 ~~implementing the General Appropriations Act. By September 15,~~
18 ~~2001, the Chief Justice of the Supreme Court shall submit to~~
19 ~~the President of the Senate and the Speaker of the House of~~
20 ~~Representatives a performance based program budget request for~~
21 ~~programs of the judicial branch approved by the Legislature~~
22 ~~and provide a copy to the Executive Office of the Governor.~~

23 (5)(6) Agencies must maintain a comprehensive
24 performance accountability system and provide a list of
25 performance measures maintained by the agency which are in
26 addition to the measures approved by the Legislature.

27 (6)(7) Annually, by June 30, executive agencies shall
28 submit to the Executive Office of the Governor adjustments to
29 their performance standards based on the amounts appropriated
30 for each program by the Legislature. When such an adjustment
31 is made, all performance standards, including any adjustments

1 made, shall be reviewed and revised as necessary by the
2 Executive Office of the Governor and, upon approval, submitted
3 to the Legislature pursuant to the review and approval process
4 provided in s. 216.177. The Senate and the House of
5 Representatives appropriations committees ~~Senate Committee on~~
6 ~~Fiscal Policy and the House of Representatives Fiscal~~
7 ~~Responsibility Council~~ shall advise Senate substantive
8 committees and House of Representatives substantive
9 committees, respectively, of all adjustments made to
10 performance standards or measures. The Executive Office of the
11 Governor shall maintain ~~both~~ the official record of
12 adjustments to the performance standards ~~as part of the~~
13 ~~agency's approved operating budget and the official~~
14 ~~performance ledger~~. As used in this section, the term
15 "official record" ~~"performance ledger"~~ means the official
16 compilation of information about state agency
17 performance-based programs and measures, including approved
18 programs, approved outputs and outcomes, baseline data,
19 approved standards for each performance measure and any
20 approved adjustments thereto, as well as actual agency
21 performance for each measure.

22 ~~(7)(8)~~ As a part of the legislative budget request,
23 the head of each state agency and the Chief Justice of the
24 Supreme Court for the judicial branch shall include an
25 inventory of all litigation in which the agency is involved
26 that may require additional appropriations to the agency, that
27 may significantly affect revenues received or anticipated to
28 be received by the state, or that may require ~~or~~ amendments to
29 the law under which the agency operates. No later than March
30 1 following the submission of the legislative budget request,
31 the head of the state agency and the Chief Justice of the

1 Supreme Court shall provide an update of any additions or
2 changes to the inventory. Such inventory shall include
3 information specified annually in the legislative budget
4 instructions.

5 ~~(8)(9)~~ Annually, by June 30, the judicial branch shall
6 make adjustments to any performance standards for approved
7 programs based on the amount appropriated for each program,
8 which shall be submitted to the Legislature pursuant to the
9 notice and review process provided in s. 216.177. The Senate
10 and the House of Representatives appropriations committees
11 ~~Senate Committee on Fiscal Policy and the House Fiscal~~
12 ~~Responsibility Council~~ shall advise Senate substantive
13 committees and House substantive committees, respectively, of
14 all adjustments made to performance standards or measures.

15 ~~(9)(10)~~ The Executive Office of the Governor shall
16 review the legislative budget request for technical compliance
17 with the budget format provided for in the budget
18 instructions. The Executive Office of the Governor shall
19 notify the agency or the judicial branch of any adjustment
20 required. The agency or judicial branch shall make the
21 appropriate corrections as requested. If the appropriate
22 technical corrections are not made as requested, the Executive
23 Office of the Governor shall adjust the budget request to
24 incorporate the appropriate technical corrections in the
25 format of the request.

26 ~~(10)(11)~~ At any time after the Governor submits his or
27 her ~~and the Chief Justice submit their~~ recommended budget
28 ~~budgets~~ to the Legislature, the head of the agency or judicial
29 branch may amend his or her request by transmitting to the
30 Governor and the Legislature an amended request in the form
31 and manner prescribed in the legislative budget instructions.

1 ~~(11)(12)~~ The legislative budget request from each
2 agency and from the judicial branch shall be reviewed by the
3 Legislature. The review may allow for the opportunity to have
4 information or testimony by the agency, the judicial branch,
5 the Auditor General, the Office of Program Policy Analysis and
6 Government Accountability, the Governor's Office of Planning
7 and Budgeting, and the public regarding the proper level of
8 funding for the agency in order to carry out its mission.

9 ~~(12)(13)~~ In order to ensure an integrated state
10 planning and budgeting process, the agency long-range plan
11 should be reviewed by the Legislature.

12 Section 14. Section 216.031, Florida Statutes, is
13 amended to read:

14 216.031 Target budget request.--Either chair of a
15 legislative appropriations committee, or the Executive Office
16 of the Governor for state agencies, may require the agency or
17 the Chief Justice to address major issues separate from those
18 outlined in s. 216.023, this section, and s. 216.043 for
19 inclusion in the requests of the agency or of the judicial
20 branch. The issues shall be submitted to the agency no later
21 than July 30 of each year and shall be displayed in its
22 requests as provided in the budget instructions. The
23 Executive Office of the Governor may request an agency, or the
24 chair of an ~~the~~ appropriations committee ~~committees~~ of the
25 Senate or the House of Representatives may request any agency
26 or the judicial branch, to submit ~~no later than September 30~~
27 ~~of each year~~ a budget plan with respect to targets established
28 by the Governor or either chair. The target budget shall
29 require each entity to establish an order of priorities for
30 its budget issues and may include requests for multiple
31 options for the budget issues. ~~The target budget may also~~

1 ~~require each entity to submit a program budget or a~~
2 ~~performance based budget in the format prescribed by the~~
3 ~~Executive Office of the Governor or either chair; provided,~~
4 ~~however,~~ The target budget format shall be compatible with the
5 planning and budgeting system requirements set out in s.
6 216.141. Such a request shall not influence the agencies' or
7 judicial branch's independent judgment in making legislative
8 budget requests, as required by law.

9 Section 15. Subsections (2), (3), (8), and (9) of
10 section 216.052, Florida Statutes, are repealed.

11 Section 16. Subsection (5) of section 216.053, Florida
12 Statutes, is repealed.

13 Section 17. Section 216.065, Florida Statutes, is
14 amended to read:

15 216.065 Fiscal impact statements on actions affecting
16 the budget.--In addition to the applicable requirements of
17 chapter 120, before the Governor, or Governor and Cabinet as a
18 body, performing any constitutional or statutory duty, or
19 before any state agency or statutorily authorized entity takes
20 ~~take~~ any final action that will affect revenues, directly
21 require a request for an increased or new appropriation in the
22 following 3 fiscal years year, or ~~that will~~ transfer current
23 year funds, it they shall first provide the legislative
24 appropriations committees with a fiscal impact statement that
25 details the effects of such action on the budget. The fiscal
26 impact statement must specify the estimated budget and revenue
27 impacts for the current year and the 2 subsequent fiscal years
28 at the same level of detail required to support a legislative
29 budget request, including amounts by appropriation category
30 and fund.
31

1 Section 18. Subsection (3) is added to section
2 216.081, Florida Statutes, to read:

3 216.081 Data on legislative and judicial branch
4 expenses.--

5 (3) If the Governor does not receive timely estimates
6 of the financial needs of the legislative branch, the
7 Governor's recommended budget must include the amounts
8 appropriated and budget entity structure established in the
9 most recent General Appropriations Act.

10 Section 19. Subsection (1) of section 216.133, Florida
11 Statutes, is amended to read:

12 216.133 Definitions; ss. 216.133-216.137.--As used in
13 ss. 216.133-216-137;

14 (1) "Consensus estimating conference" includes the
15 Economic Estimating Conference, the Demographic Estimating
16 Conference, the Revenue Estimating Conference, the Education
17 Estimating Conference, the Criminal Justice Estimating
18 Conference, ~~the Juvenile Justice Estimating Conference, the~~
19 ~~Child Welfare System Estimating Conference,~~ the Occupational
20 Forecasting Conference, the Early Learning Programs Estimating
21 Conference, the Self-Insurance Estimating Conference, the
22 Florida Retirement System Actuarial Assumption Conference, and
23 the Social Services Estimating Conference.

24 Section 20. Subsections (4) and (5) of section
25 216.134, Florida Statutes, are amended to read:

26 216.134 Consensus estimating conferences; general
27 provisions.--

28 (4) The consensus estimating conferences are within
29 the legislative branch. The membership of each consensus
30 estimating conference consists of principals and participants.
31

1 (a) A person designated by law as a principal may
2 preside over conference sessions, convene conference sessions,
3 request information, specify topics to be included on the
4 conference agenda, agree or withhold agreement on whether
5 information is to be official information of the conference,
6 release official information of the conference, interpret
7 official information of the conference, and monitor errors in
8 official information of the conference.

9 (b) A participant is any person who is invited to
10 participate in the consensus estimating conference by a
11 principal. A participant shall, at the request of any
12 principal before or during any session of the conference,
13 develop alternative forecasts, collect and supply data,
14 perform analyses, or provide other information needed by the
15 conference. The conference shall consider information provided
16 by participants in developing its official information.

17 (5) All sessions and meetings of a consensus
18 estimating conference where official information is adopted
19 shall be noticed and open to the public ~~as provided in chapter~~
20 ~~286. The President of the Senate and the Speaker of the House~~
21 of Representatives, jointly, shall be the sole judge for the
22 interpretation, implementation, and enforcement of the
23 subsection.

24 Section 21. Subsections (7), (8), (9), (10), (11), and
25 (12) of section 216.136, Florida Statutes, as amended by
26 section 7 of chapter 2004-484, Laws of Florida, are amended to
27 read:

28 216.136 Consensus estimating conferences; duties and
29 principals.--

30 ~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.~~

1 ~~(a) Duties. The Child Welfare System Estimating~~
2 ~~Conference shall develop such official information relating to~~
3 ~~the child welfare system of the state, including forecasts of~~
4 ~~child welfare caseloads, as the conference determines is~~
5 ~~needed for the state planning and budgeting system. Such~~
6 ~~official information may include, but is not limited to:~~

7 ~~1. Estimates and projections of the number of initial~~
8 ~~and additional reports of child abuse, abandonment, or neglect~~
9 ~~made to the central abuse hotline maintained by the Department~~
10 ~~of Children and Family Services as established in s.~~
11 ~~39.201(4). Projections may take into account other factors~~
12 ~~that may influence the number of future reports to the abuse~~
13 ~~hotline.~~

14 ~~2. Estimates and projections of the number of children~~
15 ~~who are alleged to be victims of child abuse, abandonment, or~~
16 ~~neglect and are in need of emergency shelter, foster care,~~
17 ~~residential group care, adoptive services, or other~~
18 ~~appropriate care.~~

19
20 ~~In addition, the conference shall develop other official~~
21 ~~information relating to the child welfare system of the state~~
22 ~~which the conference determines is needed for the state~~
23 ~~planning and budgeting system. The Department of Children and~~
24 ~~Family Services shall provide information on the child welfare~~
25 ~~system requested by the Child Welfare System Estimating~~
26 ~~Conference, or individual conference principals, in a timely~~
27 ~~manner.~~

28 ~~(b) Principals. The Executive Office of the Governor,~~
29 ~~the coordinator of the Office of Economic and Demographic~~
30 ~~Research, and professional staff who have forecasting~~
31 ~~expertise from the Department of Children and Family Services,~~

1 ~~the Senate, and the House of Representatives, or their~~
2 ~~designees, are the principals of the Child Welfare System~~
3 ~~Estimating Conference. The principal representing the~~
4 ~~Executive Office of the Governor shall preside over sessions~~
5 ~~of the conference.~~

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

7 ~~(a) Duties. The Juvenile Justice Estimating~~
8 ~~Conference shall develop such official information relating to~~
9 ~~the juvenile justice system of the state as is determined by~~
10 ~~the conference principals to be needed for the state planning~~
11 ~~and budgeting system. This information shall include, but is~~
12 ~~not limited to: estimates of juvenile delinquency caseloads~~
13 ~~and workloads; estimates for secure, nonsecure, and home~~
14 ~~juvenile detention placements; estimates of workloads in the~~
15 ~~juvenile sections in the offices of the state attorneys and~~
16 ~~public defenders; estimates of mental health and substance~~
17 ~~abuse treatment relating to juveniles; and such other~~
18 ~~information as is determined by the conference principals to~~
19 ~~be needed for the state planning and budgeting system.~~

20 ~~(b) Principals. The Executive Office of the Governor,~~
21 ~~the Office of Economic and Demographic Research, and~~
22 ~~professional staff who have forecasting expertise from the~~
23 ~~Department of Juvenile Justice, the Department of Children and~~
24 ~~Family Services Substance Abuse and Mental Health Program~~
25 ~~Offices, the Department of Law Enforcement, the Senate~~
26 ~~Appropriations Committee staff, the House of Representatives~~
27 ~~Appropriations Committee staff, or their designees, are the~~
28 ~~principals of the Juvenile Justice Estimating Conference. The~~
29 ~~responsibility of presiding over sessions of the conference~~
30 ~~shall be rotated among the principals. To facilitate policy~~
31

1 ~~and legislative recommendations, the conference may call upon~~
2 ~~the appropriate legislative staff.~~

3 (7)(9) WORKFORCE ESTIMATING CONFERENCE.--

4 (a) Duties.--

5 1. The Workforce Estimating Conference shall develop
6 such official information on the workforce development system
7 planning process as it relates to the personnel needs of
8 current, new, and emerging industries as the conference
9 determines is needed by the state planning and budgeting
10 system. Such information, using quantitative and qualitative
11 research methods, must include at least: short-term and
12 long-term forecasts of employment demand for jobs by
13 occupation and industry; entry and average wage forecasts
14 among those occupations; and estimates of the supply of
15 trained and qualified individuals available or potentially
16 available for employment in those occupations, with special
17 focus upon those occupations and industries which require high
18 skills and have high entry wages and experienced wage levels.
19 In the development of workforce estimates, the conference
20 shall use, to the fullest extent possible, local occupational
21 and workforce forecasts and estimates.

22 2. The Workforce Estimating Conference shall review
23 data concerning the local and regional demands for short-term
24 and long-term employment in High-Skills/High-Wage Program
25 jobs, as well as other jobs, which data is generated through
26 surveys conducted as part of the state's Internet-based job
27 matching and labor market information system authorized under
28 s. 445.011. The conference shall consider such data in
29 developing its forecasts for statewide employment demand,
30 including reviewing the local and regional data for common
31 trends and conditions among localities or regions which may

1 warrant inclusion of a particular occupation on the statewide
2 occupational forecasting list developed by the conference.
3 Based upon its review of such survey data, the conference
4 shall also make recommendations semiannually to Workforce
5 Florida, Inc., on additions or deletions to lists of locally
6 targeted occupations approved by Workforce Florida, Inc.

7 3. During each legislative session, and at other times
8 if necessary, the Workforce Estimating Conference shall meet
9 as the Workforce Impact Conference for the purpose of
10 determining the effects of legislation related to the state's
11 workforce and economic development efforts introduced prior to
12 and during such legislative session. In addition to the
13 designated principals of the impact conference, nonprincipal
14 participants of the impact conference shall include a
15 representative of the Florida Chamber of Commerce and other
16 interested parties. The impact conference shall use both
17 quantitative and qualitative research methods to determine the
18 impact of introduced legislation related to workforce and
19 economic development issues.

20 4. Notwithstanding subparagraph 3., the Workforce
21 Estimating Conference, for the purposes described in
22 subparagraph 1., shall meet no less than 2 times in a calendar
23 year. The first meeting shall be held in February and the
24 second meeting shall be held in August. Other meetings may be
25 scheduled as needed.

26 (b) Principals.--The Commissioner of Education, the
27 Executive Office of the Governor, the director of the Office
28 of Tourism, Trade, and Economic Development, the director of
29 the Agency for Workforce Innovation, the executive director of
30 the Commission for Independent Education, the Chancellor of
31 the State University System, the chair of Workforce Florida,

1 | Inc., the coordinator of the Office of Economic and
2 | Demographic Research, or their designees, and professional
3 | staff from the Senate and the House of Representatives who
4 | have forecasting and substantive expertise, are the principals
5 | of the Workforce Estimating Conference. In addition to the
6 | designated principals of the conference, nonprincipal
7 | participants of the conference shall include a representative
8 | of the Florida Chamber of Commerce and other interested
9 | parties. The principal representing the Executive Office of
10 | the Governor shall preside over the sessions of the
11 | conference.

12 | ~~(8)(10)~~ EARLY LEARNING PROGRAMS ESTIMATING
13 | CONFERENCE.--

14 | (a) Duties.--

15 | 1. The Early Learning Programs Estimating Conference
16 | shall develop estimates and forecasts of the unduplicated
17 | count of children eligible for school readiness programs in
18 | accordance with the standards of eligibility established in s.
19 | 411.01(6), and of children eligible for the Voluntary
20 | Prekindergarten Education Program in accordance with s.
21 | 1002.53(2), as the conference determines are needed to support
22 | the state planning, budgeting, and appropriations processes.

23 | 2. The Agency for Workforce Innovation shall provide
24 | information on needs and waiting lists for school readiness
25 | programs, and information on the needs of the Voluntary
26 | Prekindergarten Education Program, as requested by the Early
27 | Learning Programs Estimating Conference or individual
28 | conference principals in a timely manner.

29 | (b) Principals.--The Executive Office of the Governor,
30 | the Director of Economic and Demographic Research, and
31 | professional staff who have forecasting expertise from the

1 Agency for Workforce Innovation, the Department of Children
2 and Family Services, the Department of Education, the Senate,
3 and the House of Representatives, or their designees, are the
4 principals of the Early Learning Programs Estimating
5 Conference. The principal representing the Executive Office of
6 the Governor shall preside over sessions of the conference.

7 ~~(9)(11)~~ SELF-INSURANCE ESTIMATING CONFERENCE.--

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

12 (b) Principals.--The Executive Office of the Governor,
13 the coordinator of the Office of Economic and Demographic
14 Research, and professional staff ~~directors of the committees~~
15 of the Senate and the House of Representatives who have
16 forecasting and substantive experience ~~which have primary~~
17 ~~responsibility for legislation dealing with taxation~~, or their
18 designees, are the principals of the Self-Insurance Estimating
19 Conference. The responsibility of presiding over sessions of
20 the conference shall be rotated among the principals.

21 ~~(10)(12)~~ FLORIDA RETIREMENT SYSTEM ACTUARIAL
22 ASSUMPTION CONFERENCE.--

23 (a) Duties.--The Florida Retirement System Actuarial
24 Assumption Conference shall develop official information with
25 respect to the economic and noneconomic assumptions and
26 funding methods of the Florida Retirement System necessary to
27 perform the system actuarial study undertaken pursuant to s.
28 121.031(3). Such information shall include: an analysis of
29 the actuarial assumptions and actuarial methods used in the
30 study and a determination of whether changes to the
31

1 assumptions or methods need to be made due to experience
2 changes or revised future forecasts.

3 (b) Principals.--The Executive Office of the Governor,
4 the coordinator of the Office of Economic and Demographic
5 Research, and professional staff of the Senate and House of
6 Representatives who have forecasting and substantive
7 expertise, or their designees, are the principals of the
8 Florida Retirement System Actuarial Assumption Conference. The
9 Executive Office of the Governor shall have the responsibility
10 of presiding over the sessions of the conference. The State
11 Board of Administration and the Division of Retirement shall
12 be participants in the conference.

13 Section 22. Subsection (1) of section 216.162, Florida
14 Statutes, is amended to read:

15 216.162 Governor's recommended budget to be furnished
16 Legislature; copies to members.--

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

27 Section 23. Subsections (1), (2), (3), and (4) of
28 section 216.167, Florida Statutes, are amended to read:

29 216.167 Governor's recommendations.--The Governor's
30 recommendations shall include a financial schedule that
31 provides:

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

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

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

10 (4) The Governor's estimates of any interfund loans or
11 temporary obligations of the Budget Stabilization Fund, the
12 General Revenue Working Capital Fund, or trust funds, which
13 loans or obligations are needed to implement his or her
14 recommended budget.

15 Section 24. Subsection (4) of section 216.168, Florida
16 Statutes, is amended to read:

17 216.168 Governor's amended revenue or budget
18 recommendations; optional and mandatory.--

19 (4) If the Governor determines, at any time after he
20 or she has furnished the Legislature with his or her
21 recommendations or amended recommendations, that the revenue
22 estimates upon which the Governor's recommendations were based
23 are insufficient to fund these recommendations, the Governor
24 shall amend his or her revenues or appropriations
25 recommendations to bring the Governor's recommended budget
26 into balance. ~~On or after March 1, if the Governor determines~~
27 ~~that there is insufficient time to provide the information for~~
28 ~~the amended recommendations required in ss. 216.164 and~~
29 ~~216.166, he or she shall be exempt from such requirement.~~

30 Section 25. Subsections (2) and (3) of section
31 216.177, Florida Statutes, are amended to read:

1 216.177 Appropriations acts, statement of intent,
2 violation, notice, review and objection procedures.--

3 (2)(a) Whenever notice of action to be taken by the
4 Executive Office of the Governor or the Chief Justice of the
5 Supreme Court is required by this chapter, such notice shall
6 be given to the chair and vice chair of the Legislative Budget
7 Commission in writing, and shall be delivered at least 14 days
8 prior to the action referred to, unless a shorter period is
9 approved in writing by the chair and vice chair. If the action
10 is solely for the release of funds appropriated by the
11 Legislature, the notice shall be delivered at least 3 days
12 before the effective date of the action. Action shall not be
13 taken on any budget item for which this chapter requires
14 notice to the Legislative Budget Commission or the
15 appropriations committees without such notice having been
16 provided, even though there may be good cause for considering
17 such item.

18 (b) If the chair and vice chair of the Legislative
19 Budget Commission or the President of the Senate and the
20 Speaker of the House of Representatives timely advise, in
21 writing, the Executive Office of the Governor or the Chief
22 Justice of the Supreme Court that an action or a proposed
23 action, including any expenditure of funds resulting from the
24 settlement of litigation involving a state agency or officer,
25 whether subject to the notice and review requirements of this
26 chapter or not, exceeds the delegated authority of the
27 Executive Office of the Governor for the executive branch or
28 the Chief Justice for the judicial branch, respectively, or is
29 contrary to legislative policy and intent, the Governor or the
30 Chief Justice of the Supreme Court shall void such action and
31 instruct the affected state agency or entity of the judicial

1 branch to change immediately its spending action or spending
2 proposal until the Legislative Budget Commission or the
3 Legislature addresses the issue. The written documentation
4 shall indicate the specific reasons that an action or proposed
5 action exceeds the delegated authority or is contrary to
6 legislative policy and intent.

7 (c) The House of Representatives and the Senate shall
8 provide by rule that any member of the House of
9 Representatives or Senate may request, in writing, of either
10 the President of the Senate or the Speaker of the House of
11 Representatives to initiate the procedures of paragraph (b).

12 (3) The Legislature may annually specify any
13 incentives and disincentives for agencies operating programs
14 under performance-based ~~program~~ budgets pursuant to this
15 chapter in the General Appropriations Act or legislation
16 implementing the General Appropriations Act.

17 Section 26. Subsections (1), (2), (4), (6), (8), (9),
18 (10), (12), and (16) of section 216.181, Florida Statutes, are
19 amended to read:

20 216.181 Approved budgets for operations and fixed
21 capital outlay.--

22 (1) The General Appropriations Act and any other acts
23 containing appropriations shall be considered the original
24 approved operating budgets for operational and fixed capital
25 expenditures. Amendments to the approved operating budgets for
26 operational and fixed capital outlay expenditures from state
27 agencies may be requested only through the Executive Office of
28 the Governor and approved by the Governor and the Legislative
29 Budget Commission as provided in this chapter. Amendments from
30 the judicial branch may be requested only through, ~~and~~
31 ~~approved by,~~ the Chief Justice of the Supreme Court and must

1 be approved by the Chief Justice and the Legislative Budget
2 Commission as provided in this chapter. This includes
3 amendments which are necessary to implement the provisions of
4 s. 216.212 or s. 216.221.

5 (2) Amendments to the original approved operating
6 budgets for operational and fixed capital outlay expenditures
7 must comply with the following guidelines in order to be
8 approved by the Governor and the Legislative Budget Commission
9 ~~as provided in this chapter~~ for the executive branch and the
10 Chief Justice and the Legislative Budget Commission for the
11 judicial branch:

12 (a) The amendment must be consistent with legislative
13 policy and intent.

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

17 (c) Except as authorized in s. 216.292 or other
18 provisions of this chapter, the amendment may not provide
19 funding or increased funding for items which were funded by
20 the Legislature in an amount less than that requested by the
21 agency ~~or Governor~~ in the legislative budget request or
22 recommended by the Governor, or which were vetoed by the
23 Governor.

24 (d) For amendments that involve trust funds, there
25 must be adequate and appropriate revenues available in the
26 trust fund and the amendment must be consistent with the laws
27 authorizing such trust funds and the laws relating to the use
28 of the trust funds. However, a trust fund shall not be
29 increased in excess of the original approved budget, except as
30 provided in subsection (11).

31

1 (e) The amendment shall not conflict with any
2 provision of law.

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

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

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

14 (4) To the extent possible, individual members of the
15 Senate and the House of Representatives should be advised of
16 budget amendments requested by the executive branch and
17 judicial branch.

18 (6)(a) The Executive Office of the Governor or the
19 Chief Justice of the Supreme Court may require the submission
20 of a detailed plan from the agency or entity of the judicial
21 branch affected, consistent with the General Appropriations
22 Act, special appropriations acts, and statements ~~the statement~~
23 of intent before transferring and releasing the balance of a
24 lump-sum appropriation. ~~The provisions of this paragraph are~~
25 ~~subject to the notice and review procedures set forth in s.~~
26 ~~216.177.~~

27 (b) The Executive Office of the Governor and the Chief
28 Justice of the Supreme Court may amend, without approval of
29 the Legislative Budget Commission, state agency and judicial
30 branch entity budgets, respectively, to reflect the
31 transferred funds and to provide the associated increased

1 salary rate based on the approved plans for lump-sum
2 appropriations. This paragraph is subject to the notice and
3 review procedures set forth in s. 216.177.
4

5 The Executive Office of the Governor shall transmit to each
6 state agency and the Chief Financial Officer, and the Chief
7 Justice shall transmit to each judicial branch component and
8 the Chief Financial Officer, any approved amendments to the
9 approved operating budgets.

10 (8) As part of the approved operating budget, the
11 Executive Office of the Governor shall furnish to each state
12 agency, and the Chief Justice of the Supreme Court shall
13 furnish to the entity of the judicial branch, an approved
14 annual salary rate for each budget entity containing a salary
15 appropriation. This rate shall be based upon the actual salary
16 rate and shall be consistent with the General Appropriations
17 Act or special appropriations acts. The annual salary rate
18 shall be:

19 (a) Determined by ~~Calculated based on the actual~~
20 ~~salary rate in effect on June 30, and the salary policy and~~
21 ~~the number of authorized positions as~~ specified in the General
22 Appropriations Act and adjusted for reorganizations authorized
23 by law, for any other appropriations made by law, and, subject
24 to s. 216.177, for distributions of lump-sum appropriations
25 and administered funds ~~special appropriations acts, or as~~
26 ~~provided pursuant to s. 216.177.~~

27 (b) Controlled by the budget entity ~~department or~~
28 ~~agency;~~ except for the Department of Education, which shall be
29 ~~controlled by division and for~~ the judicial branch, which
30 shall be controlled at the branch level.

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

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

5 (b) No agency or the judicial branch may exceed its
6 maximum approved annual salary rate for the fiscal year.
7 However, at any time during the fiscal year, an agency or
8 entity of the judicial branch may exceed its approved rate for
9 all budget entities by no more than 5 percent, provided that,
10 by June 30 of every fiscal year, the agency or entity of the
11 judicial branch has reduced its salary rate so that the salary
12 rate for each budget entity is within the approved rate limit
13 for that budget entity.

14 (10)(a) The Legislative Budget Commission ~~Executive~~
15 ~~Office of the Governor and the Chief Justice of the Supreme~~
16 ~~Court~~ may authorize increases or decreases in ~~increase or~~
17 ~~decrease~~ the approved salary rate for positions ~~for the~~
18 ~~purpose of implementing the General Appropriations Act,~~
19 ~~special appropriations acts, and actions pursuant to s.~~
20 ~~216.262 consistent with legislative intent and policy. Other~~
21 ~~adjustments to approved salary rate must be approved by the~~
22 ~~Legislative Budget Commission~~ pursuant to the request of the
23 agency filed with the Executive Office of the Governor or
24 pursuant to the request of an entity of the judicial branch
25 filed with the Chief Justice of the Supreme Court, if deemed
26 necessary and in the best interest of the state and consistent
27 with legislative policy and intent. ~~The provisions of this~~
28 ~~paragraph are subject to the notice and review procedures set~~
29 ~~forth in s. 216.177.~~

1 (b) Lump-sum salary bonuses may be provided only if
2 specifically appropriated or provided pursuant to s. 110.1245
3 or s. 216.1815.

4 (c) State agencies and the judicial branch shall
5 report, each fiscal quarter, the number of filled positions,
6 the number of vacant positions, and the salary rate associated
7 with each category to the Legislative Budget Commission in a
8 form and manner prescribed by the commission.

9 (12)(a) There is established ~~appropriated nonoperating~~
10 budget authority for refunds, payments to the United States
11 Treasury, payments of the service charge to the General
12 Revenue Fund, and transfers of funds specifically required by
13 law. Such ~~authorized~~ budget authority, together with related
14 releases, shall be transmitted by the state agency or by the
15 judicial branch to the Chief Financial Officer for entry in
16 his or her records in the manner and format prescribed by the
17 Executive Office of the Governor in consultation with the
18 Chief Financial Officer. A copy of such authorized budget
19 authority ~~budgets~~ shall be furnished to the Executive Office
20 of the Governor or the Chief Justice, the chairs of the
21 legislative committees responsible for developing the general
22 appropriations acts, and the Auditor General. Notwithstanding
23 the duty specified for each state agency in s. 17.61(3), the
24 Governor may withhold approval of nonoperating investment
25 authority for certain trust funds when deemed in the best
26 interest of the state.

27 (b) The Governor for the executive branch, and the
28 Chief Justice for the judicial branch, may establish budget
29 authority pursuant to this subsection, with the approval of
30 the chairs of the legislative committees responsible for
31 developing the general appropriations acts, nonoperating

1 ~~budgets~~ for transfers, purchase of investments, special
2 expenses, distributions, and any other ~~nonoperating~~ budget
3 authority categories they deem necessary and in the best
4 interest of the state and consistent with legislative intent
5 and policy. Other budget authority may include ~~The provisions~~
6 ~~of this subsection are subject to the notice, review, and~~
7 ~~objection procedures set forth in s. 216.177. For purposes of~~
8 ~~this section, the term "nonoperating budgets" means~~
9 ~~nonoperating~~ disbursement authority for purchase of
10 investments, refunds, payments to the United States Treasury,
11 transfers of funds specifically required by law, distributions
12 of assets held by the state in a trustee capacity as an agent
13 of fiduciary, and special expenses, ~~and other nonoperating~~
14 ~~budget categories as determined necessary by the Executive~~
15 ~~Office of the Governor,~~ not otherwise appropriated in the
16 General Appropriations Act.

17 (c) All budget actions taken pursuant to this
18 subsection are subject to the procedures for notice, review,
19 and objection set forth in s. 216.177.

20 (16)(a) Funds provided in any specific appropriation
21 in the General Appropriations Act may be advanced if the
22 General Appropriations Act specifically so provides.

23 (b) Any agency, or the judicial branch, that has been
24 authorized by the General Appropriations Act or expressly
25 authorized by other law to make advances for program startup
26 or advances for contracted services, in total or periodically,
27 shall limit such disbursements to other governmental entities
28 and not-for-profit corporations. The amount that ~~which~~ may be
29 advanced shall not exceed the expected cash needs of the
30 contractor or recipient within the initial 3 months.
31 Thereafter, disbursements shall only be made on a

1 reimbursement basis. Any agreement that provides for
2 advancements may contain a clause that permits the contractor
3 or recipient to temporarily invest the proceeds, provided that
4 any interest income shall either be returned to the agency or
5 be applied against the agency's obligation to pay the contract
6 amount. This paragraph does not constitute lawful authority
7 to make any advance payment not otherwise authorized by laws
8 relating to a particular agency or general laws relating to
9 the expenditure or disbursement of public funds. The Chief
10 Financial Officer may, after consultation with the legislative
11 appropriations committees, advance funds beyond a 3-month
12 requirement if it is determined to be consistent with the
13 intent of the approved operating budget.

14 ~~(c) Unless specifically prohibited in the General~~
15 ~~Appropriations Act, funds appropriated to the Department of~~
16 ~~Children and Family Services and the Department of Health may~~
17 ~~be advanced for those contracted services that were approved~~
18 ~~for advancement by the Comptroller in fiscal year 1993-1994,~~
19 ~~including those services contracted on a fixed price or~~
20 ~~unit cost basis.~~

21 Section 27. Sections 216.1825 and 216.183, Florida
22 Statutes, are repealed.

23 Section 28. Section 216.192, Florida Statutes, is
24 amended to read:

25 216.192 Release of appropriations; revision of
26 budgets.--

27 (1)(a) Unless otherwise provided in the General
28 Appropriations Act, on July 1 of each fiscal year, up to 25
29 percent of the original approved operating budget of each
30 agency and of the judicial branch may be released until such
31 time as annual plans for quarterly releases for all

1 appropriations have been developed, approved, and furnished to
2 the Chief Financial Officer by the Executive Office of the
3 Governor for state agencies and by the Chief Justice of the
4 Supreme Court for the judicial branch. The plans, including
5 appropriate plans of releases for fixed capital outlay
6 projects that correspond with each project schedule, shall
7 attempt to maximize the use of trust funds and shall be
8 transmitted to the Chief Financial Officer by August 1 of each
9 fiscal year. Such releases shall at no time exceed the total
10 appropriations available to a state agency or to the judicial
11 branch, or the approved budget for such agency or the judicial
12 branch if less. The Chief Financial Officer shall enter such
13 releases in his or her records in accordance with the release
14 plans prescribed by the Executive Office of the Governor and
15 the Chief Justice, unless otherwise amended as provided by
16 law. The Executive Office of the Governor and the Chief
17 Justice shall transmit a copy of the approved annual releases
18 to the head of the state agency, the chair and vice chair of
19 the Legislative Budget Commission, and the Auditor General.
20 The Chief Financial Officer shall authorize all expenditures
21 to be made from the appropriations on the basis of such
22 releases and in accordance with the approved budget, and not
23 otherwise. Expenditures shall be authorized only in accordance
24 with legislative authorizations. Nothing herein precludes
25 periodic reexamination and revision by the Executive Office of
26 the Governor or by the Chief Justice of the annual plans for
27 release of appropriations and the notifications of the parties
28 of all such revisions.

29 (b) For information technology projects designated in
30 the General Appropriations Act, a detailed operational work
31 plan must be approved by the Executive Office of the Governor

1 for executive branch agencies and the Chief Justice for
2 judicial branch entities, in consultation with the legislative
3 appropriations committees, prior to the release or transfer of
4 funds or positions, or the increase of spending authority.
5 Each agency shall submit a detailed operational work plan to
6 the chairs of the legislative appropriations committees and
7 the Executive Office of the Governor for executive branch
8 agencies and the Chief Justice for judicial branch entities.
9 The operational work plan shall include the following
10 components:
11 1. A project charter that describes the business
12 objectives and expected outcomes to be attained and specifies
13 planned project milestones and deliverables.
14 2. A work breakdown structure that summarizes all
15 tasks required to complete the project.
16 3. A resource-loaded project schedule and a spending
17 plan.
18 4. A description of the project organization and the
19 roles and responsibilities of the project participants.
20 5. A description of the processes and procedures that
21 will be used to identify and manage the project's risks and to
22 manage changes in the requirements of the project.
23
24 Upon approval of the operational work plan, the agency is
25 authorized to request the release of funds and positions
26 pursuant to chapter 216 and in a manner consistent with the
27 spending plan component of the operational work plan. Funds
28 or positions released for the information technology project
29 may not exceed the amount identified in the approved
30 operational work plan. Operational work plans shall be updated
31 as required in the General Appropriations Act.

1 (c) The agency shall submit to the chairs of the
2 legislative appropriations committees and to the Executive
3 Office of the Governor for executive branch agencies, or the
4 Chief Justice for judicial entities branch, project status
5 reports comparing the planned progress of the project as
6 specified in the operational work plan versus the actual
7 progress made to date, the actual completion dates, and the
8 actual costs incurred. The status reports shall also describe
9 the planned project milestones, deliverables, and expenditures
10 for the next reporting period; the current issues requiring
11 resolution; and the project risks that are being actively
12 managed and the actions being taken to mitigate the risks.

13 (d) Operational work plans and project status reports
14 shall comply with the standards for these documents that are
15 jointly developed and published annually by the State
16 Technology Office and the Technology Review Workgroup. The
17 General Appropriations Act shall specify the frequency of
18 operational work plans and status reports required for
19 designated information technology projects.

20 (2) Any department under the direct supervision of a
21 member of the Cabinet or of a board consisting of the Governor
22 and members of the Cabinet which contends that the plan for
23 releases of funds appropriated to it is contrary to the
24 approved operating budget shall have the right to have the
25 issue reviewed by the Administration Commission which shall
26 decide such issue by majority vote. ~~The appropriations~~
27 ~~committees of the Legislature may advise the Administration~~
28 ~~Commission on the issue.~~

29 (3) The Executive Office of the Governor shall make
30 releases within the amounts appropriated and as requested for
31 all appropriations to the legislative branch, and the

1 provisions of subsections (1) and (2) shall not apply to the
2 legislative branch.

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

7 ~~(4)(5)~~ The annual plans of releases authorized by this
8 section may be considered by the Revenue Estimating Conference
9 in preparation of the statement of financial outlook.

10 (5) In order to implement directives contained in the
11 General Appropriations Act or to prevent deficits pursuant to
12 s. 216.221, the Executive Office of the Governor for the
13 executive branch and the Chief Justice for the judicial branch
14 may place appropriations in budget reserve or mandatory
15 reserve.

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

19 Section 29. Section 216.195, Florida Statutes, is
20 amended to read:

21 216.195 Impoundment of funds; restricted.--The
22 Executive Office of the Governor, the Chief Justice of the
23 Supreme Court, any member of the Cabinet, or any state agency
24 shall not impound any appropriation except as necessary to
25 avoid or eliminate a deficit pursuant to the provisions of s.
26 216.221. As used in this section, the term "impoundment"
27 means the omission of any appropriation or part of an
28 appropriation in the approved operating plan prepared pursuant
29 to s. 216.181 or in the schedule of releases prepared pursuant
30 to s. 216.192 or the failure of any state agency or the
31 judicial branch to spend an appropriation for the stated

1 | purposes authorized in the approved operating budget. ~~The~~
2 | ~~provisions of this section are subject to the notice and~~
3 | ~~review procedures of s. 216.177.~~ The Governor or either house
4 | of the Legislature may seek judicial review of any action or
5 | proposed action which violates ~~the provisions of this section.~~

6 | Section 30. Subsections (2), (3), (5), (7), (9), and
7 | (10) of section 216.221, Florida Statutes, are amended to
8 | read:

9 | 216.221 Appropriations as maximum appropriations;
10 | adjustment of budgets to avoid or eliminate deficits.--

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

15 | (3) For purposes of preventing a deficit in the
16 | General Revenue Fund, all branches and agencies of government
17 | ~~that receive General Revenue Fund appropriations~~ shall
18 | participate in deficit reduction efforts. Absent specific
19 | legislative ~~direction in the General Appropriations Act,~~ when
20 | budget reductions are required in order to prevent a deficit
21 | under the provisions of subsection (7), each branch shall
22 | reduce its General Revenue Fund appropriations by a
23 | proportional amount.

24 | (5)(a) If, in the opinion of the Governor, after
25 | consultation with the Revenue Estimating Conference, a deficit
26 | will occur in the General Revenue Fund, he or she shall so
27 | certify to the commission and to the Chief Justice of the
28 | Supreme Court. No more than 30 days after certifying that a
29 | deficit will occur in the General Revenue Fund, the Governor
30 | shall develop for the executive branch, and the Chief Justice
31 | of the Supreme Court shall develop for the judicial branch,

1 and provide to the commission and to the Legislature plans of
2 action to eliminate the deficit.

3 (b) If, in the opinion of the President of the Senate
4 and the Speaker of the House of Representatives, after
5 consultation with the Revenue Estimating Conference, a deficit
6 will occur in the General Revenue Fund and the Governor has
7 not certified the deficit, the President of the Senate and the
8 Speaker of the House of Representatives shall so certify.
9 Within 30 days after such certification, the Governor shall
10 develop for the executive branch and the Chief Justice of the
11 Supreme Court shall develop for the judicial branch, and
12 provide to the commission and to the Legislature, plans of
13 action to eliminate the deficit.

14 ~~(c)(b)~~ In developing a plan of action to prevent
15 deficits in accordance with subsection (7), the Governor and
16 Chief Justice shall, to the extent possible, preserve
17 legislative policy and intent, and, absent any specific
18 direction to the contrary in the General Appropriations Act,
19 the Governor and Chief Justice shall comply with the following
20 guidelines for reductions in the approved operating budgets of
21 the executive branch and the judicial branch:

22 ~~1. Entire statewide programs previously established by~~
23 ~~the Legislature should not be eliminated.~~

24 ~~1.2.~~ Education budgets should not be reduced more than
25 provided for in s. 215.16(2).

26 ~~2.3.~~ The use of nonrecurring funds to solve recurring
27 deficits should be minimized.

28 ~~3.4.~~ Newly created programs that are not fully
29 implemented and programs with critical audits, evaluations,
30 and reviews should receive first consideration for reductions.
31

1 ~~4.5.~~ No agencies or branches of government receiving
2 appropriations should be exempt from reductions.

3 ~~5.6.~~ When reductions in positions are required, the
4 focus should be initially on vacant positions.

5 ~~7. Any reductions applied to all agencies and branches~~
6 ~~should be uniformly applied.~~

7 ~~6.8.~~ Reductions that would cause substantial losses of
8 federal funds should be minimized.

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

11 ~~7.10.~~ Reductions to statewide programs should occur
12 only after review of programs that provide only local
13 benefits.

14 ~~8.11.~~ Reductions in administrative and support
15 functions should be considered before reductions in
16 direct-support services.

17 ~~9.12.~~ Maximum reductions should be considered in
18 budgets for expenses including travel and in budgets for
19 equipment replacement, outside consultants, and contracts.

20 ~~10.13.~~ Reductions in salaries for elected state
21 officials should be considered.

22 ~~11.14.~~ Reductions that adversely affect the public
23 health, safety, and welfare should be minimized.

24 ~~12.15.~~ The Budget Stabilization Fund should not be
25 reduced to a level that would impair the financial stability
26 of this state.

27 ~~13.16.~~ Reductions in programs that are traditionally
28 funded by the private sector and that may be assumed by
29 private enterprise should be considered.

30
31

1 ~~14.17.~~ Reductions in programs that are duplicated
2 among state agencies or branches of government should be
3 considered.

4 (7) Deficits in the General Revenue Fund that do not
5 meet the amounts specified by subsection (6) shall be resolved
6 by the Governor ~~Commission~~ for the executive branch and the
7 Chief Justice of the Supreme Court for the judicial branch.
8 The Governor ~~commission~~ and Chief Justice shall implement any
9 directions provided in the General Appropriations Act related
10 to eliminating deficits and to reducing agency and judicial
11 branch budgets, including the use of those legislative
12 appropriations voluntarily placed in reserve. In addition,
13 the Governor and Chief Justice ~~commission~~ shall implement any
14 directions in the General Appropriations Act relating to the
15 resolution of deficit situations. When reducing state agency
16 or judicial branch budgets, the Governor ~~commission~~ or the
17 Chief Justice, respectively, shall use the guidelines
18 prescribed in subsection (5). The Executive Office of the
19 Governor ~~for the commission~~, and the Chief Justice for the
20 judicial branch, shall implement the deficit reduction plans
21 through amendments to the approved operating budgets in
22 accordance with s. 216.181.

23 (9) If, in the opinion of the Chief Financial Officer,
24 after consultation with the Revenue Estimating Conference, a
25 deficit will occur, he or she shall report his or her opinion
26 to the Governor, the President of the Senate, and the Speaker
27 of the House of Representatives in writing. In the event the
28 Governor does not certify a deficit, or the President of the
29 Senate and the Speaker of the House of Representatives do not
30 certify a deficit, within 10 days after the Chief Financial
31 Officer's report, the Chief Financial Officer shall report his

1 or her findings and opinion to the commission and the Chief
2 Justice of the Supreme Court.

3 (10) When advised by the Revenue Estimating
4 Conference, the Chief Financial Officer, or any agency
5 responsible for a trust fund that a deficit will occur with
6 respect to the appropriations from a specific trust fund in
7 the current fiscal year, the Governor for the executive
8 branch, or the Chief Justice for the judicial branch, shall
9 develop a plan of action to eliminate the deficit. Before
10 implementing the plan of action, the Governor or the Chief
11 Justice must comply with the provisions of s. 216.177(2), and
12 actions to resolve deficits in excess of \$1 million must be
13 approved by the Legislative Budget Commission. In developing
14 the plan of action, the Governor or the Chief Justice shall,
15 to the extent possible, preserve legislative policy and
16 intent, ~~and, absent any specific directions to the contrary in~~
17 ~~the General Appropriations Act, any reductions in~~
18 ~~appropriations from the trust fund for the fiscal year shall~~
19 ~~be prorated among the specific appropriations made from the~~
20 ~~trust fund for the current fiscal year.~~

21 Section 31. Subsection (2) of section 216.231, Florida
22 Statutes, is amended to read:

23 216.231 Release of certain classified
24 appropriations.--

25 (2) The release of appropriated funds classified as
26 "deficiency" shall be approved only when a General Revenue
27 Fund appropriation for operations of a state agency or of the
28 judicial branch is inadequate because the workload or cost of
29 the operation exceeds that anticipated by the Legislature and
30 a determination has been made by the Governor ~~commission~~ that
31 the deficiency will result in an impairment of the activities

1 of an agency or of the judicial branch to the extent that the
2 agency is unable to carry out its program as provided by the
3 Legislature in the general appropriations acts. These funds
4 may not be used for creation of any new agency or program, for
5 increases of salary, or for the construction or equipping of
6 additional buildings.

7 Section 32. Subsections (3), (6), and (11) of section
8 216.235, Florida Statutes, are amended to read:

9 216.235 Innovation Investment Program.--

10 (3) For purposes of this section:

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

15 ~~(b) "Commission" means the Information Resource~~
16 ~~Commission.~~

17 ~~(b)(c)~~ "Committee" means the State Innovation
18 Committee.

19 ~~(c)(d)~~ "Office" means the Office of Tourism, Trade,
20 and Economic Development within the Executive Office of the
21 Governor.

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

26 (6) Any agency developing an innovative investment
27 project proposal that involves information technology
28 resources may consult with and seek technical assistance from
29 the state technology office ~~commission~~. The office shall
30 consult with the state technology office ~~commission~~ for any
31 project proposal that involves information resource

1 | technology. The state technology office ~~commission~~ is
2 | responsible for evaluating these projects and for advising the
3 | committee and review board of the technical feasibility and
4 | any transferable benefits of the proposed technology. In
5 | addition to the requirements of subsection (5), the agencies
6 | shall provide to the state technology office ~~commission~~ any
7 | information requested by the state technology office
8 | ~~commission~~ to aid in determining that the proposed technology
9 | is appropriate for the project's success.

10 | (11) Funds appropriated for the Innovation Investment
11 | Program shall be distributed by the Executive Office of the
12 | Governor subject to notice, review, and objection procedures
13 | set forth in s. 216.177. The office may transfer funds from
14 | the annual appropriation as necessary to administer the
15 | program. Proposals considered but not funded by the
16 | Legislature as part of an agency legislative budget request or
17 | the Governor's budget recommendation are not eligible to
18 | receive funding under the Innovation Investment Program.

19 | Section 33. Section 216.241, Florida Statutes, is
20 | amended to read:

21 | 216.241 Initiation or commencement of new programs;
22 | approval; expenditure of certain revenues.--

23 | (1) A state agency or the judicial branch may not
24 | initiate or commence any new program, including any new
25 | federal program or initiative, or make changes in its current
26 | programs, as provided for in the appropriations act, that
27 | require additional financing unless funds have been
28 | specifically appropriated by the Legislature or unless the
29 | Legislative Budget Commission ~~or the Chief Justice of the~~
30 | ~~Supreme Court~~ expressly approves such new program or changes.
31 | ~~The commission and the Chief Justice shall give notice as~~

1 ~~provided in s. 216.177 prior to approving such new program or~~
2 ~~changes.~~

3 (2) ~~No~~ Changes that ~~which~~ are inconsistent with the
4 approved ~~operating~~ budget may not shall be made to existing
5 programs unless such changes are recommended to the
6 Legislative Budget Commission by the Governor or the Chief
7 Justice and the Legislative Budget Commission expressly
8 approves such program changes. ~~The provisions of This~~
9 subsection is are subject to the notice, review, and objection
10 procedures set forth in s. 216.177.

11 (3) Any revenues generated by any tax or fee imposed
12 by amendment to the State Constitution after October 1, 1999,
13 shall not be expended by any agency, as defined in s.
14 120.52(1), except pursuant to appropriation by the
15 Legislature.

16 (4) A state agency or the judicial branch may not
17 shift functions or responsibilities from agency staff to the
18 private sector or to another agency's staff, including, but
19 not limited to, outsourcing, public-private partnerships, or
20 shared-savings initiatives, without specific approval by the
21 Legislature or, absent such specific approval but consistent
22 with legislative intent and policy, without specific approval
23 by the Legislative Budget Commission. A request for such
24 approval, including a recommendation submitted in an agency's
25 legislative budget request or the Governor's budget
26 recommendation, must include, but need not be limited to,
27 applicable supporting cost-benefit analyses, business case
28 analyses, proposed performance contracting procedures,
29 detailed service comparisons, and impacts to approved
30 performance standards. Adjustments to the approved budget
31 which are not reflected in the General Appropriations Act and

1 which are necessary to implement such shifts of functions and
2 responsibilities must be approved by the Legislative Budget
3 Commission prior to the execution of any related contracts or
4 other agreements.

5 Section 34. Subsection (2) of section 216.251, Florida
6 Statutes, is amended to read:

7 216.251 Salary appropriations; limitations.--

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

11 1. Within the classification and pay plans provided
12 for in chapter 110.

13 2. Within the classification and pay plans established
14 by the Board of Trustees for the Florida School for the Deaf
15 and the Blind of the Department of Education and approved by
16 the State Board of Education for academic and academic
17 administrative personnel.

18 3. Within the classification and pay plan approved and
19 administered by the State Board of Education ~~Board of Regents~~
20 for those positions in the State University System.

21 4. Within the classification and pay plan approved by
22 the President of the Senate and the Speaker of the House of
23 Representatives, as the case may be, for employees of the
24 Legislature.

25 5. Within the approved classification and pay plan for
26 the judicial branch.

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

30 (b) Salary payments shall be made only to employees
31 filling established positions included in the agency's or in

1 the judicial branch's approved budgets and amendments thereto
2 as may be provided by law; provided, however:

3 1. Reclassification of established positions may be
4 accomplished when justified in accordance with the established
5 procedures for reclassifying positions; or

6 2. When the Division of Risk Management of the
7 Department of Financial Services has determined that an
8 employee is entitled to receive a temporary partial disability
9 benefit or a temporary total disability benefit pursuant to
10 the provisions of s. 440.15 and there is medical certification
11 that the employee cannot perform the duties of the employee's
12 regular position, but the employee can perform some type of
13 work beneficial to the agency, the agency may return the
14 employee to the payroll, at his or her regular rate of pay, to
15 perform such duties as the employee is capable of performing,
16 even if there is not an established position in which the
17 employee can be placed. Nothing in this subparagraph shall
18 abrogate an employee's rights under chapter 440 or chapter
19 447, nor shall it adversely affect the retirement credit of a
20 member of the Florida Retirement System in the membership
21 class he or she was in at the time of, and during, the
22 member's disability.

23 Section 35. Paragraphs (a) and (c) of subsection (1)
24 of section 216.262, Florida Statutes, are amended to read:

25 216.262 Authorized positions.--

26 (1)(a) Unless otherwise expressly provided by law, the
27 total number of authorized positions may not exceed the total
28 provided in the appropriations acts. In the event any state
29 agency or entity of the judicial branch finds that the number
30 of positions so provided is not sufficient to administer its
31 authorized programs, it may file an application with the

1 Executive Office of the Governor or the Chief Justice; and, if
2 the Executive Office of the Governor or Chief Justice
3 certifies that there are no authorized positions available for
4 addition, deletion, or transfer within the agency as provided
5 in paragraph (c) and recommends an increase in the number of
6 positions, the Governor or the Chief Justice may recommend,
7 ~~after a public hearing, authorize~~ an increase in the number of
8 positions for the following reasons only:

9 1. To implement or provide for continuing federal
10 grants or changes in grants not previously anticipated;

11 2. To meet emergencies pursuant to s. 252.36;

12 3. To satisfy new federal regulations or changes
13 therein;

14 4. To take advantage of opportunities to reduce
15 operating expenditures or to increase the revenues of the
16 state or local government; and

17 5. To authorize positions which were not fixed by the
18 Legislature through error in drafting the appropriations acts.

19
20 Actions recommended pursuant to ~~The provisions of this~~
21 paragraph are subject to approval by the Legislative Budget
22 Commission ~~the notice and review procedures set forth in s.~~
23 ~~216.177. A copy of the application,~~ The certification, and the
24 final authorization shall be provided to ~~filed with~~ the
25 Legislative Budget Commission, the appropriations committees,
26 and ~~with~~ the Auditor General.

27 (c)1. The Executive Office of the Governor, under such
28 procedures and qualifications as it deems appropriate, shall,
29 upon agency request, delegate to any state agency authority to
30 add and delete authorized positions or transfer authorized
31 positions from one budget entity to another budget entity

1 within the same division, and may approve additions and
2 deletions of authorized positions or transfers of authorized
3 positions within the state agency when such changes would
4 enable the agency to administer more effectively its
5 authorized and approved programs. The additions or deletions
6 must be consistent with the intent of the approved operating
7 budget, must be consistent with legislative policy and intent,
8 and must not conflict with specific spending policies
9 specified in the General Appropriations Act.

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

18 ~~3.a. A state agency may be eligible to retain salary~~
19 ~~dollars for authorized positions eliminated after July 1,~~
20 ~~2001. The agency must certify the eliminated positions to the~~
21 ~~Legislative Budgeting Commission.~~

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

27 Section 36. Section 216.292, Florida Statutes, is
28 amended to read:

29 (Substantial rewording of section. See

30 s. 216.292, F.S., for present text.)

31 216.292 Appropriations nontransferable; exceptions.--

1 (1)(a) Funds provided in the General Appropriations
2 Act or as otherwise expressly provided by law shall be
3 expended only for the purpose for which appropriated, except
4 that such moneys may be transferred as provided in this
5 section when it is determined to be in the best interest of
6 the state. Appropriations for fixed capital outlay may not be
7 expended for any other purpose. Appropriations may not be
8 transferred between state agencies, or between a state agency
9 and the judicial branch, unless specifically authorized by
10 law.

11 (b)1. Authorized revisions of the original approved
12 operating budget, together with related changes in the plan
13 for release of appropriations, if any, shall be transmitted by
14 the state agency or by the judicial branch to the Executive
15 Office of the Governor or the Chief Justice, respectively, the
16 chairs of the Senate and the House of Representatives
17 appropriations committees, the Office of Program Policy
18 Analysis and Government Accountability, and the Auditor
19 General. Such authorized revisions must be consistent with the
20 intent of the approved operating budget, must be consistent
21 with legislative policy and intent, and may not conflict with
22 specific spending policies specified in the General
23 Appropriations Act.

24 2. Authorized revisions, together with related
25 changes, if any, in the plan for release of appropriations,
26 shall be transmitted by the state agency or by the judicial
27 branch to the Chief Financial Officer for entry in the Chief
28 Financial Officer's records in the manner and format
29 prescribed by the Executive Office of the Governor in
30 consultation with the Chief Financial Officer.
31

1 3. The Executive Office of the Governor or the Chief
2 Justice shall forward a copy of the revisions within 7 working
3 days to the Chief Financial Officer for entry in his or her
4 records in the manner and format prescribed by the Executive
5 Office of the Governor in consultation with the Chief
6 Financial Officer.

7 (2) The following transfers are authorized to be made
8 by the head of each department or the Chief Justice of the
9 Supreme Court whenever it is deemed necessary by reason of
10 changed conditions:

11 (a) The transfer of appropriations funded from
12 identical funding sources, except appropriations for fixed
13 capital outlay, and the transfer of amounts included within
14 the total original approved budget and releases as furnished
15 pursuant to ss. 216.181 and 216.192, as follows:

16 1. Between categories of appropriations within a
17 budget entity, if no category of appropriation is increased or
18 decreased by more than 5 percent of the original approved
19 budget or \$250,000, whichever is greater, by all action taken
20 under this subsection.

21 2. Additionally, between budget entities within
22 identical categories of appropriations, if no category of
23 appropriation is increased or decreased by more than 5 percent
24 of the original approved budget or \$250,000, whichever is
25 greater, by all action taken under this subsection.

26 (b) After providing notice at least 5 working days
27 prior to implementation:

28 1. The transfer of funds within programs identified in
29 the General Appropriations Act from identical funding sources
30 between the following appropriation categories without
31 limitation so long as such a transfer does not result in an

1 increase to the total recurring general revenue or trust fund
2 cost of the agency or entity of the judicial branch in the
3 subsequent fiscal year: other personal services, expenses,
4 operating capital outlay, food products, state attorney and
5 public defender operations, acquisition of motor vehicles,
6 data processing services, operating and maintenance of patrol
7 vehicles, overtime payments, salary incentive payments,
8 compensation to retired judges, law libraries, and juror and
9 witness payments.

10 2. The transfer of funds and positions from identical
11 funding sources between salaries and benefits appropriation
12 categories within programs identified in the General
13 Appropriations Act.

14
15 Such transfers must be consistent with legislative policy and
16 intent and may not adversely affect achievement of approved
17 performance outcomes or outputs in any program.

18 (c) The transfer of funds appropriated to accounts
19 established for disbursement purposes upon release of such
20 appropriation upon request of a department and approval by the
21 Chief Financial Officer. Such transfer may only be made to the
22 same appropriation category and the same funding source from
23 which the funds are transferred.

24 (d) The transfer by the Executive Office of the
25 Governor of funds from appropriations for public school
26 operations to a fixed capital outlay appropriation for class
27 size reduction based on recommendations of the Florida
28 Education Finance Program Appropriation Allocation Conference
29 or the Legislative Budget Commission pursuant to s.
30 1003.03(4)(a). Actions by the Governor under this subsection
31 are subject to the notice and review provisions of s. 216.177.

1 (e) The transfer by the Department of Children and
2 Family Services of general revenue funds appropriated for
3 targeted case management services to the Agency for Health
4 Care Administration to fund state match requirements exceeding
5 the amount specified in the General Appropriations Act for
6 Medicaid targeted case management services.

7 (f) The transfer by the Department of Elderly Affairs
8 of funds that are appropriated for the Assisted Living for the
9 Elderly Medicaid waiver and not expended to the agency to fund
10 Medicaid-reimbursed nursing home care.

11 (g) The transfer of funds appropriated to the Agency
12 for Persons with Disabilities for developmental services
13 programs only if the secretary finds that treatment programs
14 for developmental disabilities will not be adversely affected.

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

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

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

23 (4) The following transfers are authorized with the
24 approval of the Legislative Budget Commission. Unless waived
25 by the chair and vice chair of the commission, notice of such
26 transfers must be provided 14 days before the commission
27 meeting:

28 (a) The transfer of appropriations for operations from
29 the General Revenue Fund in excess of those provided in this
30 section but within a state agency or within the judicial
31

1 branch, as recommended by the Executive Office of the Governor
2 or the Chief Justice of the Supreme Court.

3 (b) The transfer of appropriations for operations from
4 trust funds in excess of those provided in this section which
5 exceed the greater of 5 percent of the original approved
6 budget or \$1 million, as recommended by the Executive Office
7 of the Governor or the Chief Justice of the Supreme Court.

8 (c) The transfer of the portion of an appropriation
9 for a named fixed capital outlay project found to be in excess
10 of that needed to complete the project to another project for
11 which there has been an appropriation in the same fiscal year
12 from the same fund and within the same department where a
13 deficiency is found to exist, at the request of the Executive
14 Office of the Governor for state agencies or the Chief Justice
15 of the Supreme Court for the judicial branch. The scope of a
16 fixed capital outlay project may not be changed by any
17 transfer of funds made pursuant to this subsection.

18 (d) The transfers necessary to accomplish the purposes
19 of reorganization within state agencies or the judicial branch
20 authorized by the Legislature when the necessary adjustments
21 of appropriations and positions have not been provided in the
22 General Appropriations Act.

23 (5) A transfer of funds may not result in the
24 initiation of a fixed capital outlay project that has not
25 received a specific legislative appropriation; except that
26 federal funds for fixed capital outlay projects for the
27 Department of Military Affairs, which do not carry a
28 continuing commitment on future appropriations by the
29 Legislature, may be approved by the Executive Office of the
30 Governor for the purpose received, subject to the notice,
31 review, and objection procedures set forth in s. 216.177.

1 (6) The Chief Financial Officer shall transfer from
2 any available funds of an agency or the judicial branch the
3 following amounts and shall report all such transfers and the
4 reasons therefor to the legislative appropriations committees
5 and the Executive Office of the Governor:

6 (a) The amount due to the Unemployment Compensation
7 Trust Fund which is more than 90 days delinquent on
8 reimbursements due to the Unemployment Compensation Trust
9 Fund. The amount transferred shall be that certified by the
10 state agency providing unemployment tax collection services
11 under contract with the Agency for Workforce Innovation
12 through an interagency agreement pursuant to s. 443.1316.

13 (b) The amount due to the Division of Risk Management
14 which is more than 90 days delinquent in payment to the
15 Division of Risk Management of the Department of Financial
16 Services for insurance coverage. The amount transferred shall
17 be that certified by the division.

18 (c) The amount due to the Communications Working
19 Capital Trust Fund from moneys appropriated in the General
20 Appropriations Act for the purpose of paying for services
21 provided by the state communications system in the Department
22 of Management Services which is unpaid 45 days after the
23 billing date. The amount transferred shall be that billed by
24 the department.

25 Section 37. Section 216.301, Florida Statutes, is
26 amended to read:

27 216.301 Appropriations; undisbursed balances.--

28 (1)(a) Any balance of any appropriation, except an
29 appropriation for fixed capital outlay, which is not disbursed
30 but which is expended or contracted to be expended shall, at
31 the end of each fiscal year, be certified by the head of the

1 affected state agency or the judicial or legislative branches,
2 on or before August 1 of each year, to the Executive Office of
3 the Governor, showing in detail the obligees to whom obligated
4 and the amounts of such obligations. On or before September 1
5 of each year, the Executive Office of the Governor shall
6 review and approve or disapprove, consistent with legislative
7 policy and intent, any or all of the items and amounts
8 certified by the head of the affected state agency and shall
9 approve all items and amounts certified by the Chief Justice
10 of the Supreme Court for the judicial branch and by the
11 legislative branch and shall furnish the Chief Financial
12 Officer, the legislative appropriations committees, and the
13 Auditor General a detailed listing of the items and amounts
14 approved as legal encumbrances against the undisbursed balance
15 of such appropriation. The review shall assure that trust
16 funds have been fully maximized. Any such encumbered balance
17 remaining undisbursed on December 31 of the same calendar year
18 in which such certification was made shall revert to the fund
19 from which appropriated, except as provided in subsection (3),
20 and shall be available for reappropriation by the Legislature.
21 In the event such certification is not made and an obligation
22 is proven to be legal, due, and unpaid, then the obligation
23 shall be paid and charged to the appropriation for the current
24 fiscal year of the state agency or the legislative or judicial
25 branch affected.

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

31

1 (c) Each department and the judicial branch shall
2 maintain the integrity of the General Revenue Fund.
3 Appropriations from the General Revenue Fund contained in the
4 original approved budget may be transferred to the proper
5 trust fund for disbursement. Any reversion of appropriation
6 balances from programs which receive funding from the General
7 Revenue Fund and trust funds shall be transferred to the
8 General Revenue Fund within 15 days after such reversion,
9 unless otherwise provided by federal or state law, including
10 the General Appropriations Act. The Executive Office of the
11 Governor or the Chief Justice of the Supreme Court shall
12 determine the state agency or judicial branch programs which
13 are subject to this paragraph. This determination shall be
14 subject to the legislative consultation and objection process
15 in this chapter. The Education Enhancement Trust Fund shall
16 not be subject to the provisions of this section.

17 (2)(a) The balance of any appropriation for fixed
18 capital outlay which is not disbursed but expended,
19 contracted, or committed to be expended prior to February 1 of
20 the second fiscal year of the appropriation, or the third
21 fiscal year if it is for an educational facility as defined in
22 chapter 1013 or for a construction project of a state
23 university, shall be certified by the head of the affected
24 state agency or the legislative or judicial branch on February
25 1 to the Executive Office of the Governor, showing in detail
26 the commitment or to whom obligated and the amount of the
27 commitment or obligation. The Executive Office of the Governor
28 shall review and approve or disapprove, consistent with
29 criteria jointly developed by the Executive Office of the
30 Governor and the legislative appropriations committees, the
31 continuation of such unexpended balances. The Executive Office

1 of the Governor shall, not later than February 20 of each
2 year, furnish the Chief Financial Officer, the legislative
3 appropriations committees, and the Auditor General a report
4 listing in detail the items and amounts reverting under the
5 authority of this subsection, including the fund to which
6 reverted and the agency affected.

7 (b) The certification required in this subsection must
8 be in the form and on the date approved by the Executive
9 Office of the Governor. Any balance that is not certified
10 shall revert to the fund from which it was appropriated and be
11 available for reappropriation.

12 (c) The balance of any appropriation for fixed capital
13 outlay certified forward under paragraph (a) which is not
14 disbursed but expended, contracted, or committed to be
15 expended prior to the end of the second fiscal year of the
16 appropriation, or the third fiscal year if it is for an
17 educational facility as defined in chapter 1013 or for a
18 construction project of a state university, and any subsequent
19 fiscal year, shall be certified by the head of the affected
20 state agency or the legislative or judicial branch on or
21 before August 1 of each year to the Executive Office of the
22 Governor, showing in detail the commitment or to whom
23 obligated and the amount of such commitment or obligation. On
24 or before September 1 of each year, the Executive Office of
25 the Governor shall review and approve or disapprove,
26 consistent with legislative policy and intent, any or all of
27 the items and amounts certified by the head of the affected
28 state agency and shall approve all items and amounts certified
29 by the Chief Justice of the Supreme Court and by the
30 legislative branch and shall furnish the Chief Financial
31 Officer, the legislative appropriations committees, and the

1 Auditor General a detailed listing of the items and amounts
2 approved as legal encumbrances against the undisbursed
3 balances of such appropriations. If such certification is not
4 made and the balance of the appropriation has reverted and the
5 obligation is proven to be legal, due, and unpaid, the
6 obligation shall be presented to the Legislature for its
7 consideration.

8 (3) The President of the Senate and the Speaker of the
9 House of Representatives may notify the Executive Office of
10 the Governor to retain certified-forward balances from
11 legislative budget entities until June 30 of the following
12 fiscal year.

13 ~~(2)(a) Any balance of any appropriation for fixed~~
14 ~~capital outlay not disbursed but expended or contracted or~~
15 ~~committed to be expended shall, at the end of each fiscal~~
16 ~~year, be certified by the head of the affected state agency or~~
17 ~~the legislative or judicial branch, on or before August 1 of~~
18 ~~each year, to the Executive Office of the Governor, showing in~~
19 ~~detail the commitment or to whom obligated and the amount of~~
20 ~~such commitment or obligation. On or before September 1 of~~
21 ~~each year, the Executive Office of the Governor shall review~~
22 ~~and approve or disapprove, consistent with legislative policy~~
23 ~~and intent, any or all of the items and amounts certified by~~
24 ~~the head of the affected state agency and shall approve all~~
25 ~~items and amounts certified by the Chief Justice of the~~
26 ~~Supreme Court and by the legislative branch and shall furnish~~
27 ~~the Chief Financial Officer, the legislative appropriations~~
28 ~~committees, and the Auditor General a detailed listing of the~~
29 ~~items and amounts approved as legal encumbrances against the~~
30 ~~undisbursed balances of such appropriations. In the event such~~
31 ~~certification is not made and the balance of the appropriation~~

1 ~~has reverted and the obligation is proven to be legal, due,~~
2 ~~and unpaid, then the same shall be presented to the~~
3 ~~Legislature for its consideration.~~

4 ~~(b) Such certification as herein required shall be in~~
5 ~~the form and on the date approved by the Executive Office of~~
6 ~~the Governor. Any balance not so certified shall revert to the~~
7 ~~fund from which appropriated and shall be available for~~
8 ~~reappropriation.~~

9 ~~(3) Notwithstanding the provisions of subsection (2),~~
10 ~~the unexpended balance of any appropriation for fixed capital~~
11 ~~outlay subject to but not under the terms of a binding~~
12 ~~contract or a general construction contract prior to February~~
13 ~~1 of the second fiscal year, or the third fiscal year if it is~~
14 ~~for an educational facility as defined in chapter 1013 or a~~
15 ~~construction project of a state university, of the~~
16 ~~appropriation shall revert on February 1 of such year to the~~
17 ~~fund from which appropriated and shall be available for~~
18 ~~reappropriation. The Executive Office of the Governor shall,~~
19 ~~not later than February 20 of each year, furnish the Chief~~
20 ~~Financial Officer, the legislative appropriations committees,~~
21 ~~and the Auditor General a report listing in detail the items~~
22 ~~and amounts reverting under the authority of this subsection,~~
23 ~~including the fund to which reverted and the agency affected.~~

24 Section 38. Effective July 1, 2006, subsection (1) of
25 section 216.301, Florida Statutes, as amended by this act, is
26 amended to read:

27 216.301 Appropriations; undisbursed balances.--

28 (1)(a) Any balance of any appropriation, except an
29 appropriation for fixed capital outlay, which is not disbursed
30 but which is expended ~~or contracted to be expended~~ shall, at
31 the end of each fiscal year, be certified by the head of the

1 affected state agency or the judicial or legislative branches,
2 on or before August 1 of each year, to the Executive Office of
3 the Governor, showing in detail the obligees to whom obligated
4 and the amounts of such obligations. ~~On or before September 1~~
5 ~~of each year, the Executive Office of the Governor shall~~
6 ~~review and approve or disapprove, consistent with legislative~~
7 ~~policy and intent, any or all of the items and amounts~~
8 ~~certified by the head of the affected state agency and shall~~
9 ~~approve all items and amounts certified by the Chief Justice~~
10 ~~of the Supreme Court for the judicial branch and by the~~
11 ~~legislative branch and shall furnish the Chief Financial~~
12 ~~Officer, the legislative appropriations committees, and the~~
13 ~~Auditor General a detailed listing of the items and amounts~~
14 ~~approved as legal encumbrances against the undisbursed balance~~
15 ~~of such appropriation. The review shall assure that trust~~
16 ~~funds have been fully maximized.~~ Any such encumbered balance
17 remaining undisbursed on September 30 ~~December 31~~ of the same
18 calendar year in which such certification was made shall
19 revert to the fund from which appropriated, except as provided
20 in subsection (3), and shall be available for reappropriation
21 by the Legislature. In the event such certification is not
22 made and an obligation is proven to be legal, due, and unpaid,
23 then the obligation shall be paid and charged to the
24 appropriation for the current fiscal year of the state agency
25 or the legislative or judicial branch affected.

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

31

1 (c) Each department and the judicial branch shall
2 maintain the integrity of the General Revenue Fund.
3 Appropriations from the General Revenue Fund contained in the
4 original approved budget may be transferred to the proper
5 trust fund for disbursement. Any reversion of appropriation
6 balances from programs which receive funding from the General
7 Revenue Fund and trust funds shall be transferred to the
8 General Revenue Fund within 15 days after such reversion,
9 unless otherwise provided by federal or state law, including
10 the General Appropriations Act. The Executive Office of the
11 Governor or the Chief Justice of the Supreme Court shall
12 determine the state agency or judicial branch programs which
13 are subject to this paragraph. This determination shall be
14 subject to the legislative consultation and objection process
15 in this chapter. The Education Enhancement Trust Fund shall
16 not be subject to the provisions of this section.

17 Section 39. Subsection (3) of section 218.60, Florida
18 Statutes, is repealed.

19 Section 40. Subsection (2) of section 252.37, Florida
20 Statutes, is amended to read:

21 252.37 Financing.--

22 (2) It is the legislative intent that the first
23 recourse be made to funds regularly appropriated to state and
24 local agencies. If the Governor finds that the demands placed
25 upon these funds in coping with a particular disaster declared
26 by the Governor as a state of emergency are unreasonably
27 great, she or he may make funds available by transferring and
28 expending moneys appropriated for other purposes, by
29 transferring and expending moneys out of any unappropriated
30 surplus funds, or from the Budget Stabilization Fund ~~or~~
31 ~~Working Capital Fund~~. Following the expiration or termination

1 of the state of emergency, the Governor may process a budget
2 amendment under the notice and review procedures set forth in
3 s. 216.177 to transfer moneys to satisfy the budget authority
4 granted for such emergency.

5 Section 41. Subsection (3) of section 265.55, Florida
6 Statutes, is amended to read:

7 265.55 Claims.--

8 (3) The authorization for payment delineated in
9 subsection (2) shall be forwarded to the Chief Financial
10 Officer. The Chief Financial Officer shall take appropriate
11 action to execute authorized payment of the claim from
12 unobligated, unappropriated moneys in the General Revenue
13 ~~Working Capital~~ Fund, as defined in s. 215.32.

14 Section 42. Section 288.1234, Florida Statutes, is
15 repealed.

16 Section 43. Section 288.7091, Florida Statutes, is
17 amended to read:

18 288.7091 Duties of the Florida Black Business
19 Investment Board, Inc.--The Florida Black Business Investment
20 Board, Inc., shall:

21 (1) Establish certification criteria for black
22 business investment corporations and certify at least once
23 every 5 years, each of the black business investment
24 corporations. Certification criteria shall include
25 administrative capacity, fiduciary controls, and, in the case
26 of existing black business investment corporations, solvency
27 and soundness of prior loan decisions;

28 (2) Ensure that any appropriations by the Legislature
29 to the corporation on behalf of the black business investment
30 corporations are provided to the corporations in the manner
31 and amount prescribed by the Legislature;

1 (3) Work with Enterprise Florida, Inc., and local
2 economic development organizations to promote the retention
3 and expansion of existing black business enterprises and to
4 promote the formation and recruitment of new black business
5 enterprises;

6 (4) Develop a memorandum of understanding with
7 Enterprise Florida, Inc., that outlines a strategy for
8 collaboration with the programs, activities, and committees or
9 similar units of Enterprise Florida, Inc., which memorandum of
10 understanding shall provide for Enterprise Florida, Inc., to
11 contract with the corporation, where practicable, for the
12 delivery of economic development services relating to black
13 business enterprises;

14 (5) Include in the criteria for loan decisions,
15 occupational forecasting results set forth in s. 216.136(7) ~~s.~~
16 ~~216.136(9)~~ which target high growth jobs;

17 (6) Facilitate the formation of black business
18 investment corporations in communities that are not currently
19 served by such corporations and establish, in communities that
20 are not currently served by an existing black business
21 investment corporation, memoranda of understanding with local
22 financial institutions that will provide loan guarantees for
23 loans to black business enterprises;

24 (7) Develop memoranda of understanding with the
25 Departments of Education, Transportation, Community Affairs,
26 and Management Services, as well as with Workforce Florida,
27 Inc., and the State Board of Education, detailing efforts of
28 common interest and collaborations to expand black business
29 development;

30 (8) Intensify efforts to increase the number of
31 franchises owned by black businesses and the number of black

1 business enterprises in construction and construction-related
2 projects, with emphasis on construction projects financed by
3 federal, state, or local governments; and

4 (9) Annually, prepare a report detailing the
5 performance of each black business investment corporation,
6 addressing the number of jobs created and/or retained, success
7 and failure rates among loan recipients, and the amount of
8 funds leveraged from other sources.

9 (10) Annually, provide for a financial audit as
10 defined in s. 11.45 of its accounts and records by an
11 independent certified public accountant. The audit report
12 shall be filed within 12 months after the end of the fiscal
13 year to the Governor, the President of the Senate, the Speaker
14 of the House of Representatives, and the Auditor General.

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

17 320.20 Disposition of license tax moneys.--The revenue
18 derived from the registration of motor vehicles, including any
19 delinquent fees and excluding those revenues collected and
20 distributed under the provisions of s. 320.081, must be
21 distributed monthly, as collected, as follows:

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

25 (b) The Chief Financial Officer each month shall
26 deposit in the State Transportation Trust Fund an amount,
27 drawn from other funds in the State Treasury which are not
28 immediately needed or are otherwise in excess of the amount
29 necessary to meet the requirements of the State Treasury,
30 which when added to such remaining revenues each month will
31 equal one-twelfth of the amount of the anticipated annual

1 revenues to be deposited in the State Transportation Trust
2 Fund under paragraph (a) as determined by the Chief Financial
3 Officer after consultation with the ~~estimated by the most~~
4 ~~recent~~ Revenue Estimating Conference held pursuant to s.
5 216.136(3). The transfers required hereunder may be suspended
6 by action of the Legislative Budget Commission in the event of
7 a significant shortfall of state revenues.

8 (c) In any month in which the remaining revenues
9 derived from the registration of motor vehicles exceed
10 one-twelfth of those anticipated annual remaining revenues as
11 determined by the Chief Financial Officer after consultation
12 with the Revenue Estimating Conference, the excess shall be
13 credited to those state funds in the State Treasury from which
14 the amount was originally drawn, up to the amount which was
15 deposited in the State Transportation Trust Fund under
16 paragraph (b). A final adjustment must be made in the last
17 months of a fiscal year so that the total revenue deposited in
18 the State Transportation Trust Fund each year equals the
19 amount derived from the registration of motor vehicles, less
20 the amount distributed under subsection (1). For the purposes
21 of this paragraph and paragraph (b), the term "remaining
22 revenues" means all revenues deposited into the State
23 Transportation Trust Fund under paragraph (a) and subsections
24 (2) and (3). In order that interest earnings continue to
25 accrue to the General Revenue Fund, the Department of
26 Transportation may not invest an amount equal to the
27 cumulative amount of funds deposited in the State
28 Transportation Trust Fund under paragraph (b) less funds
29 credited under this paragraph as computed on a monthly basis.
30 The amounts to be credited under this and the preceding
31

1 paragraph must be calculated and certified to the Chief
2 Financial Officer by the Executive Office of the Governor.

3 Section 45. Subsections (6) and (7) of section
4 339.135, Florida Statutes, are amended to read:

5 339.135 Work program; legislative budget request;
6 definitions; preparation, adoption, execution, and
7 amendment.--

8 (6) EXECUTION OF THE BUDGET.--

9 (a) The department, during any fiscal year, shall not
10 expend money, incur any liability, or enter into any contract
11 which, by its terms, involves the expenditure of money in
12 excess of the amounts budgeted as available for expenditure
13 during such fiscal year. Any contract, verbal or written,
14 made in violation of this subsection is null and void, and no
15 money may be paid on such contract. The department shall
16 require a statement from the comptroller of the department
17 that funds are available prior to entering into any such
18 contract or other binding commitment of funds. Nothing herein
19 contained shall prevent the making of contracts for periods
20 exceeding 1 year, but any contract so made shall be executory
21 only for the value of the services to be rendered or agreed to
22 be paid for in succeeding fiscal years; and this paragraph
23 shall be incorporated verbatim in all contracts of the
24 department which are for an amount in excess of \$25,000 and
25 which have a term for a period of more than 1 year.

26 (b) In the operation of the State Transportation Trust
27 Fund, the department shall have on hand at the close of
28 business, which closing shall not be later than the 10th
29 calendar day of the month following the end of each quarter of
30 the fiscal year, an available cash balance (which shall
31 include cash on deposit with the treasury and short-term

1 | investments of the department) equivalent to not less than \$50
2 | million, or 5 percent of the unpaid balance of all State
3 | Transportation Trust Fund obligations at the close of such
4 | quarter, whichever amount is less. In the event that this
5 | cash position is not maintained, no further contracts or other
6 | fund commitments shall be approved, entered into, awarded, or
7 | executed until the cash balance, as defined above, has been
8 | regained.

9 | (c) Notwithstanding the provisions of ss. 216.301(3)
10 | and 216.351, any unexpended balance remaining at the end of
11 | the fiscal year in the appropriations to the department for
12 | special categories; aid to local governments; lump sums for
13 | project phases which are part of the adopted work program, and
14 | for which contracts have been executed or bids have been let;
15 | and for right-of-way land acquisition and relocation
16 | assistance for parcels from project phases in the adopted work
17 | program for which appraisals have been completed and approved,
18 | may be certified forward as fixed capital outlay under the
19 | provisions of s. 216.301(2)(a). Any project phases in the
20 | adopted work program not certified forward under the
21 | provisions of s. 216.301(2)(a) shall be available for roll
22 | forward for the next fiscal year of the adopted work program.
23 | Spending authority associated with such project phases may be
24 | rolled forward to the next fiscal year upon approval by the
25 | Legislative Budget Commission pursuant to paragraph (f).
26 | Increases in spending authority shall be limited to amounts of
27 | unexpended balances by appropriation category. Any project
28 | phase certified forward for which bids have been let but
29 | subsequently rejected shall be available for roll forward in
30 | the adopted work program for the next fiscal year. Spending
31 | authority associated with such project phases may be rolled

1 forward into the current year from funds certified forward
2 pursuant to paragraph (f). The amount certified forward may
3 include contingency allowances for right-of-way acquisition
4 and relocation, asphalt and petroleum product escalation
5 clauses, and contract overages, which allowances shall be
6 separately identified in the certification detail.
7 Right-of-way acquisition and relocation and contract overages
8 contingency allowances shall be based on documented historical
9 patterns. These contingency amounts shall be incorporated in
10 the certification for each specific category, but when a
11 category has an excess and another category has a deficiency,
12 the Executive Office of the Governor is authorized to transfer
13 the excess to the deficient account.

14 (d) The department shall allocate resources provided
15 in the General Appropriations Act to the districts prior to
16 July 31 of each year. The allocation shall be promptly
17 reported to the Executive Office of the Governor and the
18 legislative appropriations committees, and all subsequent
19 amendments shall be reported promptly to the secretary of the
20 department.

21 (e) This subsection does not apply to any bonds issued
22 on behalf of the department pursuant to the State Bond Act.

23 ~~(f) Notwithstanding the provisions of ss. 216.181(1),~~
24 ~~216.292, and 216.351, the Executive Office of the Governor may~~
25 ~~amend that portion of the department's original approved fixed~~
26 ~~capital outlay budget which comprises the work program~~
27 ~~pursuant to subsection (7). Increase in spending authority in~~
28 ~~paragraph (c) shall be limited to amounts of unexpended~~
29 ~~balances by appropriation category.~~

30 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--
31

1 ~~(a) Notwithstanding the provisions of ss. 216.181(1),~~
2 ~~216.292, and 216.351, the adopted work program may be amended~~
3 ~~only pursuant to the provisions of this subsection.~~

4 (a)(b) The department may not transfer any funds for
5 any project or project phase between department districts.
6 However, a district secretary may agree to a loan of funds to
7 another district, if:

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

10 2. The loan agreement is executed in writing and is
11 signed by the district secretaries of the respective
12 districts;

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

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

18
19 The loan constitutes an amendment to the adopted work program
20 and is subject to the procedures specified in paragraph (b)
21 ~~(c)~~.

22 (b)(c) The department may amend the adopted work
23 program to transfer appropriations within the department,
24 except that the following amendments shall be subject to the
25 procedures in paragraph (c) ~~(d)~~:

26 1. Any amendment which deletes any project or project
27 phase;

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

30 3. Any amendment which advances or defers to another
31 fiscal year, a right-of-way phase, a construction phase, or a

1 public transportation project phase estimated to cost over
2 \$500,000 in funds appropriated by the Legislature, except an
3 amendment advancing or deferring a phase for a period of 90
4 days or less; or

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

10 ~~(c)(d)~~1. Whenever the department proposes any
11 amendment to the adopted work program, which amendment is
12 defined in subparagraph (b)1.(c)1., subparagraph (b)2.(c)2.,
13 subparagraph (b)3.(c)3., or subparagraph (b)4.(c)4., it
14 shall submit the proposed amendment to the Governor for
15 approval and shall immediately notify the chairs of the
16 legislative appropriations committees, the chairs of the
17 legislative transportation committees, each member of the
18 Legislature who represents a district affected by the proposed
19 amendment, each metropolitan planning organization affected by
20 the proposed amendment, and each unit of local government
21 affected by the proposed amendment. Such proposed amendment
22 shall provide a complete justification of the need for the
23 proposed amendment.

24 2. The Governor shall not approve a proposed amendment
25 until 14 days following the notification required in
26 subparagraph 1.

27 3. If either of the chairs of the legislative
28 appropriations committees or the President of the Senate or
29 the Speaker of the House of Representatives objects in writing
30 to a proposed amendment within 14 days following notification
31 and specifies the reasons for such objection, the Governor

1 shall disapprove the proposed amendment ~~or shall submit the~~
2 ~~proposed amendment to the Administration Commission. The~~
3 ~~proposed amendment may be approved by the Administration~~
4 ~~Commission by a two thirds vote of the members present with~~
5 ~~the Governor voting in the affirmative. In the absence of~~
6 ~~approval by the commission, the proposed amendment shall be~~
7 ~~automatically disapproved.~~

8 ~~(d)(e)~~ Notwithstanding the requirements in paragraph
9 ~~(c)(d)~~ and ss. 216.177(2) and 216.351, the secretary may
10 request the Executive Office of the Governor to amend the
11 adopted work program when an emergency exists, as defined in
12 s. 252.34(3), and the emergency relates to the repair or
13 rehabilitation of any state transportation facility. The
14 Executive Office of the Governor may approve the amendment to
15 the adopted work program and amend that portion of the
16 department's approved budget in the event that the delay
17 incident to the notification requirements in paragraph~~(c)(d)~~
18 would be detrimental to the interests of the state. However,
19 the department shall immediately notify the parties specified
20 in paragraph~~(c)(d)~~ and shall provide such parties written
21 justification for the emergency action within 7 days of the
22 approval by the Executive Office of the Governor of the
23 amendment to the adopted work program and the department's
24 budget. In no event may the adopted work program be amended
25 under the provisions of this subsection without the
26 certification by the comptroller of the department that there
27 are sufficient funds available pursuant to the 36-month cash
28 forecast and applicable statutes.

29 ~~(e)(f)~~ The department may authorize the investment of
30 the earnings accrued and collected upon the investment of the
31 minimum balance of funds required to be maintained in the

1 State Transportation Trust Fund pursuant to paragraph ~~(a)(b)~~.
2 Such investment shall be limited as provided in s.
3 288.9607(7).

4 Section 46. Subsection (3) of section 381.0303,
5 Florida Statutes, is amended to read:

6 381.0303 Health practitioner recruitment for special
7 needs shelters.--

8 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
9 Department of Health shall reimburse, subject to the
10 availability of funds for this purpose, health care
11 practitioners, as defined in s. 456.001, provided the
12 practitioner is not providing care to a patient under an
13 existing contract, and emergency medical technicians and
14 paramedics licensed pursuant to chapter 401 for medical care
15 provided at the request of the department in special needs
16 shelters or at other locations during times of emergency or
17 major disaster. Reimbursement for health care practitioners,
18 except for physicians licensed pursuant to chapter 458 or
19 chapter 459, shall be based on the average hourly rate that
20 such practitioners were paid according to the most recent
21 survey of Florida hospitals conducted by the Florida Hospital
22 Association. Reimbursement shall be requested on forms
23 prepared by the Department of Health. If a Presidential
24 Disaster Declaration has been made, and the Federal Government
25 makes funds available, the department shall use such funds for
26 reimbursement of eligible expenditures. In other situations,
27 or if federal funds do not fully compensate the department for
28 reimbursement made pursuant to this section, the department
29 shall process ~~submit to the Cabinet or Legislature, as~~
30 ~~appropriate,~~ a budget amendment to obtain reimbursement from
31 unobligated, unappropriated moneys in the General Revenue

1 ~~working capital~~ Fund. Travel expense and per diem costs shall
2 be reimbursed pursuant to s. 112.061.

3 Section 47. Subsection (5) of section 409.906, Florida
4 Statutes, is amended to read:

5 409.906 Optional Medicaid services.--Subject to
6 specific appropriations, the agency may make payments for
7 services which are optional to the state under Title XIX of
8 the Social Security Act and are furnished by Medicaid
9 providers to recipients who are determined to be eligible on
10 the dates on which the services were provided. Any optional
11 service that is provided shall be provided only when medically
12 necessary and in accordance with state and federal law.

13 Optional services rendered by providers in mobile units to
14 Medicaid recipients may be restricted or prohibited by the
15 agency. Nothing in this section shall be construed to prevent
16 or limit the agency from adjusting fees, reimbursement rates,
17 lengths of stay, number of visits, or number of services, or
18 making any other adjustments necessary to comply with the
19 availability of moneys and any limitations or directions
20 provided for in the General Appropriations Act or chapter 216.
21 If necessary to safeguard the state's systems of providing
22 services to elderly and disabled persons and subject to the
23 notice and review provisions of s. 216.177, the Governor may
24 direct the Agency for Health Care Administration to amend the
25 Medicaid state plan to delete the optional Medicaid service
26 known as "Intermediate Care Facilities for the Developmentally
27 Disabled." Optional services may include:

28 (5) CASE MANAGEMENT SERVICES.--The agency may pay for
29 primary care case management services rendered to a recipient
30 pursuant to a federally approved waiver, and targeted case
31 management services for specific groups of targeted

1 recipients, for which funding has been provided and which are
2 rendered pursuant to federal guidelines. The agency is
3 authorized to limit reimbursement for targeted case management
4 services in order to comply with any limitations or directions
5 provided for in the General Appropriations Act.

6 ~~Notwithstanding s. 216.292, the Department of Children and~~
7 ~~Family Services may transfer general funds to the Agency for~~
8 ~~Health Care Administration to fund state match requirements~~
9 ~~exceeding the amount specified in the General Appropriations~~
10 ~~Act for targeted case management services.~~

11 Section 48. Paragraph (b) of subsection (11) of
12 section 409.912, Florida Statutes, is repealed.

13 Section 49. Subsection (2) of section 468.392, Florida
14 Statutes, is amended to read:

15 468.392 Auctioneer Recovery Fund.--There is created
16 the Auctioneer Recovery Fund as a separate account in the
17 Professional Regulation Trust Fund. The fund shall be
18 administered by the Florida Board of Auctioneers.

19 (2) All payments and disbursements from the Auctioneer
20 Recovery Fund shall be made by the Chief Financial Officer
21 upon a voucher signed by the Secretary of Business and
22 Professional Regulation or the secretary's designee. ~~Amounts~~
23 ~~transferred to the Auctioneer Recovery Fund shall not be~~
24 ~~subject to any limitation imposed by an appropriation act of~~
25 ~~the Legislature.~~

26 Section 50. Subsection (6) of section 475.484, Florida
27 Statutes, is amended to read:

28 475.484 Payment from the fund.--

29 (6) All payments and disbursements from the Real
30 Estate Recovery Fund shall be made by the Chief Financial
31 Officer upon a voucher signed by the secretary of the

1 | department. ~~Amounts transferred to the Real Estate Recovery~~
2 | ~~Fund shall not be subject to any limitation imposed by an~~
3 | ~~appropriation act of the Legislature.~~

4 | Section 51. Paragraph (b) of subsection (7) of section
5 | 631.141, Florida Statutes, is amended to read:

6 | 631.141 Conduct of delinquency proceeding; domestic
7 | and alien insurers.--

8 | (7)

9 | (b) In the event that initiation of delinquency
10 | proceedings does not result in appointment of the department
11 | as receiver, or in the event that the funds or assets of an
12 | insurer for which the department is appointed as receiver are
13 | insufficient to cover the cost of compensation to special
14 | agents, counsel, clerks, or assistants and all expenses of
15 | taking, or attempting to take, possession of the insurer, and
16 | of conducting the proceeding, there is appropriated, upon
17 | approval of the Chief Financial Officer and of the Legislative
18 | Budget Commission pursuant to chapter 216, from the Insurance
19 | Regulation Trust Fund to the Division of Rehabilitation and
20 | Liquidation a sum that is sufficient to cover the unreimbursed
21 | costs.

22 | Section 52. Paragraph (b) of subsection (9) of section
23 | 921.001, Florida Statutes, is amended to read:

24 | 921.001 Sentencing Commission and sentencing
25 | guidelines generally.--

26 | (9)

27 | (b) On or after January 1, 1994, any legislation
28 | which:

- 29 | 1. Creates a felony offense;
- 30 | 2. Enhances a misdemeanor offense to a felony offense;

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

4 4. Reclassifies an existing felony offense to a
5 greater felony classification

6
7 must provide that such a change result in a net zero sum
8 impact in the overall prison population, as determined by the
9 Legislature, considering the most recent estimates of the
10 Criminal Justice Estimating Conference, unless the legislation
11 contains a funding source sufficient in its base or rate to
12 accommodate such change or a provision which specifically
13 abrogates the application of this paragraph.

14 Section 53. Subsection (3) of section 943.61, Florida
15 Statutes, is amended to read:

16 943.61 Powers and duties of the Capitol Police.--

17 (3) ~~Notwithstanding the provisions of chapter 216, no~~
18 ~~assets, personnel, or resources shall be taken from the~~
19 ~~Capitol Police, and no appropriation to the Capitol Police~~
20 ~~shall be reduced without the express approval of the Governor~~
21 ~~and the Legislative Budget Commission.~~ Nothing herein limits
22 the ability of the Capitol Police to provide mutual aid to
23 other law enforcement agencies as authorized by law unless
24 such a limitation is expressly included in the operational
25 security plans provided for herein.

26 Section 54. Paragraph (a) of subsection (1) of section
27 1009.536, Florida Statutes, is amended to read:

28 1009.536 Florida Gold Seal Vocational Scholars
29 award.--The Florida Gold Seal Vocational Scholars award is
30 created within the Florida Bright Futures Scholarship Program
31 to recognize and reward academic achievement and career

1 preparation by high school students who wish to continue their
2 education.

3 (1) A student is eligible for a Florida Gold Seal
4 Vocational Scholars award if the student meets the general
5 eligibility requirements for the Florida Bright Futures
6 Scholarship Program and the student:

7 (a) Completes the secondary school portion of a
8 sequential program of studies that requires at least three
9 secondary school career credits taken over at least 2 academic
10 years, and is continued in a planned, related postsecondary
11 education program. If the student's school does not offer such
12 a two-plus-two or tech-prep program, the student must complete
13 a job-preparatory career education program selected by ~~the~~
14 ~~Workforce Estimating Conference or~~ Workforce Florida, Inc.,
15 for its ability to provide high-wage employment in an
16 occupation with high potential for employment opportunities.
17 On-the-job training may not be substituted for any of the
18 three required career credits.

19 Section 55. Subsection (2) of section 1013.512,
20 Florida Statutes, is amended to read:

21 1013.512 Land Acquisition and Facilities Advisory
22 Board.--

23 (2) If the director of the Office of Program Policy
24 Analysis and Government Accountability (OPPAGA) or the Auditor
25 General determines in a review or examination that significant
26 deficiencies exist in a school district's land acquisition and
27 facilities operational processes, he or she shall certify to
28 the President of the Senate, the Speaker of the House of
29 Representatives, the Legislative Budget Commission, and the
30 Governor that the deficiency exists. If recommended by the
31 Governor, the Legislative Budget Commission shall approve or

1 ~~disapprove the placement of determine whether funds for the~~
2 school district funds ~~will be placed~~ in reserve until the
3 deficiencies are corrected.

4 Section 56. Any undisbursed appropriations made from
5 the Working Capital Fund, previously created in section
6 215.32, Florida Statutes, are reappropriated from unallocated
7 moneys in the General Revenue Fund; any appropriations made to
8 the Working Capital Fund are reappropriated to the General
9 Revenue Fund; and any references to the Working Capital Fund
10 in SB 2600 or SB 2602, or similar legislation, shall be
11 replaced with "the General Revenue Fund." It is the intent of
12 the Legislature that the provisions of this section control in
13 the event SB 2600 or SB 2602, or other similar legislation, is
14 enacted subsequently during the 2005 Regular Session. This
15 section expires July 1, 2006.

16 Section 57. Except as otherwise expressly provided in
17 this act, this act shall take effect upon becoming a law.

18
19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 Senate Bill 2610

22 The committee substitute defines the working capital balance
23 as the unallocated, unappropriated general revenue funds for a
24 given fiscal year, places the consensus estimating conferences
25 within the legislative branch subject to the legislative
26 notice and public meeting rules, and deletes a provision of
27 the original bill that limited the authority of the Department
28 of Transportation to program new revenues in the adopted work
29 program
30
31