

1                                   A bill to be entitled  
2           An act relating to the management of state  
3           financial matters; amending s. 14.2015, F.S.;  
4           requiring the Office of Tourism, Trade, and  
5           Economic Development and the Florida Commission  
6           on Tourism to advise and consult with the  
7           Consensus Estimating Conference principals  
8           concerning certain duties; amending s. 20.316,  
9           F.S., relating to the Department of Juvenile  
10          Justice information systems; correcting a  
11          reference; amending s. 45.062, F.S.; requiring  
12          that certain legislative officers and the  
13          Attorney General receive prior notice  
14          concerning settlement negotiations and  
15          presettlement agreements or orders; providing  
16          certain exceptions; requiring that moneys paid  
17          in settlement of a legal action be placed into  
18          the General Revenue Fund or an appropriate  
19          trust fund; amending s. 110.1239, F.S.;  
20          correcting a cross-reference; amending s.  
21          110.1245, F.S., relating to a savings sharing  
22          program; correcting a reference; amending s.  
23          215.32, F.S.; providing for unallocated general  
24          revenue; revising a provision relating to the  
25          restoration of expenditures from the Budget  
26          Stabilization Fund; eliminating the Working  
27          Capital Fund as a fund type; amending s.  
28          215.5601, F.S., relating to the Lawton Chiles  
29          Endowment Fund; revising provisions governing  
30          appropriations to the fund; amending ss. 215.93  
31          and 215.94, F.S., relating to the Florida

1 Financial Management Information System;  
2 revising duties of the Financial Management  
3 Information Board and the functional owners of  
4 the information subsystems; requiring the  
5 Auditor General to provide technical advice;  
6 amending s. 215.97, F.S., relating to the  
7 Florida Single Audit Act; revising and  
8 providing definitions; revising the uniform  
9 state audit requirements for state financial  
10 assistance that is provided by state agencies  
11 to nonstate entities; requiring the Department  
12 of Financial Services to adopt rules and  
13 perform additional duties with respect to the  
14 provision of financial assistance to carry out  
15 state projects; specifying duties of  
16 coordinating agencies; exempting nonstate  
17 entities that act only as a conduit of state  
18 financial assistance from the requirements of  
19 the Florida Single Audit Act; amending s.  
20 216.011, F.S.; revising definitions applicable  
21 to the fiscal affairs of the state; defining  
22 the terms "mandatory reserve," "budget  
23 reserve," "activity," "qualified expenditure  
24 category," and "statutorily authorized entity";  
25 amending s. 216.013, F.S.; revising  
26 requirements for the long-range program plans  
27 developed by state agencies; providing for  
28 submitting such plans on an alternate date  
29 under certain circumstances; revising the date  
30 for making adjustments; amending s. 216.023,  
31 F.S., relating to legislative budget requests;

1 providing alternate dates for submitting such  
2 requests under certain circumstances; providing  
3 requirements for a request to outsource or  
4 privatize agency functions; deleting certain  
5 requirements for performance-based program  
6 budget requests; changing the requirements for  
7 an annual inventory of certain litigation;  
8 amending s. 216.031, F.S.; revising  
9 requirements for target budget requests;  
10 repealing s. 216.052(2), (3), (8), and (9),  
11 F.S., relating to community budget requests and  
12 a revolving loan program; repealing s.  
13 216.053(5), F.S., relating to summary  
14 information concerning performance-based  
15 program budgets; amending s. 216.065, F.S.;  
16 requiring that a fiscal impact statement  
17 provided to the legislative appropriations  
18 committees contain information concerning  
19 subsequent fiscal years; amending s. 216.081,  
20 F.S.; providing data requirements for the  
21 Governor's recommended budget under certain  
22 circumstances; amending s. 216.133, F.S.;  
23 deleting references to conform; amending s.  
24 216.134, F.S.; stipulating that consensus  
25 estimating conferences are within the  
26 legislative branch; revising provisions  
27 relating to public meetings of consensus  
28 estimating conferences; amending s. 216.136,  
29 F.S.; deleting provisions for the Child Welfare  
30 System Estimating Conference and the Juvenile  
31 Justice Estimating Conference; amending s.

1 | 216.162, F.S.; revising the date for the  
2 | Governor to submit the recommended budget for  
3 | the state; amending s. 216.167, F.S.; deleting  
4 | references to the Working Capital Fund to  
5 | conform to changes made by the act; amending s.  
6 | 216.168, F.S.; deleting provisions exempting  
7 | the Governor from a requirement to submit  
8 | amended recommendations; amending s. 216.177,  
9 | F.S.; revising requirements for notifying the  
10 | Legislature of actions taken under ch. 216,  
11 | F.S., and funds expended in settlement of  
12 | agency litigation; amending s. 216.181, F.S.;  
13 | requiring approval of certain amendments to an  
14 | approved operating budget by the Legislative  
15 | Budget Commission; clarifying provisions with  
16 | respect to the notice required for the transfer  
17 | of lump-sum appropriations; revising  
18 | requirements for determining salary rates;  
19 | authorizing the Legislative Budget Commission  
20 | to approve salary rates; deleting certain  
21 | notice requirements; authorizing certain  
22 | refunds, payments, and transfers pursuant to  
23 | budget authority within the executive branch  
24 | and the judicial branch; requiring notice to  
25 | the chairs of the legislative committees  
26 | responsible for developing the general  
27 | appropriations acts; repealing ss. 216.1825 and  
28 | 216.183, F.S., relating to the use of  
29 | zero-based budgeting principles and  
30 | performance-based program budgets; amending s.  
31 | 216.192, F.S.; requiring an agency to submit an

1 operational work plan for approval before funds  
2 or positions are released or transferred or  
3 spending authority is increased for information  
4 technology projects; providing requirements for  
5 the work plan; requiring that the agency submit  
6 project-status reports; requiring that the  
7 frequency of work plans and status reports be  
8 specified in the General Appropriations Act;  
9 deleting provisions authorizing the legislative  
10 appropriations committees to provide advice  
11 regarding the release of funds; authorizing the  
12 Executive Office of the Governor and the Chief  
13 Justice to place appropriations in mandatory  
14 reserve or budget reserve; amending s. 216.195,  
15 F.S.; deleting certain notice and review  
16 requirements for the impoundment of funds;  
17 amending s. 216.221, F.S.; authorizing the  
18 Legislature to direct the use of any state  
19 funds in an appropriations act; revising  
20 requirements for adjusting budgets in order to  
21 avoid or eliminate a deficit; revising  
22 procedures for certifying a budget deficit;  
23 revising requirements for the Governor and the  
24 Chief Justice in developing plans of action;  
25 requiring that the Legislative Budget  
26 Commission implement certain reductions in  
27 appropriations; revising requirements for  
28 resolving deficits; requiring that certain  
29 actions to resolve a deficit be approved by the  
30 Legislative Budget Commission; amending s.  
31 216.231, F.S., relating to the release of

1 classified appropriations; conforming  
2 provisions to changes made by the act; amending  
3 s. 216.235, F.S., relating to the Innovation  
4 Investment Program; correcting references;  
5 limiting the funding of certain proposals under  
6 the program; amending s. 216.241, F.S.;  
7 requiring that the initiation or commencement  
8 of new programs be approved by the Legislative  
9 Budget Commission; deleting certain notice  
10 requirements; limiting certain other actions  
11 and budget adjustments by a state agency or the  
12 judicial branch without the approval of the  
13 Legislature or the Legislative Budget  
14 Commission; amending s. 216.251, F.S.;  
15 correcting a reference; revising requirements  
16 for establishing certain salaries; amending s.  
17 216.262, F.S.; requiring the Legislative Budget  
18 Commission to approve certain increases in the  
19 number of positions; deleting provisions  
20 authorizing an agency to retain salary dollars  
21 under certain circumstances; amending s.  
22 216.292, F.S.; revising provisions limiting the  
23 transferability of appropriations; prohibiting  
24 spending fixed capital outlay for other  
25 purposes; prohibiting transferring  
26 appropriations except as otherwise provided by  
27 law; providing certain exceptions; amending s.  
28 216.301, F.S.; revising requirements for  
29 continuing unexpended balances of  
30 appropriations for fixed capital outlay;  
31 requiring approval by the Executive Office of

1 the Governor; authorizing the President of the  
2 Senate and the Speaker of the House of  
3 Representatives to provide for the retention of  
4 certain balances from legislative budget  
5 entities; repealing s. 218.60(3), F.S.,  
6 relating to estimates made by the revenue  
7 estimating conference and provided to local  
8 governments; amending ss. 252.37 and 265.55,  
9 F.S.; deleting certain references to the  
10 Working Capital Fund to conform to changes made  
11 by the act; repealing s. 288.1234, F.S.,  
12 relating to the Olympic Games Guaranty Account  
13 within the Economic Development Trust Fund;  
14 amending s. 288.7091, F.S.; correcting a  
15 cross-reference; amending s. 320.20, F.S.;  
16 providing duties of the Chief Financial Officer  
17 with respect to the deposit of certain trust  
18 fund moneys based on anticipated annual  
19 revenues; amending s. 339.135, F.S.; requiring  
20 that the Legislative Budget Commission approve  
21 certain extensions of spending authority;  
22 revising requirements for amending certain work  
23 programs; amending s. 381.0303, F.S.;  
24 authorizing the Department of Health to obtain  
25 reimbursement for special needs shelters from  
26 unappropriated moneys in the General Revenue  
27 Fund; amending s. 409.906, F.S.; deleting  
28 provisions authorizing the Department of  
29 Children and Family Services to transfer  
30 certain funds in excess of the amount specified  
31 in the General Appropriations Act; repealing s.

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

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31



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

3           14.2015 Office of Tourism, Trade, and Economic  
4 Development; creation; powers and duties.--

5           (8) The Office of Tourism, Trade, and Economic  
6 Development shall ensure that the contract between the Florida  
7 Commission on Tourism and the commission's direct-support  
8 organization contains a provision to provide the data on the  
9 visitor counts and visitor profiles used in revenue  
10 estimating, employing the same methodology used in fiscal year  
11 1995-1996 by the Department of Commerce. The Office of  
12 Tourism, Trade, and Economic Development and the Florida  
13 Commission on Tourism must advise and consult ~~reach agreement~~  
14 with the Consensus Estimating Conference principals before  
15 making any changes in methodology used or information  
16 gathered.

17           Section 2. Paragraph (d) of subsection (4) of section  
18 20.316, Florida Statutes, is amended to read:

19           20.316 Department of Juvenile Justice.--There is  
20 created a Department of Juvenile Justice.

21           (4) INFORMATION SYSTEMS.--

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

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

26           2. Provide timely access to current data and computing  
27 capacity to support outcome evaluation, legislative oversight,  
28 ~~the Juvenile Justice Estimating Conference,~~ and other  
29 research.

30           3. Provide automated support to the quality assurance  
31 and program review functions.

1           4. Provide automated support to the contract  
2 management process.

3           5. Provide automated support to the facility  
4 operations management process.

5           6. Provide automated administrative support to  
6 increase efficiency, provide the capability of tracking  
7 expenditures of funds by the department or contracted service  
8 providers that are eligible for federal reimbursement, and  
9 reduce forms and paperwork.

10          7. Facilitate connectivity, access, and utilization of  
11 information among various state agencies, and other state,  
12 federal, local, and private agencies, organizations, and  
13 institutions.

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

17          9. Provide a system for the training of information  
18 system users and user groups.

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

21           45.062 Settlements, conditions, or orders when an  
22 agency of the executive branch is a party.--

23           (1) In any civil action in which a state executive  
24 branch agency or officer is a party in state or federal court,  
25 the officer, agent, official, or attorney who represents or is  
26 acting on behalf of such agency or officer may not settle such  
27 action, consent to any condition, or agree to any order in  
28 connection therewith, if the settlement, condition, or order  
29 requires the expenditure of or the obligation to expend any  
30 state funds or other state resources, exceeding \$1 million,  
31

1 the refund or future loss of state revenues exceeding \$10  
2 million, or the establishment of any new program, unless:

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

5 (b) At the time settlement negotiations are begun in  
6 earnest, written notification is given to the President of the  
7 Senate, the Speaker of the House of Representatives, the  
8 Senate and House minority leaders, the chairs of the  
9 appropriations committees of the Legislature, and the Attorney  
10 General; and

11 ~~(c)(b)~~ Prior written notification is given at least  
12 within 5 business days or as soon thereafter as practicable,  
13 before ~~of~~ the date the settlement or presettlement agreement  
14 or order is to be made final to the President of the Senate,  
15 the Speaker of the House of Representatives, the Senate and  
16 House minority leaders, the chairs of the appropriations  
17 committees of the Legislature, and the Attorney General. Such  
18 notification shall specify how the agency involved will  
19 address the costs in future years within the limits of current  
20 appropriations.

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

25 2. The notification specified in this paragraph is not  
26 required if:

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

30 b. Notification would preclude the state's  
31 participation in multi-state litigation;

1           c. Notification is precluded by federal law or  
2 regulation; or

3           d. Notification is precluded by court rule or  
4 sanction.

5           (2) The state executive branch agency or officer shall  
6 negotiate a closure date as soon as possible for the civil  
7 action.

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

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

17           (5) When a state agency or officer settles an action  
18 or legal claim in which the state asserted a right to recover  
19 money, all moneys paid to the state by a party in full or  
20 partial exchange for a release of the state's claim shall be  
21 placed into the General Revenue Fund or the appropriate trust  
22 fund.

23           ~~(6)~~~~(5)~~ State executive branch agencies and officers  
24 shall report to each substantive and fiscal committee of the  
25 Legislature having jurisdiction over the reporting agency on  
26 all potential settlements that may commit the state to:

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

28           (b) Make policy changes inconsistent with current  
29 state law.

30

31

1 The state executive branch agency or officer shall provide  
 2 periodic updates to the appropriate legislative committees on  
 3 these issues during the settlement process.

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

6 110.1239 State group health insurance program  
 7 funding.--It is the intent of the Legislature that the state  
 8 group health insurance program be managed, administered,  
 9 operated, and funded in such a manner as to maximize the  
 10 protection of state employee health insurance benefits.

11 Inherent in this intent is the recognition that the health  
 12 insurance liabilities attributable to the benefits offered  
 13 state employees should be fairly, orderly, and equitably  
 14 funded. Accordingly:

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

21 Section 5. Paragraph (b) of subsection (1) of section  
 22 110.1245, Florida Statutes, is amended to read:

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

25 (1)

26 (b) Each agency head shall recommend employees  
 27 individually or by group to be awarded an amount of money,  
 28 which amount shall be directly related to the cost savings  
 29 realized. Each proposed award and amount of money must be  
 30 approved by the Legislative Budget ~~Budgeting~~ Commission.  
 31

1 Section 6. Section 215.32, Florida Statutes, is  
2 amended to read:

3 215.32 State funds; segregation.--

4 (1) All moneys received by the state shall be  
5 deposited in the State Treasury unless specifically provided  
6 otherwise by law and shall be deposited in and accounted for  
7 by the Chief Financial Officer within the following funds,  
8 which funds are hereby created and established:

9 (a) General Revenue Fund.

10 (b) Trust funds.

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

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

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

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

1           (b)1. The trust funds shall consist of moneys received  
2 by the state which under law or under trust agreement are  
3 segregated for a purpose authorized by law. The state agency  
4 or branch of state government receiving or collecting such  
5 moneys shall be responsible for their proper expenditure as  
6 provided by law. Upon the request of the state agency or  
7 branch of state government responsible for the administration  
8 of the trust fund, the Chief Financial Officer may establish  
9 accounts within the trust fund at a level considered necessary  
10 for proper accountability. Once an account is established  
11 within a trust fund, the Chief Financial Officer may authorize  
12 payment from that account only upon determining that there is  
13 sufficient cash and releases at the level of the account.

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

18           a. Operations or operating trust fund, for use as a  
19 depository for funds to be used for program operations funded  
20 by program revenues, with the exception of administrative  
21 activities when the operations or operating trust fund is a  
22 proprietary fund.

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

25           c. Administrative trust fund, for use as a depository  
26 for funds to be used for management activities that are  
27 departmental in nature and funded by indirect cost earnings  
28 and assessments against trust funds. Proprietary funds are  
29 excluded from the requirement of using an administrative trust  
30 fund.

31

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

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

7           f. Clearing funds trust fund, for use as a depository  
8 for funds to account for collections pending distribution to  
9 lawful recipients.

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

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

22          3. All such moneys are hereby appropriated to be  
23 expended in accordance with the law or trust agreement under  
24 which they were received, subject always to the provisions of  
25 chapter 216 relating to the appropriation of funds and to the  
26 applicable laws relating to the deposit or expenditure of  
27 moneys in the State Treasury.

28          4.a. Notwithstanding any provision of law restricting  
29 the use of trust funds to specific purposes, unappropriated  
30 cash balances from selected trust funds may be authorized by  
31 the Legislature for transfer to the Budget Stabilization Fund



1 and General Revenue ~~Working Capital~~ Fund in the General  
2 Appropriations Act.

3           b. This subparagraph does not apply to trust funds  
4 required by federal programs or mandates; trust funds  
5 established for bond covenants, indentures, or resolutions  
6 whose revenues are legally pledged by the state or public body  
7 to meet debt service or other financial requirements of any  
8 debt obligations of the state or any public body; the State  
9 Transportation Trust Fund; the trust fund containing the net  
10 annual proceeds from the Florida Education Lotteries; the  
11 Florida Retirement System Trust Fund; trust funds under the  
12 management of the State Board of Education ~~Board of Regents~~,  
13 where such trust funds are for auxiliary enterprises,  
14 self-insurance, and contracts, grants, and donations, as those  
15 terms are defined by general law; trust funds that serve as  
16 clearing funds or accounts for the Chief Financial Officer or  
17 state agencies; trust funds that account for assets held by  
18 the state in a trustee capacity as an agent or fiduciary for  
19 individuals, private organizations, or other governmental  
20 units; and other trust funds authorized by the State  
21 Constitution.

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

1 year in which the transfer to the Budget Stabilization Fund  
2 must be made under this paragraph.

3 2. By September 15 of each year, the Governor shall  
4 authorize the Chief Financial Officer to transfer, and the  
5 Chief Financial Officer shall transfer pursuant to  
6 appropriations made by law, to the Budget Stabilization Fund  
7 the amount of money needed for the balance of that fund to  
8 equal the amount specified in subparagraph 1., less any  
9 amounts expended and not restored. The moneys needed for this  
10 transfer may be appropriated by the Legislature from any  
11 funds.

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

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

26 5. The Chief Financial Officer and the Department of  
27 Management Services shall transfer funds to water management  
28 districts to pay eligible water management district employees  
29 for all benefits due under s. 373.6065, as long as funds  
30 remain available for the program described under s. 100.152.

31

1           ~~(d) The Working Capital Fund shall consist of moneys~~  
2 ~~in the General Revenue Fund which are in excess of the amount~~  
3 ~~needed to meet General Revenue Fund appropriations for the~~  
4 ~~current fiscal year. Each year, no later than the publishing~~  
5 ~~date of the annual financial statements for the state by the~~  
6 ~~Chief Financial Officer under s. 216.102, funds shall be~~  
7 ~~transferred between the Working Capital Fund and the General~~  
8 ~~Revenue Fund to establish the balance of the Working Capital~~  
9 ~~Fund for that fiscal year at the amount determined pursuant to~~  
10 ~~this paragraph.~~

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

13           215.5601 Lawton Chiles Endowment Fund.--

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

15           (a) Funds from the endowment which are available for  
16 legislative appropriation shall be transferred by the board to  
17 the Department of Financial Services Tobacco Settlement  
18 Clearing Trust Fund, created in s. 17.41, and disbursed in  
19 accordance with the legislative appropriation.

20           1. Appropriations by the Legislature to the Department  
21 of Health from endowment earnings from the principal set aside  
22 for biomedical research shall be from a category called the  
23 James and Esther King Biomedical Research Program and shall be  
24 deposited into the Biomedical Research Trust Fund in the  
25 Department of Health established in s. 20.435.

26           2. Appropriations by the Legislature to the Department  
27 of Children and Family Services, the Department of Health, or  
28 the Department of Elderly Affairs from endowment earnings for  
29 health and human services programs ~~shall be from a category~~  
30 ~~called the Lawton Chiles Endowment Fund Programs~~ and shall be  
31

1 deposited into each department's respective Tobacco Settlement  
2 Trust Fund as appropriated.

3 (b) In order to ensure that the expenditure of funds  
4 earned from the Lawton Chiles Endowment Fund will be used for  
5 the purposes intended by the Legislature, the Legislature  
6 shall establish line item categories for the state agencies  
7 describing the designated use of the appropriated funds as  
8 provided in the General Appropriations Act.

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

20 (d) Subject to legislative appropriations, state  
21 agencies shall use distributions from the endowment to enhance  
22 or support increases in clients served or to meet increases in  
23 program costs in health and human services program areas.  
24 Funds distributed from the endowment may not be used to  
25 supplant existing revenues.

26 (e) Notwithstanding s. 216.301 and pursuant to s.  
27 216.351, all unencumbered balances of appropriations from each  
28 department's respective Tobacco Settlement Trust Fund as of  
29 June 30 or undisbursed balances as of December 31 shall revert  
30 to the endowment's principal. Unencumbered balances in the  
31

1 Biomedical Research Trust Fund shall be managed as provided in  
2 s. 20.435(1)(h)2.

3 ~~(f) When advised by the Revenue Estimating Conference~~  
4 ~~that a deficit will occur with respect to the appropriations~~  
5 ~~from the tobacco settlement trust funds of the state agencies~~  
6 ~~in any fiscal year, the Governor shall develop a plan of~~  
7 ~~action to eliminate the deficit. Before implementing the plan~~  
8 ~~of action, the Governor must comply with s. 216.177(2). In~~  
9 ~~developing the plan of action, the Governor shall, to the~~  
10 ~~extent possible, preserve legislative policy and intent, and,~~  
11 ~~absent any specific directions to the contrary in the General~~  
12 ~~Appropriations Act, any reductions in appropriations from the~~  
13 ~~tobacco settlement trust funds of the state agencies for a~~  
14 ~~fiscal year shall be prorated among the specific~~  
15 ~~appropriations made from all tobacco settlement trust funds of~~  
16 ~~the state agencies for that year.~~

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

19 215.93 Florida Financial Management Information  
20 System.--

21 (3) The Florida Financial Management Information  
22 System shall include financial management data and utilize the  
23 chart of accounts approved by the Chief Financial Officer.  
24 Common financial management data shall include, but not be  
25 limited to, data codes, titles, and definitions used by one or  
26 more of the functional owner subsystems. The Florida  
27 Financial Management Information System shall utilize common  
28 financial management data codes. The council shall recommend  
29 and the board shall adopt policies regarding the approval and  
30 publication of the financial management data. The Chief  
31 Financial Officer shall adopt policies regarding the approval

1 and publication of the chart of accounts. The Chief Financial  
2 Officer's chart of accounts shall be consistent with the  
3 common financial management data codes established by the  
4 coordinating council. Further, all systems not a part of the  
5 Florida Financial Management Information System which provide  
6 information to the system shall use the common data codes from  
7 the Florida Financial Management Information System and the  
8 Chief Financial Officer's chart of accounts. Data codes that  
9 cannot be supplied by the Florida Financial Management  
10 Information System and the Chief Financial Officer's chart of  
11 accounts and that are required for use by the information  
12 subsystems shall be approved by the board upon recommendation  
13 of the coordinating council. ~~However, board approval shall not~~  
14 ~~be required for those data codes specified by the Auditor~~  
15 ~~General under the provisions of s. 215.94(6)(c).~~

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

18 215.94 Designation, duties, and responsibilities of  
19 functional owners.--

20 (6)(a) Consistent with the provisions of s. 215.86,  
21 the respective functional owner of each information subsystem  
22 shall be responsible for ensuring ~~The Auditor General shall be~~  
23 ~~advised by the functional owner of each information subsystem~~  
24 ~~as to the date that the development or significant~~  
25 ~~modification of its functional system specifications is to~~  
26 ~~begin.~~

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

30  
31

1           1. The accounting information produced by the  
2 information subsystem adheres to generally accepted accounting  
3 principles.

4           2. The information subsystem contains the necessary  
5 controls to maintain its integrity, within acceptable limits  
6 and at an acceptable cost.

7           3. The information subsystem is auditable.

8           ~~(b)(c)~~ The Auditor General shall be advised by the  
9 functional owner of each information subsystem as to the date  
10 that the development or significant modification of its  
11 functional system specifications is to begin. The Auditor  
12 General shall provide technical advice, as allowed by  
13 professional auditing standards, on specific issues relating  
14 to the design, implementation, and operation of each  
15 information subsystem. ~~specify those additional features,~~  
16 ~~characteristics, controls, and internal control measures~~  
17 ~~deemed necessary to carry out the provisions of this~~  
18 ~~subsection. Further, it shall be the responsibility of each~~  
19 ~~functional owner to ensure installation and incorporation of~~  
20 ~~such specified features, characteristics, controls, and~~  
21 ~~internal control measures within each information subsystem.~~

22           Section 10. Section 215.97, Florida Statutes, is  
23 amended to read:

24           215.97 Florida Single Audit Act.--

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

26           (a) Establish uniform state audit requirements for  
27 state financial assistance provided by state agencies to  
28 nonstate entities to carry out state projects.

29           (b) Promote sound financial management, including  
30 effective internal controls, with respect to state financial  
31 assistance administered by nonstate entities.

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

4 (d) Provide for identification of state financial  
 5 assistance transactions in the appropriations act, state  
 6 accounting records, and recipient organization records.

7 (e) Promote improved coordination and cooperation  
 8 within and between affected state agencies providing state  
 9 financial assistance and nonstate entities receiving state  
 10 assistance.

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

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

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



1 (b) "Auditing standards" means the auditing standards  
2 as stated in the rules of the Auditor General as applicable to  
3 for-profit organizations, nonprofit organizations, or local  
4 governmental entities.

5 (c) "Catalog of State Financial Assistance" means a  
6 comprehensive listing of state projects. The Catalog of State  
7 Financial Assistance shall be issued by the Department of  
8 Financial Services ~~Executive Office of the Governor~~ after  
9 conferring with the Executive Office of the Governor ~~Chief~~  
10 ~~Financial Officer~~ and all state awarding agencies ~~that provide~~  
11 ~~state financial assistance to nonstate entities~~. The Catalog  
12 of State Financial Assistance shall include for each listed  
13 state project: the responsible state awarding agency; standard  
14 state project number identifier; official title; legal  
15 authorization; and description of the state project, including  
16 objectives, restrictions, application and awarding procedures,  
17 and other relevant information determined necessary.

18 (d) "Coordinating agency" means the state awarding  
19 agency that provides the predominant amount of state financial  
20 assistance expended by a recipient, as determined by the  
21 recipient's Schedule of Expenditures of State Financial  
22 Assistance. To provide continuity, the determination of the  
23 predominant amount of state financial assistance shall be  
24 based upon state financial assistance expended in the  
25 recipient's fiscal years ending in 2006, 2009, and 2012, and  
26 every third year thereafter.

27 (e)~~(d)~~ "Financial reporting package" means the  
28 nonstate entities' financial statements, Schedule of  
29 Expenditures of State Financial Assistance, auditor's reports,  
30 management letter, auditee's written responses or corrective  
31 action plan, correspondence on followup of prior years'

1 corrective actions taken, and such other information  
 2 determined by the Auditor General to be necessary and  
 3 consistent with the purposes of this section.

4 ~~(f)(e)~~ "Federal financial assistance" means financial  
 5 assistance from federal sources passed through the state and  
 6 provided to nonstate organizations ~~entities~~ to carry out a  
 7 federal program. "Federal financial assistance" includes all  
 8 types of federal assistance as defined in applicable United  
 9 States Office of Management and Budget circulars.

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

13 ~~(h)(g)~~ "Independent auditor" means an independent  
 14 ~~external state or local government auditor or a certified~~  
 15 public accountant licensed under chapter 473 ~~who meets the~~  
 16 ~~independence standards.~~

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

- 22 1. Effectiveness and efficiency of operations.
- 23 2. Reliability of financial operations.
- 24 3. Compliance with applicable laws and regulations.

25 ~~(j)(i)~~ "Local governmental entity" means a county as a  
 26 whole ~~agency~~, municipality, or special district or any other  
 27 entity excluding ~~(other than~~ a district school board, charter  
 28 school, ~~or~~ community college), or public university, however  
 29 styled, which independently exercises any type of governmental  
 30 function within the state.

31

1           ~~(k)(j)~~ "Major state project" means any state project  
 2 meeting the criteria as stated in the rules of the Department  
 3 of Financial Services ~~Executive Office of the Governor~~. Such  
 4 criteria shall be established after consultation with all ~~the~~  
 5 ~~Chief Financial Officer and appropriate~~ state awarding  
 6 agencies ~~that provide state financial assistance~~ and shall  
 7 consider the amount of state project expenditures and ~~or~~  
 8 expenses or inherent risks. Each major state project shall be  
 9 audited in accordance with the requirements of this section.

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

12           1. Is operated primarily for scientific, educational  
 13 service, charitable, or similar purpose in the public  
 14 interest;

15           2. Is not organized primarily for profit;

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

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

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

23           ~~(n)(m)~~ "Recipient" means a nonstate entity that  
 24 receives state financial assistance directly from a state  
 25 awarding agency.

26           ~~(o)(n)~~ "Schedule of Expenditures of State Financial  
 27 Assistance" means a document prepared in accordance with the  
 28 rules of the Department of Financial Services ~~Chief Financial~~  
 29 ~~Officer~~ and included in each financial reporting package  
 30 required by this section.

31

1           ~~(p)(o)~~ "State awarding agency" means a the state  
 2 agency, as defined in s. 216.011, that is primarily  
 3 responsible for the operations and outcomes of a state  
 4 project, regardless of the state agency that actually provides  
 5 ~~provided~~ state financial assistance to a the nonstate entity.

6           ~~(q)(p)~~ "State financial assistance" means ~~financial~~  
 7 ~~assistance from~~ state resources, not including federal  
 8 financial assistance and state matching on federal programs,  
 9 provided to a nonstate entity entities to carry out a state  
 10 project. "State financial assistance" includes the all types  
 11 of state resources assistance as stated in the rules of the  
 12 Department of Financial Services Executive Office of the  
 13 ~~Governor~~ established in consultation with all the Chief  
 14 ~~Financial Officer and appropriate~~ state awarding agencies that  
 15 ~~provide state financial assistance. It includes~~ State  
 16 financial assistance may be provided directly by state  
 17 awarding agencies or indirectly by nonstate entities  
 18 ~~recipients of state awards or subrecipients. State financial~~  
 19 assistance ~~It~~ does not include procurement contracts used to  
 20 buy goods or services from vendors and. ~~Audits of such~~  
 21 ~~procurement contracts with vendors are outside of the scope of~~  
 22 ~~this section. Also, audits of contracts to operate state-owned~~  
 23 ~~state government owned and contractor-operated facilities are~~  
 24 ~~excluded from the audit requirements of this section.~~

25           ~~(r)(q)~~ "State matching" means state resources provided  
 26 to a nonstate entity entities ~~to be used~~ to meet federal  
 27 financial participation matching requirements ~~of federal~~  
 28 ~~programs.~~

29           ~~(s)~~ "State program" means a set of special-purpose  
 30 activities undertaken to realize identifiable goals and  
 31 objectives in order to achieve a state agency's mission and

1 legislative intent requiring accountability for state  
2 resources.

3 ~~(t)(r)~~ "State project" means a state program that  
4 provides all state financial assistance to a nonstate  
5 organization and that must be ~~entity~~ assigned a ~~single~~ state  
6 project number identifier in the Catalog of State Financial  
7 Assistance.

8 ~~(u)(s)~~ "State Projects Compliance Supplement" means a  
9 document issued by the Department of Financial Services  
10 ~~Executive Office of the Governor~~, in consultation with ~~the~~  
11 ~~Chief Financial Officer~~ and all state awarding agencies ~~that~~  
12 ~~provide state financial assistance~~. The State Projects  
13 Compliance Supplement shall identify state projects, the  
14 significant compliance requirements, eligibility requirements,  
15 matching requirements, suggested audit procedures, and other  
16 relevant information determined necessary.

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

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

25 ~~(x)(v)~~ "Subrecipient" means a nonstate entity that  
26 receives state financial assistance through another nonstate  
27 entity.

28 ~~(y)(w)~~ "Vendor" means a dealer, distributor, merchant,  
29 or other seller providing goods or services that are required  
30 for the conduct of a state project. These goods or services  
31

1 may be for an organization's own use or for the use of  
2 beneficiaries of the state project.

3 (3) The Executive Office of the Governor is  
4 responsible for notifying the Department of Financial Services  
5 of any actions during the budgetary process which impact the  
6 Catalog of State Financial Assistance. shall:

7 ~~(a) Upon conferring with the Chief Financial Officer~~  
8 ~~and all state awarding agencies, adopt rules necessary to~~  
9 ~~provide appropriate guidance to state awarding agencies,~~  
10 ~~recipients and subrecipients, and independent auditors of~~  
11 ~~state financial assistance relating to the requirements of~~  
12 ~~this section, including:~~

13 1. ~~The types or classes of financial assistance~~  
14 ~~considered to be state financial assistance which would be~~  
15 ~~subject to the requirements of this section. This would~~  
16 ~~include guidance to assist in identifying when the state~~  
17 ~~agency or recipient has contracted with a vendor rather than~~  
18 ~~with a recipient or subrecipient.~~

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

20 3. ~~The criteria for selecting state projects for~~  
21 ~~audits based on inherent risk.~~

22 ~~(b) Be responsible for coordinating the initial~~  
23 ~~preparation and subsequent revisions of the Catalog of State~~  
24 ~~Financial Assistance after consultation with the Chief~~  
25 ~~Financial Officer and all state awarding agencies.~~

26 ~~(c) Be responsible for coordinating the initial~~  
27 ~~preparation and subsequent revisions of the State Projects~~  
28 ~~Compliance Supplement, after consultation with the Chief~~  
29 ~~Financial Officer and all state awarding agencies.~~

30 (4) The Department of Financial Services Chief  
31 Financial Officer shall:

1       (a) Upon conferring with the Executive Office of the  
2 Governor and all state awarding agencies, adopt rules  
3 necessary to provide appropriate guidance to state awarding  
4 agencies, nonstate entities, and independent auditors of state  
5 financial assistance relating to the requirements of this  
6 section, including:

7           1. The types or classes of state resources considered  
8 to be state financial assistance that would be subject to the  
9 requirements of this section. This would include guidance to  
10 assist in identifying when the state awarding agency or a  
11 nonstate entity has contracted with a vendor rather than with  
12 a recipient or subrecipient.

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

14           3. The criteria for selecting state projects for  
15 audits based on inherent risk.

16       (b) Be responsible for coordinating revisions to the  
17 Catalog of State Financial Assistance after consultation with  
18 the Executive Office of the Governor and all state awarding  
19 agencies.

20       (c) Be responsible for coordinating with the Executive  
21 Office of the Governor actions affecting the budgetary process  
22 under paragraph (b).

23       (d) Be responsible for coordinating revisions to the  
24 State Projects Compliance Supplement, after consultation with  
25 the Executive Office of the Governor and all state awarding  
26 agencies.

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

29           1. Recording of state financial assistance and federal  
30 financial assistance appropriations and expenditures within  
31 the state awarding agencies' operating funds.

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

4           3. Establishment and recording of an identification  
5 code for each financial transaction, including awarding state  
6 agencies' disbursements of state financial assistance and  
7 federal financial assistance, as to the corresponding type or  
8 organization that is party to the transaction (e.g., other  
9 governmental agencies, nonprofit organizations, and for-profit  
10 organizations), and disbursements of federal financial  
11 assistance, as to whether the party to the transaction is or  
12 is not a nonstate entity ~~recipient or subrecipient~~.

13           ~~(f)(b)~~ Upon conferring with the Executive Office of  
14 the Governor and all state awarding agencies, adopt rules  
15 necessary to provide appropriate guidance to state awarding  
16 agencies, nonstate entities ~~recipients and subrecipients~~, and  
17 independent auditors of state financial assistance relating to  
18 the format for the Schedule of Expenditures of State Financial  
19 Assistance.

20           ~~(g)(e)~~ Perform any inspections, reviews,  
21 investigations, or audits of state financial assistance  
22 considered necessary in carrying out the Department of  
23 Financial Services' ~~Chief Financial Officer's~~ legal  
24 responsibilities for state financial assistance or to comply  
25 with the requirements of this section.

26           (5) Each state awarding agency shall:

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

30           1. The audit and accountability requirements for state  
31 projects as stated in this section and applicable ~~rules of the~~



1 ~~Executive Office of the Governor~~, rules of the Department of  
2 Financial Services Chief Financial Officer, and rules of the  
3 Auditor General.

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

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

15           (b) Require the recipient, as a condition of receiving  
16 state financial assistance, to allow the state awarding  
17 agency, the Department of Financial Services Chief Financial  
18 ~~Officer~~, and the Auditor General access to the recipient's  
19 records and the recipient's independent auditor's working  
20 papers as necessary for complying with the requirements of  
21 this section.

22           (c) Notify the recipient that this section does not  
23 limit the authority of the state awarding agency to conduct or  
24 arrange for the conduct of additional audits or evaluations of  
25 state financial assistance or limit the authority of any state  
26 awarding agency inspector general, the Auditor General, or any  
27 other state official.

28           (d) Be provided one copy of each financial reporting  
29 package prepared in accordance with the requirement of this  
30 section.

31

1           (e) Review the recipient's ~~recipient~~ financial  
2 reporting package, including the management letters and  
3 corrective action plans, to the extent necessary to determine  
4 whether timely and appropriate corrective action has been  
5 taken with respect to audit findings and recommendations  
6 pertaining to state financial assistance that are specific to  
7 ~~provided by~~ the state awarding agency.

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

11  
12 If the state awarding agency is not the coordinating agency as  
13 defined in paragraph (2)(d), the state awarding agency's  
14 designated organizational unit shall communicate to the  
15 coordinating agency the state awarding agency's approval of  
16 the recipient's corrective action plan with respect to  
17 findings and recommendations that are not specific to the  
18 state awarding agency.

19           (6) Each coordinating agency shall:

20           (a) Review the recipient's financial reporting  
21 package, including the management letter and corrective action  
22 plan, to identify audit findings and recommendations that  
23 affect state financial assistance which are not specific to a  
24 particular state awarding agency.

25           (b) For any such findings and recommendations,  
26 determine:

27           1. Whether timely and appropriate corrective action  
28 has been taken.

29           2. Promptly inform the state awarding agency's  
30 contact, as provided in paragraph (5)(f), of actions taken by

31

1 the recipient to comply with the approved corrective action  
 2 plan.

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

5 ~~(7)(6)~~ As a condition of receiving state financial  
 6 assistance, each nonstate entity ~~recipient~~ that provides state  
 7 financial assistance to a subrecipient shall:

8 (a) Provide to each ~~a~~ subrecipient information needed  
 9 by the subrecipient to comply with the requirements of this  
 10 section, including:

11 1. Identification of the state awarding agency.  
 12 2. The audit and accountability requirements for state  
 13 projects as stated in this section and applicable ~~rules of the~~  
 14 ~~Executive Office of the Governor,~~ rules of the Department of  
 15 Financial Services ~~Chief Financial Officer,~~ and rules of the  
 16 Auditor General.

17 3. Information from the Catalog of State Financial  
 18 Assistance, including the standard state project number  
 19 identifier; official title; legal authorization; and  
 20 description of the state project, including objectives,  
 21 restrictions, and other relevant information.

22 4. Information from the State Projects Compliance  
 23 Supplement including the significant compliance requirements,  
 24 eligibility requirements, matching requirements, and suggested  
 25 audit procedures, and other relevant information determined  
 26 necessary.

27 (b) Review the financial reporting package of the  
 28 subrecipient ~~audit reports,~~ including the management letter  
 29 and corrective action plan letters, to the extent necessary to  
 30 determine whether timely and appropriate corrective action has  
 31 been taken with respect to audit findings and recommendations

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

3 |       (c) Perform any such other procedures ~~as~~ specified in  
 4 | terms and conditions of the written agreement with the state  
 5 | awarding agency or nonstate entity, including any required  
 6 | monitoring of the subrecipient's use of state financial  
 7 | assistance through onsite visits, limited scope audits, or  
 8 | other specified procedures.

9 |       (d) Require subrecipients, as a condition of receiving  
 10 | state financial assistance, to permit the independent auditor  
 11 | of the nonstate entity recipient, the state awarding agency,  
 12 | the Department of Financial Services Chief Financial Officer,  
 13 | and the Auditor General access to the subrecipient's records  
 14 | and the subrecipient's independent auditor's working papers as  
 15 | necessary to comply with the requirements of this section.

16 |       ~~(8)(7)~~ Each recipient or subrecipient of state  
 17 | financial assistance shall comply with the following:

18 |       (a) Each nonstate entity that ~~receives state financial~~  
 19 | ~~assistance and~~ meets the audit threshold requirements, in any  
 20 | fiscal year of the nonstate entity, ~~as~~ stated in the rules of  
 21 | the Auditor General, shall have a state single audit conducted  
 22 | for such fiscal year in accordance with the requirements of  
 23 | this act and with additional requirements established in ~~rules~~  
 24 | ~~of the Executive Office of the Governor~~, rules of the  
 25 | Department of Financial Services Chief Financial Officer, and  
 26 | rules of the Auditor General. If only one state project is  
 27 | involved in a nonstate entity's fiscal year, the nonstate  
 28 | entity may elect to have only a state project-specific audit  
 29 | ~~of the state project for that fiscal year~~.

30 |       (b) Each nonstate entity that ~~receives state financial~~  
 31 | ~~assistance and~~ does not meet the audit threshold requirements,

1 in any fiscal year of the nonstate entity, ~~as~~ stated in this  
 2 law or the rules of the Auditor General is exempt for such  
 3 fiscal year from the state single audit requirements of this  
 4 section. However, such nonstate entity must meet terms and  
 5 conditions specified in the written agreement with the state  
 6 awarding agency or nonstate entity.

7 (c) If a nonstate entity has no, or extremely limited,  
 8 required activities related to the administration of a state  
 9 project, and only acts as a conduit of state financial  
 10 assistance, none of the requirements of the Florida Single  
 11 Audit Act apply to the conduit nonstate entity. However, the  
 12 nonstate entity that is provided state financial assistance by  
 13 the conduit nonstate entity is subject to the requirements of  
 14 the Florida Single Audit Act.

15 (d)(e) Regardless of the amount of the state financial  
 16 assistance, ~~the provisions of this section~~ does ~~de~~ not exempt  
 17 a nonstate entity from compliance with provisions of law  
 18 relating to maintaining records concerning state financial  
 19 assistance to such nonstate entity or allowing access and  
 20 examination of those records by the state awarding agency, the  
 21 nonstate entity, the Department of Financial Services Chief  
 22 Financial Officer, or the Auditor General.

23 (e)(d) Audits conducted pursuant to this section shall  
 24 be performed annually.

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

28 (g)(f) Upon completion of the audit ~~as~~ required by  
 29 this section, a copy of the recipient's financial reporting  
 30 package shall be filed with the state awarding agency and the  
 31 Auditor General. Upon completion of the audit ~~as~~ required by

1 this section, a copy of the subrecipient's financial reporting  
 2 package shall be filed with the nonstate entity ~~recipient~~ that  
 3 provided the state financial assistance and the Auditor  
 4 General. The financial reporting package shall be filed in  
 5 accordance with the rules of the Auditor General.

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

9 ~~(i)(h)~~ If an audit conducted pursuant to this section  
 10 discloses any significant audit findings relating to state  
 11 financial assistance, including material noncompliance with  
 12 individual state project compliance requirements or reportable  
 13 conditions in internal controls of the nonstate entity, the  
 14 nonstate entity shall submit as part of the financial  
 15 reporting audit package to the state awarding agency or  
 16 nonstate entity a plan for corrective action to eliminate such  
 17 audit findings or a statement describing the reasons that  
 18 corrective action is not necessary.

19 ~~(j)(i)~~ An audit conducted in accordance with this  
 20 section is in addition to any audit of federal awards required  
 21 by the federal Single Audit Act and other federal laws and  
 22 regulations. To the extent that such federally required audits  
 23 provide the state awarding agency or nonstate entity with  
 24 information it requires to carry out its responsibilities  
 25 under state law or other guidance, the ~~a~~ state awarding agency  
 26 or nonstate entity shall rely upon and use that information.

27 ~~(k)(j)~~ Unless prohibited by law, the costs ~~cost~~ of  
 28 audits pursuant to this section are ~~is~~ allowable charges to  
 29 state projects. However, any charges to state projects should  
 30 be limited to those incremental costs incurred as a result of  
 31 the audit requirements of this section in relation to other

1 audit requirements. The nonstate entity should allocate such  
2 incremental costs to all state projects for which it expended  
3 state financial assistance.

4 ~~(l)(k)~~ Audit costs may not be charged to state  
5 projects when audits required by this section have not been  
6 made or have been made but not in accordance with this  
7 section. If a nonstate entity fails to have an audit conducted  
8 consistent with this section, a state awarding agency or  
9 nonstate entity agencies may take appropriate corrective  
10 action to enforce compliance.

11 ~~(m)(l)~~ This section does not prohibit the state  
12 awarding agency or nonstate entity from including terms and  
13 conditions in the written agreement which require additional  
14 assurances that state financial assistance meets the  
15 applicable requirements of laws, regulations, and other  
16 compliance rules.

17 ~~(n)(m)~~ A state awarding agency or nonstate entity that  
18 ~~provides state financial assistance to nonstate entities and~~  
19 conducts or arranges for audits of state financial assistance  
20 that are in addition to the audits conducted under this act,  
21 including audits of nonstate entities that do not meet the  
22 audit threshold requirements, shall, consistent with other  
23 applicable law, arrange for funding the full cost of such  
24 additional audits.

25 ~~(9)(8)~~ The independent auditor when conducting a state  
26 single audit of a nonstate entity recipients or subrecipients  
27 shall:

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

31

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

5 (c) With respect to internal controls pertaining to  
6 each major state project:

7 1. Obtain an understanding of internal controls;

8 2. Assess control risk;

9 3. Perform tests of controls unless the controls are  
10 deemed to be ineffective; and

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

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

31



1 (e) Report on the results of any audit conducted  
 2 pursuant to this section in accordance with the ~~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. Financial reporting packages must ~~Audit~~  
 6 ~~reports shall~~ include summaries of the auditor's results  
 7 regarding the nonstate entity's financial statements; Schedule  
 8 of Expenditures of State Financial Assistance; internal  
 9 controls; and compliance with laws, rules, and guidelines.

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

12 (g) Upon notification by the nonstate entity, make  
 13 available the working papers relating to the audit conducted  
 14 pursuant to ~~the requirements of~~ this section to the state  
 15 awarding agency, the Department of Financial Services Chief  
 16 ~~Financial Officer,~~ or the Auditor General for review or  
 17 copying.

18 ~~(10)(9)~~ The independent auditor, when conducting a  
 19 state project-specific audit of a nonstate entity recipients  
 20 ~~or subrecipients,~~ shall:

21 (a) Determine whether the nonstate entity's Schedule  
 22 of Expenditure of State Financial Assistance is presented  
 23 fairly in all material respects in conformity with stated  
 24 accounting policies.

25 (b) Obtain an understanding of internal controls  
 26 ~~control~~ and perform tests of internal controls ~~control~~ over  
 27 the state project consistent with the requirements of a major  
 28 state project.

29 (c) Determine whether or not the auditee has complied  
 30 with applicable provisions of laws, rules, and guidelines ~~as~~  
 31 identified in the State Projects Compliance Supplement, or

1 otherwise identified by the state awarding agency, which could  
2 have a direct and material effect on the state project.

3 (d) Report on the results of the ~~a~~ state  
4 project-specific audit consistent with the requirements of the  
5 state single audit and issue a management letter as prescribed  
6 in the rules of the Auditor General.

7 (e) Upon notification by the nonstate entity, make  
8 available the working papers relating to the audit conducted  
9 pursuant to ~~the requirements of~~ this section to the state  
10 awarding agency, the Department of Financial Services Chief  
11 ~~Financial Officer~~, or the Auditor General for review or  
12 copying.

13 ~~(11)(10)~~ The Auditor General shall:

14 (a) Have the authority to audit state financial  
15 assistance provided to any nonstate entity when determined  
16 necessary by the Auditor General or when directed by the  
17 Legislative Auditing Committee.

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

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

23 (d) Provide technical advice upon request of the  
24 Department of Financial Services Chief Financial Officer,  
25 ~~Executive Office of the Governor~~, and state awarding agencies  
26 relating to financial reporting and audit responsibilities  
27 contained in this section.

28 (e) Be provided one copy of each financial reporting  
29 package prepared in accordance with ~~the requirements of~~ this  
30 section.

31

1 (f) Perform ongoing reviews of a sample of financial  
 2 reporting packages filed pursuant to ~~the requirements of this~~  
 3 section to determine compliance with the reporting  
 4 requirements of this section and applicable ~~rules of the~~  
 5 ~~Executive Office of the Governor,~~ rules of the Department of  
 6 Financial Services Chief Financial Officer, and rules of the  
 7 Auditor General.

8 Section 11. Paragraphs (a), (b), (gg), (hh), and (jj)  
 9 of subsection (1) of section 216.011, Florida Statutes, are  
 10 amended, paragraphs (rr) and (ss) are added to that  
 11 subsection, and paragraph (c) is added to subsection (3) of  
 12 that section, to read:

13 216.011 Definitions.--

14 (1) For the purpose of fiscal affairs of the state,  
 15 appropriations acts, legislative budgets, and approved  
 16 budgets, each of the following terms has the meaning  
 17 indicated:

18 (a) "Annual salary rate" means the monetary  
 19 compensation authorized to be paid a position on an annualized  
 20 basis. The term does not include moneys authorized for  
 21 benefits associated with the position. ~~In calculating salary~~  
 22 ~~rate, a vacant position shall be calculated at the minimum of~~  
 23 ~~the pay grade for that position.~~

24 (b) "Appropriation" means a legal authorization to  
 25 make expenditures for specific purposes within the amounts  
 26 authorized by law in the appropriations act.

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

1 ~~program appropriation" means the appropriation category used~~  
2 ~~to fund a specific set of activities or classification of~~  
3 ~~expenditure within an approved performance based program.~~

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

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

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

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

20 (ss) "Qualified expenditure category" means the  
21 appropriations category used to fund specific activities and  
22 projects which must be transferred to one or more  
23 appropriation categories for expenditure upon the  
24 recommendation by the Governor or Chief Justice, as  
25 appropriate, and subject to approval by the Legislative Budget  
26 Commission.

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

28 (c) "Statutorily authorized entity" means any entity  
29 primarily acting as an instrumentality of the state, any  
30 regulatory or governing body, or any other governmental or  
31 quasi-governmental organization that receives, disburses,

1 expends, administers, awards, recommends expenditure of,  
2 handles, manages, or has custody or control of funds  
3 appropriated by the Legislature and:

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

6 2. Assists a department, as defined in s. 20.03(2), or  
7 other unit of state government in providing programs or  
8 services on a statewide basis with a statewide service area or  
9 population.

10 Section 12. Effective July 1, 2006, paragraph (n) of  
11 subsection (1) of section 216.011, Florida Statutes, as  
12 amended by section 11 of this act, is amended to read:

13 216.011 Definitions.--

14 (1) For the purpose of fiscal affairs of the state,  
15 appropriations acts, legislative budgets, and approved  
16 budgets, each of the following terms has the meaning  
17 indicated:

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

26 Section 13. Subsections (1), (2), (3), and (9) of  
27 section 216.013, Florida Statutes, are amended to read:

28 216.013 Long-range program plan.--

29 (1) State agencies shall develop long-range program  
30 plans to achieve state goals using an interagency planning  
31 process that includes the development of integrated agency

1 program service outcomes. The plan shall cover a period of 5  
2 fiscal years and shall become effective July 1 each year.

3 Long-range program plans shall provide the framework for the  
4 development of agency budget requests and shall:

5 (a) Identify agency programs and address how agency  
6 programs will be used to implement state policy and achieve  
7 state goals and program component objectives;

8 (b) Identify and describe agency services and  
9 activities ~~functions~~ and how they will be used to achieve  
10 designated outcomes;

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

13 (d) Provide information regarding performance  
14 measurement, which includes, but is not limited to, how data  
15 is collected, the methodology used to measure a performance  
16 indicator, the validity and reliability of a measure, the  
17 appropriateness of a measure, and whether the agency inspector  
18 general has assessed the reliability and validity of agency  
19 performance measures, pursuant to s. 20.055(2);

20 (e) Identify and justify facility and fixed capital  
21 outlay projects and their associated costs; and

22 (f) Identify and justify information technology  
23 infrastructure and applications and their associated costs for  
24 information technology projects or initiatives.

25 (2) All agency activities ~~functions~~ and their costs  
26 shall be carefully evaluated and justified by the agency. The  
27 justification must clearly demonstrate the needs of agency  
28 customers and clients and why the agency is proposing  
29 functions and their associated costs to address the needs  
30 based on state priorities, the agency mission, and legislative  
31 authorization. Further, the justification must show how

1 agency functions are integrated and contribute to the overall  
2 achievement of state goals. Facilities, fixed capital outlay  
3 and information technology infrastructure, and applications  
4 shall be evaluated pursuant to ss. 216.0158, 216.043, and  
5 216.0446, respectively.

6 (3) Long-range program plans shall be submitted to the  
7 Executive Office of the Governor by August 1 of each year,  
8 unless an alternative date is agreed to be in the best  
9 interests of the state by the Governor and the chairs of the  
10 legislative appropriations committees, in a form and manner  
11 prescribed by the ~~Executive Office of the~~ Governor and the  
12 chairs of the legislative appropriations committees. Such  
13 long-range program plans for the Judicial Branch shall be  
14 submitted by the Chief Justice of the Supreme Court to the  
15 President of the Senate and the Speaker of the House of  
16 Representatives, and a copy shall be provided to the Executive  
17 Office of the Governor.

18 (9) Agencies and the judicial branch shall make  
19 appropriate adjustments to their long-range program plans to  
20 be consistent with the appropriations and performance measures  
21 in the General Appropriations Act and legislation implementing  
22 the General Appropriations Act. Agencies and the judicial  
23 branch have until June 30 ~~15~~ to make adjustments to their  
24 plans and submit the adjusted plans to the Executive Office of  
25 the Governor for review.

26 Section 14. Section 216.023, Florida Statutes, is  
27 amended to read:

28 216.023 Legislative budget requests to be furnished to  
29 Legislature by agencies.--

30 (1) The head of each state agency, except as provided  
31 in subsection (2), shall submit a final legislative budget

1 request to the Legislature and to the Governor, as chief  
2 budget officer of the state, in the form and manner prescribed  
3 in the budget instructions and at such time as specified by  
4 the Executive Office of the Governor, based on the agency's  
5 independent judgment of its needs. However, ~~a no~~ state agency  
6 may not shall submit its complete legislative budget request,  
7 including all supporting forms and schedules required by this  
8 chapter, later than October ~~September~~ 15 of any each year  
9 unless an alternative date is agreed to be in the best  
10 interests of the state by the Governor and the chairs of the  
11 legislative appropriations committees.

12 (2) The judicial branch and the Division of  
13 Administrative Hearings shall submit their complete  
14 legislative budget requests directly to the Legislature with a  
15 copy to the Governor, as chief budget officer of the state, in  
16 the form and manner as prescribed in the budget instructions.  
17 However, the complete legislative budget requests, including  
18 all supporting forms and schedules required by this chapter,  
19 shall be submitted no later than October ~~September~~ 15 of each  
20 year unless an alternative date is agreed to be in the best  
21 interests of the state by the Governor and the chairs of the  
22 legislative appropriations committees.

23 (3) The Executive Office of the Governor and the  
24 appropriations committees of the Legislature shall jointly  
25 develop legislative budget instructions for preparing the  
26 exhibits and schedules that make up the agency budget from  
27 which each agency and the judicial branch shall prepare their  
28 budget request. The budget instructions shall be consistent  
29 with s. 216.141 and shall be transmitted to each agency and to  
30 the judicial branch no later than July ~~June~~ 15 of each year  
31 unless an alternative date is agreed to be in the best



1 interests of the state by the Governor and the chairs of the  
2 legislative appropriations committees. In the event that  
3 agreement cannot be reached between the Executive Office of  
4 the Governor and the appropriations committees of the  
5 Legislature regarding legislative budget instructions, the  
6 issue shall be resolved by the Governor, the President of the  
7 Senate, and the Speaker of the House of Representatives.

8 (4)(a) The legislative budget request must contain for  
9 each program:

10 1. The constitutional or statutory authority for a  
11 program, a brief purpose statement, and approved program  
12 components.

13 2. Information on expenditures for 3 fiscal years  
14 (actual prior-year expenditures, current-year estimated  
15 expenditures, and agency budget requested expenditures for the  
16 next fiscal year) by appropriation category.

17 3. Details on trust funds and fees.

18 4. The total number of positions (authorized, fixed,  
19 and requested).

20 5. An issue narrative describing and justifying  
21 changes in amounts and positions requested for current and  
22 proposed programs for the next fiscal year.

23 6. Information resource requests.

24 7. Legislatively approved output and outcome  
25 performance measures and any proposed revisions to measures.

26 8. Proposed performance standards for each performance  
27 measure and justification for the standards and the sources of  
28 data to be used for measurement.

29 9. Prior-year performance data on approved performance  
30 measures and an explanation of deviation from expected  
31

1 performance. Performance data must be assessed for reliability  
2 in accordance with s. 20.055.

3 10. Proposed performance incentives and disincentives.

4 11. Supporting information, including applicable  
5 cost-benefit analyses, business case analyses, performance  
6 contracting procedures, service comparisons, and impacts to  
7 performance standards for any requests to outsource or  
8 privatize agency functions.

9 12. An evaluation of any major outsourcing and  
10 privatization initiatives undertaken during the last 5 fiscal  
11 years having aggregate expenditures exceeding \$10 million  
12 during the term of the contract. The evaluation shall include  
13 an assessment of contractor performance, a comparison of  
14 anticipated service levels to actual service levels, and a  
15 comparison of estimated savings to actual savings achieved.  
16 Consolidated reports issued by the Department of Management  
17 Services may be used to satisfy this requirement.

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

25 1. The final budget for the agency and the judicial  
26 branch.

27 2. Total funds from the General Appropriations Act.

28 3. Adjustments to the General Appropriations Act.

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

30 5. The number of activity units performed or  
31 accomplished.

1           6. Total expenditures for each activity, including  
2 amounts paid to contractors and subordinate entities.  
3 Expenditures related to administrative activities not aligned  
4 with output measures must consistently be allocated to  
5 activities with output measures prior to computing unit costs.

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

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

10

11 At the regular session immediately following the submission of  
12 the agency unit cost summary, the Legislature shall reduce in  
13 the General Appropriations Act for the ensuing fiscal year, by  
14 an amount equal to at least 10 percent of the allocation for  
15 the fiscal year preceding the current fiscal year, the funding  
16 of each state agency that fails to submit the report required  
17 under this paragraph.

18           ~~(5) At the time specified in the legislative budget~~  
19 ~~instructions and in sufficient time to be included in the~~  
20 ~~Governor's recommended budget, the judicial branch is required~~  
21 ~~to submit a performance based program budget request. The~~  
22 ~~Chief Justice of the Supreme Court shall identify and, after~~  
23 ~~consultation with the Office of Program Policy Analysis and~~  
24 ~~Government Accountability, submit to the President of the~~  
25 ~~Senate and the Speaker of the House of Representatives a list~~  
26 ~~of proposed programs and associated performance measures. The~~  
27 ~~judicial branch shall provide documentation to accompany the~~  
28 ~~list of proposed programs and performance measures as provided~~  
29 ~~under subsection (4). The judicial branch shall submit a~~  
30 ~~performance based program agency budget request using the~~  
31 ~~programs and performance measures adopted by the Legislature.~~

1 ~~The Chief Justice may propose revisions to approved programs~~  
 2 ~~or performance measures for the judicial branch. The~~  
 3 ~~Legislature shall have final approval of all programs and~~  
 4 ~~associated performance measures and standards for the judicial~~  
 5 ~~branch through the General Appropriations Act or legislation~~  
 6 ~~implementing the General Appropriations Act. By September 15,~~  
 7 ~~2001, the Chief Justice of the Supreme Court shall submit to~~  
 8 ~~the President of the Senate and the Speaker of the House of~~  
 9 ~~Representatives a performance based program budget request for~~  
 10 ~~programs of the judicial branch approved by the Legislature~~  
 11 ~~and provide a copy to the Executive Office of the Governor.~~

12       ~~(5)(6)~~ Agencies must maintain a comprehensive  
 13 performance accountability system and provide a list of  
 14 performance measures maintained by the agency which are in  
 15 addition to the measures approved by the Legislature.

16       ~~(6)(7)~~ Annually, by June 30, executive agencies shall  
 17 submit to the Executive Office of the Governor adjustments to  
 18 their performance standards based on the amounts appropriated  
 19 for each program by the Legislature. When such an adjustment  
 20 is made, all performance standards, including any adjustments  
 21 made, shall be reviewed and revised as necessary by the  
 22 Executive Office of the Governor and, upon approval, submitted  
 23 to the Legislature pursuant to the review and approval process  
 24 provided in s. 216.177. The Senate and the House of  
 25 Representatives appropriations committees ~~Senate Committee on~~  
 26 ~~Fiscal Policy and the House of Representatives Fiscal~~  
 27 ~~Responsibility Council~~ shall advise Senate substantive  
 28 committees and House of Representatives substantive  
 29 committees, respectively, of all adjustments made to  
 30 performance standards or measures. The Executive Office of the  
 31 Governor shall maintain ~~both~~ the official record of

1 adjustments to the performance standards ~~as part of the~~  
 2 ~~agency's approved operating budget and the official~~  
 3 ~~performance ledger~~. As used in this section, the term  
 4 "official record" ~~"performance ledger"~~ means the official  
 5 compilation of information about state agency  
 6 performance-based programs and measures, including approved  
 7 programs, approved outputs and outcomes, baseline data,  
 8 approved standards for each performance measure and any  
 9 approved adjustments thereto, as well as actual agency  
 10 performance for each measure.

11 ~~(7)(8)~~ As a part of the legislative budget request,  
 12 the head of each state agency and the Chief Justice of the  
 13 Supreme Court for the judicial branch shall include an  
 14 inventory of all litigation in which the agency is involved  
 15 that may require additional appropriations to the agency, that  
 16 may significantly affect revenues received or anticipated to  
 17 be received by the state, or that may require ~~or~~ amendments to  
 18 the law under which the agency operates. No later than March  
 19 1 following the submission of the legislative budget request,  
 20 the head of the state agency and the Chief Justice of the  
 21 Supreme Court shall provide an update of any additions or  
 22 changes to the inventory. Such inventory shall include  
 23 information specified annually in the legislative budget  
 24 instructions and, within the discretion of the head of the  
 25 state agency or the Chief Justice of the Supreme Court, may  
 26 contain only information found in the pleadings.

27 ~~(8)(9)~~ Annually, by June 30, the judicial branch shall  
 28 make adjustments to any performance standards for approved  
 29 programs based on the amount appropriated for each program,  
 30 which shall be submitted to the Legislature pursuant to the  
 31 notice and review process provided in s. 216.177. The Senate

1 ~~and the House of Representatives appropriations committees~~  
2 ~~Senate Committee on Fiscal Policy and the House Fiscal~~  
3 ~~Responsibility Council~~ shall advise Senate substantive  
4 committees and House substantive committees, respectively, of  
5 all adjustments made to performance standards or measures.

6 ~~(9)(10)~~ The Executive Office of the Governor shall  
7 review the legislative budget request for technical compliance  
8 with the budget format provided for in the budget  
9 instructions. The Executive Office of the Governor shall  
10 notify the agency or the judicial branch of any adjustment  
11 required. The agency or judicial branch shall make the  
12 appropriate corrections as requested. If the appropriate  
13 technical corrections are not made as requested, the Executive  
14 Office of the Governor shall adjust the budget request to  
15 incorporate the appropriate technical corrections in the  
16 format of the request.

17 ~~(10)(11)~~ At any time after the Governor submits his or  
18 her ~~and the Chief Justice submit their~~ recommended budget  
19 ~~budgets~~ to the Legislature, the head of the agency or judicial  
20 branch may amend his or her request by transmitting to the  
21 Governor and the Legislature an amended request in the form  
22 and manner prescribed in the legislative budget instructions.

23 ~~(11)(12)~~ The legislative budget request from each  
24 agency and from the judicial branch shall be reviewed by the  
25 Legislature. The review may allow for the opportunity to have  
26 information or testimony by the agency, the judicial branch,  
27 the Auditor General, the Office of Program Policy Analysis and  
28 Government Accountability, the Governor's Office of Planning  
29 and Budgeting, and the public regarding the proper level of  
30 funding for the agency in order to carry out its mission.

31

1           ~~(12)~~~~(13)~~ In order to ensure an integrated state  
 2 planning and budgeting process, the agency long-range plan  
 3 should be reviewed by the Legislature.

4           Section 15. Section 216.031, Florida Statutes, is  
 5 amended to read:

6           216.031 Target budget request.--Either chair of a  
 7 legislative appropriations committee, or the Executive Office  
 8 of the Governor for state agencies, may require the agency or  
 9 the Chief Justice to address major issues separate from those  
 10 outlined in s. 216.023, this section, and s. 216.043 for  
 11 inclusion in the requests of the agency or of the judicial  
 12 branch. The issues shall be submitted to the agency no later  
 13 than July 30 of each year and shall be displayed in its  
 14 requests as provided in the budget instructions. The  
 15 Executive Office of the Governor may request an agency, or the  
 16 chair of an ~~the~~ appropriations committee ~~committees~~ of the  
 17 Senate or the House of Representatives may request any agency  
 18 or the judicial branch, to submit ~~no later than September 30~~  
 19 ~~of each year~~ a budget plan with respect to targets established  
 20 by the Governor or either chair. The target budget shall  
 21 require each entity to establish an order of priorities for  
 22 its budget issues and may include requests for multiple  
 23 options for the budget issues. ~~The target budget may also~~  
 24 ~~require each entity to submit a program budget or a~~  
 25 ~~performance based budget in the format prescribed by the~~  
 26 ~~Executive Office of the Governor or either chair; provided,~~  
 27 ~~however,~~ The target budget format shall be compatible with the  
 28 planning and budgeting system requirements set out in s.  
 29 216.141. Such a request shall not influence the agencies' or  
 30 judicial branch's independent judgment in making legislative  
 31 budget requests, as required by law.

1           Section 16. Subsections (2), (3), (8), and (9) of  
2 section 216.052, Florida Statutes, are repealed.

3           Section 17. Subsection (5) of section 216.053, Florida  
4 Statutes, is repealed.

5           Section 18. Section 216.065, Florida Statutes, is  
6 amended to read:

7           216.065 Fiscal impact statements on actions affecting  
8 the budget.--In addition to the applicable requirements of  
9 chapter 120, before the Governor, or Governor and Cabinet as a  
10 body, performing any constitutional or statutory duty, or  
11 before any state agency or statutorily authorized entity takes  
12 ~~take~~ any final action that will affect revenues, directly  
13 require a request for an increased or new appropriation in the  
14 following 3 fiscal years year, or ~~that will~~ transfer current  
15 year funds, it they shall first provide the legislative  
16 appropriations committees with a fiscal impact statement that  
17 details the effects of such action on the budget. The fiscal  
18 impact statement must specify the estimated budget and revenue  
19 impacts for the current year and the 2 subsequent fiscal years  
20 at the same level of detail required to support a legislative  
21 budget request, including amounts by appropriation category  
22 and fund.

23           Section 19. Subsection (3) is added to section  
24 216.081, Florida Statutes, to read:

25           216.081 Data on legislative and judicial branch  
26 expenses.--

27           (3) If the Governor does not receive timely estimates  
28 of the financial needs of the legislative branch, the  
29 Governor's recommended budget must include the amounts  
30 appropriated and budget entity structure established in the  
31 most recent General Appropriations Act.



1           Section 20. Subsection (1) of section 216.133, Florida  
2 Statutes, is amended to read:

3           216.133 Definitions; ss. 216.133-216.137.--As used in  
4 ss. 216.133-216-137;

5           (1) "Consensus estimating conference" includes the  
6 Economic Estimating Conference, the Demographic Estimating  
7 Conference, the Revenue Estimating Conference, the Education  
8 Estimating Conference, the Criminal Justice Estimating  
9 Conference, ~~the Juvenile Justice Estimating Conference, the~~  
10 ~~Child Welfare System Estimating Conference,~~ the Occupational  
11 Forecasting Conference, the Early Learning Programs Estimating  
12 Conference, the Self-Insurance Estimating Conference, the  
13 Florida Retirement System Actuarial Assumption Conference, and  
14 the Social Services Estimating Conference.

15           Section 21. Subsections (4) and (5) of section  
16 216.134, Florida Statutes, are amended to read:

17           216.134 Consensus estimating conferences; general  
18 provisions.--

19           (4) The consensus estimating conferences are within  
20 the legislative branch. The membership of each consensus  
21 estimating conference consists of principals and participants.

22           (a) A person designated by law as a principal may  
23 preside over conference sessions, convene conference sessions,  
24 request information, specify topics to be included on the  
25 conference agenda, agree or withhold agreement on whether  
26 information is to be official information of the conference,  
27 release official information of the conference, interpret  
28 official information of the conference, and monitor errors in  
29 official information of the conference.

30           (b) A participant is any person who is invited to  
31 participate in the consensus estimating conference by a

1 principal. A participant shall, at the request of any  
 2 principal before or during any session of the conference,  
 3 develop alternative forecasts, collect and supply data,  
 4 perform analyses, or provide other information needed by the  
 5 conference. The conference shall consider information provided  
 6 by participants in developing its official information.

7 (5) All sessions and meetings of a consensus  
 8 estimating conference where official information is adopted  
 9 shall be noticed and open to the public ~~as provided in chapter~~  
 10 ~~286. The President of the Senate and the Speaker of the House~~  
 11 ~~of Representatives, jointly, shall be the sole judge for the~~  
 12 ~~interpretation, implementation, and enforcement of the~~  
 13 ~~subsection.~~

14 Section 22. Subsections (7), (8), (9), (10), (11), and  
 15 (12) of section 216.136, Florida Statutes, as amended by  
 16 section 7 of chapter 2004-484, Laws of Florida, are amended to  
 17 read:

18 216.136 Consensus estimating conferences; duties and  
 19 principals.--

20 ~~(7) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.—~~

21 ~~(a) Duties. The Child Welfare System Estimating~~  
 22 ~~Conference shall develop such official information relating to~~  
 23 ~~the child welfare system of the state, including forecasts of~~  
 24 ~~child welfare caseloads, as the conference determines is~~  
 25 ~~needed for the state planning and budgeting system. Such~~  
 26 ~~official information may include, but is not limited to:~~

27 ~~1. Estimates and projections of the number of initial~~  
 28 ~~and additional reports of child abuse, abandonment, or neglect~~  
 29 ~~made to the central abuse hotline maintained by the Department~~  
 30 ~~of Children and Family Services as established in s.~~  
 31 ~~39.201(4). Projections may take into account other factors~~

1 ~~that may influence the number of future reports to the abuse~~  
2 ~~hotline.~~

3 ~~2. Estimates and projections of the number of children~~  
4 ~~who are alleged to be victims of child abuse, abandonment, or~~  
5 ~~neglect and are in need of emergency shelter, foster care,~~  
6 ~~residential group care, adoptive services, or other~~  
7 ~~appropriate care.~~

8  
9 ~~In addition, the conference shall develop other official~~  
10 ~~information relating to the child welfare system of the state~~  
11 ~~which the conference determines is needed for the state~~  
12 ~~planning and budgeting system. The Department of Children and~~  
13 ~~Family Services shall provide information on the child welfare~~  
14 ~~system requested by the Child Welfare System Estimating~~  
15 ~~Conference, or individual conference principals, in a timely~~  
16 ~~manner.~~

17 ~~(b) Principals. The Executive Office of the Governor,~~  
18 ~~the coordinator of the Office of Economic and Demographic~~  
19 ~~Research, and professional staff who have forecasting~~  
20 ~~expertise from the Department of Children and Family Services,~~  
21 ~~the Senate, and the House of Representatives, or their~~  
22 ~~designees, are the principals of the Child Welfare System~~  
23 ~~Estimating Conference. The principal representing the~~  
24 ~~Executive Office of the Governor shall preside over sessions~~  
25 ~~of the conference.~~

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

27 ~~(a) Duties. The Juvenile Justice Estimating~~  
28 ~~Conference shall develop such official information relating to~~  
29 ~~the juvenile justice system of the state as is determined by~~  
30 ~~the conference principals to be needed for the state planning~~  
31 ~~and budgeting system. This information shall include, but is~~

1 ~~not limited to: estimates of juvenile delinquency caseloads~~  
 2 ~~and workloads; estimates for secure, nonsecure, and home~~  
 3 ~~juvenile detention placements; estimates of workloads in the~~  
 4 ~~juvenile sections in the offices of the state attorneys and~~  
 5 ~~public defenders; estimates of mental health and substance~~  
 6 ~~abuse treatment relating to juveniles; and such other~~  
 7 ~~information as is determined by the conference principals to~~  
 8 ~~be needed for the state planning and budgeting system.~~

9 ~~(b) Principals. The Executive Office of the Governor,~~  
 10 ~~the Office of Economic and Demographic Research, and~~  
 11 ~~professional staff who have forecasting expertise from the~~  
 12 ~~Department of Juvenile Justice, the Department of Children and~~  
 13 ~~Family Services Substance Abuse and Mental Health Program~~  
 14 ~~Offices, the Department of Law Enforcement, the Senate~~  
 15 ~~Appropriations Committee staff, the House of Representatives~~  
 16 ~~Appropriations Committee staff, or their designees, are the~~  
 17 ~~principals of the Juvenile Justice Estimating Conference. The~~  
 18 ~~responsibility of presiding over sessions of the conference~~  
 19 ~~shall be rotated among the principals. To facilitate policy~~  
 20 ~~and legislative recommendations, the conference may call upon~~  
 21 ~~the appropriate legislative staff.~~

22 (7)(9) WORKFORCE ESTIMATING CONFERENCE.--

23 (a) Duties.--

24 1. The Workforce Estimating Conference shall develop  
 25 such official information on the workforce development system  
 26 planning process as it relates to the personnel needs of  
 27 current, new, and emerging industries as the conference  
 28 determines is needed by the state planning and budgeting  
 29 system. Such information, using quantitative and qualitative  
 30 research methods, must include at least: short-term and  
 31 long-term forecasts of employment demand for jobs by

1 occupation and industry; entry and average wage forecasts  
2 among those occupations; and estimates of the supply of  
3 trained and qualified individuals available or potentially  
4 available for employment in those occupations, with special  
5 focus upon those occupations and industries which require high  
6 skills and have high entry wages and experienced wage levels.  
7 In the development of workforce estimates, the conference  
8 shall use, to the fullest extent possible, local occupational  
9 and workforce forecasts and estimates.

10           2. The Workforce Estimating Conference shall review  
11 data concerning the local and regional demands for short-term  
12 and long-term employment in High-Skills/High-Wage Program  
13 jobs, as well as other jobs, which data is generated through  
14 surveys conducted as part of the state's Internet-based job  
15 matching and labor market information system authorized under  
16 s. 445.011. The conference shall consider such data in  
17 developing its forecasts for statewide employment demand,  
18 including reviewing the local and regional data for common  
19 trends and conditions among localities or regions which may  
20 warrant inclusion of a particular occupation on the statewide  
21 occupational forecasting list developed by the conference.  
22 Based upon its review of such survey data, the conference  
23 shall also make recommendations semiannually to Workforce  
24 Florida, Inc., on additions or deletions to lists of locally  
25 targeted occupations approved by Workforce Florida, Inc.

26           3. During each legislative session, and at other times  
27 if necessary, the Workforce Estimating Conference shall meet  
28 as the Workforce Impact Conference for the purpose of  
29 determining the effects of legislation related to the state's  
30 workforce and economic development efforts introduced prior to  
31 and during such legislative session. In addition to the

1 designated principals of the impact conference, nonprincipal  
2 participants of the impact conference shall include a  
3 representative of the Florida Chamber of Commerce and other  
4 interested parties. The impact conference shall use both  
5 quantitative and qualitative research methods to determine the  
6 impact of introduced legislation related to workforce and  
7 economic development issues.

8 4. Notwithstanding subparagraph 3., the Workforce  
9 Estimating Conference, for the purposes described in  
10 subparagraph 1., shall meet no less than 2 times in a calendar  
11 year. The first meeting shall be held in February and the  
12 second meeting shall be held in August. Other meetings may be  
13 scheduled as needed.

14 (b) Principals.--The Commissioner of Education, the  
15 Executive Office of the Governor, the director of the Office  
16 of Tourism, Trade, and Economic Development, the director of  
17 the Agency for Workforce Innovation, the executive director of  
18 the Commission for Independent Education, the Chancellor of  
19 the State University System, the chair of Workforce Florida,  
20 Inc., the coordinator of the Office of Economic and  
21 Demographic Research, or their designees, and professional  
22 staff from the Senate and the House of Representatives who  
23 have forecasting and substantive expertise, are the principals  
24 of the Workforce Estimating Conference. In addition to the  
25 designated principals of the conference, nonprincipal  
26 participants of the conference shall include a representative  
27 of the Florida Chamber of Commerce and other interested  
28 parties. The principal representing the Executive Office of  
29 the Governor shall preside over the sessions of the  
30 conference.

31

1            ~~(8)(10)~~ EARLY LEARNING PROGRAMS ESTIMATING

2 CONFERENCE.--

3            (a) Duties.--

4            1. The Early Learning Programs Estimating Conference  
5 shall develop estimates and forecasts of the unduplicated  
6 count of children eligible for school readiness programs in  
7 accordance with the standards of eligibility established in s.  
8 411.01(6), and of children eligible for the Voluntary  
9 Prekindergarten Education Program in accordance with s.  
10 1002.53(2), as the conference determines are needed to support  
11 the state planning, budgeting, and appropriations processes.

12            2. The Agency for Workforce Innovation shall provide  
13 information on needs and waiting lists for school readiness  
14 programs, and information on the needs of the Voluntary  
15 Prekindergarten Education Program, as requested by the Early  
16 Learning Programs Estimating Conference or individual  
17 conference principals in a timely manner.

18            (b) Principals.--The Executive Office of the Governor,  
19 the Director of Economic and Demographic Research, and  
20 professional staff who have forecasting expertise from the  
21 Agency for Workforce Innovation, the Department of Children  
22 and Family Services, the Department of Education, the Senate,  
23 and the House of Representatives, or their designees, are the  
24 principals of the Early Learning Programs Estimating  
25 Conference. The principal representing the Executive Office of  
26 the Governor shall preside over sessions of the conference.

27            ~~(9)(11)~~ SELF-INSURANCE ESTIMATING CONFERENCE.--

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

1           (b) Principals.--The Executive Office of the Governor,  
 2 the coordinator of the Office of Economic and Demographic  
 3 Research, and professional staff ~~directors of the committees~~  
 4 of the Senate and the House of Representatives who have  
 5 forecasting and substantive experience ~~which have primary~~  
 6 ~~responsibility for legislation dealing with taxation~~, or their  
 7 designees, are the principals of the Self-Insurance Estimating  
 8 Conference. The responsibility of presiding over sessions of  
 9 the conference shall be rotated among the principals.

10           ~~(10)(12)~~ FLORIDA RETIREMENT SYSTEM ACTUARIAL

11 ASSUMPTION CONFERENCE.--

12           (a) Duties.--The Florida Retirement System Actuarial  
 13 Assumption Conference shall develop official information with  
 14 respect to the economic and noneconomic assumptions and  
 15 funding methods of the Florida Retirement System necessary to  
 16 perform the system actuarial study undertaken pursuant to s.  
 17 121.031(3). Such information shall include: an analysis of  
 18 the actuarial assumptions and actuarial methods used in the  
 19 study and a determination of whether changes to the  
 20 assumptions or methods need to be made due to experience  
 21 changes or revised future forecasts.

22           (b) Principals.--The Executive Office of the Governor,  
 23 the coordinator of the Office of Economic and Demographic  
 24 Research, and professional staff of the Senate and House of  
 25 Representatives who have forecasting and substantive  
 26 expertise, or their designees, are the principals of the  
 27 Florida Retirement System Actuarial Assumption Conference. The  
 28 Executive Office of the Governor shall have the responsibility  
 29 of presiding over the sessions of the conference. The State  
 30 Board of Administration and the Division of Retirement shall  
 31 be participants in the conference.



1           Section 23. Subsection (1) of section 216.162, Florida  
2 Statutes, is amended to read:

3           216.162 Governor's recommended budget to be furnished  
4 Legislature; copies to members.--

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

15           Section 24. Subsections (1), (2), (3), and (4) of  
16 section 216.167, Florida Statutes, are amended to read:

17           216.167 Governor's recommendations.--The Governor's  
18 recommendations shall include a financial schedule that  
19 provides:

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

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

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

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

1 loans or obligations are needed to implement his or her  
2 recommended budget.

3 Section 25. Subsection (4) of section 216.168, Florida  
4 Statutes, is amended to read:

5 216.168 Governor's amended revenue or budget  
6 recommendations; optional and mandatory.--

7 (4) If the Governor determines, at any time after he  
8 or she has furnished the Legislature with his or her  
9 recommendations or amended recommendations, that the revenue  
10 estimates upon which the Governor's recommendations were based  
11 are insufficient to fund these recommendations, the Governor  
12 shall amend his or her revenues or appropriations  
13 recommendations to bring the Governor's recommended budget  
14 into balance. ~~On or after March 1, if the Governor determines~~  
15 ~~that there is insufficient time to provide the information for~~  
16 ~~the amended recommendations required in ss. 216.164 and~~  
17 ~~216.166, he or she shall be exempt from such requirement.~~

18 Section 26. Subsections (2) and (3) of section  
19 216.177, Florida Statutes, are amended to read:

20 216.177 Appropriations acts, statement of intent,  
21 violation, notice, review and objection procedures.--

22 (2)(a) Whenever notice of action to be taken by the  
23 Executive Office of the Governor or the Chief Justice of the  
24 Supreme Court is required by this chapter, such notice shall  
25 be given to the chair and vice chair of the Legislative Budget  
26 Commission in writing, and shall be delivered at least 14 days  
27 prior to the action referred to, unless a shorter period is  
28 approved in writing by the chair and vice chair. If the action  
29 is solely for the release of funds appropriated by the  
30 Legislature, the notice shall be delivered at least 3 days  
31 before the effective date of the action. Action shall not be

1 taken on any budget item for which this chapter requires  
2 notice to the Legislative Budget Commission or the  
3 appropriations committees without such notice having been  
4 provided, even though there may be good cause for considering  
5 such item.

6 (b) If the chair and vice chair of the Legislative  
7 Budget Commission or the President of the Senate and the  
8 Speaker of the House of Representatives timely advise, in  
9 writing, the Executive Office of the Governor or the Chief  
10 Justice of the Supreme Court that an action or a proposed  
11 action, including any expenditure of funds resulting from the  
12 settlement of litigation involving a state agency or officer,  
13 whether subject to the notice and review requirements of this  
14 chapter or not, exceeds the delegated authority of the  
15 Executive Office of the Governor for the executive branch or  
16 the Chief Justice for the judicial branch, respectively, or is  
17 contrary to legislative policy and intent, the Governor or the  
18 Chief Justice of the Supreme Court shall void such action and  
19 instruct the affected state agency or entity of the judicial  
20 branch to change immediately its spending action or spending  
21 proposal until the Legislative Budget Commission or the  
22 Legislature addresses the issue. The written documentation  
23 shall indicate the specific reasons that an action or proposed  
24 action exceeds the delegated authority or is contrary to  
25 legislative policy and intent.

26 (c) The House of Representatives and the Senate shall  
27 provide by rule that any member of the House of  
28 Representatives or Senate may request, in writing, of either  
29 the President of the Senate or the Speaker of the House of  
30 Representatives to initiate the procedures of paragraph (b).  
31

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

6           Section 27. Subsections (1), (2), (4), (6), (8), (9),  
 7 (10), (12), and (16) of section 216.181, Florida Statutes, are  
 8 amended to read:

9           216.181 Approved budgets for operations and fixed  
 10 capital outlay.--

11           (1) The General Appropriations Act and any other acts  
 12 containing appropriations shall be considered the original  
 13 approved operating budgets for operational and fixed capital  
 14 expenditures. Amendments to the approved operating budgets for  
 15 operational and fixed capital outlay expenditures from state  
 16 agencies may be requested only through the Executive Office of  
 17 the Governor and approved by the Governor and the Legislative  
 18 Budget Commission as provided in this chapter. Amendments from  
 19 the judicial branch may be requested only through, ~~and~~  
 20 ~~approved by,~~ the Chief Justice of the Supreme Court and must  
 21 be approved by the Chief Justice and the Legislative Budget  
 22 Commission as provided in this chapter. This includes  
 23 amendments which are necessary to implement the provisions of  
 24 s. 216.212 or s. 216.221.

25           (2) Amendments to the original approved operating  
 26 budgets for operational and fixed capital outlay expenditures  
 27 must comply with the following guidelines in order to be  
 28 approved by the Governor and the Legislative Budget Commission  
 29 ~~as provided in this chapter~~ for the executive branch and the  
 30 Chief Justice and the Legislative Budget Commission for the  
 31 judicial branch:

1 (a) The amendment must be consistent with legislative  
2 policy and intent.

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

6 (c) Except as authorized in s. 216.292 or other  
7 provisions of this chapter, the amendment may not provide  
8 funding or increased funding for items which were funded by  
9 the Legislature in an amount less than that requested by the  
10 agency ~~or Governor~~ in the legislative budget request or  
11 recommended by the Governor, or which were vetoed by the  
12 Governor.

13 (d) For amendments that involve trust funds, there  
14 must be adequate and appropriate revenues available in the  
15 trust fund and the amendment must be consistent with the laws  
16 authorizing such trust funds and the laws relating to the use  
17 of the trust funds. However, a trust fund shall not be  
18 increased in excess of the original approved budget, except as  
19 provided in subsection (11).

20 (e) The amendment shall not conflict with any  
21 provision of law.

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

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

30

31

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

4 (4) To the extent possible, individual members of the  
5 Senate and the House of Representatives should be advised of  
6 budget amendments requested by the executive branch and  
7 judicial branch.

8 (6)(a) The Executive Office of the Governor or the  
9 Chief Justice of the Supreme Court may require the submission  
10 of a detailed plan from the agency or entity of the judicial  
11 branch affected, consistent with the General Appropriations  
12 Act, special appropriations acts, and statements ~~the statement~~  
13 of intent before transferring and releasing the balance of a  
14 lump-sum appropriation. ~~The provisions of this paragraph are~~  
15 ~~subject to the notice and review procedures set forth in s.~~  
16 ~~216.177.~~

17 (b) The Executive Office of the Governor and the Chief  
18 Justice of the Supreme Court may amend, without approval of  
19 the Legislative Budget Commission, state agency and judicial  
20 branch entity budgets, respectively, to reflect the  
21 transferred funds and to provide the associated increased  
22 salary rate based on the approved plans for lump-sum  
23 appropriations. This paragraph is subject to the notice and  
24 review procedures set forth in s. 216.177.

25  
26 The Executive Office of the Governor shall transmit to each  
27 state agency and the Chief Financial Officer, and the Chief  
28 Justice shall transmit to each judicial branch component and  
29 the Chief Financial Officer, any approved amendments to the  
30 approved operating budgets.  
31

1           (8) As part of the approved operating budget, the  
 2 Executive Office of the Governor shall furnish to each state  
 3 agency, and the Chief Justice of the Supreme Court shall  
 4 furnish to the entity of the judicial branch, an approved  
 5 annual salary rate for each budget entity containing a salary  
 6 appropriation. This rate shall be based upon the actual salary  
 7 rate and shall be consistent with the General Appropriations  
 8 Act or special appropriations acts. The annual salary rate  
 9 shall be:

10           (a) Determined by ~~Calculated based on the actual~~  
 11 salary rate ~~in effect on June 30, and the salary policy and~~  
 12 ~~the number of authorized positions as~~ specified in the General  
 13 Appropriations Act and adjusted for reorganizations authorized  
 14 by law, for any other appropriations made by law, and, subject  
 15 to s. 216.177, for distributions of lump-sum appropriations  
 16 and administered funds ~~special appropriations acts, or as~~  
 17 ~~provided pursuant to s. 216.177.~~

18           (b) Controlled by the budget entity ~~department or~~  
 19 ~~agency;~~ except for the ~~Department of Education, which shall be~~  
 20 ~~controlled by division and for~~ the judicial branch, which  
 21 shall be controlled at the branch level.

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

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

27           (b) No agency or the judicial branch may exceed its  
 28 maximum approved annual salary rate for the fiscal year.  
 29 However, at any time during the fiscal year, an agency or  
 30 entity of the judicial branch may exceed its approved rate for  
 31 all budget entities by no more than 5 percent, provided that,

1 by June 30 of every fiscal year, the agency or entity of the  
2 judicial branch has reduced its salary rate so that the salary  
3 rate for each budget entity is within the approved rate limit  
4 for that budget entity.

5 (10)(a) The Legislative Budget Commission ~~Executive~~  
6 ~~Office of the Governor and the Chief Justice of the Supreme~~  
7 ~~Court~~ may authorize increases or decreases in increase or  
8 ~~decrease~~ the approved salary rate for positions ~~for the~~  
9 ~~purpose of implementing the General Appropriations Act,~~  
10 ~~special appropriations acts, and actions pursuant to s.~~  
11 ~~216.262 consistent with legislative intent and policy. Other~~  
12 ~~adjustments to approved salary rate must be approved by the~~  
13 ~~Legislative Budget Commission~~ pursuant to the request of the  
14 agency filed with the Executive Office of the Governor or  
15 pursuant to the request of an entity of the judicial branch  
16 filed with the Chief Justice of the Supreme Court, if deemed  
17 necessary and in the best interest of the state and consistent  
18 with legislative policy and intent. ~~The provisions of this~~  
19 ~~paragraph are subject to the notice and review procedures set~~  
20 ~~forth in s. 216.177.~~

21 (b) Lump-sum salary bonuses may be provided only if  
22 specifically appropriated or provided pursuant to s. 110.1245  
23 or s. 216.1815.

24 (c) State agencies and the judicial branch shall  
25 report, each fiscal quarter, the number of filled positions,  
26 the number of vacant positions, and the salary rate associated  
27 with each category to the Legislative Budget Commission in a  
28 form and manner prescribed by the commission.

29 (12)(a) There is established ~~appropriated nonoperating~~  
30 budget authority for refunds, payments to the United States  
31 Treasury, payments of the service charge to the General



1 Revenue Fund, and transfers of funds specifically required by  
 2 law. Such ~~authorized~~ budget authority, together with related  
 3 releases, shall be transmitted by the state agency or by the  
 4 judicial branch to the Chief Financial Officer for entry in  
 5 his or her records in the manner and format prescribed by the  
 6 Executive Office of the Governor in consultation with the  
 7 Chief Financial Officer. A copy of such authorized budget  
 8 authority ~~budgets~~ shall be furnished to the Executive Office  
 9 of the Governor or the Chief Justice, the chairs of the  
 10 legislative committees responsible for developing the general  
 11 appropriations acts, and the Auditor General. Notwithstanding  
 12 the duty specified for each state agency in s. 17.61(3), the  
 13 Governor may withhold approval of nonoperating investment  
 14 authority for certain trust funds when deemed in the best  
 15 interest of the state.

16 (b) The Governor for the executive branch, and the  
 17 Chief Justice for the judicial branch, may establish budget  
 18 authority pursuant to this subsection, with the approval of  
 19 the chairs of the legislative committees responsible for  
 20 developing the general appropriations acts, nonoperating  
 21 ~~budgets~~ for transfers, purchase of investments, special  
 22 expenses, distributions, and any other ~~nonoperating~~ budget  
 23 authority categories they deem necessary and in the best  
 24 interest of the state and consistent with legislative intent  
 25 and policy. Other budget authority may include ~~The provisions~~  
 26 ~~of this subsection are subject to the notice, review, and~~  
 27 ~~objection procedures set forth in s. 216.177. For purposes of~~  
 28 ~~this section, the term "nonoperating budgets" means~~  
 29 ~~nonoperating~~ disbursement authority for purchase of  
 30 investments, refunds, payments to the United States Treasury,  
 31 transfers of funds specifically required by law, distributions

1 of assets held by the state in a trustee capacity as an agent  
2 of fiduciary, and special expenses, ~~and other nonoperating~~  
3 ~~budget categories as determined necessary by the Executive~~  
4 ~~Office of the Governor,~~ not otherwise appropriated in the  
5 General Appropriations Act. A proposed budget action shall be  
6 deemed approved by a chair of a legislative committee if  
7 written notice of the objection is not provided to the  
8 Governor or Chief Justice, as appropriate, within 14 days of  
9 the chair receiving notice of the action pursuant to the  
10 provisions of s. 216.177.

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

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

17 (b) Any agency, or the judicial branch, that has been  
18 authorized by the General Appropriations Act or expressly  
19 authorized by other law to make advances for program startup  
20 or advances for contracted services, in total or periodically,  
21 shall limit such disbursements to other governmental entities  
22 and not-for-profit corporations. The amount ~~that~~ ~~which~~ may be  
23 advanced shall not exceed the expected cash needs of the  
24 contractor or recipient within the initial 3 months.  
25 Thereafter, disbursements shall only be made on a  
26 reimbursement basis. Any agreement that provides for  
27 advancements may contain a clause that permits the contractor  
28 or recipient to temporarily invest the proceeds, provided that  
29 any interest income shall either be returned to the agency or  
30 be applied against the agency's obligation to pay the contract  
31 amount. This paragraph does not constitute lawful authority

1 to make any advance payment not otherwise authorized by laws  
2 relating to a particular agency or general laws relating to  
3 the expenditure or disbursement of public funds. The Chief  
4 Financial Officer may, after consultation with the legislative  
5 appropriations committees, advance funds beyond a 3-month  
6 requirement if it is determined to be consistent with the  
7 intent of the approved operating budget.

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

15 Section 28. Sections 216.1825 and 216.183, Florida  
16 Statutes, are repealed.

17 Section 29. Section 216.192, Florida Statutes, is  
18 amended to read:

19 216.192 Release of appropriations; revision of  
20 budgets.--

21 (1)(a) Unless otherwise provided in the General  
22 Appropriations Act, on July 1 of each fiscal year, up to 25  
23 percent of the original approved operating budget of each  
24 agency and of the judicial branch may be released until such  
25 time as annual plans for quarterly releases for all  
26 appropriations have been developed, approved, and furnished to  
27 the Chief Financial Officer by the Executive Office of the  
28 Governor for state agencies and by the Chief Justice of the  
29 Supreme Court for the judicial branch. The plans, including  
30 appropriate plans of releases for fixed capital outlay  
31 projects that correspond with each project schedule, shall

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

23 (b) For information technology projects designated in  
24 the General Appropriations Act, a detailed operational work  
25 plan must be approved by the Executive Office of the Governor  
26 for executive branch agencies and the Chief Justice for  
27 judicial branch entities, in consultation with the legislative  
28 appropriations committees, prior to the release or transfer of  
29 funds or positions, or the increase of spending authority.  
30 Each agency shall submit a detailed operational work plan to  
31 the chairs of the legislative appropriations committees and

1 the Executive Office of the Governor for executive branch  
2 agencies and the Chief Justice for judicial branch entities.

3 The operational work plan shall include the following  
4 components:

5 1. A project charter that describes the business  
6 objectives and expected outcomes to be attained and specifies  
7 planned project milestones and deliverables.

8 2. A work breakdown structure that summarizes all  
9 tasks required to complete the project.

10 3. A resource-loaded project schedule and a spending  
11 plan.

12 4. A description of the project organization and the  
13 roles and responsibilities of the project participants.

14 5. A description of the processes and procedures that  
15 will be used to identify and manage the project's risks and to  
16 manage changes in the requirements of the project.

17  
18 Upon approval of the operational work plan, the agency is  
19 authorized to request the release of funds and positions  
20 pursuant to chapter 216 and in a manner consistent with the  
21 spending plan component of the operational work plan. Funds  
22 or positions released for the information technology project  
23 may not exceed the amount identified in the approved  
24 operational work plan. Operational work plans shall be updated  
25 as required in the General Appropriations Act.

26 (c) The agency shall submit to the chairs of the  
27 legislative appropriations committees and to the Executive  
28 Office of the Governor for executive branch agencies, or the  
29 Chief Justice for judicial entities branch, project status  
30 reports comparing the planned progress of the project as  
31 specified in the operational work plan versus the actual

1 progress made to date, the actual completion dates, and the  
2 actual costs incurred. The status reports shall also describe  
3 the planned project milestones, deliverables, and expenditures  
4 for the next reporting period; the current issues requiring  
5 resolution; and the project risks that are being actively  
6 managed and the actions being taken to mitigate the risks.

7 (d) Operational work plans and project status reports  
8 shall comply with the standards for these documents that are  
9 jointly developed and published annually by the State  
10 Technology Office and the Technology Review Workgroup. The  
11 General Appropriations Act shall specify the frequency of  
12 operational work plans and status reports required for  
13 designated information technology projects.

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

23 (3) The Executive Office of the Governor shall make  
24 releases within the amounts appropriated and as requested for  
25 all appropriations to the legislative branch, and the  
26 provisions of subsections (1) and (2) shall not apply to the  
27 legislative branch.

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

1           ~~(4)(5)~~ The annual plans of releases authorized by this  
 2 section may be considered by the Revenue Estimating Conference  
 3 in preparation of the statement of financial outlook.

4           (5) In order to implement directives contained in the  
 5 General Appropriations Act or to prevent deficits pursuant to  
 6 s. 216.221, the Executive Office of the Governor for the  
 7 executive branch and the Chief Justice for the judicial branch  
 8 may place appropriations in budget reserve or mandatory  
 9 reserve.

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

13           Section 30. Section 216.195, Florida Statutes, is  
 14 amended to read:

15           216.195 Impoundment of funds; restricted.--The  
 16 Executive Office of the Governor, the Chief Justice of the  
 17 Supreme Court, any member of the Cabinet, or any state agency  
 18 shall not impound any appropriation except as necessary to  
 19 avoid or eliminate a deficit pursuant to the provisions of s.  
 20 216.221. As used in this section, the term "impoundment"  
 21 means the omission of any appropriation or part of an  
 22 appropriation in the approved operating plan prepared pursuant  
 23 to s. 216.181 or in the schedule of releases prepared pursuant  
 24 to s. 216.192 or the failure of any state agency or the  
 25 judicial branch to spend an appropriation for the stated  
 26 purposes authorized in the approved operating budget. ~~The~~  
 27 ~~provisions of this section are subject to the notice and~~  
 28 ~~review procedures of s. 216.177.~~ The Governor or either house  
 29 of the Legislature may seek judicial review of any action or  
 30 proposed action which violates ~~the provisions of~~ this section.  
 31

1           Section 31. Subsections (2), (3), (5), (7), (9), and  
2 (10) of section 216.221, Florida Statutes, are amended to  
3 read:

4           216.221 Appropriations as maximum appropriations;  
5 adjustment of budgets to avoid or eliminate deficits.--

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

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

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

29           (b) If, in the opinion of the President of the Senate  
30 and the Speaker of the House of Representatives, after  
31 consultation with the Revenue Estimating Conference, a deficit



1 will occur in the General Revenue Fund and the Governor has  
2 not certified the deficit, the President of the Senate and the  
3 Speaker of the House of Representatives shall so certify.  
4 Within 30 days after such certification, the Governor shall  
5 develop for the executive branch and the Chief Justice of the  
6 Supreme Court shall develop for the judicial branch, and  
7 provide to the commission and to the Legislature, plans of  
8 action to eliminate the deficit.

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

17       ~~1. Entire statewide programs previously established by~~  
18 ~~the Legislature should not be eliminated.~~

19       ~~1.2.~~ Education budgets should not be reduced more than  
20 provided for in s. 215.16(2).

21       ~~2.3.~~ The use of nonrecurring funds to solve recurring  
22 deficits should be minimized.

23       ~~3.4.~~ Newly created programs that are not fully  
24 implemented and programs with critical audits, evaluations,  
25 and reviews should receive first consideration for reductions.

26       ~~4.5.~~ No agencies or branches of government receiving  
27 appropriations should be exempt from reductions.

28       ~~5.6.~~ When reductions in positions are required, the  
29 focus should be initially on vacant positions.

30       ~~7. Any reductions applied to all agencies and branches~~  
31 ~~should be uniformly applied.~~

1           ~~6.8.~~ Reductions that would cause substantial losses of  
2 federal funds should be minimized.

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

5           ~~7.10.~~ Reductions to statewide programs should occur  
6 only after review of programs that provide only local  
7 benefits.

8           ~~8.11.~~ Reductions in administrative and support  
9 functions should be considered before reductions in  
10 direct-support services.

11           ~~9.12.~~ Maximum reductions should be considered in  
12 budgets for expenses including travel and in budgets for  
13 equipment replacement, outside consultants, and contracts.

14           ~~10.13.~~ Reductions in salaries for elected state  
15 officials should be considered.

16           ~~11.14.~~ Reductions that adversely affect the public  
17 health, safety, and welfare should be minimized.

18           ~~12.15.~~ The Budget Stabilization Fund should not be  
19 reduced to a level that would impair the financial stability  
20 of this state.

21           ~~13.16.~~ Reductions in programs that are traditionally  
22 funded by the private sector and that may be assumed by  
23 private enterprise should be considered.

24           ~~14.17.~~ Reductions in programs that are duplicated  
25 among state agencies or branches of government should be  
26 considered.

27           (7) Deficits in the General Revenue Fund that do not  
28 meet the amounts specified by subsection (6) shall be resolved  
29 by the Governor ~~Commission~~ for the executive branch and the  
30 Chief Justice of the Supreme Court for the judicial branch.  
31 The Governor ~~commission~~ and Chief Justice shall implement any

1 | directions provided in the General Appropriations Act related  
2 | to eliminating deficits and to reducing agency and judicial  
3 | branch budgets, including the use of those legislative  
4 | appropriations voluntarily placed in reserve. In addition,  
5 | the Governor and Chief Justice ~~commission~~ shall implement any  
6 | directions in the General Appropriations Act relating to the  
7 | resolution of deficit situations. When reducing state agency  
8 | or judicial branch budgets, the Governor ~~commission~~ or the  
9 | Chief Justice, respectively, shall use the guidelines  
10 | prescribed in subsection (5). The Executive Office of the  
11 | Governor ~~for the commission~~, and the Chief Justice for the  
12 | judicial branch, shall implement the deficit reduction plans  
13 | through amendments to the approved operating budgets in  
14 | accordance with s. 216.181.

15 |         (9) If, in the opinion of the Chief Financial Officer,  
16 | after consultation with the Revenue Estimating Conference, a  
17 | deficit will occur, he or she shall report his or her opinion  
18 | to the Governor, the President of the Senate, and the Speaker  
19 | of the House of Representatives in writing. In the event the  
20 | Governor does not certify a deficit, or the President of the  
21 | Senate and the Speaker of the House of Representatives do not  
22 | certify a deficit, within 10 days after the Chief Financial  
23 | Officer's report, the Chief Financial Officer shall report his  
24 | or her findings and opinion to the commission and the Chief  
25 | Justice of the Supreme Court.

26 |         (10) When advised by the Revenue Estimating  
27 | Conference, the Chief Financial Officer, or any agency  
28 | responsible for a trust fund that a deficit will occur with  
29 | respect to the appropriations from a specific trust fund in  
30 | the current fiscal year, the Governor for the executive  
31 | branch, or the Chief Justice for the judicial branch, shall

1 develop a plan of action to eliminate the deficit. Before  
2 implementing the plan of action, the Governor or the Chief  
3 Justice must comply with the provisions of s. 216.177(2), and  
4 actions to resolve deficits in excess of \$1 million must be  
5 approved by the Legislative Budget Commission. In developing  
6 the plan of action, the Governor or the Chief Justice shall,  
7 to the extent possible, preserve legislative policy and  
8 intent, ~~and, absent any specific directions to the contrary in~~  
9 ~~the General Appropriations Act, any reductions in~~  
10 ~~appropriations from the trust fund for the fiscal year shall~~  
11 ~~be prorated among the specific appropriations made from the~~  
12 ~~trust fund for the current fiscal year.~~

13 Section 32. Subsection (2) of section 216.231, Florida  
14 Statutes, is amended to read:

15 216.231 Release of certain classified  
16 appropriations.--

17 (2) The release of appropriated funds classified as  
18 "deficiency" shall be approved only when a General Revenue  
19 Fund appropriation for operations of a state agency or of the  
20 judicial branch is inadequate because the workload or cost of  
21 the operation exceeds that anticipated by the Legislature and  
22 a determination has been made by the Governor ~~commission~~ that  
23 the deficiency will result in an impairment of the activities  
24 of an agency or of the judicial branch to the extent that the  
25 agency is unable to carry out its program as provided by the  
26 Legislature in the general appropriations acts. These funds  
27 may not be used for creation of any new agency or program, for  
28 increases of salary, or for the construction or equipping of  
29 additional buildings.

30 Section 33. Subsections (3), (6), and (11) of section  
31 216.235, Florida Statutes, are amended to read:

1 | 216.235 Innovation Investment Program.--

2 | (3) For purposes of this section:

3 | (a) "Agency" means an official, officer, commission,  
4 | authority, council, committee, department, division, bureau,  
5 | board, section, or other unit or entity of the executive  
6 | branch.

7 | ~~(b) "Commission" means the Information Resource~~  
8 | ~~Commission.~~

9 | ~~(b)(c)~~ "Committee" means the State Innovation  
10 | Committee.

11 | ~~(c)(d)~~ "Office" means the Office of Tourism, Trade,  
12 | and Economic Development within the Executive Office of the  
13 | Governor.

14 | ~~(d)(e)~~ "Review board" means a nonpartisan board  
15 | composed of private citizens and public employees who evaluate  
16 | the projects and make funding recommendations to the  
17 | committee.

18 | (6) Any agency developing an innovative investment  
19 | project proposal that involves information technology  
20 | resources may consult with and seek technical assistance from  
21 | the state technology office ~~commission~~. The office shall  
22 | consult with the state technology office ~~commission~~ for any  
23 | project proposal that involves information resource  
24 | technology. The state technology office ~~commission~~ is  
25 | responsible for evaluating these projects and for advising the  
26 | committee and review board of the technical feasibility and  
27 | any transferable benefits of the proposed technology. In  
28 | addition to the requirements of subsection (5), the agencies  
29 | shall provide to the state technology office ~~commission~~ any  
30 | information requested by the state technology office

31 |

1 ~~commission~~ to aid in determining that the proposed technology  
2 is appropriate for the project's success.

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

12 Section 34. Section 216.241, Florida Statutes, is  
13 amended to read:

14 216.241 Initiation or commencement of new programs;  
15 approval; expenditure of certain revenues.--

16 (1) A state agency or the judicial branch may not  
17 initiate or commence any new program, including any new  
18 federal program or initiative, or make changes in its current  
19 programs, as provided for in the appropriations act, that  
20 require additional financing unless funds have been  
21 specifically appropriated by the Legislature or unless the  
22 Legislative Budget Commission ~~or the Chief Justice of the~~  
23 ~~Supreme Court~~ expressly approves such new program or changes.  
24 ~~The commission and the Chief Justice shall give notice as~~  
25 ~~provided in s. 216.177 prior to approving such new program or~~  
26 ~~changes.~~

27 (2) ~~No~~ Changes that ~~which~~ are inconsistent with the  
28 approved ~~operating~~ budget may not ~~shall~~ be made to existing  
29 programs unless such changes are recommended to the  
30 Legislative Budget Commission by the Governor or the Chief  
31 Justice and the Legislative Budget Commission expressly

1 ~~approves such program changes. The provisions of This~~  
2 subsection ~~is are~~ subject to the notice, review, and objection  
3 procedures set forth in s. 216.177.

4 (3) Any revenues generated by any tax or fee imposed  
5 by amendment to the State Constitution after October 1, 1999,  
6 shall not be expended by any agency, as defined in s.  
7 120.52(1), except pursuant to appropriation by the  
8 Legislature.

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

29 Section 35. Subsection (2) of section 216.251, Florida  
30 Statutes, is amended to read:

31 216.251 Salary appropriations; limitations.--

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

4           1. Within the classification and pay plans provided  
5 for in chapter 110.

6           2. Within the classification and pay plans established  
7 by the Board of Trustees for the Florida School for the Deaf  
8 and the Blind of the Department of Education and approved by  
9 the State Board of Education for academic and academic  
10 administrative personnel.

11           3. Within the classification and pay plan approved and  
12 administered by the State Board of Education ~~Board of Regents~~  
13 for those positions in the State University System.

14           4. Within the classification and pay plan approved by  
15 the President of the Senate and the Speaker of the House of  
16 Representatives, as the case may be, for employees of the  
17 Legislature.

18           5. Within the approved classification and pay plan for  
19 the judicial branch.

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

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

27           1. Reclassification of established positions may be  
28 accomplished when justified in accordance with the established  
29 procedures for reclassifying positions; or

30           2. When the Division of Risk Management of the  
31 Department of Financial Services has determined that an



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

16 Section 36. Paragraphs (a) and (c) of subsection (1)  
17 of section 216.262, Florida Statutes, are amended to read:

18 216.262 Authorized positions.--

19 (1)(a) Unless otherwise expressly provided by law, the  
20 total number of authorized positions may not exceed the total  
21 provided in the appropriations acts. In the event any state  
22 agency or entity of the judicial branch finds that the number  
23 of positions so provided is not sufficient to administer its  
24 authorized programs, it may file an application with the  
25 Executive Office of the Governor or the Chief Justice; and, if  
26 the Executive Office of the Governor or Chief Justice  
27 certifies that there are no authorized positions available for  
28 addition, deletion, or transfer within the agency as provided  
29 in paragraph (c) and recommends an increase in the number of  
30 positions, the Governor or the Chief Justice may recommend,  
31

1 ~~after a public hearing, authorize~~ an increase in the number of  
2 positions for the following reasons only:

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

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

6 3. To satisfy new federal regulations or changes  
7 therein;

8 4. To take advantage of opportunities to reduce  
9 operating expenditures or to increase the revenues of the  
10 state or local government; and

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

13  
14 Actions recommended pursuant to ~~The provisions of this~~  
15 paragraph are subject to approval by the Legislative Budget  
16 Commission ~~the notice and review procedures set forth in s.~~  
17 ~~216.177. A copy of the application,~~ The certification, and the  
18 final authorization shall be provided to ~~filed with~~ the  
19 Legislative Budget Commission, the appropriations committees,  
20 and ~~with~~ the Auditor General.

21 (c)1. The Executive Office of the Governor, under such  
22 procedures and qualifications as it deems appropriate, shall,  
23 upon agency request, delegate to any state agency authority to  
24 add and delete authorized positions or transfer authorized  
25 positions from one budget entity to another budget entity  
26 within the same division, and may approve additions and  
27 deletions of authorized positions or transfers of authorized  
28 positions within the state agency when such changes would  
29 enable the agency to administer more effectively its  
30 authorized and approved programs. The additions or deletions  
31 must be consistent with the intent of the approved operating

1 budget, must be consistent with legislative policy and intent,  
 2 and must not conflict with specific spending policies  
 3 specified in the General Appropriations Act.

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

12         ~~3.a. A state agency may be eligible to retain salary~~  
 13 ~~dollars for authorized positions eliminated after July 1,~~  
 14 ~~2001. The agency must certify the eliminated positions to the~~  
 15 ~~Legislative Budgeting Commission.~~

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

21         Section 37. Section 216.292, Florida Statutes, is  
 22 amended to read:

23         (Substantial rewording of section. See

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

25         216.292 Appropriations nontransferable; exceptions.--

26         (1)(a) Funds provided in the General Appropriations  
 27 Act or as otherwise expressly provided by law shall be  
 28 expended only for the purpose for which appropriated, except  
 29 that such moneys may be transferred as provided in this  
 30 section when it is determined to be in the best interest of  
 31 the state. Appropriations for fixed capital outlay may not be

1 expended for any other purpose. Appropriations may not be  
2 transferred between state agencies, or between a state agency  
3 and the judicial branch, unless specifically authorized by  
4 law.

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

18 2. Authorized revisions, together with related  
19 changes, if any, in the plan for release of appropriations,  
20 shall be transmitted by the state agency or by the judicial  
21 branch to the Chief Financial Officer for entry in the Chief  
22 Financial Officer's records in the manner and format  
23 prescribed by the Executive Office of the Governor in  
24 consultation with the Chief Financial Officer.

25 3. The Executive Office of the Governor or the Chief  
26 Justice shall forward a copy of the revisions within 7 working  
27 days to the Chief Financial Officer for entry in his or her  
28 records in the manner and format prescribed by the Executive  
29 Office of the Governor in consultation with the Chief  
30 Financial Officer.

31

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

5           (a) The transfer of appropriations funded from  
6 identical funding sources, except appropriations for fixed  
7 capital outlay, and the transfer of amounts included within  
8 the total original approved budget and releases as furnished  
9 pursuant to ss. 216.181 and 216.192, as follows:

10           1. Between categories of appropriations within a  
11 budget entity, if no category of appropriation is increased or  
12 decreased by more than 5 percent of the original approved  
13 budget or \$250,000, whichever is greater, by all action taken  
14 under this subsection.

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

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

24           4. Notice of proposed transfers under subparagraphs 1.  
25 and 2. shall be provided to the Executive Office of the  
26 Governor and the chairs of the legislative appropriations  
27 committees at least 3 days prior to agency implementation in  
28 order to provide an opportunity for review. The review shall  
29 be limited to ensuring that the transfer is in compliance with  
30 the requirements of this paragraph.

31

1           (b) After providing notice at least 5 working days  
2 prior to implementation:

3           1. The transfer of funds within programs identified in  
4 the General Appropriations Act from identical funding sources  
5 between the following appropriation categories without  
6 limitation so long as such a transfer does not result in an  
7 increase to the total recurring general revenue or trust fund  
8 cost of the agency or entity of the judicial branch in the  
9 subsequent fiscal year: other personal services, expenses,  
10 operating capital outlay, food products, state attorney and  
11 public defender operations, acquisition of motor vehicles,  
12 data processing services, operating and maintenance of patrol  
13 vehicles, overtime payments, salary incentive payments,  
14 compensation to retired judges, law libraries, and juror and  
15 witness payments.

16           2. The transfer of funds and positions from identical  
17 funding sources between salaries and benefits appropriation  
18 categories within programs identified in the General  
19 Appropriations Act.

20  
21 Such transfers must be consistent with legislative policy and  
22 intent and may not adversely affect achievement of approved  
23 performance outcomes or outputs in any program.

24           (c) The transfer of funds appropriated to accounts  
25 established for disbursement purposes upon release of such  
26 appropriation upon request of a department and approval by the  
27 Chief Financial Officer. Such transfer may only be made to the  
28 same appropriation category and the same funding source from  
29 which the funds are transferred.

30           (d) The transfer by the Executive Office of the  
31 Governor of funds from appropriations for public school

1 operations to a fixed capital outlay appropriation for class  
2 size reduction based on recommendations of the Florida  
3 Education Finance Program Appropriation Allocation Conference  
4 or the Legislative Budget Commission pursuant to s.  
5 1003.03(4)(a). Actions by the Governor under this subsection  
6 are subject to the notice and review provisions of s. 216.177.

7 (e) The transfer by the Department of Children and  
8 Family Services of general revenue funds appropriated for  
9 targeted case management services to the Agency for Health  
10 Care Administration to fund state match requirements exceeding  
11 the amount specified in the General Appropriations Act for  
12 Medicaid targeted case management services.

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

17 (g) The transfer of funds appropriated to the Agency  
18 for Persons with Disabilities for developmental services  
19 programs only if the secretary finds that treatment programs  
20 for developmental disabilities will not be adversely affected.

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

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

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

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

1 transfers must be provided 14 days before the commission  
2 meeting:

3 (a) The transfer of appropriations for operations from  
4 the General Revenue Fund in excess of those provided in this  
5 section but within a state agency or within the judicial  
6 branch, as recommended by the Executive Office of the Governor  
7 or the Chief Justice of the Supreme Court.

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

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

23 (d) The transfers necessary to accomplish the purposes  
24 of reorganization within state agencies or the judicial branch  
25 authorized by the Legislature when the necessary adjustments  
26 of appropriations and positions have not been provided in the  
27 General Appropriations Act.

28 (5) A transfer of funds may not result in the  
29 initiation of a fixed capital outlay project that has not  
30 received a specific legislative appropriation; except that  
31 federal funds for fixed capital outlay projects for the



1 Department of Military Affairs, which do not carry a  
2 continuing commitment on future appropriations by the  
3 Legislature, may be approved by the Executive Office of the  
4 Governor for the purpose received, subject to the notice,  
5 review, and objection procedures set forth in s. 216.177.

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

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

18 (b) The amount due to the Division of Risk Management  
19 which is more than 90 days delinquent in payment to the  
20 Division of Risk Management of the Department of Financial  
21 Services for insurance coverage. The amount transferred shall  
22 be that certified by the division.

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

30 Section 38. Section 216.301, Florida Statutes, is  
31 amended to read:

1           216.301 Appropriations; undisbursed balances.--  
2           (1)(a) Any balance of any appropriation, except an  
3 appropriation for fixed capital outlay, which is not disbursed  
4 but which is expended or contracted to be expended shall, at  
5 the end of each fiscal year, be certified by the head of the  
6 affected state agency or the judicial or legislative branches,  
7 on or before August 1 of each year, to the Executive Office of  
8 the Governor, showing in detail the obligees to whom obligated  
9 and the amounts of such obligations. On or before September 1  
10 of each year, the Executive Office of the Governor shall  
11 review and approve or disapprove, consistent with legislative  
12 policy and intent, any or all of the items and amounts  
13 certified by the head of the affected state agency and shall  
14 approve all items and amounts certified by the Chief Justice  
15 of the Supreme Court for the judicial branch and by the  
16 legislative branch and shall furnish the Chief Financial  
17 Officer, the legislative appropriations committees, and the  
18 Auditor General a detailed listing of the items and amounts  
19 approved as legal encumbrances against the undisbursed balance  
20 of such appropriation. The review shall assure that trust  
21 funds have been fully maximized. Any such encumbered balance  
22 remaining undisbursed on December 31 of the same calendar year  
23 in which such certification was made shall revert to the fund  
24 from which appropriated, except as provided in subsection (3),  
25 and shall be available for reappropriation by the Legislature.  
26 In the event such certification is not made and an obligation  
27 is proven to be legal, due, and unpaid, then the obligation  
28 shall be paid and charged to the appropriation for the current  
29 fiscal year of the state agency or the legislative or judicial  
30 branch affected.  
31

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

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

22 (2)(a) The balance of any appropriation for fixed  
23 capital outlay which is not disbursed but expended,  
24 contracted, or committed to be expended prior to February 1 of  
25 the second fiscal year of the appropriation, or the third  
26 fiscal year if it is for an educational facility as defined in  
27 chapter 1013 or for a construction project of a state  
28 university, shall be certified by the head of the affected  
29 state agency or the legislative or judicial branch on February  
30 1 to the Executive Office of the Governor, showing in detail  
31 the commitment or to whom obligated and the amount of the

1 commitment or obligation. The Executive Office of the Governor  
2 shall review and approve or disapprove, consistent with  
3 criteria jointly developed by the Executive Office of the  
4 Governor and the legislative appropriations committees, the  
5 continuation of such unexpended balances. The Executive Office  
6 of the Governor shall, not later than February 20 of each  
7 year, furnish the Chief Financial Officer, the legislative  
8 appropriations committees, and the Auditor General a report  
9 listing in detail the items and amounts reverting under the  
10 authority of this subsection, including the fund to which  
11 reverted and the agency affected.

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

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

1 the items and amounts certified by the head of the affected  
2 state agency and shall approve all items and amounts certified  
3 by the Chief Justice of the Supreme Court and by the  
4 legislative branch and shall furnish the Chief Financial  
5 Officer, the legislative appropriations committees, and the  
6 Auditor General a detailed listing of the items and amounts  
7 approved as legal encumbrances against the undisbursed  
8 balances of such appropriations. If such certification is not  
9 made and the balance of the appropriation has reverted and the  
10 obligation is proven to be legal, due, and unpaid, the  
11 obligation shall be presented to the Legislature for its  
12 consideration.

13 (3) The President of the Senate and the Speaker of the  
14 House of Representatives may notify the Executive Office of  
15 the Governor to retain certified-forward balances from  
16 legislative budget entities until June 30 of the following  
17 fiscal year.

18 ~~(2)(a) Any balance of any appropriation for fixed~~  
19 ~~capital outlay not disbursed but expended or contracted or~~  
20 ~~committed to be expended shall, at the end of each fiscal~~  
21 ~~year, be certified by the head of the affected state agency or~~  
22 ~~the legislative or judicial branch, on or before August 1 of~~  
23 ~~each year, to the Executive Office of the Governor, showing in~~  
24 ~~detail the commitment or to whom obligated and the amount of~~  
25 ~~such commitment or obligation. On or before September 1 of~~  
26 ~~each year, the Executive Office of the Governor shall review~~  
27 ~~and approve or disapprove, consistent with legislative policy~~  
28 ~~and intent, any or all of the items and amounts certified by~~  
29 ~~the head of the affected state agency and shall approve all~~  
30 ~~items and amounts certified by the Chief Justice of the~~  
31 ~~Supreme Court and by the legislative branch and shall furnish~~

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

9       ~~(b) Such certification as herein required shall be in~~  
10 ~~the form and on the date approved by the Executive Office of~~  
11 ~~the Governor. Any balance not so certified shall revert to the~~  
12 ~~fund from which appropriated and shall be available for~~  
13 ~~reappropriation.~~

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

29       Section 39. Effective July 1, 2006, subsection (1) of  
30 section 216.301, Florida Statutes, as amended by this act, is  
31 amended to read:

1           216.301 Appropriations; undisbursed balances.--  
2           (1)(a) Any balance of any appropriation, except an  
3 appropriation for fixed capital outlay, which is not disbursed  
4 but which is expended ~~or contracted to be expended~~ shall, at  
5 the end of each fiscal year, be certified by the head of the  
6 affected state agency or the judicial or legislative branches,  
7 on or before August 1 of each year, to the Executive Office of  
8 the Governor, showing in detail the obligees to whom obligated  
9 and the amounts of such obligations. ~~On or before September 1~~  
10 ~~of each year, the Executive Office of the Governor shall~~  
11 ~~review and approve or disapprove, consistent with legislative~~  
12 ~~policy and intent, any or all of the items and amounts~~  
13 ~~certified by the head of the affected state agency and shall~~  
14 ~~approve all items and amounts certified by the Chief Justice~~  
15 ~~of the Supreme Court for the judicial branch and by the~~  
16 ~~legislative branch and shall furnish the Chief Financial~~  
17 ~~Officer, the legislative appropriations committees, and the~~  
18 ~~Auditor General a detailed listing of the items and amounts~~  
19 ~~approved as legal encumbrances against the undisbursed balance~~  
20 ~~of such appropriation. The review shall assure that trust~~  
21 ~~funds have been fully maximized.~~ Any such encumbered balance  
22 remaining undisbursed on September 30 ~~December 31~~ of the same  
23 calendar year in which such certification was made shall  
24 revert to the fund from which appropriated, except as provided  
25 in subsection (3), and shall be available for reappropriation  
26 by the Legislature. In the event such certification is not  
27 made and an obligation is proven to be legal, due, and unpaid,  
28 then the obligation shall be paid and charged to the  
29 appropriation for the current fiscal year of the state agency  
30 or the legislative or judicial branch affected.  
31

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

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

22           Section 40. Subsection (3) of section 218.60, Florida  
23 Statutes, is repealed.

24           Section 41. Subsection (2) of section 252.37, Florida  
25 Statutes, is amended to read:

26           252.37 Financing.--

27           (2) It is the legislative intent that the first  
28 recourse be made to funds regularly appropriated to state and  
29 local agencies. If the Governor finds that the demands placed  
30 upon these funds in coping with a particular disaster declared  
31 by the Governor as a state of emergency are unreasonably



1 great, she or he may make funds available by transferring and  
2 expending moneys appropriated for other purposes, by  
3 transferring and expending moneys out of any unappropriated  
4 surplus funds, or from the Budget Stabilization Fund ~~or~~  
5 ~~Working Capital Fund~~. Following the expiration or termination  
6 of the state of emergency, the Governor may process a budget  
7 amendment under the notice and review procedures set forth in  
8 s. 216.177 to transfer moneys to satisfy the budget authority  
9 granted for such emergency.

10 Section 42. Subsection (3) of section 265.55, Florida  
11 Statutes, is amended to read:

12 265.55 Claims.--

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

19 Section 43. Section 288.1234, Florida Statutes, is  
20 repealed.

21 Section 44. Section 288.7091, Florida Statutes, is  
22 amended to read:

23 288.7091 Duties of the Florida Black Business  
24 Investment Board, Inc.--The Florida Black Business Investment  
25 Board, Inc., shall:

26 (1) Establish certification criteria for black  
27 business investment corporations and certify at least once  
28 every 5 years, each of the black business investment  
29 corporations. Certification criteria shall include  
30 administrative capacity, fiduciary controls, and, in the case  
31

1 of existing black business investment corporations, solvency  
2 and soundness of prior loan decisions;

3 (2) Ensure that any appropriations by the Legislature  
4 to the corporation on behalf of the black business investment  
5 corporations are provided to the corporations in the manner  
6 and amount prescribed by the Legislature;

7 (3) Work with Enterprise Florida, Inc., and local  
8 economic development organizations to promote the retention  
9 and expansion of existing black business enterprises and to  
10 promote the formation and recruitment of new black business  
11 enterprises;

12 (4) Develop a memorandum of understanding with  
13 Enterprise Florida, Inc., that outlines a strategy for  
14 collaboration with the programs, activities, and committees or  
15 similar units of Enterprise Florida, Inc., which memorandum of  
16 understanding shall provide for Enterprise Florida, Inc., to  
17 contract with the corporation, where practicable, for the  
18 delivery of economic development services relating to black  
19 business enterprises;

20 (5) Include in the criteria for loan decisions,  
21 occupational forecasting results set forth in s. 216.136(7) ~~s.~~  
22 ~~216.136(9)~~ which target high growth jobs;

23 (6) Facilitate the formation of black business  
24 investment corporations in communities that are not currently  
25 served by such corporations and establish, in communities that  
26 are not currently served by an existing black business  
27 investment corporation, memoranda of understanding with local  
28 financial institutions that will provide loan guarantees for  
29 loans to black business enterprises;

30 (7) Develop memoranda of understanding with the  
31 Departments of Education, Transportation, Community Affairs,

1 and Management Services, as well as with Workforce Florida,  
2 Inc., and the State Board of Education, detailing efforts of  
3 common interest and collaborations to expand black business  
4 development;

5 (8) Intensify efforts to increase the number of  
6 franchises owned by black businesses and the number of black  
7 business enterprises in construction and construction-related  
8 projects, with emphasis on construction projects financed by  
9 federal, state, or local governments; and

10 (9) Annually, prepare a report detailing the  
11 performance of each black business investment corporation,  
12 addressing the number of jobs created and/or retained, success  
13 and failure rates among loan recipients, and the amount of  
14 funds leveraged from other sources.

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

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

23 320.20 Disposition of license tax moneys.--The revenue  
24 derived from the registration of motor vehicles, including any  
25 delinquent fees and excluding those revenues collected and  
26 distributed under the provisions of s. 320.081, must be  
27 distributed monthly, as collected, as follows:

28 (5)(a) Except as provided in paragraph (c), the  
29 remainder of such revenues must be deposited in the State  
30 Transportation Trust Fund.  
31

1           (b) The Chief Financial Officer each month shall  
2 deposit in the State Transportation Trust Fund an amount,  
3 drawn from other funds in the State Treasury which are not  
4 immediately needed or are otherwise in excess of the amount  
5 necessary to meet the requirements of the State Treasury,  
6 which when added to such remaining revenues each month will  
7 equal one-twelfth of the amount of the anticipated annual  
8 revenues to be deposited in the State Transportation Trust  
9 Fund under paragraph (a) as determined by the Chief Financial  
10 Officer after consultation with the ~~estimated by the most~~  
11 ~~recent~~ Revenue Estimating Conference held pursuant to s.  
12 216.136(3). The transfers required hereunder may be suspended  
13 by action of the Legislative Budget Commission in the event of  
14 a significant shortfall of state revenues.

15           (c) In any month in which the remaining revenues  
16 derived from the registration of motor vehicles exceed  
17 one-twelfth of those anticipated annual remaining revenues as  
18 determined by the Chief Financial Officer after consultation  
19 with the Revenue Estimating Conference, the excess shall be  
20 credited to those state funds in the State Treasury from which  
21 the amount was originally drawn, up to the amount which was  
22 deposited in the State Transportation Trust Fund under  
23 paragraph (b). A final adjustment must be made in the last  
24 months of a fiscal year so that the total revenue deposited in  
25 the State Transportation Trust Fund each year equals the  
26 amount derived from the registration of motor vehicles, less  
27 the amount distributed under subsection (1). For the purposes  
28 of this paragraph and paragraph (b), the term "remaining  
29 revenues" means all revenues deposited into the State  
30 Transportation Trust Fund under paragraph (a) and subsections  
31 (2) and (3). In order that interest earnings continue to

1 accrue to the General Revenue Fund, the Department of  
2 Transportation may not invest an amount equal to the  
3 cumulative amount of funds deposited in the State  
4 Transportation Trust Fund under paragraph (b) less funds  
5 credited under this paragraph as computed on a monthly basis.  
6 The amounts to be credited under this and the preceding  
7 paragraph must be calculated and certified to the Chief  
8 Financial Officer by the Executive Office of the Governor.

9 Section 46. Subsections (6) and (7) of section  
10 339.135, Florida Statutes, are amended to read:

11 339.135 Work program; legislative budget request;  
12 definitions; preparation, adoption, execution, and  
13 amendment.--

14 (6) EXECUTION OF THE BUDGET.--

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

1           (b) In the operation of the State Transportation Trust  
2 Fund, the department shall have on hand at the close of  
3 business, which closing shall not be later than the 10th  
4 calendar day of the month following the end of each quarter of  
5 the fiscal year, an available cash balance (which shall  
6 include cash on deposit with the treasury and short-term  
7 investments of the department) equivalent to not less than \$50  
8 million, or 5 percent of the unpaid balance of all State  
9 Transportation Trust Fund obligations at the close of such  
10 quarter, whichever amount is less. In the event that this  
11 cash position is not maintained, no further contracts or other  
12 fund commitments shall be approved, entered into, awarded, or  
13 executed until the cash balance, as defined above, has been  
14 regained.

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

1 Increases in spending authority shall be limited to amounts of  
2 unexpended balances by appropriation category. Any project  
3 phase certified forward for which bids have been let but  
4 subsequently rejected shall be available for roll forward in  
5 the adopted work program for the next fiscal year. Spending  
6 authority associated with such project phases may be rolled  
7 forward into the current year from funds certified forward  
8 pursuant to paragraph (f). The amount certified forward may  
9 include contingency allowances for right-of-way acquisition  
10 and relocation, asphalt and petroleum product escalation  
11 clauses, and contract overages, which allowances shall be  
12 separately identified in the certification detail.  
13 Right-of-way acquisition and relocation and contract overages  
14 contingency allowances shall be based on documented historical  
15 patterns. These contingency amounts shall be incorporated in  
16 the certification for each specific category, but when a  
17 category has an excess and another category has a deficiency,  
18 the Executive Office of the Governor is authorized to transfer  
19 the excess to the deficient account.

20 (d) The department shall allocate resources provided  
21 in the General Appropriations Act to the districts prior to  
22 July 31 of each year. The allocation shall be promptly  
23 reported to the Executive Office of the Governor and the  
24 legislative appropriations committees, and all subsequent  
25 amendments shall be reported promptly to the secretary of the  
26 department.

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

29 ~~(f) Notwithstanding the provisions of ss. 216.181(1),~~  
30 ~~216.292, and 216.351, the Executive Office of the Governor may~~  
31 ~~amend that portion of the department's original approved fixed~~

1 ~~capital outlay budget which comprises the work program~~  
2 ~~pursuant to subsection (7). Increase in spending authority in~~  
3 ~~paragraph (c) shall be limited to amounts of unexpended~~  
4 ~~balances by appropriation category.~~

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

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

9 ~~(a)(b)~~ The department may not transfer any funds for  
10 any project or project phase between department districts.  
11 However, a district secretary may agree to a loan of funds to  
12 another district, if:

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

15 2. The loan agreement is executed in writing and is  
16 signed by the district secretaries of the respective  
17 districts;

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

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

23  
24 The loan constitutes an amendment to the adopted work program  
25 and is subject to the procedures specified in paragraph (b)  
26 ~~(c)~~.

27 (b)(c) The department may amend the adopted work  
28 program to transfer appropriations within the department,  
29 except that the following amendments shall be subject to the  
30 procedures in paragraph (c) ~~(d)~~:  
31



- 1           1. Any amendment which deletes any project or project  
2 phase;
- 3           2. Any amendment which adds a project estimated to  
4 cost over \$150,000 in funds appropriated by the Legislature;
- 5           3. Any amendment which advances or defers to another  
6 fiscal year, a right-of-way phase, a construction phase, or a  
7 public transportation project phase estimated to cost over  
8 \$500,000 in funds appropriated by the Legislature, except an  
9 amendment advancing or deferring a phase for a period of 90  
10 days or less; or
- 11           4. Any amendment which advances or defers to another  
12 fiscal year, any preliminary engineering phase or design phase  
13 estimated to cost over \$150,000 in funds appropriated by the  
14 Legislature, except an amendment advancing or deferring a  
15 phase for a period of 90 days or less.
- 16           ~~(c)(d)~~1. Whenever the department proposes any  
17 amendment to the adopted work program, which amendment is  
18 defined in subparagraph (b)1.(c)1., subparagraph (b)2.(c)2.,  
19 subparagraph (b)3.(c)3., or subparagraph (b)4.(c)4., it  
20 shall submit the proposed amendment to the Governor for  
21 approval and shall immediately notify the chairs of the  
22 legislative appropriations committees, the chairs of the  
23 legislative transportation committees, each member of the  
24 Legislature who represents a district affected by the proposed  
25 amendment, each metropolitan planning organization affected by  
26 the proposed amendment, and each unit of local government  
27 affected by the proposed amendment. Such proposed amendment  
28 shall provide a complete justification of the need for the  
29 proposed amendment.  
30  
31

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

4           3. If either of the chairs of the legislative  
5 appropriations committees or the President of the Senate or  
6 the Speaker of the House of Representatives objects in writing  
7 to a proposed amendment within 14 days following notification  
8 and specifies the reasons for such objection, the Governor  
9 shall disapprove the proposed amendment ~~or shall submit the~~  
10 ~~proposed amendment to the Administration Commission. The~~  
11 ~~proposed amendment may be approved by the Administration~~  
12 ~~Commission by a two thirds vote of the members present with~~  
13 ~~the Governor voting in the affirmative. In the absence of~~  
14 ~~approval by the commission, the proposed amendment shall be~~  
15 ~~automatically disapproved.~~

16           (d)(e) Notwithstanding the requirements in paragraph  
17 (c)(d) and ss. 216.177(2) and 216.351, the secretary may  
18 request the Executive Office of the Governor to amend the  
19 adopted work program when an emergency exists, as defined in  
20 s. 252.34(3), and the emergency relates to the repair or  
21 rehabilitation of any state transportation facility. The  
22 Executive Office of the Governor may approve the amendment to  
23 the adopted work program and amend that portion of the  
24 department's approved budget in the event that the delay  
25 incident to the notification requirements in paragraph (c)(d)  
26 would be detrimental to the interests of the state. However,  
27 the department shall immediately notify the parties specified  
28 in paragraph (c)(d) and shall provide such parties written  
29 justification for the emergency action within 7 days of the  
30 approval by the Executive Office of the Governor of the  
31 amendment to the adopted work program and the department's

1 budget. In no event may the adopted work program be amended  
2 under the provisions of this subsection without the  
3 certification by the comptroller of the department that there  
4 are sufficient funds available pursuant to the 36-month cash  
5 forecast and applicable statutes.

6 ~~(e)(f)~~ The department may authorize the investment of  
7 the earnings accrued and collected upon the investment of the  
8 minimum balance of funds required to be maintained in the  
9 State Transportation Trust Fund pursuant to paragraph ~~(a)(b)~~.

10 Such investment shall be limited as provided in s.

11 288.9607(7).

12 Section 47. Subsection (3) of section 381.0303,  
13 Florida Statutes, is amended to read:

14 381.0303 Health practitioner recruitment for special  
15 needs shelters.--

16 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The  
17 Department of Health shall reimburse, subject to the  
18 availability of funds for this purpose, health care  
19 practitioners, as defined in s. 456.001, provided the  
20 practitioner is not providing care to a patient under an  
21 existing contract, and emergency medical technicians and  
22 paramedics licensed pursuant to chapter 401 for medical care  
23 provided at the request of the department in special needs  
24 shelters or at other locations during times of emergency or  
25 major disaster. Reimbursement for health care practitioners,  
26 except for physicians licensed pursuant to chapter 458 or  
27 chapter 459, shall be based on the average hourly rate that  
28 such practitioners were paid according to the most recent  
29 survey of Florida hospitals conducted by the Florida Hospital  
30 Association. Reimbursement shall be requested on forms  
31 prepared by the Department of Health. If a Presidential

1 Disaster Declaration has been made, and the Federal Government  
2 makes funds available, the department shall use such funds for  
3 reimbursement of eligible expenditures. In other situations,  
4 or if federal funds do not fully compensate the department for  
5 reimbursement made pursuant to this section, the department  
6 shall process ~~submit to the Cabinet or Legislature, as~~  
7 ~~appropriate,~~ a budget amendment to obtain reimbursement from  
8 unobligated, unappropriated moneys in the General Revenue  
9 ~~working capital~~ Fund. Travel expense and per diem costs shall  
10 be reimbursed pursuant to s. 112.061.

11 Section 48. Subsection (5) of section 409.906, Florida  
12 Statutes, is amended to read:

13 409.906 Optional Medicaid services.--Subject to  
14 specific appropriations, the agency may make payments for  
15 services which are optional to the state under Title XIX of  
16 the Social Security Act and are furnished by Medicaid  
17 providers to recipients who are determined to be eligible on  
18 the dates on which the services were provided. Any optional  
19 service that is provided shall be provided only when medically  
20 necessary and in accordance with state and federal law.  
21 Optional services rendered by providers in mobile units to  
22 Medicaid recipients may be restricted or prohibited by the  
23 agency. Nothing in this section shall be construed to prevent  
24 or limit the agency from adjusting fees, reimbursement rates,  
25 lengths of stay, number of visits, or number of services, or  
26 making any other adjustments necessary to comply with the  
27 availability of moneys and any limitations or directions  
28 provided for in the General Appropriations Act or chapter 216.  
29 If necessary to safeguard the state's systems of providing  
30 services to elderly and disabled persons and subject to the  
31 notice and review provisions of s. 216.177, the Governor may

1 direct the Agency for Health Care Administration to amend the  
 2 Medicaid state plan to delete the optional Medicaid service  
 3 known as "Intermediate Care Facilities for the Developmentally  
 4 Disabled." Optional services may include:

5 (5) CASE MANAGEMENT SERVICES.--The agency may pay for  
 6 primary care case management services rendered to a recipient  
 7 pursuant to a federally approved waiver, and targeted case  
 8 management services for specific groups of targeted  
 9 recipients, for which funding has been provided and which are  
 10 rendered pursuant to federal guidelines. The agency is  
 11 authorized to limit reimbursement for targeted case management  
 12 services in order to comply with any limitations or directions  
 13 provided for in the General Appropriations Act.

14 ~~Notwithstanding s. 216.292, the Department of Children and~~  
 15 ~~Family Services may transfer general funds to the Agency for~~  
 16 ~~Health Care Administration to fund state match requirements~~  
 17 ~~exceeding the amount specified in the General Appropriations~~  
 18 ~~Act for targeted case management services.~~

19 Section 49. Paragraph (b) of subsection (11) of  
 20 section 409.912, Florida Statutes, is repealed.

21 Section 50. Subsection (2) of section 468.392, Florida  
 22 Statutes, is amended to read:

23 468.392 Auctioneer Recovery Fund.--There is created  
 24 the Auctioneer Recovery Fund as a separate account in the  
 25 Professional Regulation Trust Fund. The fund shall be  
 26 administered by the Florida Board of Auctioneers.

27 (2) All payments and disbursements from the Auctioneer  
 28 Recovery Fund shall be made by the Chief Financial Officer  
 29 upon a voucher signed by the Secretary of Business and  
 30 Professional Regulation or the secretary's designee. ~~Amounts~~  
 31 ~~transferred to the Auctioneer Recovery Fund shall not be~~

1 ~~subject to any limitation imposed by an appropriation act of~~  
2 ~~the Legislature.~~

3 Section 51. Subsection (6) of section 475.484, Florida  
4 Statutes, is amended to read:

5 475.484 Payment from the fund.--

6 (6) All payments and disbursements from the Real  
7 Estate Recovery Fund shall be made by the Chief Financial  
8 Officer upon a voucher signed by the secretary of the  
9 department. ~~Amounts transferred to the Real Estate Recovery~~  
10 ~~Fund shall not be subject to any limitation imposed by an~~  
11 ~~appropriation act of the Legislature.~~

12 Section 52. Paragraph (b) of subsection (7) of section  
13 631.141, Florida Statutes, is amended to read:

14 631.141 Conduct of delinquency proceeding; domestic  
15 and alien insurers.--

16 (7)

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

30 Section 53. Paragraph (b) of subsection (9) of section  
31 921.001, Florida Statutes, is amended to read:

1           921.001 Sentencing Commission and sentencing

2 guidelines generally.--

3           (9)

4           (b) On or after January 1, 1994, any legislation

5 which:

6           1. Creates a felony offense;

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

8           3. Moves a felony offense from a lesser offense

9 severity level to a higher offense severity level in the

10 offense severity ranking chart in s. 921.0012; or

11           4. Reclassifies an existing felony offense to a

12 greater felony classification

13  
14 must provide that such a change result in a net zero sum

15 impact in the overall prison population, as determined by the

16 Legislature, considering the most recent estimates of the

17 Criminal Justice Estimating Conference, unless the legislation

18 contains a funding source sufficient in its base or rate to

19 accommodate such change or a provision which specifically

20 abrogates the application of this paragraph.

21           Section 54. Subsection (3) of section 943.61, Florida

22 Statutes, is amended to read:

23           943.61 Powers and duties of the Capitol Police.--

24           (3) ~~Notwithstanding the provisions of chapter 216, no~~

25 ~~assets, personnel, or resources shall be taken from the~~

26 ~~Capitol Police, and no appropriation to the Capitol Police~~

27 ~~shall be reduced without the express approval of the Governor~~

28 ~~and the Legislative Budget Commission.~~ Nothing herein limits

29 the ability of the Capitol Police to provide mutual aid to

30 other law enforcement agencies as authorized by law unless

31

1 such a limitation is expressly included in the operational  
2 security plans provided for herein.

3 Section 55. Paragraph (a) of subsection (1) of section  
4 1009.536, Florida Statutes, is amended to read:

5 1009.536 Florida Gold Seal Vocational Scholars  
6 award.--The Florida Gold Seal Vocational Scholars award is  
7 created within the Florida Bright Futures Scholarship Program  
8 to recognize and reward academic achievement and career  
9 preparation by high school students who wish to continue their  
10 education.

11 (1) A student is eligible for a Florida Gold Seal  
12 Vocational Scholars award if the student meets the general  
13 eligibility requirements for the Florida Bright Futures  
14 Scholarship Program and the student:

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

27 Section 56. Subsection (2) of section 1013.512,  
28 Florida Statutes, is amended to read:

29 1013.512 Land Acquisition and Facilities Advisory  
30 Board.--

31



1           (2) If the director of the Office of Program Policy  
2 Analysis and Government Accountability (OPPAGA) or the Auditor  
3 General determines in a review or examination that significant  
4 deficiencies exist in a school district's land acquisition and  
5 facilities operational processes, he or she shall certify to  
6 the President of the Senate, the Speaker of the House of  
7 Representatives, the Legislative Budget Commission, and the  
8 Governor that the deficiency exists. If recommended by the  
9 Governor, the Legislative Budget Commission shall approve or  
10 disapprove the placement of ~~determine whether funds for the~~  
11 school district funds will be placed in reserve until the  
12 deficiencies are corrected.

13           Section 57. Any undisbursed appropriations made from  
14 the Working Capital Fund, previously created in section  
15 215.32, Florida Statutes, are reappropriated from unallocated  
16 moneys in the General Revenue Fund; any appropriations made to  
17 the Working Capital Fund are reappropriated to the General  
18 Revenue Fund; and any references to the Working Capital Fund  
19 in SB 2600 or SB 2602, or similar legislation, shall be  
20 replaced with "the General Revenue Fund." It is the intent of  
21 the Legislature that the provisions of this section control in  
22 the event SB 2600 or SB 2602, or other similar legislation, is  
23 enacted subsequently during the 2005 Regular Session. This  
24 section expires July 1, 2006.

25           Section 58. Except as otherwise expressly provided in  
26 this act, this act shall take effect upon becoming a law.  
27  
28  
29  
30  
31