

By the Committee on Ways and Means; and Senator Atwater

576-2001-06

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

1 reports; amending s. 100.371, F.S.; specifying  
2 that the Financial Impact Estimating Conference  
3 is within the legislative branch of government  
4 and under the direction of the President of the  
5 Senate and the Speaker of the House of  
6 Representatives; revising provisions governing  
7 public meetings of the conference; amending s.  
8 216.011, F.S.; redefining the term  
9 "consultation" and defining the term  
10 "long-range financial outlook" for purposes of  
11 state fiscal affairs; creating s. 216.012,  
12 F.S.; providing requirements for the long-range  
13 financial outlook prepared by the Legislative  
14 Budget Commission; requiring state agencies to  
15 provide certain information; prescribing  
16 authority of the commission with respect to  
17 such information; specifying timeframes for the  
18 commission in completing the long-range  
19 financial outlook; amending s. 216.023, F.S.;  
20 clarifying certain requirements for legislative  
21 budget instructions; amending s. 216.065, F.S.;  
22 requiring that fiscal impact statements be  
23 provided to the Legislative Budget Commission  
24 in addition to the legislative appropriations  
25 committees; requiring that such statements  
26 contain information concerning subsequent  
27 fiscal years; amending s. 216.162, F.S.;  
28 revising the date for the Governor's  
29 recommended budget to be furnished to the  
30 Legislature; authorizing the presiding officers  
31 of the Legislature to approve submission of the

1 Governor's recommended budget at a later date  
2 than otherwise required; amending s. 216.178,  
3 F.S.; extending the deadline for production of  
4 the final budget; providing a contingent  
5 effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. Section 11.90, Florida Statutes, is amended  
10 to read:

11 11.90 Legislative Budget Commission.--

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

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

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

24 (3) The commission shall convene at the call of the  
25 President of the Senate and the Speaker of the House of  
26 Representatives at least quarterly. A majority of the  
27 commission members of each house plus one additional member  
28 from either house constitutes a quorum. The commission shall  
29 meet at least quarterly. A quorum shall consist of a majority  
30 of members from each house, plus one additional member from  
31

1 ~~either house.~~ Action by the commission requires a majority  
2 vote of the members present of each house.

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

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

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

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

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

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1 In addition to the powers and duties specified in this  
2 subsection, the commission shall exercise all other powers and  
3 perform any other duties prescribed by the Legislature.

4 (7) The commission shall review information resources  
5 management needs identified in agency long-range program plans  
6 for consistency with the State Annual Report on Enterprise  
7 Resource Planning and Management and statewide policies  
8 adopted by the State Technology Office. The commission shall  
9 also review proposed budget amendments associated with  
10 information technology that involve more than one agency, that  
11 have an outcome that impacts another agency, or that exceed  
12 \$500,000 in total cost over a 1-year period.

13 Section 2. Section 11.91, Florida Statutes, is created  
14 to read:

15 11.91 Government Efficiency Task Force.--

16 (1) There is created the Government Efficiency Task  
17 Force. The task force shall convene no later than January  
18 2007, and each 4th year thereafter. The task force shall be  
19 composed of 15 members. Five members shall be appointed by the  
20 President of the Senate, five members shall be appointed by  
21 the Speaker of the House of Representatives, and five members  
22 shall be appointed by the Governor. Members of the task force  
23 may include representatives from the private sector, as  
24 designated by the President of the Senate, the Speaker of the  
25 House of Representatives, and the Governor. Each member shall  
26 serve at the pleasure of the officer who appointed the member.  
27 A vacancy on the task force shall be filled in the same manner  
28 as the original appointment. The terms of the members shall be  
29 for 1 year.

30 (2) The task force shall elect a chair from among its  
31 members.

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

5           (4) Members of the task force are entitled to receive  
6 reimbursement for per diem and travel expenses pursuant to s.  
7 112.061.

8           (5) The task force shall develop recommendations for  
9 improving governmental operations and reducing costs. Staff to  
10 assist the task force in performing its duties shall be  
11 assigned by the President of the Senate, the Speaker of the  
12 House of Representatives, and the Governor. The task force  
13 shall consider reports issued by the Auditor General, the  
14 Office of Program Policy Analysis and Government  
15 Accountability, and agency inspectors general in developing  
16 its recommendations.

17           (6) The task force shall complete its work within 1  
18 year and submit its recommendations to the chairperson and  
19 vice chairperson of the Legislative Budget Commission, the  
20 Governor, and the Chief Justice of the Supreme Court. The task  
21 force may submit all or part of its recommendations at any  
22 time during the year, but a final report summarizing its  
23 recommendations must be submitted at the completion of its  
24 work.

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

27           29.0095 Budget expenditure reports.--

28           (4) The appropriations committees of the Senate and  
29 the House of Representatives ~~Legislative Budget Commission~~  
30 shall prescribe the format of the report required by this  
31

1 section in consultation with the Chief Justice and the Justice  
2 Administrative Commission.

3 Section 4. Subsection (5) of section 100.371, Florida  
4 Statutes, as amended by section 28 of chapter 2005-278, Laws  
5 of Florida, is amended to read:

6 100.371 Initiatives; procedure for placement on  
7 ballot.--

8 (5)(a) Within 45 days after receipt of a proposed  
9 revision or amendment to the State Constitution by initiative  
10 petition from the Secretary of State, the Financial Impact  
11 Estimating Conference shall complete an analysis and financial  
12 impact statement to be placed on the ballot of the estimated  
13 increase or decrease in any revenues or costs to state or  
14 local governments resulting from the proposed initiative. The  
15 Financial Impact Estimating Conference shall submit the  
16 financial impact statement to the Attorney General and  
17 Secretary of State.

18 (b)~~1-~~ The Financial Impact Estimating Conference shall  
19 provide an opportunity for any proponents or opponents of the  
20 initiative to submit information and may solicit information  
21 or analysis from any other entities or agencies, including the  
22 Office of Economic and Demographic Research.

23 (c) All meetings of the Financial Impact Estimating  
24 Conference shall be open to the public ~~as provided in chapter~~  
25 ~~286. The President of the Senate and the Speaker of the House~~  
26 of Representatives, jointly, shall be the sole judge for the  
27 interpretation, implementation, and enforcement of this  
28 subsection.

29 ~~1.2-~~ The Financial Impact Estimating Conference is  
30 established to review, analyze, and estimate the financial  
31 impact of amendments to or revisions of the State Constitution



1 | proposed by initiative. The Financial Impact Estimating  
2 | Conference shall consist of four principals: one person from  
3 | the Executive Office of the Governor; the coordinator of the  
4 | Office of Economic and Demographic Research, or his or her  
5 | designee; one person from the professional staff of the  
6 | Senate; and one person from the professional staff of the  
7 | House of Representatives. Each principal shall have  
8 | appropriate fiscal expertise in the subject matter of the  
9 | initiative. A Financial Impact Estimating Conference may be  
10 | appointed for each initiative.

11 |         ~~2.3-~~ Principals of the Financial Impact Estimating  
12 | Conference shall reach a consensus or majority concurrence on  
13 | a clear and unambiguous financial impact statement, no more  
14 | than 75 words in length, and immediately submit the statement  
15 | to the Attorney General. Nothing in this subsection prohibits  
16 | the Financial Impact Estimating Conference from setting forth  
17 | a range of potential impacts in the financial impact  
18 | statement. Any financial impact statement that a court finds  
19 | not to be in accordance with this section shall be remanded  
20 | solely to the Financial Impact Estimating Conference for  
21 | redrafting. The Financial Impact Estimating Conference shall  
22 | redraft the financial impact statement within 15 days.

23 |         ~~3.4-~~ If the members of the Financial Impact Estimating  
24 | Conference are unable to agree on the statement required by  
25 | this subsection, or if the Supreme Court has rejected the  
26 | initial submission by the Financial Impact Estimating  
27 | Conference and no redraft has been approved by the Supreme  
28 | Court by 5 p.m. on the 75th day before the election, the  
29 | following statement shall appear on the ballot pursuant to s.  
30 | 101.161(1): "The financial impact of this measure, if any,  
31 | cannot be reasonably determined at this time."

1           ~~(d)~~(e) The financial impact statement must be  
2 separately contained and be set forth after the ballot summary  
3 as required in s. 101.161(1).

4           ~~(e)~~(d)1. Any financial impact statement that the  
5 Supreme Court finds not to be in accordance with this  
6 subsection shall be remanded solely to the Financial Impact  
7 Estimating Conference for redrafting, provided the court's  
8 advisory opinion is rendered at least 75 days before the  
9 election at which the question of ratifying the amendment will  
10 be presented. The Financial Impact Estimating Conference shall  
11 prepare and adopt a revised financial impact statement no  
12 later than 5 p.m. on the 15th day after the date of the  
13 court's opinion.

14           2. If, by 5 p.m. on the 75th day before the election,  
15 the Supreme Court has not issued an advisory opinion on the  
16 initial financial impact statement prepared by the Financial  
17 Impact Estimating Conference for an initiative amendment that  
18 otherwise meets the legal requirements for ballot placement,  
19 the financial impact statement shall be deemed approved for  
20 placement on the ballot.

21           3. In addition to the financial impact statement  
22 required by this subsection, the Financial Impact Estimating  
23 Conference shall draft an initiative financial information  
24 statement. The initiative financial information statement  
25 should describe in greater detail than the financial impact  
26 statement any projected increase or decrease in revenues or  
27 costs that the state or local governments would likely  
28 experience if the ballot measure were approved. If  
29 appropriate, the initiative financial information statement  
30 may include both estimated dollar amounts and a description  
31 placing the estimated dollar amounts into context. The

1 initiative financial information statement must include both a  
2 summary of not more than 500 words and additional detailed  
3 information that includes the assumptions that were made to  
4 develop the financial impacts, workpapers, and any other  
5 information deemed relevant by the Financial Impact Estimating  
6 Conference.

7           4. The Department of State shall have printed, and  
8 shall furnish to each supervisor of elections, a copy of the  
9 summary from the initiative financial information statements.  
10 The supervisors shall have the summary from the initiative  
11 financial information statements available at each polling  
12 place and at the main office of the supervisor of elections  
13 upon request.

14           5. The Secretary of State and the Office of Economic  
15 and Demographic Research shall make available on the Internet  
16 each initiative financial information statement in its  
17 entirety. In addition, each supervisor of elections whose  
18 office has a website shall post the summary from each  
19 initiative financial information statement on the website.  
20 Each supervisor shall include the Internet addresses for the  
21 information statements on the Secretary of State's and the  
22 Office of Economic and Demographic Research's websites in the  
23 publication or mailing required by s. 101.20.

24           Section 5. Paragraph (h) of subsection (1) of section  
25 216.011, Florida Statutes, is amended, and paragraph (tt) is  
26 added to that subsection, to read:

27           216.011 Definitions.--

28           (1) For the purpose of fiscal affairs of the state,  
29 appropriations acts, legislative budgets, and approved  
30 budgets, each of the following terms has the meaning  
31 indicated:

1           (h) "Consultation" means communication to allow  
2 government officials and agencies to deliberate and to seek  
3 and provide advice in an open and forthright manner ~~with the~~  
4 ~~full committee, a subcommittee thereof, the chair, or the~~  
5 ~~staff as deemed appropriate by the chair of the respective~~  
6 ~~appropriations committee.~~

7           (tt) "Long-range financial outlook" means a document  
8 issued by the Legislative Budget Commission based on a 3-year  
9 forecast of revenues and expenditures.

10           Section 6. Section 216.012, Florida Statutes, is  
11 created to read:

12           216.012 Long-range financial outlook.--

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

15           (2) Each state agency shall provide information to the  
16 commission, based on the commission's direction, which  
17 supports the commission's development and updates of the  
18 long-range financial outlook. The commission has the authority  
19 to accept, modify, or direct the agency to modify any  
20 information received from an agency.

21           (3) By September 15 of each year, the commission shall  
22 complete the long-range financial outlook. The commission may  
23 subsequently provide any additions or adjustments to the  
24 outlook based on information not previously available.

25           Section 7. Subsection (12) of section 216.023, Florida  
26 Statutes, is amended to read:

27           216.023 Legislative budget requests to be furnished to  
28 Legislature by agencies.--

29           (12) In order to ensure an integrated state planning  
30 and budgeting process, the agency long-range plan should be  
31 reviewed by the Legislature. The legislative budget request

1 instructions must provide for consistency between the agency's  
2 long-range plan and the agency's legislative budget request.

3 Section 8. Section 216.065, Florida Statutes, is  
4 amended to read:

5 216.065 Fiscal impact statements on actions affecting  
6 the budget.--In addition to the applicable requirements of  
7 chapter 120, before the Governor, or Governor and Cabinet as a  
8 body, performing any constitutional or statutory duty, or  
9 before any state agency or statutorily authorized entity takes  
10 any final action that will affect revenues, require a request  
11 for an increased or new appropriation in the following 3  
12 fiscal years ~~year~~, or transfer current year funds, it shall  
13 first provide the joint Legislative Budget Commission and the  
14 legislative appropriations committees with a fiscal impact  
15 statement that details the effects of such action on the  
16 budget. The fiscal impact statement must specify the estimated  
17 budget and revenue impacts for the current year and the 2  
18 subsequent fiscal years at the same level of detail required  
19 to support a legislative budget request, including amounts by  
20 appropriation category and fund.

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

23 216.162 Governor's recommended budget to be furnished  
24 Legislature; copies to members.--

25 (1) At least 30 days before the scheduled annual  
26 legislative session, or at a later date if requested by the  
27 Governor and approved in writing by the President of the  
28 Senate and the Speaker of the House of Representatives, the  
29 Governor shall furnish each senator and representative a copy  
30 of his or her recommended balanced budget for the state, based  
31 on the Governor's own conclusions and judgment; ~~however, in~~

1 ~~his or her first year in office a new Governor may request,~~  
2 ~~subject to approval of the President of the Senate and the~~  
3 ~~Speaker of the House of Representatives, that his or her~~  
4 ~~recommended balanced budget be submitted at a later time prior~~  
5 ~~to the Governor's first regular legislative session.~~

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

8 216.178 General Appropriations Act; format;  
9 procedure.--

10 (2) The Office of Planning and Budgeting shall develop  
11 a final budget report that reflects the net appropriations for  
12 each budget item. The report shall reflect actual  
13 expenditures for each of the 2 preceding fiscal years and the  
14 estimated expenditures for the current fiscal year. In  
15 addition, the report must contain the actual revenues and cash  
16 balances for the preceding 2 fiscal years and the estimated  
17 revenues and cash balances for the current fiscal year. The  
18 report may also contain expenditure data, program objectives,  
19 and program measures for each state agency program. The report  
20 must be produced by the 120th day of October ~~15~~ each fiscal  
21 year. A copy of the report must be made available to each  
22 member of the Legislature, to the head of each state agency,  
23 to the Auditor General, to the director of the Office of  
24 Program Policy Analysis and Government Accountability, and to  
25 the public.

26 Section 11. This act shall take effect upon the  
27 effective date of the amendment to the State Constitution  
28 contained in Senate Joint Resolution No. 2144, or a similar  
29 constitutional amendment, relating to the state budgeting,  
30 planning, and appropriations processes.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1716

The Committee Substitute makes a technical correction to  
publish the appropriate statute in effect on the effective  
date of the bill.