

Bill No. CS for SB 2548

Barcode 642662

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| | CHAMBER ACTION | |
| <u>Senate</u> | | <u>House</u> |

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Senator Carlton moved the following amendment:

Senate Amendment (with title amendment)

On page 19, line 12, through
page 20, line 2, delete those lines

and insert:

Section 10. Effective upon this act becoming a law,
paragraphs (bb) and (ss) of subsection (1) of section 216.011,
Florida Statutes, are amended, and paragraphs (tt) and (uu)
are added to that subsection, to read:

216.011 Definitions.--

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

(bb) "Operating capital outlay" means the
appropriation category used to fund equipment, fixtures, and
other tangible personal property of a nonconsumable and
nonexpendable nature under s. 273.025, ~~according to the value
or cost specified in s. 273.02.~~

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1 (ss) "Qualified expenditure category" means the
 2 appropriations category used to fund specific activities and
 3 projects which must be transferred to one or more
 4 appropriation categories for expenditure upon recommendation
 5 by the Governor or Chief Justice, as appropriate, and subject
 6 to approval by the Legislative Budget Commission. The
 7 Legislature by law may provide that a specific portion of the
 8 funds appropriated in this category be transferred to one or
 9 more appropriation categories without approval by the
 10 commission and may provide that requirements or contingencies
 11 be satisfied prior to the transfer.

12 (tt) "Incurred obligation" means a legal obligation
 13 for goods or services that have been contracted for, referred
 14 to as an encumbrance in the state's financial system, or
 15 received or incurred by the state and referred to as a payable
 16 in the state's financial system.

17 (uu) "Salary rate reserve" means the withholding of a
 18 portion of the annual salary rate for a specific purpose.

19 Section 11. Paragraph (o) is added to subsection (8)
 20 of section 215.97, Florida Statutes, to read:

21 215.97 Florida Single Audit Act.--

22 (8) Each recipient or subrecipient of state financial
 23 assistance shall comply with the following:

24 (o) A contract involving the State University System
 25 or the Florida Community College System funded by state
 26 financial assistance may be in the form of:

27 1. A fixed-price contract that entitles the provider
 28 to receive full compensation for the fixed contract amount
 29 upon completion of all contract deliverables;

30 2. A fixed-rate-per-unit contract that entitles the
 31 provider to receive compensation for each contract deliverable

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1 provided;

2 3. A cost-reimbursable contract that entitles the
3 provider to receive compensation for actual allowable costs
4 incurred in performing contract deliverables; or

5 4. A combination of the contract forms described in
6 subparagraphs 1., 2., and 3.

7 Section 12. Section 216.346, Florida Statutes, as
8 amended by section 7 of chapter 2005-358, Laws of Florida, is
9 repealed.

10 Section 13. Subsection (4) of section 215.559, Florida
11 Statutes, is amended to read:

12 215.559 Hurricane Loss Mitigation Program.--

13 (4) Forty percent of the total appropriation in
14 paragraph (2)(a) shall be used to inspect and improve
15 tie-downs for mobile homes. Within 30 days after the effective
16 date of that appropriation, the department shall contract with
17 a public higher educational institution in this state which
18 has previous experience in administering the programs set
19 forth in this subsection to serve as the administrative entity
20 and fiscal agent ~~pursuant to s. 216.346~~ for the purpose of
21 administering the programs set forth in this subsection in
22 accordance with established policy and procedures. The
23 administrative entity working with the advisory council set up
24 under subsection (6) shall develop a list of mobile home parks
25 and counties that may be eligible to participate in the
26 tie-down program.

27 Section 14. Subsection (5) of section 331.368, Florida
28 Statutes, is amended to read:

29 331.368 Florida Space Research Institute.--

30 ~~(5) For the purposes of contracts and grants, s.~~
31 ~~216.346 shall apply to the institute's programs with state~~

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1 ~~universities and community colleges.~~

2 Section 15. Paragraph (c) of subsection (2) of section
3 443.1316, Florida Statutes, is amended to read:

4 443.1316 Unemployment tax collection services;
5 interagency agreement.--

6 (2)

7 (c) ~~Notwithstanding s. 216.346,~~ The Department of
8 Revenue may charge no more than 10 percent of the total cost
9 of the interagency agreement for the overhead or indirect
10 costs, or for any other costs not required for the payment of
11 the direct costs, of providing unemployment tax collection
12 services.

13 Section 16. Paragraph (c) of subsection (9) of section
14 1002.32, Florida Statutes, is amended to read:

15 1002.32 Developmental research (laboratory) schools.--

16 (9) FUNDING.--Funding for a lab school, including a
17 charter lab school, shall be provided as follows:

18 (c) All operating funds provided under this section
19 shall be deposited in a Lab School Trust Fund and shall be
20 expended for the purposes of this section. The university
21 assigned a lab school shall be the fiscal agent for these
22 funds, and all rules of the university governing the budgeting
23 and expenditure of state funds shall apply to these funds
24 unless otherwise provided by law or rule of the State Board of
25 Education. The university board of trustees shall be the
26 public employer of lab school personnel for collective
27 bargaining purposes for lab schools in operation prior to the
28 2002-2003 fiscal year. Employees of charter lab schools
29 authorized prior to June 1, 2003, but not in operation prior
30 to the 2002-2003 fiscal year shall be employees of the entity
31 holding the charter and must comply with the provisions of s.

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1 ~~1002.33(12). Lab schools are not subject to the payment of~~
2 ~~overhead or indirect costs as described in s. 216.346.~~

3 Section 17. Section 255.258, Florida Statutes, is
4 repealed.

5 Section 18. Subsection (5) is added to section
6 287.063, Florida Statutes, to read:

7 287.063 Deferred-payment commodity contracts; preaudit
8 review.--

9 (5) For purposes of this section, any such deferred
10 payment commodity contract must be supported from available
11 recurring funds appropriated to the agency in an appropriation
12 category, other than the expense appropriation category as
13 defined in chapter 216, that the Chief Financial Officer has
14 determined is appropriate or that the Legislature has
15 designated for payment of the obligation incurred under this
16 section.

17 Section 19. Subsection (11) is added to section
18 287.064, Florida Statutes, to read:

19 287.064 Consolidated financing of deferred-payment
20 purchases.--

21 (11) For purposes of consolidated financing of
22 deferred payment commodity contracts under this section by a
23 state agency, any such contract must be supported from
24 available recurring funds appropriated to the agency in an
25 appropriation category, other than the expense appropriation
26 category as defined in chapter 216, that the Chief Financial
27 Officer has determined is appropriate or that the Legislature
28 has designated for payment of the obligation incurred under
29 this section.

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31 (Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3 On page 2, lines 19-22, delete those lines

4

5 and insert:

6 the definition of "operating capital outlay"

7 and "qualified expenditure category"; defining

8 the terms "incurred obligation" and "salary

9 rate reserve" for purposes of state fiscal

10 affairs, appropriations, and budgets; amending

11 s. 215.97, F.S.; prescribing forms of payment

12 that may be included in certain contracts

13 involving the State University System or the

14 Florida Community College System; repealing s.

15 216.346, F.S., relating to contracts between

16 state agencies; amending ss. 215.559, 331.368,

17 443.1316, 1002.32, F.S., to conform to the

18 repeal of s. 216.346, F.S.; repealing s.

19 255.258, F.S., relating to shared savings

20 financing of energy conservation in state-owned

21 buildings; amending ss. 287.063, 287.064, F.S.;

22 revising requirements for consolidated

23 financing of deferred payment commodity

24 contracts;

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