

1
2 An act relating to state financial matters;
3 amending s. 11.243, F.S.; providing for the
4 moneys collected from the sale of the Florida
5 Statutes or other publications to be deposited
6 in a specified trust fund; amending s. 11.513,
7 F.S.; requiring the Chief Justice of the
8 Supreme Court to develop program monitoring
9 plans; requiring that additional data be
10 included in the plans for monitoring major
11 programs of state agencies and the judicial
12 branch and in the reviews of those programs;
13 providing for the Office of Program Policy
14 Analysis and Government Accountability to
15 review agency and judicial branch performance
16 standards and report to the Governor, the
17 Legislature, and the Legislative Budget
18 Commission; amending s. 17.57, F.S.; expanding
19 the investment authority of the state treasury;
20 amending s. 11.151, F.S.; revising the annual
21 appropriation to a certain legislative
22 contingency fund; amending s. 20.435, F.S.;
23 revising a provision relating to certain
24 undisbursed balances of appropriations from the
25 Biomedical Research Trust Fund; amending s.
26 29.008, F.S.; requiring that the Department of
27 Financial Services review county expenditure
28 reports in order to determine if county
29 expenditures have increased by a specified
30 percentage for certain court-related functions;
31 requiring that the department notify the

1 | Legislature and the respective county if a
2 | county fails to meet its funding obligations;
3 | providing for the Department of Revenue to
4 | withhold revenue-sharing receipts under certain
5 | circumstances upon the direction of the
6 | Legislature; providing that a county has met
7 | its funding obligations in certain
8 | circumstances; providing for retroactive
9 | application; amending s. 29.0085, F.S.;
10 | revising the due date of an annual statement of
11 | county revenues and expenditures; amending s.
12 | 215.18, F.S.; requiring that the Governor
13 | provide prior notice of transfers between
14 | certain funds; amending s. 215.3206, F.S.;
15 | replacing references to a 6-digit fund code in
16 | the Florida Accounting Information Resource
17 | Subsystem with a classification scheme
18 | consistent with the Department of Financial
19 | Services' financial systems; amending s.
20 | 215.3208, F.S.; revising references to conform;
21 | amending s. 215.35, F.S.; revising a provision
22 | relating to the numbering of warrants issued by
23 | the Chief Financial Officer; amending s.
24 | 215.422, F.S.; replacing a reference to certain
25 | vouchers with the terms "invoice" or
26 | "invoices"; clarifying that agencies or the
27 | judicial branch must record and approve certain
28 | invoices by a specified date; revising
29 | provisions relating to the Department of
30 | Financial Services' approval of payment of
31 | certain invoices; providing that a vendor who

1 does not submit the appropriate federal
2 taxpayer identification documentation to the
3 department will be deemed an error on the part
4 of the vendor; revising references to conform;
5 amending s. 215.97, F.S.; removing a reference
6 to the appropriations act in a provision
7 relating to the purposes of the Florida Single
8 Audit Act; amending s. 216.011, F.S.; revising
9 the definition of "operating capital outlay"
10 and "qualified expenditure category"; defining
11 the terms "incurred obligation" and "salary
12 rate reserve" for purposes of state fiscal
13 affairs, appropriations, and budgets; amending
14 s. 215.97, F.S.; prescribing forms of payment
15 that may be included in certain contracts
16 involving the State University System or the
17 Florida Community College System; repealing s.
18 216.346, F.S., relating to contracts between
19 state agencies; amending ss. 215.559, 331.368,
20 443.1316, 1002.32, F.S., to conform to the
21 repeal of s. 216.346, F.S.; repealing s.
22 255.258, F.S., relating to shared savings
23 financing of energy conservation in state-owned
24 buildings; amending ss. 287.063, 287.064, F.S.;
25 revising requirements for consolidated
26 financing of deferred payment commodity
27 contracts; amending s. 216.013, F.S.; revising
28 requirements for information regarding
29 performance measures to be included in the
30 long-range program plans of state agencies and
31 the judicial branch; revising a provision

1 relating to making adjustments to long-range
2 program plans; amending s. 216.023, F.S.;
3 revising certain requirements for legislative
4 budget requests; deleting a provision requiring
5 agencies to maintain a certain performance
6 accountability system and provide a list of
7 performance measures; deleting a provision
8 relating to adjustments to executive agency
9 performance standards; deleting a provision
10 relating to adjustments to judicial branch
11 performance standards; amending s. 216.134,
12 F.S.; providing for the responsibility of
13 presiding over sessions of consensus estimating
14 conferences; providing for the Governor, the
15 coordinator of the Office of Economic and
16 Demographic Research, the President of the
17 Senate, and the Speaker of the House of
18 Representatives to designate principals;
19 amending s. 216.136, F.S.; deleting provisions
20 providing for the appointment of principals of
21 consensus estimating conferences; revising the
22 duties of certain agencies relating to the
23 Criminal Justice Estimating Conference, the
24 Social Services Estimating Conference, and the
25 Workforce Estimating Conference; amending s.
26 216.177, F.S.; clarifying the circumstances
27 under which the Executive Office of the
28 Governor and the Chief Justice of the Supreme
29 Court are required to provide notice to the
30 chair and vice chair of the Legislative Budget
31 Commission; amending s. 216.181, F.S.;

1 providing that amendments to certain approved
2 operating budgets are subject to objection
3 procedures; requiring that state agencies
4 submit to the chair and vice chair of the
5 Legislative Budget Commission a plan for
6 allocating any lump-sum appropriation in a
7 budget amendment; creating s. 216.1811, F.S.;
8 providing requirements for the Governor and the
9 Chief Financial Officer relating to certain
10 approved operating budgets for the legislative
11 branch and appropriations made to the
12 legislative branch; amending s. 216.1815, F.S.;
13 revising certain requirements for the
14 performance standards included in an amended
15 operating budget plan and request submitted to
16 the Legislative Budget Commission; creating s.
17 216.1827, F.S.; requiring that each state
18 agency and the judicial branch maintain a
19 performance accountability system; requiring
20 agencies and the judicial branch to submit
21 specified information to the Executive Office
22 of the Governor and the Legislature or the
23 Office of Program Policy Analysis and
24 Government Accountability for review; providing
25 guidelines for requests to delete or amend
26 existing approved performance measures and
27 standards; specifying authority of the
28 Legislature relating to agency and judicial
29 branch performance measures and standards;
30 amending s. 216.251, F.S.; prohibiting an
31 agency from providing salary increases or pay

1 additives for certain positions without
2 legislative authorization; amending s. 216.292,
3 F.S.; providing that certain transfers between
4 budget entities are subject to objection
5 procedures; clarifying provisions authorizing
6 certain transfers of appropriations from trust
7 funds; providing that requirements of specified
8 provisions relating to appropriations being
9 nontransferable do not apply to legislative
10 branch budgets; amending s. 216.301, F.S.;
11 revising the requirements for undisbursed
12 balances of appropriations; revising a
13 procedure for identifying and paying incurred
14 obligations; clarifying requirements governing
15 unexpended balances of appropriations; removing
16 a provision relating to notification to retain
17 certain balances from legislative budget
18 entities; amending s. 252.37, F.S.; providing
19 that a transfer of moneys with a budget
20 amendment following a state of emergency is
21 subject to approval by the Legislative Budget
22 Commission; amending s. 273.02, F.S.; revising
23 a definition; requiring the Chief Financial
24 Officer to establish certain requirements by
25 rule relating to the recording and inventory of
26 certain state-owned property; creating s.
27 273.025, F.S.; requiring the Chief Financial
28 Officer to establish by rule certain
29 requirements relating to the capitalization of
30 certain property; amending s. 273.055, F.S.;
31 revising responsibility for rules relating to

1 maintaining records as to disposition of
2 state-owned tangible personal property;
3 revising a provision relating to use of moneys
4 received from the disposition of state-owned
5 tangible personal property; amending s. 274.02,
6 F.S.; revising a definition; requiring the
7 Chief Financial Officer to establish by rule
8 requirements relating to the recording and
9 inventory of certain property owned by local
10 governments; amending s. 338.2216, F.S.;
11 revising requirements relating to unexpended
12 funds appropriated or provided for the Florida
13 Turnpike Enterprise; amending s. 1011.57, F.S.;
14 revising requirements relating to unexpended
15 funds appropriated to the Florida School for
16 the Deaf and the Blind; repealing s. 215.29,
17 F.S., relating to the classification of Chief
18 Financial Officer's warrants; providing
19 effective dates.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Subsection (3) of section 11.243, Florida
24 Statutes, is amended to read:

25 11.243 Publishing Florida Statutes; price, sale.--

26 (3) All moneys collected from the sale of the Florida
27 Statutes or other publications shall be deposited in the
28 Grants and Donations Trust Fund within the Legislature State
29 ~~Treasury and credited to the appropriation for legislative~~
30 ~~expense.~~
31

1 Section 2. Subsections (2) and (3) of section 11.513,
2 Florida Statutes, are amended, present subsections (5) and (6)
3 of that section are renumbered as subsections (6) and (7),
4 respectively, and a new subsection (5) is added to that
5 section, to read:

6 11.513 Program evaluation and justification review.--

7 (2) A state agency's inspector general, internal
8 auditor, or other person designated by the agency head or the
9 Chief Justice of the Supreme Court shall develop, in
10 consultation with the Office of Program Policy Analysis and
11 Government Accountability, a plan for monitoring and reviewing
12 the state agency's or the judicial branch's major programs to
13 ensure that performance measures and standards, as well as
14 baseline and previous-year performance data, are maintained
15 and supported by agency records.

16 (3) The program evaluation and justification review
17 shall be conducted on major programs, but may include other
18 programs. The review shall be comprehensive in its scope but,
19 at a minimum, must be conducted in such a manner as to
20 specifically determine the following, and to consider and
21 determine what changes, if any, are needed with respect
22 thereto:

23 (a) The identifiable cost of each program.

24 (b) The specific purpose of each program, as well as
25 the specific public benefit derived therefrom.

26 (c) Progress toward achieving the outputs and outcomes
27 associated with each program.

28 (d) An explanation of circumstances contributing to
29 the state agency's ability to achieve, not achieve, or exceed
30 its projected outputs and outcomes, as defined in s. 216.011,
31 associated with each program.

1 (e) Alternate courses of action that would result in
2 administration of the same program in a more efficient or
3 effective manner. The courses of action to be considered must
4 include, but are not limited to:

5 1. Whether the program could be organized in a more
6 efficient and effective manner, whether the program's mission,
7 goals, or objectives should be redefined, or, when the state
8 agency cannot demonstrate that its efforts have had a positive
9 effect, whether the program should be reduced in size or
10 eliminated.

11 2. Whether the program could be administered more
12 efficiently or effectively to avoid duplication of activities
13 and ensure that activities are adequately coordinated.

14 3. Whether the program could be performed more
15 efficiently or more effectively by another unit of government
16 or a private entity, or whether a program performed by a
17 private entity could be performed more efficiently and
18 effectively by a state agency.

19 4. When compared to costs, whether effectiveness
20 warrants elimination of the program or, if the program serves
21 a limited interest, whether it should be redesigned to require
22 users to finance program costs.

23 5. Whether the cost to administer the program exceeds
24 license and other fee revenues paid by those being regulated.

25 6. Whether other changes could improve the efficiency
26 and effectiveness of the program.

27 (f) The consequences of discontinuing such program. If
28 any discontinuation is recommended, such recommendation must
29 be accompanied by a description of alternatives to implement
30 such recommendation, including an implementation schedule for
31

1 discontinuation and recommended procedures for assisting state
2 agency employees affected by the discontinuation.

3 (g) Determination as to public policy, which may
4 include recommendations as to whether it would be sound public
5 policy to continue or discontinue funding the program, either
6 in whole or in part, in the existing manner.

7 (h) Whether current performance measures and standards
8 should be reviewed or amended to assist agencies' and the
9 judicial branch's efforts in achieving outputs and outcome
10 measures.

11 (i)(h) Whether the information reported as part of the
12 state's performance-based program budgeting system has
13 relevance and utility for the evaluation of each program.

14 (j)(i) Whether state agency management has established
15 control systems sufficient to ensure that performance data are
16 maintained and supported by state agency records and
17 accurately presented in state agency performance reports.

18 (5) The Office of Program Policy Analysis and
19 Government Accountability may perform evaluation and
20 justification reviews when necessary and as directed by the
21 Legislature in order to determine whether current agency and
22 judicial branch performance measures and standards are
23 adequate. Reports concerning the evaluation and review of
24 agency and judicial branch performance measures and standards
25 shall be submitted to the Executive Office of the Governor,
26 the President of the Senate, and the Speaker of the House of
27 Representatives, and the chair and vice chair of the
28 Legislative Budget Commission. Reports concerning the
29 evaluation and review of the judicial branch performance
30 measures and standards shall be submitted to the Chief Justice
31 of the Supreme Court.

1 Section 3. Subsection (2) of section 17.57, Florida
2 Statutes, is amended to read:

3 17.57 Deposits and investments of state money.--

4 (2) The Chief Financial Officer shall make funds
5 available to meet the disbursement needs of the state. Funds
6 which are not needed for this purpose shall be placed in
7 qualified public depositories that will pay rates established
8 by the Chief Financial Officer at levels not less than the
9 prevailing rate for United States Treasury securities with a
10 corresponding maturity. In the event money is available for
11 interest-bearing time deposits or savings accounts as provided
12 herein and qualified public depositories are unwilling to
13 accept such money and pay thereon the rates established above,
14 then such money which qualified public depositories are
15 unwilling to accept shall be invested in:

16 (a) Direct United States Treasury obligations.

17 (b) Obligations of the Federal Farm Credit Banks.

18 (c) Obligations of the Federal Home Loan Bank and its
19 district banks.

20 (d) Obligations of the Federal Home Loan Mortgage
21 Corporation, including participation certificates.

22 (e) Obligations guaranteed by the Government National
23 Mortgage Association.

24 (f) Obligations of the Federal National Mortgage
25 Association.

26 (g) Commercial paper of prime quality of the highest
27 letter and numerical rating as provided for by at least one
28 nationally recognized rating service.

29 (h) Time drafts or bills of exchange drawn on and
30 accepted by a commercial bank, otherwise known as "bankers
31 acceptances," which are accepted by a member bank of the

1 Federal Reserve System having total deposits of not less than
2 \$400 million or which are accepted by a commercial bank which
3 is not a member of the Federal Reserve System with deposits of
4 not less than \$400 million and which is licensed by a state
5 government or the Federal Government, and whose senior debt
6 issues are rated in one of the two highest rating categories
7 by a nationally recognized rating service and which are held
8 in custody by a domestic bank which is a member of the Federal
9 Reserve System.

10 (i) Corporate obligations or corporate master notes of
11 any corporation within the United States, if the long-term
12 obligations of such corporation are rated by at least two
13 nationally recognized rating services in any one of the four
14 highest classifications. However, if such obligations are
15 rated by only one nationally recognized rating service, then
16 the obligations shall be rated in any one of the two highest
17 classifications.

18 (j) Obligations of the Student Loan Marketing
19 Association.

20 (k) Obligations of the Resolution Funding Corporation.

21 (l) ~~Asset-backed or~~ Mortgage-backed securities of the
22 highest credit quality.

23 (m) Asset-backed securities rated by at least two
24 nationally recognized rating services in any one of the three
25 highest classifications. However, if such obligations are
26 rated by only one nationally recognized rating service, the
27 obligations must be rated in any one of the two highest
28 classifications.

29 (n)~~(m)~~ Any obligations not previously listed which are
30 guaranteed as to principal and interest by the full faith and
31 credit of the United States Government or are obligations of

1 United States agencies or instrumentalities which are rated in
2 the highest category by a nationally recognized rating
3 service.

4 (o)~~(n)~~ Commingled no-load investment funds or no-load
5 mutual funds in which all securities held by the funds are
6 authorized in this subsection.

7 (p)~~(o)~~ Money market mutual funds as defined and
8 regulated by the Securities and Exchange Commission.

9 (q)~~(p)~~ Obligations of state and local governments
10 rated in any of the four highest classifications by at least
11 two nationally recognized rating services. However, if such
12 obligations are rated by only one nationally recognized rating
13 service, then the obligations shall be rated in any one of the
14 two highest classifications.

15 ~~(q) Derivatives of investment instruments authorized~~
16 ~~in paragraphs (a) (m).~~

17 (r) Covered put and call options on investment
18 instruments authorized in this subsection for the purpose of
19 hedging transactions by investment managers to mitigate risk
20 or to facilitate portfolio management.

21 (s) Negotiable certificates of deposit issued by
22 financial institutions whose long-term debt is rated in one of
23 the three highest categories by at least two nationally
24 recognized rating services, the investment in which shall not
25 be prohibited by any provision of chapter 280.

26 (t) Foreign bonds denominated in United States dollars
27 and registered with the Securities and Exchange Commission for
28 sale in the United States, if the long-term obligations of
29 such issuers are rated by at least two nationally recognized
30 rating services in any one of the four highest
31 classifications. However, if such obligations are rated by

1 only one nationally recognized rating service, the obligations
2 shall be rated in any one of the two highest classifications.

3 (u) Convertible debt obligations of any corporation
4 domiciled within the United States, if the convertible debt
5 issue is rated by at least two nationally recognized rating
6 services in any one of the four highest classifications.
7 However, if such obligations are rated by only one nationally
8 recognized rating service, then the obligations shall be rated
9 in any one of the two highest classifications.

10 (v) Securities not otherwise described in this
11 subsection. However, not more than 3 percent of the funds
12 under the control of the Chief Financial Officer shall be
13 invested in securities described in this paragraph.

14 (w) Derivatives of investment instruments authorized
15 in paragraphs (a)-(v).

16 (x) Futures and options on futures, provided the
17 instruments for such purpose are traded on a securities
18 exchange or board of trade regulated by the Securities and
19 Exchange Commission or the Commodity Futures Trading
20 Commission.

21
22 These investments may be in varying maturities and may be in
23 book-entry form. Investments made pursuant to this subsection
24 may be under repurchase agreement or reverse repurchase
25 agreement. The Chief Financial Officer may hire registered
26 investment advisers and other consultants to assist in
27 investment management and to pay fees directly from investment
28 earnings. Investment securities, proprietary investment
29 services related to contracts, performance evaluation
30 services, investment-related equipment or software used
31 directly to assist investment trading or investment accounting

1 operations including bond calculators, telerates, Bloomborgs,
2 special program calculators, intercom systems, and software
3 used in accounting, communications, and trading, and advisory
4 and consulting contracts made under this section are exempt
5 from the provisions of chapter 287.

6 Section 4. Subsection (1) of section 11.151, Florida
7 Statutes, is amended to read:

8 11.151 Annual legislative appropriation to contingency
9 fund for use of Senate President and House Speaker.--

10 (1) There is established a legislative contingency
11 fund consisting of ~~\$20,000~~\$10,000 for the President of the
12 Senate and ~~\$20,000~~\$10,000 for the Speaker of the House of
13 Representatives, which amounts shall be set aside annually
14 from moneys appropriated for legislative expense. These funds
15 shall be disbursed by the Chief Financial Officer upon receipt
16 of vouchers authorized by the President of the Senate or the
17 Speaker of the House of Representatives. Such funds may be
18 expended at the unrestricted discretion of the President of
19 the Senate or the Speaker of the House of Representatives in
20 carrying out their official duties during the entire period
21 between the date of their election as such officers at the
22 organizational meeting held pursuant to s. 3(a), Art. III of
23 the State Constitution and the next general election.

24 Section 5. Paragraph (h) of subsection (1) of section
25 20.435, Florida Statutes, is amended to read:

26 20.435 Department of Health; trust funds.--

27 (1) The following trust funds are hereby created, to
28 be administered by the Department of Health:

29 (h) Biomedical Research Trust Fund.

30 1. Funds to be credited to the trust fund shall
31 consist of funds deposited pursuant to s. 215.5601. Funds

1 shall be used for the purposes of the James and Esther King
2 Biomedical Research Program as specified in ss. 215.5602 and
3 288.955. The trust fund is exempt from the service charges
4 imposed by s. 215.20.

5 2. Notwithstanding the provisions of s. 216.301 and
6 pursuant to s. 216.351, any balance in the trust fund at the
7 end of any fiscal year shall remain in the trust fund at the
8 end of the year and shall be available for carrying out the
9 purposes of the trust fund. The department may invest these
10 funds independently through the Chief Financial Officer or may
11 negotiate a trust agreement with the State Board of
12 Administration for the investment management of any balance in
13 the trust fund.

14 3. Notwithstanding s. 216.301 and pursuant to s.
15 216.351, any balance of any appropriation from the Biomedical
16 Research Trust Fund which is not disbursed but which is
17 obligated pursuant to contract or committed to be expended may
18 be carried forward ~~certified by the Governor~~ for up to 3 years
19 following the effective date of the original appropriation.

20 4. The trust fund shall, unless terminated sooner, be
21 terminated on July 1, 2008.

22 Section 6. Section 29.008, Florida Statutes, is
23 amended to read:

24 29.008 County funding of court-related functions.--

25 (1) Counties are required by s. 14, Art. V of the
26 State Constitution to fund the cost of communications
27 services, existing radio systems, existing multiagency
28 criminal justice information systems, and the cost of
29 construction or lease, maintenance, utilities, and security of
30 facilities for the circuit and county courts, public
31 defenders' offices, state attorneys' offices, guardian ad

1 litem offices, and the offices of the clerks of the circuit
2 and county courts performing court-related functions. For
3 purposes of this section, the term "circuit and county courts"
4 shall include the offices and staffing of the guardian ad
5 litem programs. The county designated under s. 35.05(1) as the
6 headquarters for each appellate district shall fund these
7 costs for the appellate division of the public defender's
8 office in that county. For purposes of implementing these
9 requirements, the term:

10 (a) "Facility" means reasonable and necessary
11 buildings and office space and appurtenant equipment and
12 furnishings, structures, real estate, easements, and related
13 interests in real estate, including, but not limited to, those
14 for the purpose of housing legal materials for use by the
15 general public and personnel, equipment, or functions of the
16 circuit or county courts, public defenders' offices, state
17 attorneys' offices, and court-related functions of the office
18 of the clerks of the circuit and county courts and all
19 storage. The term "facility" includes all wiring necessary for
20 court reporting services. The term also includes access to
21 parking for such facilities in connection with such
22 court-related functions that may be available free or from a
23 private provider or a local government for a fee. The office
24 space provided by a county may not be less than the standards
25 for space allotment adopted by the Department of Management
26 Services, except this requirement applies only to facilities
27 that are leased, or on which construction commences, after
28 June 30, 2003. County funding must include physical
29 modifications and improvements to all facilities as are
30 required for compliance with the Americans with Disabilities
31 Act. Upon mutual agreement of a county and the affected entity

1 in this paragraph, the office space provided by the county may
2 vary from the standards for space allotment adopted by the
3 Department of Management Services.

4 1. As of July 1, 2005, equipment and furnishings shall
5 be limited to that appropriate and customary for courtrooms,
6 hearing rooms, jury facilities, and other public areas in
7 courthouses and any other facility occupied by the courts,
8 state attorneys, and public defenders. Court reporting
9 equipment in these areas or facilities is not a responsibility
10 of the county.

11 2. Equipment and furnishings under this paragraph in
12 existence and owned by counties on July 1, 2005, except for
13 that in the possession of the clerks, for areas other than
14 courtrooms, hearing rooms, jury facilities, and other public
15 areas in courthouses and any other facility occupied by the
16 courts, state attorneys, and public defenders, shall be
17 transferred to the state at no charge. This provision does not
18 apply to any communication services as defined in paragraph
19 (f).

20 (b) "Construction or lease" includes, but is not
21 limited to, all reasonable and necessary costs of the
22 acquisition or lease of facilities for all judicial officers,
23 staff, jurors, volunteers of a tenant agency, and the public
24 for the circuit and county courts, the public defenders'
25 offices, state attorneys' offices, and for performing the
26 court-related functions of the offices of the clerks of the
27 circuit and county courts. This includes expenses related to
28 financing such facilities and the existing and future cost and
29 bonded indebtedness associated with placing the facilities in
30 use.

31

1 (c) "Maintenance" includes, but is not limited to, all
2 reasonable and necessary costs of custodial and groundskeeping
3 services and renovation and reconstruction as needed to
4 accommodate functions for the circuit and county courts, the
5 public defenders' offices, and state attorneys' offices and
6 for performing the court-related functions of the offices of
7 the clerks of the circuit and county court and for maintaining
8 the facilities in a condition appropriate and safe for the use
9 intended.

10 (d) "Utilities" means all electricity services for
11 light, heat, and power; natural or manufactured gas services
12 for light, heat, and power; water and wastewater services and
13 systems, stormwater or runoff services and systems, sewer
14 services and systems, all costs or fees associated with these
15 services and systems, and any costs or fees associated with
16 the mitigation of environmental impacts directly related to
17 the facility.

18 (e) "Security" includes but is not limited to, all
19 reasonable and necessary costs of services of law enforcement
20 officers or licensed security guards and all electronic,
21 cellular, or digital monitoring and screening devices
22 necessary to ensure the safety and security of all persons
23 visiting or working in a facility; to provide for security of
24 the facility, including protection of property owned by the
25 county or the state; and for security of prisoners brought to
26 any facility. This includes bailiffs while providing courtroom
27 and other security for each judge and other quasi-judicial
28 officers.

29 (f) "Communications services" are defined as any
30 reasonable and necessary transmission, emission, and reception
31 of signs, signals, writings, images, and sounds of

1 intelligence of any nature by wire, radio, optical, audio
2 equipment, or other electromagnetic systems and includes all
3 facilities and equipment owned, leased, or used by judges,
4 clerks, public defenders, state attorneys, and all staff of
5 the state courts system, state attorneys' offices, public
6 defenders' offices, and clerks of the circuit and county
7 courts performing court-related functions. Such system or
8 services shall include, but not be limited to:

9 1. Telephone system infrastructure, including computer
10 lines, telephone switching equipment, and maintenance, and
11 facsimile equipment, wireless communications, cellular
12 telephones, pagers, and video teleconferencing equipment and
13 line charges. Each county shall continue to provide access to
14 a local carrier for local and long distance service and shall
15 pay toll charges for local and long distance service.

16 2. All computer networks, systems and equipment,
17 including computer hardware and software, modems, printers,
18 wiring, network connections, maintenance, support staff or
19 services including any county-funded support staff located in
20 the offices of the circuit court, county courts, state
21 attorneys, and public defenders, training, supplies, and line
22 charges necessary for an integrated computer system to support
23 the operations and management of the state courts system, the
24 offices of the public defenders, the offices of the state
25 attorneys, and the offices of the clerks of the circuit and
26 county courts and the capability to connect those entities and
27 reporting data to the state as required for the transmission
28 of revenue, performance accountability, case management, data
29 collection, budgeting, and auditing purposes. The integrated
30 computer system shall be operational by July 1, 2006, and, at
31 a minimum, permit the exchange of financial, performance

1 | accountability, case management, case disposition, and other
2 | data across multiple state and county information systems
3 | involving multiple users at both the state level and within
4 | each judicial circuit and be able to electronically exchange
5 | judicial case background data, sentencing scoresheets, and
6 | video evidence information stored in integrated case
7 | management systems over secure networks. Once the integrated
8 | system becomes operational, counties may reject requests to
9 | purchase communication services included in this subparagraph
10 | not in compliance with standards, protocols, or processes
11 | adopted by the board established pursuant to s. 29.0086.

12 | 3. Courier messenger and subpoena services.

13 | 4. Auxiliary aids and services for qualified
14 | individuals with a disability which are necessary to ensure
15 | access to the courts. Such auxiliary aids and services
16 | include, but are not limited to, sign language interpretation
17 | services required under the federal Americans with
18 | Disabilities Act other than services required to satisfy
19 | due-process requirements and identified as a state funding
20 | responsibility pursuant to ss. 29.004, 29.005, 29.006, and
21 | 29.007, real-time transcription services for individuals who
22 | are hearing impaired, and assistive listening devices and the
23 | equipment necessary to implement such accommodations.

24 | (g) "Existing radio systems" includes, but is not
25 | limited to, law enforcement radio systems that are used by the
26 | circuit and county courts, the offices of the public
27 | defenders, the offices of the state attorneys, and for
28 | court-related functions of the offices of the clerks of the
29 | circuit and county courts. This includes radio systems that
30 | were operational or under contract at the time Revision No. 7,
31 | 1998, to Art. V of the State Constitution was adopted and any

1 enhancements made thereafter, the maintenance of those
2 systems, and the personnel and supplies necessary for
3 operation.

4 (h) "Existing multiagency criminal justice information
5 systems" includes, but is not limited to, those components of
6 the multiagency criminal justice information system as defined
7 in s. 943.045, supporting the offices of the circuit or county
8 courts, the public defenders' offices, the state attorneys'
9 offices, or those portions of the offices of the clerks of the
10 circuit and county courts performing court-related functions
11 that are used to carry out the court-related activities of
12 those entities. This includes upgrades and maintenance of the
13 current equipment, maintenance and upgrades of supporting
14 technology infrastructure and associated staff, and services
15 and expenses to assure continued information sharing and
16 reporting of information to the state. The counties shall also
17 provide additional information technology services, hardware,
18 and software as needed for new judges and staff of the state
19 courts system, state attorneys' offices, public defenders'
20 offices, and the offices of the clerks of the circuit and
21 county courts performing court-related functions.

22 (2) Counties shall pay reasonable and necessary
23 salaries, costs, and expenses of the state courts system,
24 including associated staff and expenses, to meet local
25 requirements.

26 (a) Local requirements are those specialized programs,
27 nonjudicial staff, and other expenses associated with
28 specialized court programs, specialized prosecution needs,
29 specialized defense needs, or resources required of a local
30 jurisdiction as a result of special factors or circumstances.
31 Local requirements exist:

- 1 1. When imposed pursuant to an express statutory
2 directive, based on such factors as provided in paragraph (b);
3 or
4 2. When:
5 a. The county has enacted an ordinance, adopted a
6 local program, or funded activities with a financial or
7 operational impact on the circuit or a county within the
8 circuit; or
9 b. Circumstances in a given circuit or county result
10 in or necessitate implementation of specialized programs, the
11 provision of nonjudicial staff and expenses to specialized
12 court programs, special prosecution needs, specialized defense
13 needs, or the commitment of resources to the court's
14 jurisdiction.
15 (b) Factors and circumstances resulting in the
16 establishment of a local requirement include, but are not
17 limited to:
18 1. Geographic factors;
19 2. Demographic factors;
20 3. Labor market forces;
21 4. The number and location of court facilities; or
22 5. The volume, severity, complexity, or mix of court
23 cases.
24 (c) Local requirements under subparagraph (a)2. must
25 be determined by the following method:
26 1. The chief judge of the circuit, in conjunction with
27 the state attorney and the public defender only on matters
28 that impact their offices, shall identify all local
29 requirements within the circuit or within each county in the
30 circuit and shall identify the reasonable and necessary
31

1 salaries, costs, and expenses to meet these local
2 requirements.

3 2. On or before June 1 of each year, the chief judge
4 shall submit to the board of county commissioners a tentative
5 budget request for local requirements for the ensuing fiscal
6 year. The tentative budget must certify a listing of all local
7 requirements and the reasonable and necessary salaries, costs,
8 and expenses for each local requirement. The board of county
9 commissioners may, by resolution, require the certification to
10 be submitted earlier.

11 3. The board of county commissioners shall thereafter
12 treat the certification in accordance with the county's
13 budgetary procedures. A board of county commissioners may:

14 a. Determine whether to provide funding, and to what
15 extent it will provide funding, for salaries, costs, and
16 expenses under this section;

17 b. Require a county finance officer to conduct a
18 preaudit review of any county funds provided under this
19 section prior to disbursement;

20 c. Require review or audit of funds expended under
21 this section by the appropriate county office; and

22 d. Provide additional financial support for the courts
23 system, state attorneys, or public defenders.

24 (d) Counties may satisfy these requirements by
25 entering into interlocal agreements for the collective funding
26 of these reasonable and necessary salaries, costs, and
27 expenses.

28 (3) The following shall be considered a local
29 requirement pursuant to subparagraph (2)(a)1.:

30 (a) Legal aid programs, which shall be funded at a
31 level equal to or greater than the amount provided from filing

1 fees and surcharges to legal aid programs from October 1,
2 2002, to September 30, 2003.

3 (b) Alternative sanctions coordinators pursuant to ss.
4 984.09 and 985.216.

5 (4)(a) The Department of Financial Services shall
6 review county expenditure reports required under s. 29.0085
7 for the purpose of ensuring that counties fulfill the
8 responsibilities of this section. The department shall compare
9 county fiscal reports to determine if expenditures for the
10 items specified in paragraphs (1)(a), (b), (c), (d), (e), (f),
11 (g), and (h) and subsection (3) have increased by 1.5 percent
12 over the prior county fiscal year. The initial review must
13 compare county fiscal year 2005-2006 to county fiscal year
14 2004-2005. If the department finds that expenditures for the
15 items specified in paragraphs (1)(a), (b), (c), (d), (e), (f),
16 (g), and (h) and subsection (3) have not increased by 1.5
17 percent over the prior county fiscal year, the department
18 shall notify the President of the Senate and the Speaker of
19 the House of Representatives and the respective county. The
20 Legislature may determine that a county has met its
21 obligations for items specified in this section if the prior
22 county fiscal year included nonrecurring expenditures for
23 facilities or information technology that is not needed in the
24 next county fiscal year or expenditures or actions that enable
25 a county to attain efficiencies in providing services to the
26 court system. The Legislature may direct the Department of
27 Revenue to withhold revenue-sharing receipts distributed
28 pursuant to part II of chapter 218, except for revenues used
29 for paying the principal or interest on bonds, tax
30 anticipation certificates, or any other form of indebtedness
31 allowed under s. 218.25(1), (2), or (4), from any county that

1 is not in compliance with the funding obligations in this
2 section by an amount equal to the difference between the
3 amount spent and the amount that would have been spent had the
4 county increased expenditures by 1.5 percent per year. Except
5 ~~for revenues used for the payment of principal or interest on~~
6 ~~bonds, tax anticipation certificates, or any other form of~~
7 ~~indebtedness as allowed under s. 218.25(1), (2) or (4), the~~
8 ~~Department of Revenue shall withhold revenue sharing receipts~~
9 ~~distributed pursuant to part II of chapter 218 from any county~~
10 ~~not in compliance with the county funding obligations for~~
11 ~~items specified in paragraphs (1)(a), (c), (d), (e), (f), (g),~~
12 ~~and (h) and subsection (3). The department shall withhold an~~
13 ~~amount equal to the difference between the amount spent by the~~
14 ~~county for the particular item in county fiscal year~~
15 ~~2002-2003, the base year, plus 3 percent, and the amount~~
16 ~~budgeted by the county for these obligations in county fiscal~~
17 ~~year 2004-2005, if the latter is less than the former. Every~~
18 ~~year thereafter, the department shall withhold such an amount~~
19 ~~if the amount budgeted in that year is less than the base year~~
20 ~~plus 1.5 percent growth per year. On or before December 31,~~
21 ~~2004, counties shall send to the department a certified copy~~
22 ~~of their budget documents for the respective 2 years,~~
23 ~~separately identifying expenditure amounts for each county~~
24 ~~funding obligation specified in paragraphs (1) (a), (c), (d),~~
25 ~~(e), (f), (g), and (h) and subsection (3). Each year~~
26 ~~thereafter, on or before December 31 of that year, each county~~
27 ~~shall send a certified copy of its budget document to the~~
28 ~~department.~~
29 ~~(b) Beginning in fiscal year 2005-2006, additional~~
30 ~~amounts shall be withheld pursuant to paragraph (a), if the~~
31 ~~amount spent in the previous fiscal year on the items~~

1 ~~specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and~~
2 ~~(h), and subsection (3) is less than the amount budgeted for~~
3 ~~those items. Each county shall certify expenditures for these~~
4 ~~county obligations for the prior fiscal year to the department~~
5 ~~within 90 days after the end of the fiscal year.~~

6 (b)(c) The department shall transfer the withheld
7 payments to the General Revenue Fund by March 31 of each year
8 for the previous county fiscal year. These payments are hereby
9 appropriated to the Department of Revenue to pay for these
10 responsibilities on behalf of the county.

11 Section 7. The amendments made by this act to s.
12 29.008(4), Florida Statutes, apply retroactively to July 1,
13 2004.

14 Section 8. Section 29.0085, Florida Statutes, is
15 amended to read:

16 29.0085 Annual statement of certain revenues and
17 expenditures.--

18 (1) Each county shall submit annually to the Chief
19 Financial Officer a statement of revenues and expenditures as
20 set forth in this section in the form and manner prescribed by
21 the Chief Financial Officer in consultation with the
22 Legislative Committee on Intergovernmental Relations, provided
23 that such statement identify total county expenditures on each
24 of the services outlined in s. 29.008.

25 (2)(a) Within 4 ~~6~~ months of the close of the local
26 government fiscal year, each county shall submit to the Chief
27 Financial Officer a statement of compliance from its
28 independent certified public accountant, engaged pursuant to
29 s. 218.39, that the certified statement of expenditures was in
30 accordance with s. 29.008 and this section. All discrepancies
31 noted by the independent certified public accountant shall be

1 included in the statement furnished by the county to the Chief
2 Financial Officer.

3 (b) If the Chief Financial Officer determines that
4 additional auditing procedures are appropriate because:

5 1. The county failed to submit timely its annual
6 statement;

7 2. Discrepancies were noted by the independent
8 certified public accountant; or

9 3. The county failed to file before January ~~March~~ 31
10 of each year the certified public accountant statement of
11 compliance, the Chief Financial Officer may send his or her
12 personnel or contract for services to bring the county into
13 compliance. The costs incurred by the Chief Financial Officer
14 shall be paid promptly by the county upon certification by the
15 Chief Financial Officer.

16 (c) Where the Chief Financial Officer elects to
17 utilize the services of an independent contractor, such
18 certification by the Chief Financial Officer may require the
19 county to make direct payment to a contractor. Any funds owed
20 by a county in such matters shall be recovered pursuant to s.
21 17.04 or s. 17.041.

22 (3) The Chief Financial Officer shall adopt any rules
23 necessary to implement his or her responsibilities pursuant to
24 this section.

25 Section 9. Section 215.18, Florida Statutes, is
26 amended to read:

27 215.18 Transfers between funds; limitation.--Whenever
28 there exists in any fund provided for by s. 215.32 a
29 deficiency which would render such fund insufficient to meet
30 its just requirements, and there shall exist in the other
31 funds in the State Treasury moneys which are for the time

1 | being or otherwise in excess of the amounts necessary to meet
2 | the just requirements of such last-mentioned funds, the
3 | Governor may order a temporary transfer of moneys from one
4 | fund to another in order to meet temporary deficiencies in a
5 | particular fund without resorting to the necessity of
6 | borrowing money and paying interest thereon. Any action
7 | proposed under this section is subject to the notice and
8 | objection procedures set forth in s. 216.177, and the Governor
9 | shall provide notice of such action at least 7 days prior to
10 | the effective date of the transfer of funds.

11 | (1) Except as otherwise provided in s.
12 | 216.222(1)(a)2., the fund from which any money is temporarily
13 | transferred shall be repaid the amount transferred from it not
14 | later than the end of the fiscal year in which such transfer
15 | is made, the date of repayment to be specified in the order of
16 | the Governor.

17 | (2) Notwithstanding subsection (1) and for the
18 | 2005-2006 fiscal year only, the repayment period for funds
19 | temporarily transferred in fiscal year 2004-2005 to meet
20 | deficiencies resulting from hurricanes striking this state in
21 | 2004 may be extended until grants awarded by the Federal
22 | Emergency Management Agency for FEMA Disaster Declarations
23 | 1539-DR-FL, 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are
24 | received. This subsection expires July 1, 2006.

25 | Section 10. Subsections (2) and (4) of section
26 | 215.3206, Florida Statutes, are amended to read:

27 | 215.3206 Trust funds; termination or re-creation.--

28 | (2) If the trust fund is terminated and not
29 | immediately re-created, all cash balances and income of the
30 | trust fund shall be deposited into the General Revenue Fund.
31 | The agency or Chief Justice shall pay any outstanding debts of

1 the trust fund as soon as practicable, and the Chief Financial
2 Officer shall close out and remove the trust fund from the
3 various state financial ~~accounting~~ systems, using generally
4 accepted accounting practices concerning warrants outstanding,
5 assets, and liabilities. No appropriation or budget amendment
6 shall be construed to authorize any encumbrance of funds from
7 a trust fund after the date on which the trust fund is
8 terminated or is judicially determined to be invalid.

9 (4) For the purposes of this section, the Governor,
10 Chief Justice, and agencies shall review the trust funds as
11 they are identified by a classification scheme set out in the
12 legislative budget request instructions pursuant to s. 216.023
13 consistent with the Department of Financial Services'
14 financial systems by a unique 6 digit code in the Florida
15 ~~Accounting Information Resource Subsystem at a level composed~~
16 ~~of the 2 digit organization level 1, the 1 digit state fund~~
17 ~~type 2, and the first three digits of the fund identifier.~~ The
18 Governor, Chief Justice, and agencies may also conduct their
19 review and make recommendations concerning accounts within
20 such trust funds.

21 Section 11. Subsection (1) and paragraph (a) of
22 subsection (2) of section 215.3208, Florida Statutes, are
23 amended to read:

24 215.3208 Trust funds; legislative review.--

25 (1) In order to implement s. 19(f), Art. III of the
26 State Constitution, for the purpose of reviewing trust funds
27 prior to their automatic termination pursuant to the
28 provisions of s. 19(f)(2), Art. III of the State Constitution,
29 the Legislature shall review all state trust funds at least
30 once every 4 years. The schedule for such review may be
31 included in the legislative budget instructions developed

1 pursuant to the requirements of s. 216.023. The Legislature
2 shall review trust funds as they are identified by a
3 classification scheme set out in the legislative budget
4 request instructions pursuant to s. 216.023 consistent with
5 the Department of Financial Services' financial systems ~~by a~~
6 ~~unique 6 digit code in the Florida Accounting Information~~
7 ~~Resource Subsystem at a level composed of the 2 digit~~
8 ~~organization level 1, the 1 digit state fund type 2, and the~~
9 ~~first three digits of the fund identifier.~~ When a statutorily
10 created trust fund that was in existence on November 4, 1992,
11 has more than one fund 6 digit code in the financial systems,
12 the Legislature may treat it as a single trust fund for the
13 purposes of this section. The Legislature may also conduct its
14 review concerning accounts within such trust funds.

15 (2)(a) When the Legislature terminates a trust fund,
16 the agency or branch of state government that administers the
17 trust fund shall pay any outstanding debts or obligations of
18 the trust fund as soon as practicable, and the Chief Financial
19 Officer shall close out and remove the trust fund from the
20 various state financial ~~accounting~~ systems, using generally
21 accepted accounting principles concerning assets, liabilities,
22 and warrants outstanding.

23 Section 12. Section 215.35, Florida Statutes, is
24 amended to read:

25 215.35 State funds; warrants and their issuance.--All
26 warrants issued by the Chief Financial Officer shall be
27 numbered in a manner that uniquely identifies each warrant for
28 audit and reconciliation purposes ~~chronological order~~
29 ~~commencing with number one in each fiscal year and each~~
30 ~~warrant shall refer to the Chief Financial Officer's voucher~~
31 ~~by the number thereof, which voucher shall also be numbered as~~

1 ~~above set forth.~~ Each warrant shall state the name of the
2 payee thereof and the amount allowed, and said warrant shall
3 be stated in words at length. No warrant shall issue until
4 same has been authorized by an appropriation made by law but
5 such warrant need not state or set forth such authorization.
6 The Chief Financial Officer shall register and maintain a
7 record of each warrant in his or her office. The record shall
8 show the funds, accounts, purposes, and departments involved
9 in the issuance of each warrant. In those instances where the
10 expenditure of funds of regulatory boards or commissions has
11 been provided for by laws other than the annual appropriations
12 bill, warrants shall be issued upon requisition to the Chief
13 Financial Officer by the governing body of such board or
14 commission.

15 Section 13. Subsections (1) and (2), paragraphs (a)
16 and (b) of subsection (3), and subsection (6) of section
17 215.422, Florida Statutes, are amended to read:

18 215.422 Payments, warrants, ~~ouchers,~~ and invoices;
19 processing time limits; dispute resolution; agency or judicial
20 branch compliance.--

21 (1) ~~The voucher authorizing payment of~~ An invoice
22 submitted to an agency of the state or the judicial branch,
23 required by law to be filed with the Chief Financial Officer,
24 shall be recorded in the financial systems of the state,
25 approved for payment by the agency or the judicial branch, and
26 filed with the Chief Financial Officer not later than 20 days
27 after receipt of the invoice and receipt, inspection, and
28 approval of the goods or services, except that in the case of
29 a bona fide dispute the invoice recorded in the financial
30 systems of the state ~~voucher~~ shall contain a statement of the
31 dispute and authorize payment only in the amount not disputed.

1 The Chief Financial Officer may establish dollar thresholds
2 and other criteria for all invoices and may delegate to a
3 state agency or the judicial branch responsibility for
4 maintaining the official invoices ~~ouchers~~ and documents for
5 invoices which do not exceed the thresholds or which meet the
6 established criteria. Such records shall be maintained in
7 accordance with the requirements established by the Secretary
8 of State. The transmission of an approved invoice recorded in
9 the financial systems of the state ~~electronic payment request~~
10 ~~transmission~~ to the Chief Financial Officer shall constitute
11 filing of a request ~~voucher~~ for payment of invoices for which
12 the Chief Financial Officer has delegated to an agency custody
13 of official records. Approval and inspection of goods or
14 services shall take no longer than 5 working days unless the
15 bid specifications, purchase order, or contract specifies
16 otherwise. If an invoice ~~a voucher~~ filed within the 20-day
17 period is returned by the Department of Financial Services
18 because of an error, it shall nevertheless be deemed timely
19 filed. The 20-day filing requirement may be waived in whole or
20 in part by the Department of Financial Services on a showing
21 of exceptional circumstances in accordance with rules and
22 regulations of the department. For the purposes of determining
23 the receipt of invoice date, the agency or the judicial branch
24 is deemed to receive an invoice on the date on which a proper
25 invoice is first received at the place designated by the
26 agency or the judicial branch. The agency or the judicial
27 branch is deemed to receive an invoice on the date of the
28 invoice if the agency or the judicial branch has failed to
29 annotate the invoice with the date of receipt at the time the
30 agency or the judicial branch actually received the invoice or
31 failed at the time the order is placed or contract made to

1 designate a specific location to which the invoice must be
2 delivered.

3 (2) The Department of Financial Services shall approve
4 payment of an invoice no later than 10 days after the agency's
5 filing of the approved invoice ~~The warrant in payment of an~~
6 ~~invoice submitted to an agency of the state or the judicial~~
7 ~~branch shall be issued not later than 10 days after filing of~~
8 ~~the voucher authorizing payment.~~ However, this requirement may
9 be waived in whole or in part by the Department of Financial
10 Services on a showing of exceptional circumstances in
11 accordance with rules and regulations of the department. If
12 the 10-day period contains fewer than 6 working days, the
13 Department of Financial Services shall be deemed in compliance
14 with this subsection if the payment is approved ~~warrant is~~
15 ~~issued~~ within 6 working days without regard to the actual
16 number of calendar days. ~~For purposes of this section, a~~
17 ~~payment is deemed to be issued on the first working day that~~
18 ~~payment is available for delivery or mailing to the vendor.~~

19 (3)(a) Each agency of the state or the judicial branch
20 which is required by law to file invoices ~~vouchers~~ with the
21 Chief Financial Officer shall keep a record of the date of
22 receipt of the invoice; dates of receipt, inspection, and
23 approval of the goods or services; date of filing of the
24 approved invoice ~~voucher~~; and date of issuance of the warrant
25 in payment thereof. If the invoice ~~voucher~~ is not filed or the
26 warrant is not issued within the time required, an explanation
27 in writing by the agency head or the Chief Justice shall be
28 submitted to the Department of Financial Services in a manner
29 prescribed by it. Agencies and the judicial branch shall
30 continue to deliver or mail state payments promptly.

31

1 (b) If a warrant in payment of an invoice is not
2 issued within 40 days after receipt of the invoice and
3 receipt, inspection, and approval of the goods and services,
4 the agency or judicial branch shall pay to the vendor, in
5 addition to the amount of the invoice, interest at a rate as
6 established pursuant to s. 55.03(1) on the unpaid balance from
7 the expiration of such 40-day period until such time as the
8 warrant is issued to the vendor. Such interest shall be added
9 to the invoice at the time of submission to the Chief
10 Financial Officer for payment whenever possible. If addition
11 of the interest penalty is not possible, the agency or
12 judicial branch shall pay the interest penalty payment within
13 15 days after issuing the warrant. The provisions of this
14 paragraph apply only to undisputed amounts for which payment
15 has been authorized. Disputes shall be resolved in accordance
16 with rules developed and adopted by the Chief Justice for the
17 judicial branch, and rules adopted by the Department of
18 Financial Services or in a formal administrative proceeding
19 before an administrative law judge of the Division of
20 Administrative Hearings for state agencies, provided that, for
21 the purposes of ss. 120.569 and 120.57(1), no party to a
22 dispute involving less than \$1,000 in interest penalties shall
23 be deemed to be substantially affected by the dispute or to
24 have a substantial interest in the decision resolving the
25 dispute. In the case of an error on the part of the vendor,
26 the 40-day period shall begin to run upon receipt by the
27 agency or the judicial branch of a corrected invoice or other
28 remedy of the error. For purposes of this section, the
29 non-submittal of the appropriate federal taxpayer
30 identification documentation to the Department of Financial
31 Services by the vendor will be deemed an error on the part of

1 the vendor and the vendor will be required to submit the
2 appropriate federal taxpayer documentation in order to remedy
3 the error. The provisions of this paragraph do not apply when
4 the filing requirement under subsection (1) or subsection (2)
5 has been waived in whole by the Department of Financial
6 Services. The various state agencies and the judicial branch
7 shall be responsible for initiating the penalty payments
8 required by this subsection and shall use this subsection as
9 authority to make such payments. The budget request submitted
10 to the Legislature shall specifically disclose the amount of
11 any interest paid by any agency or the judicial branch
12 pursuant to this subsection. The temporary unavailability of
13 funds to make a timely payment due for goods or services does
14 not relieve an agency or the judicial branch from the
15 obligation to pay interest penalties under this section.

16 (6) The Department of Financial Services shall monitor
17 each agency's and the judicial branch's compliance with the
18 time limits and interest penalty provisions of this section.
19 The department shall provide a report to an agency or to the
20 judicial branch if the department determines that the agency
21 or the judicial branch has failed to maintain an acceptable
22 rate of compliance with the time limits and interest penalty
23 provisions of this section. The department shall establish
24 criteria for determining acceptable rates of compliance. The
25 report shall also include a list of late invoices ~~ouchers~~ or
26 payments, the amount of interest owed or paid, and any
27 corrective actions recommended. The department shall perform
28 monitoring responsibilities, pursuant to this section, using
29 the Department of Financial Services' financial systems
30 ~~Management Services and Purchasing Subsystem or the Florida~~
31 ~~Accounting Information Resource Subsystem~~ provided in s.

1 215.94. Each agency and the judicial branch shall be
2 responsible for the accuracy of information entered into the
3 Department of Management Services' procurement system
4 ~~Management Services and Purchasing Subsystem~~ and the
5 Department of Financial Services' financial systems Florida
6 ~~Accounting Information Resource Subsystem~~ for use in this
7 monitoring.

8 Section 14. Paragraph (d) of subsection (1) of section
9 215.97, Florida Statutes, is amended to read:

10 215.97 Florida Single Audit Act.--

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

12 (d) Provide for identification of state financial
13 assistance transactions in the ~~appropriations act~~, state
14 accounting records, and recipient organization records.

15 Section 15. Effective upon this act becoming a law,
16 paragraphs (bb) and (ss) of subsection (1) of section 216.011,
17 Florida Statutes, are amended, and paragraphs (tt) and (uu)
18 are added to that subsection, to read:

19 216.011 Definitions.--

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

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

29 (ss) "Qualified expenditure category" means the
30 appropriations category used to fund specific activities and
31 projects which must be transferred to one or more

1 appropriation categories for expenditure upon recommendation
2 by the Governor or Chief Justice, as appropriate, and subject
3 to approval by the Legislative Budget Commission. The
4 Legislature by law may provide that a specific portion of the
5 funds appropriated in this category be transferred to one or
6 more appropriation categories without approval by the
7 commission and may provide that requirements or contingencies
8 be satisfied prior to the transfer.

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

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

16 Section 16. Paragraph (o) is added to subsection (8)
17 of section 215.97, Florida Statutes, to read:

18 215.97 Florida Single Audit Act.--

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

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

24 1. A fixed-price contract that entitles the provider
25 to receive full compensation for the fixed contract amount
26 upon completion of all contract deliverables;

27 2. A fixed-rate-per-unit contract that entitles the
28 provider to receive compensation for each contract deliverable
29 provided;

30
31

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

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

6 Section 17. Section 216.346, Florida Statutes, as
7 amended by section 7 of chapter 2005-358, Laws of Florida, is
8 repealed.

9 Section 18. Subsection (4) of section 215.559, Florida
10 Statutes, is amended to read:

11 215.559 Hurricane Loss Mitigation Program.--

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

26 Section 19. Subsection (5) of section 331.368, Florida
27 Statutes, is amended to read:

28 331.368 Florida Space Research Institute.--

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

1 Section 20. Paragraph (c) of subsection (2) of section
2 443.1316, Florida Statutes, is amended to read:

3 443.1316 Unemployment tax collection services;
4 interagency agreement.--

5 (2)

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

12 Section 21. Paragraph (c) of subsection (9) of section
13 1002.32, Florida Statutes, is amended to read:

14 1002.32 Developmental research (laboratory) schools.--

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

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

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 22. Section 255.258, Florida Statutes, is
4 | repealed.

5 | Section 23. 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 24. 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.

30 |
31 |

1 Section 25. Paragraphs (h) through (k) are added to
2 subsection (1) of section 216.013, Florida Statutes, and
3 subsection (5) of that section is amended, to read:

4 216.013 Long-range program plan.--State agencies and
5 the judicial branch shall develop long-range program plans to
6 achieve state goals using an interagency planning process that
7 includes the development of integrated agency program service
8 outcomes. The plans shall be policy based, priority driven,
9 accountable, and developed through careful examination and
10 justification of all agency and judicial branch programs.

11 (1) Long-range program plans shall provide the
12 framework for the development of budget requests and shall
13 identify or update:

14 (h) Legislatively approved output and outcome
15 performance measures.

16 (i) Performance standards for each performance measure
17 and justification for the standards and the sources of data to
18 be used for measurement.

19 (j) Prior-year performance data on approved
20 performance measures and an explanation of deviation from
21 expected performance. Performance data must be assessed for
22 reliability in accordance with s. 20.055.

23 (k) Proposed performance incentives and disincentives.

24 (5) ~~Following the adoption of the annual General~~
25 ~~Appropriations Act,~~ The state agencies and the judicial branch
26 shall make appropriate adjustments to their long-range program
27 plans, excluding adjustments to performance measures and
28 standards, to be consistent with the appropriations ~~and~~
29 ~~performance measures~~ in the General Appropriations Act and
30 legislation implementing the General Appropriations Act.
31 Agencies and the judicial branch have 30 days subsequent to

1 the effective date of the General Appropriations Act and
2 implementing legislation ~~until June 30~~ to make adjustments to
3 their plans as posted on their Internet websites.

4 Section 26. Paragraph (a) of subsection (4) and
5 subsections (5), (6), and (8) of section 216.023, Florida
6 Statutes, are amended, and subsections (7), (9), (10), (11),
7 and (12) are renumbered as subsections (5), (6), (7), (8), and
8 (9), respectively, to read:

9 216.023 Legislative budget requests to be furnished to
10 Legislature by agencies.--

11 (4)(a) The legislative budget request must contain for
12 each program:

13 1. The constitutional or statutory authority for a
14 program, a brief purpose statement, and approved program
15 components.

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

20 3. Details on trust funds and fees.

21 4. The total number of positions (authorized, fixed,
22 and requested).

23 5. An issue narrative describing and justifying
24 changes in amounts and positions requested for current and
25 proposed programs for the next fiscal year.

26 6. Information resource requests.

27 ~~7. Legislatively approved Output and outcome~~
28 ~~performance measures and any proposed revisions to measures.~~

29 ~~8. Proposed performance standards for each performance~~
30 ~~measure and justification for the standards and the sources of~~
31 ~~data to be used for measurement.~~

1 ~~9. Prior year performance data on approved performance~~
2 ~~measures and an explanation of deviation from expected~~
3 ~~performance. Performance data must be assessed for reliability~~
4 ~~in accordance with s. 20.055.~~

5 ~~10. Proposed performance incentives and disincentives.~~

6 ~~7.11.~~ Supporting information, including applicable
7 cost-benefit analyses, business case analyses, performance
8 contracting procedures, service comparisons, and impacts on
9 performance standards for any request to outsource or
10 privatize agency functions.

11 ~~8.12.~~ An evaluation of any major outsourcing and
12 privatization initiatives undertaken during the last 5 fiscal
13 years having aggregate expenditures exceeding \$10 million
14 during the term of the contract. The evaluation shall include
15 an assessment of contractor performance, a comparison of
16 anticipated service levels to actual service levels, and a
17 comparison of estimated savings to actual savings achieved.
18 Consolidated reports issued by the Department of Management
19 Services may be used to satisfy this requirement.

20 9. Supporting information for any proposed
21 consolidated financing of deferred-payment commodity contracts
22 including guaranteed energy performance savings contracts.
23 Supporting information must also include narrative describing
24 and justifying the need, baseline for current costs, estimated
25 cost savings, projected equipment purchases, estimated
26 contract costs, and return on investment calculation.

27 ~~(5) Agencies must maintain a comprehensive performance~~
28 ~~accountability system and provide a list of performance~~
29 ~~measures maintained by the agency which are in addition to the~~
30 ~~measures approved by the Legislature.~~

31

1 ~~(6) Annually, by June 30, executive agencies shall~~
2 ~~submit to the Executive Office of the Governor adjustments to~~
3 ~~their performance standards based on the amounts appropriated~~
4 ~~for each program by the Legislature. When such an adjustment~~
5 ~~is made, all performance standards, including any adjustments~~
6 ~~made, shall be reviewed and revised as necessary by the~~
7 ~~Executive Office of the Governor and, upon approval, submitted~~
8 ~~to the Legislature pursuant to the review and approval process~~
9 ~~provided in s. 216.177. The Senate and the House of~~
10 ~~Representatives appropriations committees shall advise Senate~~
11 ~~substantive committees and House of Representatives~~
12 ~~substantive committees, respectively, of all adjustments made~~
13 ~~to performance standards or measures. The Executive Office of~~
14 ~~the Governor shall maintain the official record of adjustments~~
15 ~~to the performance standards. As used in this section, the~~
16 ~~term "official record" means the official compilation of~~
17 ~~information about state agency performance based programs and~~
18 ~~measures, including approved programs, approved outputs and~~
19 ~~outcomes, baseline data, approved standards for each~~
20 ~~performance measure and any approved adjustments thereto, as~~
21 ~~well as actual agency performance for each measure.~~

22 ~~(8) Annually, by June 30, the judicial branch shall~~
23 ~~make adjustments to any performance standards for approved~~
24 ~~programs based on the amount appropriated for each program,~~
25 ~~which shall be submitted to the Legislature pursuant to the~~
26 ~~notice and review process provided in s. 216.177. The Senate~~
27 ~~and the House of Representatives appropriations committees~~
28 ~~shall advise Senate substantive committees and House~~
29 ~~substantive committees, respectively, of all adjustments made~~
30 ~~to performance standards or measures.~~

31

1 Section 27. Paragraph (a) of subsection (4) of section
2 216.134, Florida Statutes, is amended, and paragraph (c) is
3 added to that subsection, to read:

4 216.134 Consensus estimating conferences; general
5 provisions.--

6 (4) Consensus estimating conferences are within the
7 legislative branch. The membership of each consensus
8 estimating conference consists of principals and participants.

9 (a) A person designated by law as a principal may
10 preside over conference sessions, convene conference sessions,
11 request information, specify topics to be included on the
12 conference agenda, agree or withhold agreement on whether
13 information is to be official information of the conference,
14 release official information of the conference, interpret
15 official information of the conference, and monitor errors in
16 official information of the conference. The responsibility of
17 presiding over sessions of the conference shall be rotated
18 among the principals.

19 (c) The principals of each conference shall be
20 professional staff of the Executive Office of the Governor
21 designated by the Governor, the coordinator of the Office of
22 Economic and Demographic Research, professional staff of the
23 Senate designated by the President of the Senate, and
24 professional staff of the House of Representatives designated
25 by the Speaker of the House of Representatives. The
26 coordinator of the Office of Economic and Demographic Research
27 may designate other professional staff within that office to
28 act as principals on the conferences.

29 Section 28. Section 216.136, Florida Statutes, is
30 amended to read:

31

1 216.136 Consensus estimating conferences; duties and
2 principals.--

3 (1) ECONOMIC ESTIMATING CONFERENCE.--

4 ~~(a) Duties.~~ The Economic Estimating Conference shall
5 develop such official information with respect to the national
6 and state economies as the conference determines is needed for
7 the state planning and budgeting system. The basic, long-term
8 forecasts which are a part of its official information shall
9 be trend forecasts. However, the conference may include cycle
10 forecasts as a part of its official information if the subject
11 matter of the forecast warrants a cycle forecast and if such
12 forecast is developed in a special impact session of the
13 conference.

14 ~~(b) Principals. The Executive Office of the Governor,~~
15 ~~the coordinator of the Office of Economic and Demographic~~
16 ~~Research, and professional staff of the Senate and House of~~
17 ~~Representatives who have forecasting expertise, or their~~
18 ~~designees, are the principals of the Economic Estimating~~
19 ~~Conference. The responsibility of presiding over sessions of~~
20 ~~the conference shall be rotated among the principals.~~

21 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

22 ~~(a) Duties.~~ The Demographic Estimating Conference
23 shall develop such official information with respect to the
24 population of the nation and state by age, race, and sex as
25 the conference determines is needed for the state planning and
26 budgeting system. The conference shall use the official
27 population estimates provided under s. 186.901 in developing
28 its official information.

29 ~~(b) Principals. The Executive Office of the Governor,~~
30 ~~the coordinator of the Office of Economic and Demographic~~
31 ~~Research, and professional staff of the Senate and House of~~

1 ~~Representatives who have forecasting expertise, or their~~
2 ~~designees, are the principals of the Demographic Estimating~~
3 ~~Conference. The responsibility of presiding over sessions of~~
4 ~~the conference shall be rotated among the principals.~~

5 (3) REVENUE ESTIMATING CONFERENCE.--

6 ~~(a) Duties.~~ The Revenue Estimating Conference shall
7 develop such official information with respect to anticipated
8 state and local government revenues as the conference
9 determines is needed for the state planning and budgeting
10 system. Any principal may request the conference to review
11 and estimate revenues for any trust fund.

12 ~~(b) Principals. The Executive Office of the Governor,~~
13 ~~the coordinator of the Office of Economic and Demographic~~
14 ~~Research, and professional staff of the Senate and House of~~
15 ~~Representatives who have forecasting expertise, or their~~
16 ~~designees, are the principals of the Revenue Estimating~~
17 ~~Conference. The responsibility of presiding over sessions of~~
18 ~~the conference shall be rotated among the principals.~~

19 (4) EDUCATION ESTIMATING CONFERENCE.--

20 (a) ~~Duties.~~ The Education Estimating Conference shall
21 develop such official information relating to the state public
22 and private educational system, including forecasts of student
23 enrollments, the number of students qualified for state
24 financial aid programs and for the William L. Boyd, IV,
25 Florida Resident Access Grant Program and the appropriation
26 required to fund the full award amounts for each program,
27 fixed capital outlay needs, and Florida Education Finance
28 Program formula needs, as the conference determines is needed
29 for the state planning and budgeting system. The conference's
30 initial projections of enrollments in public schools shall be
31 forwarded by the conference to each school district no later

1 | than 2 months prior to the start of the regular session of the
2 | Legislature. Each school district may, in writing, request
3 | adjustments to the initial projections. Any adjustment
4 | request shall be submitted to the conference no later than 1
5 | month prior to the start of the regular session of the
6 | Legislature and shall be considered by the principals of the
7 | conference. A school district may amend its adjustment
8 | request, in writing, during the first 3 weeks of the
9 | legislative session, and such amended adjustment request shall
10 | be considered by the principals of the conference. For any
11 | adjustment so requested, the district shall indicate and
12 | explain, using definitions adopted by the conference, the
13 | components of anticipated enrollment changes that correspond
14 | to continuation of current programs with workload changes;
15 | program improvement; program reduction or elimination;
16 | initiation of new programs; and any other information that may
17 | be needed by the Legislature. For public schools, the
18 | conference shall submit its full-time equivalent student
19 | consensus estimate to the Legislature no later than 1 month
20 | after the start of the regular session of the Legislature. No
21 | conference estimate may be changed without the agreement of
22 | the full conference.

23 | (b) ~~Adjustments.~~—No later than 2 months prior to the
24 | start of the regular session of the Legislature, the
25 | conference shall forward to each eligible postsecondary
26 | education institution its initial projections of the number of
27 | students qualified for state financial aid programs and the
28 | appropriation required to fund those students at the full
29 | award amount. Each postsecondary education institution may
30 | request, in writing, adjustments to the initial projection.
31 | Any adjustment request must be submitted to the conference no

1 later than 1 month prior to the start of the regular session
2 of the Legislature and shall be considered by the principals
3 of the conference. For any adjustment so requested, the
4 postsecondary education institution shall indicate and
5 explain, using definitions adopted by the conference, the
6 components of anticipated changes that correspond to
7 continuation of current programs with enrollment changes,
8 program reduction or elimination, initiation of new programs,
9 award amount increases or decreases, and any other information
10 that is considered by the conference. The conference shall
11 submit its consensus estimate to the Legislature no later than
12 1 month after the start of the regular session of the
13 Legislature. No conference estimate may be changed without the
14 agreement of the full conference.

15 ~~(c) Principals. The Commissioner of Education, the~~
16 ~~Executive Office of the Governor, the coordinator of the~~
17 ~~Office of Economic and Demographic Research, and professional~~
18 ~~staff of the Senate and House of Representatives who have~~
19 ~~forecasting expertise, or their designees, are the principals~~
20 ~~of the Education Estimating Conference. The Commissioner of~~
21 ~~Education or his or her designee shall preside over sessions~~
22 ~~of the conference.~~

23 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

24 ~~(a) Duties.~~ The Criminal Justice Estimating
25 Conference shall:

26 (a)1. Develop such official information relating to
27 the criminal justice system, including forecasts of prison
28 admissions and population and of supervised felony offender
29 admissions and population, as the conference determines is
30 needed for the state planning and budgeting system.

31

1 (b)2- Develop such official information relating to
2 the number of eligible discharges and the projected number of
3 civil commitments for determining space needs pursuant to the
4 civil proceedings provided under part V of chapter 394.

5 (c)3- Develop official information relating to the
6 number of sexual offenders and sexual predators who are
7 required by law to be placed on community control, probation,
8 or conditional release who are subject to electronic
9 monitoring. ~~In addition, the Office of Economic and~~
10 ~~Demographic Research shall study the factors relating to the~~
11 ~~sentencing of sex offenders from the point of arrest through~~
12 ~~the imposition of sanctions by the sentencing court, including~~
13 ~~original charges, plea negotiations, trial dispositions, and~~
14 ~~sanctions. The Department of Corrections, the Office of the~~
15 ~~State Courts Administrator, the Florida Department of Law~~
16 ~~Enforcement, and the state attorneys shall provide information~~
17 ~~deemed necessary for the study. The final report shall be~~
18 ~~provided to the President of the Senate and the Speaker of the~~
19 ~~House of Representatives by March 1, 2006.~~

20 (b) ~~Principals. The Executive Office of the Governor,~~
21 ~~the coordinator of the Office of Economic and Demographic~~
22 ~~Research, and professional staff, who have forecasting~~
23 ~~expertise, from the Senate, the House of Representatives, and~~
24 ~~the Supreme Court, or their designees, are the principals of~~
25 ~~the Criminal Justice Estimating Conference. The principal~~
26 ~~representing the Executive Office of the Governor shall~~
27 ~~preside over sessions of the conference.~~

28 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

29 (a) ~~Duties.—~~

30 (a)1- The Social Services Estimating Conference shall
31 develop such official information relating to the social

1 services system of the state, including forecasts of social
2 services caseloads, utilization, and expenditures, as the
3 conference determines is needed for the state planning and
4 budgeting system. Such official information shall include,
5 but not be limited to, cash assistance and Medicaid caseloads.

6 ~~(b)2-~~ The Social Services Estimating Conference shall
7 develop information relating to the Florida Kidcare program,
8 including, but not limited to, outreach impacts, enrollment,
9 caseload, utilization, and expenditure information that the
10 conference determines is needed to plan for and project future
11 budgets and the drawdown of federal matching funds. ~~The~~
12 ~~agencies required to collect and analyze Florida Kidcare~~
13 ~~program data under s. 409.8134 shall be participants in the~~
14 ~~Social Services Estimating Conference for purposes of~~
15 ~~developing information relating to the Florida Kidcare~~
16 ~~program.~~

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

26 (7) WORKFORCE ESTIMATING CONFERENCE.--

27 ~~(a) Duties.—~~

28 ~~(a)1-~~ The Workforce Estimating Conference shall
29 develop such official information on the workforce development
30 system planning process as it relates to the personnel needs
31 of current, new, and emerging industries as the conference

1 determines is needed by the state planning and budgeting
2 system. Such information, using quantitative and qualitative
3 research methods, must include at least: short-term and
4 long-term forecasts of employment demand for jobs by
5 occupation and industry; entry and average wage forecasts
6 among those occupations; and estimates of the supply of
7 trained and qualified individuals available or potentially
8 available for employment in those occupations, with special
9 focus upon those occupations and industries which require high
10 skills and have high entry wages and experienced wage levels.
11 In the development of workforce estimates, the conference
12 shall use, to the fullest extent possible, local occupational
13 and workforce forecasts and estimates.

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

30 ~~3. During each legislative session, and at other times~~
31 ~~if necessary, the Workforce Estimating Conference shall meet~~

1 ~~as the Workforce Impact Conference for the purpose of~~
2 ~~determining the effects of legislation related to the state's~~
3 ~~workforce and economic development efforts introduced prior to~~
4 ~~and during such legislative session. In addition to the~~
5 ~~designated principals of the impact conference, nonprincipal~~
6 ~~participants of the impact conference shall include a~~
7 ~~representative of the Florida Chamber of Commerce and other~~
8 ~~interested parties. The impact conference shall use both~~
9 ~~quantitative and qualitative research methods to determine the~~
10 ~~impact of introduced legislation related to workforce and~~
11 ~~economic development issues.~~

12 ~~(c)4. Notwithstanding subparagraph 3.,~~ The Workforce
13 Estimating Conference, for the purposes described in paragraph
14 (a) subparagraph 1., shall meet no less than 2 times in a
15 calendar year. The first meeting shall be held in February,
16 and the second meeting shall be held in August. Other meetings
17 may be scheduled as needed.

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

1 ~~parties. The principal representing the Executive Office of~~
2 ~~the Governor shall preside over the sessions of the~~
3 ~~conference.~~

4 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.--

5 ~~(a) Duties.~~

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

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

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

30 (9) SELF-INSURANCE ESTIMATING CONFERENCE.--

31

1 ~~(a) Duties.~~ The Self-Insurance Estimating Conference
2 shall develop such official information on self-insurance
3 related issues as the conference determines is needed by the
4 state planning and budgeting system.

5 ~~(b) Principals.~~ ~~The Executive Office of the Governor,~~
6 ~~the coordinator of the Office of Economic and Demographic~~
7 ~~Research, and professional staff of the Senate and the House~~
8 ~~of Representatives who have forecasting and substantive~~
9 ~~experience, or their designees, are the principals of the~~
10 ~~Self Insurance Estimating Conference. The responsibility of~~
11 ~~presiding over sessions of the conference shall be rotated~~
12 ~~among the principals.~~

13 (10) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION
14 CONFERENCE.--

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

25 ~~(b) Principals.~~ ~~The Executive Office of the Governor,~~
26 ~~the coordinator of the Office of Economic and Demographic~~
27 ~~Research, and professional staff of the Senate and House of~~
28 ~~Representatives who have forecasting and substantive~~
29 ~~expertise, or their designees, are the principals of the~~
30 ~~Florida Retirement System Actuarial Assumption Conference. The~~
31 ~~Executive Office of the Governor shall have the responsibility~~

1 ~~of presiding over the sessions of the conference. The State~~
2 ~~Board of Administration and the Division of Retirement shall~~
3 ~~be participants in the conference.~~

4 Section 29. Paragraph (a) of subsection (2) of section
5 216.177, Florida Statutes, is amended to read:

6 216.177 Appropriations acts, statement of intent,
7 violation, notice, review and objection procedures.--

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

23 Section 30. Subsections (3), (5), (6), paragraph (a)
24 of subsection (8), paragraph (a) of subsection (10), and
25 subsection (11) of section 216.181, Florida Statutes, are
26 amended to read:

27 216.181 Approved budgets for operations and fixed
28 capital outlay.--

29 (3) All amendments to original approved operating
30 budgets, regardless of funding source, are subject to the

31

1 notice and objection ~~review~~ procedures set forth in s.
2 216.177.

3 (5) An amendment to the original operating budget for
4 an information technology project or initiative that involves
5 more than one agency, has an outcome that impacts another
6 agency, or exceeds \$500,000 in total cost over a 1-year
7 period, except for those projects that are a continuation of
8 hardware or software maintenance or software licensing
9 agreements, or that are for desktop replacement that is
10 similar to the technology currently in use must be reviewed by
11 the Technology Review Workgroup pursuant to s. 216.0446 and
12 approved by the Executive Office of the Governor for the
13 executive branch or by the Chief Justice for the judicial
14 branch, and shall be subject to the notice and objection
15 ~~review~~ procedures set forth in s. 216.177.

16 (6)(a) A detailed plan allocating a lump-sum
17 appropriation to traditional appropriations categories shall
18 be submitted by the affected agency to the Executive Office of
19 the Governor or the Chief Justice of the Supreme Court. The
20 Executive Office of the Governor and the Chief Justice of the
21 Supreme Court shall submit such plan to the chair and vice
22 chair of the Legislative Budget Commission either before or
23 concurrent with the submission of any budget amendment that
24 recommends the transfer and release of ~~may require the~~
25 ~~submission of a detailed plan from the agency or entity of the~~
26 ~~judicial branch affected, consistent with the General~~
27 ~~Appropriations Act, special appropriations acts, and~~
28 ~~statements of intent before transferring and releasing the~~
29 balance of a lump-sum appropriation.

30 (b) The Executive Office of the Governor and the Chief
31 Justice of the Supreme Court may amend, without approval of

1 the Legislative Budget Commission, state agency and judicial
2 branch entity budgets, respectively, to reflect the
3 transferred funds and to provide the associated increased
4 salary rate based on the approved plans for lump-sum
5 appropriations. Any action proposed pursuant to this paragraph
6 is subject to the procedures set forth in s. 216.177.

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

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

22 (a) Determined by the salary rate specified in the
23 General Appropriations Act and adjusted for reorganizations
24 authorized by law, for any other appropriations made by law,
25 and, subject to s. 216.177, for distributions of lump-sum
26 appropriations and administered funds and for actions that
27 require authorization of salary rate from salary rate reserve
28 and placement of salary rate in salary rate reserve.

29 (10)(a) The Legislative Budget Commission may
30 authorize increases or decreases in the approved salary rate,
31 except as authorized in s. 216.181(8)(a), for positions

1 pursuant to the request of the agency filed with the Executive
2 Office of the Governor or pursuant to the request of an entity
3 of the judicial branch filed with the Chief Justice of the
4 Supreme Court, if deemed necessary and in the best interest of
5 the state and consistent with legislative policy and intent.

6 (11) The Executive Office of the Governor and the
7 Chief Justice of the Supreme Court may approve changes in the
8 amounts appropriated from state trust funds in excess of those
9 in the approved operating budget up to \$1 million only
10 pursuant to the federal funds provisions of s. 216.212, when
11 grants and donations are received after April 1, or when
12 deemed necessary due to a set of conditions that were
13 unforeseen at the time the General Appropriations Act was
14 adopted and that are essential to correct in order to continue
15 the operation of government. Changes in the amounts
16 appropriated from state trust funds in excess of those in the
17 approved operating budget which are in excess of \$1 million
18 may be approved only by the Legislative Budget Commission
19 pursuant to the request of a state agency filed with the
20 Executive Office of the Governor or pursuant to the request of
21 an entity of the judicial branch filed with the Chief Justice
22 of the Supreme Court. The provisions of this subsection are
23 subject to the notice, ~~review~~, and objection procedures set
24 forth in s. 216.177.

25 Section 31. Section 216.1811, Florida Statutes, is
26 created to read:

27 216.1811 Approved operating budgets and appropriations
28 for the legislative branch.--

29 (1) The Governor and the Chief Financial Officer shall
30 each make changes to the original approved operating budgets
31 for operational and fixed capital expenditures relating to the

1 legislative branch as directed by the presiding officers of
2 the legislative branch.

3 (2) The Governor and the Chief Financial Officer shall
4 each ensure that any balances of appropriations made to the
5 legislative branch are carried forward as directed by the
6 presiding officers of the legislative branch.

7 Section 32. Subsection (2) of section 216.1815,
8 Florida Statutes, is amended to read:

9 216.1815 Agency incentive and savings program.--

10 (2) To be eligible to retain funds, an agency or the
11 Chief Justice of the Supreme Court must submit a plan and an
12 associated request to amend its approved operating budget to
13 the Legislative Budget Commission specifying:

14 (a) The modifications to approved programs resulting
15 in efficiencies and cost savings;

16 (b) The amount and source of the funds and positions
17 saved;

18 (c) The specific positions, rate, amounts, and sources
19 of funds the agency or the judicial branch wishes to include
20 in its incentive expenditures;

21 (d) How the agency or the judicial branch will meet
22 the goals and objectives established in its long-range program
23 plan;

24 (e) How the agency or the judicial branch will meet
25 performance standards, including ~~established by the~~
26 ~~Legislature and~~ those in its long-range program plan; and

27 (f) Any other incentive expenditures which the agency
28 or the judicial branch believes will enhance its performance.

29 Section 33. Section 216.1827, Florida Statutes, is
30 created to read:

31

1 216.1827 Requirements for performance measures and
2 standards.--

3 (1) Agencies and the judicial branch shall maintain a
4 comprehensive performance accountability system containing, at
5 a minimum, a list of performance measures and standards that
6 are adopted by the Legislature and subsequently amended
7 pursuant to this section.

8 (2)(a) Agencies and the judicial branch shall submit
9 output and outcome measures and standards, as well as
10 historical baseline and performance data pursuant to s.
11 216.013.

12 (b) Agencies and the judicial branch shall also submit
13 performance data, measures, and standards to the Office of
14 Program Policy Analysis and Government Accountability upon
15 request for review of the adequacy of the legislatively
16 approved measures and standards.

17 (3)(a) An agency may submit requests to delete or
18 amend its existing approved performance measures and standards
19 or submit requests to create additional performance measures
20 and standards to the Executive Office of the Governor for
21 review and approval. The request shall document the
22 justification for the change and ensure that the revision,
23 deletion, or addition is consistent with legislative intent.
24 Revisions or deletions to, or additions of performance
25 measures and standards approved by the Executive Office of the
26 Governor are subject to the review and objection procedure set
27 forth in s. 216.177.

28 (b) The Chief Justice of the Supreme Court may submit
29 deletions or amendments of the judicial branch's existing
30 approved performance measures and standards or may submit
31 additional performance measures and standards to the

1 Legislature accompanied with justification for the change and
2 ensure that the revision, deletion, or addition is consistent
3 with legislative intent. Revisions or deletions to, or
4 additions of performance measures and standards submitted by
5 the Chief Justice of the Supreme Court are subject to the
6 review and objection procedure set forth in s. 216.177.

7 (4)(a) The Legislature may create, amend, and delete
8 performance measures and standards. The Legislature may confer
9 with the Executive Office of the Governor for state agencies
10 and the Chief Justice of the Supreme Court for the judicial
11 branch prior to any such action.

12 (b) The Legislature may require state agencies to
13 submit requests for revisions, additions, or deletions to
14 approved performance measures and standards to the Executive
15 Office of the Governor for review and approval, subject to the
16 review and objection procedure set forth in s. 216.177.

17 (c) The Legislature may require the judicial branch to
18 submit revisions, additions, or deletions to approved
19 performance measures and standards to the Legislature, subject
20 to the review and objection procedure set forth in s. 216.177.

21 (d) Any new agency created by the Legislature is
22 subject to the initial performance measures and standards
23 established by the Legislature. The Legislature may require
24 state agencies and the judicial branch to provide any
25 information necessary to create initial performance measures
26 and standards.

27 Section 34. Subsection (3) is added to section
28 216.251, Florida Statutes, to read:

29 216.251 Salary appropriations; limitations.--

30 (3) An agency may not provide general salary increases
31 or pay additives for a cohort of positions sharing the same

1 job classification or job occupations which the Legislature
2 has not authorized in the General Appropriations Act or other
3 laws.

4 Section 35. Subsection (3), paragraph (b) of
5 subsection (4), and subsection (5) of section 216.292, Florida
6 Statutes, are amended, and subsection (7) is added to that
7 section, to read:

8 216.292 Appropriations nontransferable; exceptions.--

9 (3) The following transfers are authorized with the
10 approval of the Executive Office of the Governor for the
11 executive branch or the Chief Justice for the judicial branch,
12 subject to the notice and objection ~~review~~ provisions of s.
13 216.177:

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

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

18 (4) The following transfers are authorized with the
19 approval of the Legislative Budget Commission. Unless waived
20 by the chair and vice chair of the commission, notice of such
21 transfers must be provided 14 days before the commission
22 meeting:

23 (b) The transfer of appropriations for operations from
24 trust funds in excess of those authorized ~~provided~~ in
25 subsection (2) or subsection (3) this section that exceed the
26 ~~greater of 5 percent of the original approved budget or \$1~~
27 ~~million~~, as recommended by the Executive Office of the
28 Governor or the Chief Justice of the Supreme Court.

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

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

7 (7) The provisions of this section do not apply to the
8 budgets for the legislative branch.

9 Section 36. Effective upon this act becoming a law,
10 subsections (1) and (3) and paragraph (a) of subsection (2) of
11 section 216.301, Florida Statutes, as amended by section 40 of
12 chapter 2005-152, Laws of Florida, are amended to read:

13 216.301 Appropriations; undisbursed balances.--

14 (1)(a) As of June 30th of each year, for
15 appropriations for operations only, each department and the
16 judicial branch shall identify in the state's financial system
17 any incurred obligation which has not been disbursed, showing
18 in detail the commitment or to whom obligated and the amounts
19 of such commitments or obligations. Any appropriation not
20 identified as an incurred obligation effective June 30th shall
21 revert to the fund from which it was appropriated and shall be
22 available for reappropriation by the Legislature.

23 (b) The undisbursed release balance of any authorized
24 appropriation, except an appropriation for fixed capital
25 outlay, for any given fiscal year remaining on June 30 of the
26 fiscal year shall be carried forward in an amount equal to the
27 incurred obligations identified in paragraph (a). Any such
28 incurred obligations remaining undisbursed on September 30
29 shall revert to the fund from which appropriated and shall be
30 available for reappropriation by the Legislature. The Chief
31 Financial Officer will monitor changes made to incurred

1 obligations prior to the September 30 reversion to ensure
2 generally accepted accounting principles and legislative
3 intent are followed.

4 (c) In the event an appropriate identification of an
5 incurred obligation is not made and an incurred obligation is
6 proven to be legal, due, and unpaid, then the incurred
7 obligation shall be paid and charged to the appropriation for
8 the current fiscal year of the state agency or judicial branch
9 affected.

10 ~~(1)(a) Any balance of any appropriation, except an~~
11 ~~appropriation for fixed capital outlay, which is not disbursed~~
12 ~~but which is expended shall, at the end of each fiscal year,~~
13 ~~be certified by the head of the affected state agency or the~~
14 ~~judicial or legislative branches, on or before August 1 of~~
15 ~~each year, to the Executive Office of the Governor, showing in~~
16 ~~detail the obligees to whom obligated and the amounts of such~~
17 ~~obligations. Any such encumbered balance remaining undisbursed~~
18 ~~on September 30 of the same calendar year in which such~~
19 ~~certification was made shall revert to the fund from which~~
20 ~~appropriated, except as provided in subsection (3), and shall~~
21 ~~be available for reappropriation by the Legislature. In the~~
22 ~~event such certification is not made and an obligation is~~
23 ~~proven to be legal, due, and unpaid, then the obligation shall~~
24 ~~be paid and charged to the appropriation for the current~~
25 ~~fiscal year of the state agency or the legislative or judicial~~
26 ~~branch affected.~~

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

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

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

1 committees, the continuation of such unexpended balances. The
2 Executive Office of the Governor shall, no later than February
3 ~~28~~ ~~20~~ of each year, furnish the Chief Financial Officer, the
4 legislative appropriations committees, and the Auditor General
5 a report listing in detail the items and amounts reverting
6 under the authority of this subsection, including the fund to
7 which reverted and the agency affected.

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

13 Section 37. Subsection (2) of section 252.37, Florida
14 Statutes, is amended to read:

15 252.37 Financing.--

16 (2) It is the legislative intent that the first
17 recourse be made to funds regularly appropriated to state and
18 local agencies. If the Governor finds that the demands placed
19 upon these funds in coping with a particular disaster declared
20 by the Governor as a state of emergency are unreasonably
21 great, she or he may make funds available by transferring and
22 expending moneys appropriated for other purposes, by
23 transferring and expending moneys out of any unappropriated
24 surplus funds, or from the Budget Stabilization Fund.
25 Following the expiration or termination of the state of
26 emergency, the Governor may transfer moneys with a budget
27 amendment, subject to approval by the Legislative Budget
28 Commission, process a budget amendment under the notice and
29 review procedures set forth in s. 216.177 to transfer moneys
30 to satisfy the budget authority granted for such emergency.
31

1 Section 38. Section 273.02, Florida Statutes, is
2 amended to read:

3 273.02 Record and inventory of certain property.--The
4 word "property" as used in this section means equipment,
5 fixtures, and other tangible personal property of a
6 nonconsumable and nonexpendable nature. The Chief Financial
7 Officer shall establish by rule the requirements for the
8 recording of property in the state's financial systems and for
9 the periodic review of property for inventory purposes., the
10 ~~value or cost of which is \$1,000 or more and the normal~~
11 ~~expected life of which is 1 year or more, and hardback covered~~
12 ~~bound books that are circulated to students or the general~~
13 ~~public, the value or cost of which is \$25 or more, and~~
14 ~~hardback covered bound books, the value or cost of which is~~
15 ~~\$250 or more. Each item of property which it is practicable to~~
16 ~~identify by marking shall be marked in the manner required by~~
17 ~~the Auditor General. Each custodian shall maintain an adequate~~
18 ~~record of property in his or her custody, which record shall~~
19 ~~contain such information as shall be required by the Auditor~~
20 ~~General. Once each year, on July 1 or as soon thereafter as is~~
21 ~~practicable, and whenever there is a change of custodian, each~~
22 ~~custodian shall take an inventory of property in his or her~~
23 ~~custody. The inventory shall be compared with the property~~
24 ~~record, and all discrepancies shall be traced and reconciled.~~
25 ~~All publicly supported libraries shall be exempt from marking~~
26 ~~hardback covered bound books, as required by this section. The~~
27 ~~catalog and inventory control records maintained by each~~
28 ~~publicly supported library shall constitute the property~~
29 ~~record of hardback covered bound books with a value or cost of~~
30 ~~\$25 or more included in each publicly supported library~~
31 ~~collection and shall serve as a perpetual inventory in lieu of~~

1 ~~an annual physical inventory. All books identified by these~~
2 ~~records as missing shall be traced and reconciled, and the~~
3 ~~library inventory shall be adjusted accordingly.~~

4 Section 39. Section 273.025, Florida Statutes, is
5 created to read:

6 273.025 Financial reporting for recorded
7 property.--The Chief Financial Officer shall establish by rule
8 the requirements for the capitalization of property that has
9 been recorded in the state's financial systems.

10 Section 40. Subsections (2) and (5) of section
11 273.055, Florida Statutes, are amended to read:

12 273.055 Disposition of state-owned tangible personal
13 property.--

14 (2) Custodians shall maintain records to identify each
15 property item as to disposition. Such records shall comply
16 with rules issued by the Chief Financial Officer Auditor
17 ~~General~~.

18 (5) All moneys received from the disposition of
19 state-owned tangible personal property or from any agreement
20 entered into under this chapter must be retained by the
21 custodian and may be disbursed for the acquisition of exchange
22 and surplus property and for all necessary operating
23 expenditures, ~~and are appropriated for those purposes~~. The
24 custodian shall maintain records of the accounts into which
25 the money is deposited.

26 Section 41. Section 274.02, Florida Statutes, is
27 amended to read:

28 274.02 Record and inventory of certain property.--

29 (1) The word "property" as used in this section means
30 fixtures and other tangible personal property of a
31

1 nonconsumable nature ~~the value of which is \$1,000 or more and~~
2 ~~the normal expected life of which is 1 year or more.~~

3 (2) The Chief Financial Officer shall establish by
4 rule the requirements for the recording of property and for
5 the periodic review of property for inventory purposes. Each
6 item of property which it is practicable to identify by
7 marking shall be marked in the manner required by the Auditor
8 General. Each governmental unit shall maintain an adequate
9 record of its property, which record shall contain such
10 information as shall be required by the Auditor General. Each
11 governmental unit shall take an inventory of its property in
12 the custody of a custodian whenever there is a change in such
13 custodian. A complete physical inventory of all property shall
14 be taken annually, and the date inventoried shall be entered
15 on the property record. The inventory shall be compared with
16 the property record, and all discrepancies shall be traced and
17 reconciled.

18 Section 42. Paragraph (b) of subsection (3) of section
19 338.2216, Florida Statutes, is amended to read:

20 338.2216 Florida Turnpike Enterprise; powers and
21 authority.--

22 (3)

23 (b) Notwithstanding the provisions of s. 216.301 to
24 the contrary and in accordance with s. 216.351, the Executive
25 Office of the Governor shall, on July 1 of each year, certify
26 forward all unexpended funds appropriated or provided pursuant
27 to this section for the turnpike enterprise. Of the unexpended
28 funds certified forward, any unencumbered amounts shall be
29 carried forward. Such funds carried forward shall not exceed 5
30 percent of the original approved total operating budget as
31 defined in s. 216.181(1) of the turnpike enterprise. Funds

1 | carried forward pursuant to this section may be used for any
2 | lawful purpose, including, but not limited to, promotional and
3 | market activities, technology, and training. Any certified
4 | forward funds remaining undisbursed on September 30 ~~December~~
5 | ~~31~~ of each year shall be carried forward.

6 | Section 43. Subsection (4) of section 1011.57, Florida
7 | Statutes, is amended to read:

8 | 1011.57 Florida School for the Deaf and the Blind;
9 | board of trustees; management flexibility.--

10 | (4) Notwithstanding the provisions of s. 216.301 to
11 | the contrary, ~~the Executive Office of the Governor shall, on~~
12 | ~~July 1 of each year, certify forward~~ all unexpended funds
13 | appropriated for the Florida School for the Deaf and the
14 | Blind. ~~The unexpended amounts in any fund~~ shall be carried
15 | forward and included as the balance forward for that fund in
16 | the approved operating budget for the following year.

17 | Section 44. Section 215.29, Florida Statutes, is
18 | repealed.

19 | Section 45. Except as otherwise expressly provided in
20 | this act, this act shall take effect July 1, 2006.

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