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1 A bill to be entitled
2 An act relating to state planning and budgeting; amending
3 s. 11.90, F.S.; revising the membership of the Legislative
4 Budget Commission; providing for the appointment of
5 presiding officers; revising requirements for meetings and
6 a quorum; revising requirements for appointing the staff
7 of the commission; requiring the commission to review
8 budget amendments recommended by the Governor or Chief
9 Justice; authorizing the commission to perform other
10 duties prescribed by the Legislature; creating s. 11.91,
11 F.S.; creating the Government Efficiency Task Force for
12 the purpose of recommending improvements to governmental
13 operations and cost reductions; providing for the
14 Governor, the President of the Senate, and the Speaker of
15 the House of Representatives to appoint its members;
16 requiring that the task force meet at 4-year intervals
17 beginning on a specified date; authorizing the task force
18 to conduct meetings through teleconferences; providing for
19 members to be reimbursed for per diem and travel expenses;
20 requiring the task force to complete its work within 1
21 year and report to the Legislative Budget Commission, the
22 Governor, and the Chief Justice of the Supreme Court;
23 amending s. 29.0095, F.S.; requiring the legislative
24 appropriations committees to prescribe the format of
25 budget expenditure reports; amending s. 100.371, F.S.;
26 specifying that the Financial Impact Estimating Conference
27 is within the legislative branch of government and under
28 the direction of the President of the Senate and the

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29 Speaker of the House of Representatives; revising
30 provisions governing public meetings of the conference;
31 amending s. 216.011, F.S.; redefining the term
32 "consultation" and defining the term "long-range financial
33 outlook" for purposes of state fiscal affairs; creating s.
34 216.012, F.S.; providing requirements for the long-range
35 financial outlook prepared by the Legislative Budget
36 Commission; requiring state agencies to provide certain
37 information; prescribing authority of the commission with
38 respect to such information; specifying timeframes for the
39 commission in completing the long-range financial outlook;
40 amending s. 216.023, F.S.; clarifying certain requirements
41 for legislative budget instructions; amending s. 216.065,
42 F.S.; requiring that fiscal impact statements be provided
43 to the Legislative Budget Commission in addition to the
44 legislative appropriations committees; requiring that such
45 statements contain information concerning subsequent
46 fiscal years; amending s. 216.162, F.S.; revising the date
47 for the Governor's recommended budget to be furnished to
48 the Legislature; authorizing the presiding officers of the
49 Legislature to approve submission of the Governor's
50 recommended budget at a later date than otherwise
51 required; amending s. 216.178, F.S.; extending the
52 deadline for production of the final budget; providing a
53 contingent effective date.

54
55 Be It Enacted by the Legislature of the State of Florida:
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57 Section 1. Section 11.90, Florida Statutes, is amended to
58 read:

59 11.90 Legislative Budget Commission.--

60 (1) There is created the Legislative Budget Commission,
61 which is the joint Legislative Budget Commission created in s.
62 19, Art. III of the State Constitution, composed of seven
63 members of the Senate appointed by the President of the Senate
64 and seven members of the House of Representatives appointed by
65 the Speaker of the House of Representatives. Each member shall
66 serve at the pleasure of the officer who appointed the member. A
67 vacancy on the commission shall be filled in the same manner as
68 the original appointment. From November of each odd-numbered
69 year through October of each even-numbered year, the chairperson
70 of the commission shall be appointed by the President of the
71 Senate and the vice chairperson of the commission shall be
72 appointed by the Speaker of the House of Representatives. From
73 November of each even-numbered year through October of each odd-
74 numbered year, the chairperson of the commission shall be
75 appointed by the Speaker of the House of Representatives and the
76 vice chairperson of the commission shall be appointed by the
77 President of the Senate. ~~There is created a standing joint~~
78 ~~committee of the Legislature designated the Legislative Budget~~
79 ~~Commission, composed of 14 members as follows: seven members of~~
80 ~~the Senate appointed by the President of the Senate, to include~~
81 ~~the chair of the Senate Budget Committee or its successor, and~~
82 ~~seven members of the House of Representatives appointed by the~~
83 ~~Speaker of the House of Representatives, to include the chair of~~
84 ~~the Fiscal Responsibility Council or its successor. The terms of~~

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85 members shall be for 2 years and shall run from the organization
86 of one Legislature to the organization of the next Legislature.
87 ~~Vacancies occurring during the interim period shall be filled in~~
88 ~~the same manner as the original appointment. During even-~~
89 ~~numbered years, the chair of the commission shall be the chair~~
90 ~~of the Senate Budget Committee or its successor, and the vice~~
91 ~~chair of the commission shall be the chair of the House Fiscal~~
92 ~~Responsibility Council or its successor. During odd-numbered~~
93 ~~years, the chair of the commission shall be the chair of the~~
94 ~~House Fiscal Responsibility Council or its successor, and the~~
95 ~~vice chair of the commission shall be the chair of the Senate~~
96 ~~Budget Committee or its successor.~~

97 (2) The Legislative Budget Commission shall be governed by
98 joint rules of the Senate and the House of Representatives which
99 shall remain in effect until repealed or amended by concurrent
100 resolution.

101 (3) The commission shall convene at the call of the
102 President of the Senate and the Speaker of the House of
103 Representatives at least quarterly. A majority of the commission
104 members of each house plus one additional member from either
105 house constitutes a quorum. ~~The commission shall meet at least~~
106 ~~quarterly and more frequently at the direction of the presiding~~
107 ~~officers or upon call of the chair. A quorum shall consist of a~~
108 ~~majority of members from each house, plus one additional member~~
109 ~~from either house.~~ Action by the commission requires a majority
110 vote of the members present of each house.

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

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113 (5) The commission shall be staffed by legislative staff
114 members, as assigned by the President of the Senate and the
115 Speaker of the House of Representatives. ~~The commission will be~~
116 ~~jointly staffed by the appropriations committees of the House of~~
117 ~~Representatives and the Senate. During even-numbered years, the~~
118 ~~Senate will serve as lead staff, and during odd-numbered years,~~
119 ~~the House of Representatives will serve as lead staff.~~

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

121 (a) Review and approve or disapprove budget amendments
122 recommended by the Governor or the Chief Justice of the Supreme
123 Court as provided in chapter 216. ~~Annually review the amount of~~
124 ~~state debt outstanding and submit to the President of the Senate~~
125 ~~and the Speaker of the House of Representatives an estimate of~~
126 ~~the maximum amount of additional state tax supported debt that~~
127 ~~prudently may be authorized during the current fiscal year. The~~
128 ~~estimate shall be advisory and shall in no way bind the~~
129 ~~Legislature.~~

130 (b) Develop the long-range financial outlook described in
131 s. 19, Art. III of the State Constitution. ~~Promptly after~~
132 ~~receiving the report required by s. 215.98(2)(c), the commission~~
133 ~~shall submit to the President of the Senate and the Speaker of~~
134 ~~the House of Representatives the commission's estimate of tax-~~
135 ~~supported debt which prudently may be authorized for the next~~
136 ~~fiscal year, together with a report explaining the basis for the~~
137 ~~estimate.~~

138

139 In addition to the powers and duties specified in this
140 subsection, the commission shall exercise all other powers and

141 perform any other duties prescribed by the Legislature.

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

151 Section 2. Section 11.91, Florida Statutes, is created to
 152 read:

153 11.91 Government Efficiency Task Force.--

154 (1) There is created the Government Efficiency Task Force.
 155 The task force shall convene no later than January 2007, and
 156 each 4th year thereafter. The task force shall be composed of 15
 157 members. Five members shall be appointed by the President of the
 158 Senate, five members shall be appointed by the Speaker of the
 159 House of Representatives, and five members shall be appointed by
 160 the Governor. Members of the task force may include
 161 representatives from the private sector, as designated by the
 162 President of the Senate, the Speaker of the House of
 163 Representatives, and the Governor. Each member shall serve at
 164 the pleasure of the officer who appointed the member. A vacancy
 165 on the task force shall be filled in the same manner as the
 166 original appointment. The terms of the members shall be for 1
 167 year.

168 (2) The task force shall elect a chair from among its

169 members.

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

174 (4) Members of the task force are entitled to receive
 175 reimbursement for per diem and travel expenses pursuant to s.
 176 112.061.

177 (5) The task force shall develop recommendations for
 178 improving governmental operations and reducing costs. Staff to
 179 assist the task force in performing its duties shall be assigned
 180 by the President of the Senate, the Speaker of the House of
 181 Representatives, and the Governor. The task force shall consider
 182 reports issued by the Auditor General, the Office of Program
 183 Policy Analysis and Government Accountability, and agency
 184 inspectors general in developing its recommendations.

185 (6) The task force shall complete its work within 1 year
 186 and submit its recommendations to the chairperson and vice
 187 chairperson of the Legislative Budget Commission, the Governor,
 188 and the Chief Justice of the Supreme Court. The task force may
 189 submit all or part of its recommendations at any time during the
 190 year, but a final report summarizing its recommendations must be
 191 submitted at the completion of its work.

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

194 29.0095 Budget expenditure reports.--

195 (4) The appropriations committees of the Senate and the
 196 House of Representatives ~~Legislative Budget Commission~~ shall

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197 prescribe the format of the report required by this section in
 198 consultation with the Chief Justice and the Justice
 199 Administrative Commission.

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

203 100.371 Initiatives; procedure for placement on ballot.--

204 (5) (a) Within 45 days after receipt of a proposed revision
 205 or amendment to the State Constitution by initiative petition
 206 from the Secretary of State, the Financial Impact Estimating
 207 Conference shall complete an analysis and financial impact
 208 statement to be placed on the ballot of the estimated increase
 209 or decrease in any revenues or costs to state or local
 210 governments resulting from the proposed initiative. The
 211 Financial Impact Estimating Conference shall submit the
 212 financial impact statement to the Attorney General and Secretary
 213 of State.

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

219 (c) All meetings of the Financial Impact Estimating
 220 Conference shall be open to the public ~~as provided in chapter~~
 221 ~~286.~~ The President of the Senate and the Speaker of the House of
 222 Representatives, jointly, shall be the sole judge for the
 223 interpretation, implementation, and enforcement of this
 224 subsection.

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225 ~~1.2.~~ The Financial Impact Estimating Conference is
226 established to review, analyze, and estimate the financial
227 impact of amendments to or revisions of the State Constitution
228 proposed by initiative. The Financial Impact Estimating
229 Conference shall consist of four principals: one person from the
230 Executive Office of the Governor; the coordinator of the Office
231 of Economic and Demographic Research, or his or her designee;
232 one person from the professional staff of the Senate; and one
233 person from the professional staff of the House of
234 Representatives. Each principal shall have appropriate fiscal
235 expertise in the subject matter of the initiative. A Financial
236 Impact Estimating Conference may be appointed for each
237 initiative.

238 ~~2.3.~~ Principals of the Financial Impact Estimating
239 Conference shall reach a consensus or majority concurrence on a
240 clear and unambiguous financial impact statement, no more than
241 75 words in length, and immediately submit the statement to the
242 Attorney General. Nothing in this subsection prohibits the
243 Financial Impact Estimating Conference from setting forth a
244 range of potential impacts in the financial impact statement.
245 Any financial impact statement that a court finds not to be in
246 accordance with this section shall be remanded solely to the
247 Financial Impact Estimating Conference for redrafting. The
248 Financial Impact Estimating Conference shall redraft the
249 financial impact statement within 15 days.

250 ~~3.4.~~ If the members of the Financial Impact Estimating
251 Conference are unable to agree on the statement required by this
252 subsection, or if the Supreme Court has rejected the initial

253 submission by the Financial Impact Estimating Conference and no
 254 redraft has been approved by the Supreme Court by 5 p.m. on the
 255 75th day before the election, the following statement shall
 256 appear on the ballot pursuant to s. 101.161(1): "The financial
 257 impact of this measure, if any, cannot be reasonably determined
 258 at this time."

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

262 (e)~~(d)~~1. Any financial impact statement that the Supreme
 263 Court finds not to be in accordance with this subsection shall
 264 be remanded solely to the Financial Impact Estimating Conference
 265 for redrafting, provided the court's advisory opinion is
 266 rendered at least 75 days before the election at which the
 267 question of ratifying the amendment will be presented. The
 268 Financial Impact Estimating Conference shall prepare and adopt a
 269 revised financial impact statement no later than 5 p.m. on the
 270 15th day after the date of the court's opinion.

271 2. If, by 5 p.m. on the 75th day before the election, the
 272 Supreme Court has not issued an advisory opinion on the initial
 273 financial impact statement prepared by the Financial Impact
 274 Estimating Conference for an initiative amendment that otherwise
 275 meets the legal requirements for ballot placement, the financial
 276 impact statement shall be deemed approved for placement on the
 277 ballot.

278 3. In addition to the financial impact statement required
 279 by this subsection, the Financial Impact Estimating Conference
 280 shall draft an initiative financial information statement. The

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281 initiative financial information statement should describe in
282 greater detail than the financial impact statement any projected
283 increase or decrease in revenues or costs that the state or
284 local governments would likely experience if the ballot measure
285 were approved. If appropriate, the initiative financial
286 information statement may include both estimated dollar amounts
287 and a description placing the estimated dollar amounts into
288 context. The initiative financial information statement must
289 include both a summary of not more than 500 words and additional
290 detailed information that includes the assumptions that were
291 made to develop the financial impacts, workpapers, and any other
292 information deemed relevant by the Financial Impact Estimating
293 Conference.

294 4. The Department of State shall have printed, and shall
295 furnish to each supervisor of elections, a copy of the summary
296 from the initiative financial information statements. The
297 supervisors shall have the summary from the initiative financial
298 information statements available at each polling place and at
299 the main office of the supervisor of elections upon request.

300 5. The Secretary of State and the Office of Economic and
301 Demographic Research shall make available on the Internet each
302 initiative financial information statement in its entirety. In
303 addition, each supervisor of elections whose office has a
304 website shall post the summary from each initiative financial
305 information statement on the website. Each supervisor shall
306 include the Internet addresses for the information statements on
307 the Secretary of State's and the Office of Economic and

308 Demographic Research's websites in the publication or mailing
 309 required by s. 101.20.

310 Section 5. Paragraph (h) of subsection (1) of section
 311 216.011, Florida Statutes, is amended, and paragraph (tt) is
 312 added to that subsection, to read:

313 216.011 Definitions.--

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

317 (h) "Consultation" means communication to allow government
 318 officials and agencies to deliberate and to seek and provide
 319 advice in an open and forthright manner ~~with the full committee,~~
 320 ~~a subcommittee thereof, the chair, or the staff as deemed~~
 321 ~~appropriate by the chair of the respective appropriations~~
 322 ~~committee.~~

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

326 Section 6. Section 216.012, Florida Statutes, is created
 327 to read:

328 216.012 Long-range financial outlook.--

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

331 (2) Each state agency shall provide information to the
 332 commission, based on the commission's direction, which supports
 333 the commission's development and updates of the long-range
 334 financial outlook. The commission has the authority to accept,
 335 modify, or direct the agency to modify any information received

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336 from an agency.

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

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

343 216.023 Legislative budget requests to be furnished to
344 Legislature by agencies.--

345 (12) In order to ensure an integrated state planning and
346 budgeting process, the agency long-range plan should be reviewed
347 by the Legislature. The legislative budget request instructions
348 must provide for consistency between the agency's long-range
349 plan and the agency's legislative budget request.

350 Section 8. Section 216.065, Florida Statutes, is amended
351 to read:

352 216.065 Fiscal impact statements on actions affecting the
353 budget.--In addition to the applicable requirements of chapter
354 120, before the Governor, or Governor and Cabinet as a body,
355 performing any constitutional or statutory duty, or before any
356 state agency or statutorily authorized entity takes any final
357 action that will affect revenues, require a request for an
358 increased or new appropriation in the following 3 fiscal years
359 ~~year~~, or transfer current year funds, it shall first provide the
360 joint Legislative Budget Commission and the legislative
361 appropriations committees with a fiscal impact statement that
362 details the effects of such action on the budget. The fiscal
363 impact statement must specify the estimated budget and revenue

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364 impacts for the current year and the 2 subsequent fiscal years
 365 at the same level of detail required to support a legislative
 366 budget request, including amounts by appropriation category and
 367 fund.

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

370 216.162 Governor's recommended budget to be furnished
 371 Legislature; copies to members.--

372 (1) At least 30 days before the scheduled annual
 373 legislative session, or at a later date if requested by the
 374 Governor and approved in writing by the President of the Senate
 375 and the Speaker of the House of Representatives, the Governor
 376 shall furnish each senator and representative a copy of his or
 377 her recommended balanced budget for the state, based on the
 378 Governor's own conclusions and judgment; ~~however, in his or her~~
 379 ~~first year in office a new Governor may request, subject to~~
 380 ~~approval of the President of the Senate and the Speaker of the~~
 381 ~~House of Representatives, that his or her recommended balanced~~
 382 ~~budget be submitted at a later time prior to the Governor's~~
 383 ~~first regular legislative session.~~

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

386 216.178 General Appropriations Act; format; procedure.--

387 (2) The Office of Planning and Budgeting shall develop a
 388 final budget report that reflects the net appropriations for
 389 each budget item. The report shall reflect actual expenditures
 390 for each of the 2 preceding fiscal years and the estimated
 391 expenditures for the current fiscal year. In addition, the

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392 | report must contain the actual revenues and cash balances for
393 | the preceding 2 fiscal years and the estimated revenues and cash
394 | balances for the current fiscal year. The report may also
395 | contain expenditure data, program objectives, and program
396 | measures for each state agency program. The report must be
397 | produced by the 120th day of ~~October 15~~ each fiscal year. A copy
398 | of the report must be made available to each member of the
399 | Legislature, to the head of each state agency, to the Auditor
400 | General, to the director of the Office of Program Policy
401 | Analysis and Government Accountability, and to the public.

402 | Section 11. This act shall take effect upon the effective
403 | date of the amendment to the State Constitution contained in
404 | 2005 Senate Joint Resolution No. 2144, or a similar
405 | constitutional amendment, relating to the state budgeting,
406 | planning, and appropriations processes.