

HB 7181

2006
CS

CHAMBER ACTION

1 The Fiscal Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

Page 1 of 15

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7181-01-c1

HB 7181

2006
CS

24 requiring the task force to complete its work within 1
25 year and report to the Legislative Budget Commission, the
26 Governor, and the Chief Justice of the Supreme Court;
27 amending s. 29.0095, F.S.; requiring the legislative
28 appropriations committees to prescribe the format of
29 budget expenditure reports; amending s. 100.371, F.S.;
30 specifying that the Financial Impact Estimating Conference
31 is within the legislative branch of government and under
32 the direction of the President of the Senate and the
33 Speaker of the House of Representatives; revising
34 provisions governing public meetings of the conference;
35 amending s. 216.011, F.S.; redefining the term
36 "consultation" and defining the term "long-range financial
37 outlook" for purposes of state fiscal affairs; creating s.
38 216.012, F.S.; providing requirements for the long-range
39 financial outlook prepared by the Legislative Budget
40 Commission; requiring state agencies to provide certain
41 information; prescribing authority of the commission with
42 respect to such information; specifying timeframes for the
43 commission in completing the long-range financial outlook;
44 amending s. 216.023, F.S.; clarifying certain requirements
45 for legislative budget instructions; amending s. 216.065,
46 F.S.; requiring that fiscal impact statements be provided
47 to the Legislative Budget Commission in addition to the
48 legislative appropriations committees; requiring that such
49 statements contain information concerning subsequent
50 fiscal years; amending s. 216.162, F.S.; revising the date
51 for the Governor's recommended budget to be furnished to

Page 2 of 15

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb7181-01-c1

HB 7181

2006
CS

52 | the Legislature; authorizing the presiding officers of the
 53 | Legislature to approve submission of the Governor's
 54 | recommended budget at a later date than otherwise
 55 | required; amending s. 216.178, F.S.; extending the
 56 | deadline for production of the final budget; providing a
 57 | contingent effective date.

58

59 | Be It Enacted by the Legislature of the State of Florida:

60

61 | Section 1. Section 11.90, Florida Statutes, is amended to
 62 | read:

63 | 11.90 Legislative Budget Commission.--

64 | (1) There is created the Legislative Budget Commission,
 65 | which is the joint Legislative Budget Commission created in s.
 66 | 19, Art. III of the State Constitution, composed of seven
 67 | members of the Senate appointed by the President of the Senate
 68 | and seven members of the House of Representatives appointed by
 69 | the Speaker of the House of Representatives. Each member shall
 70 | serve at the pleasure of the officer who appointed the member. A
 71 | vacancy on the commission shall be filled in the same manner as
 72 | the original appointment. From November of each odd-numbered
 73 | year through October of each even-numbered year, the chairperson
 74 | of the commission shall be appointed by the President of the
 75 | Senate and the vice chairperson of the commission shall be
 76 | appointed by the Speaker of the House of Representatives. From
 77 | November of each even-numbered year through October of each odd-
 78 | numbered year, the chairperson of the commission shall be
 79 | appointed by the Speaker of the House of Representatives and the

HB 7181

2006
CS

80 vice chairperson of the commission shall be appointed by the
81 President of the Senate. ~~There is created a standing joint~~
82 ~~committee of the Legislature designated the Legislative Budget~~
83 ~~Commission, composed of 14 members as follows: seven members of~~
84 ~~the Senate appointed by the President of the Senate, to include~~
85 ~~the chair of the Senate Budget Committee or its successor, and~~
86 ~~seven members of the House of Representatives appointed by the~~
87 ~~Speaker of the House of Representatives, to include the chair of~~
88 ~~the Fiscal Responsibility Council or its successor. The terms of~~
89 ~~members shall be for 2 years and shall run from the organization~~
90 ~~of one Legislature to the organization of the next Legislature.~~
91 ~~Vacancies occurring during the interim period shall be filled in~~
92 ~~the same manner as the original appointment. During even-~~
93 ~~numbered years, the chair of the commission shall be the chair~~
94 ~~of the Senate Budget Committee or its successor, and the vice~~
95 ~~chair of the commission shall be the chair of the House Fiscal~~
96 ~~Responsibility Council or its successor. During odd-numbered~~
97 ~~years, the chair of the commission shall be the chair of the~~
98 ~~House Fiscal Responsibility Council or its successor, and the~~
99 ~~vice chair of the commission shall be the chair of the Senate~~
100 ~~Budget Committee or its successor.~~

101 (2) The Legislative Budget Commission shall be governed by
102 joint rules of the Senate and the House of Representatives which
103 shall remain in effect until repealed or amended by concurrent
104 resolution.

105 (3) The commission shall convene at the call of the
106 President of the Senate and the Speaker of the House of
107 Representatives at least quarterly. A majority of the commission

HB 7181

2006
CS

108 members of each house plus one additional member from either
109 house constitutes a quorum. ~~The commission shall meet at least~~
110 ~~quarterly and more frequently at the direction of the presiding~~
111 ~~officers or upon call of the chair. A quorum shall consist of a~~
112 ~~majority of members from each house, plus one additional member~~
113 ~~from either house.~~ Action by the commission requires a majority
114 vote of the members present of each house.

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

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

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

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

134 (b) Develop the long-range financial outlook described in
135 s. 19, Art. III of the State Constitution. ~~Promptly after~~

HB 7181

2006
CS

136 ~~receiving the report required by s. 215.98(2)(c), the commission~~
 137 ~~shall submit to the President of the Senate and the Speaker of~~
 138 ~~the House of Representatives the commission's estimate of tax-~~
 139 ~~supported debt which prudently may be authorized for the next~~
 140 ~~fiscal year, together with a report explaining the basis for the~~
 141 ~~estimate.~~

142
 143 In addition to the powers and duties specified in this
 144 subsection, the commission shall exercise all other powers and
 145 perform any other duties prescribed by the Legislature.

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

155 Section 2. Section 11.91, Florida Statutes, is created to
 156 read:

157 11.91 Government Efficiency Task Force.--

158 (1) There is created the Government Efficiency Task Force.
 159 The task force shall convene no later than January 2007, and
 160 each 4th year thereafter. The task force shall be composed of 15
 161 members. Five members shall be appointed by the President of the
 162 Senate, five members shall be appointed by the Speaker of the
 163 House of Representatives, and five members shall be appointed by

HB 7181

2006
CS

164 the Governor. The task force shall be composed of members of the
165 Legislature and representatives from the private and public
166 sectors, as designated by the President of the Senate, the
167 Speaker of the House of Representatives, and the Governor. Each
168 member shall serve at the pleasure of the officer who appointed
169 the member. A vacancy on the task force shall be filled in the
170 same manner as the original appointment. The terms of the
171 members shall be for 1 year.

172 (2) The task force shall elect a chair from among its
173 members.

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

178 (4) Members of the task force are entitled to receive
179 reimbursement for per diem and travel expenses pursuant to s.
180 112.061.

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

189 (6) The task force shall complete its work within 1 year
190 and submit its recommendations to the chairperson and vice
191 chairperson of the Legislative Budget Commission, the Governor,

HB 7181

2006
CS

192 | and the Chief Justice of the Supreme Court. The task force may
 193 | submit all or part of its recommendations at any time during the
 194 | year, but a final report summarizing its recommendations must be
 195 | submitted at the completion of its work.

196 | Section 3. Subsection (4) of section 29.0095, Florida
 197 | Statutes, is amended to read:

198 | 29.0095 Budget expenditure reports.--

199 | (4) The appropriations committees of the Senate and the
 200 | House of Representatives ~~Legislative Budget Commission~~ shall
 201 | prescribe the format of the report required by this section in
 202 | consultation with the Chief Justice and the Justice
 203 | Administrative Commission.

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

207 | 100.371 Initiatives; procedure for placement on ballot.--

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

218 | (b) ~~1-~~ The Financial Impact Estimating Conference shall
 219 | provide an opportunity for any proponents or opponents of the

HB 7181

2006
CS

220 initiative to submit information and may solicit information or
221 analysis from any other entities or agencies, including the
222 Office of Economic and Demographic Research.

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

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

242 ~~2.3.~~ Principals of the Financial Impact Estimating
243 Conference shall reach a consensus or majority concurrence on a
244 clear and unambiguous financial impact statement, no more than
245 75 words in length, and immediately submit the statement to the
246 Attorney General. Nothing in this subsection prohibits the
247 Financial Impact Estimating Conference from setting forth a

HB 7181

2006
CS

248 range of potential impacts in the financial impact statement.
249 Any financial impact statement that a court finds not to be in
250 accordance with this section shall be remanded solely to the
251 Financial Impact Estimating Conference for redrafting. The
252 Financial Impact Estimating Conference shall redraft the
253 financial impact statement within 15 days.

254 ~~3.4~~ If the members of the Financial Impact Estimating
255 Conference are unable to agree on the statement required by this
256 subsection, or if the Supreme Court has rejected the initial
257 submission by the Financial Impact Estimating Conference and no
258 redraft has been approved by the Supreme Court by 5 p.m. on the
259 75th day before the election, the following statement shall
260 appear on the ballot pursuant to s. 101.161(1): "The financial
261 impact of this measure, if any, cannot be reasonably determined
262 at this time."

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

266 (e)~~(d)~~1. Any financial impact statement that the Supreme
267 Court finds not to be in accordance with this subsection shall
268 be remanded solely to the Financial Impact Estimating Conference
269 for redrafting, provided the court's advisory opinion is
270 rendered at least 75 days before the election at which the
271 question of ratifying the amendment will be presented. The
272 Financial Impact Estimating Conference shall prepare and adopt a
273 revised financial impact statement no later than 5 p.m. on the
274 15th day after the date of the court's opinion.

HB 7181

2006
CS

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

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

298 4. The Department of State shall have printed, and shall
299 furnish to each supervisor of elections, a copy of the summary
300 from the initiative financial information statements. The
301 supervisors shall have the summary from the initiative financial

HB 7181

2006
CS

302 information statements available at each polling place and at
303 the main office of the supervisor of elections upon request.

304 5. The Secretary of State and the Office of Economic and
305 Demographic Research shall make available on the Internet each
306 initiative financial information statement in its entirety. In
307 addition, each supervisor of elections whose office has a
308 website shall post the summary from each initiative financial
309 information statement on the website. Each supervisor shall
310 include the Internet addresses for the information statements on
311 the Secretary of State's and the Office of Economic and
312 Demographic Research's websites in the publication or mailing
313 required by s. 101.20.

314 Section 5. Paragraph (h) of subsection (1) of section
315 216.011, Florida Statutes, is amended, and paragraph (tt) is
316 added to that subsection, to read:

317 216.011 Definitions.--

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

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

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

HB 7181

2006
CS

330 Section 6. Section 216.012, Florida Statutes, is created
331 to read:

332 216.012 Long-range financial outlook.--

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

335 (2) Each state agency shall provide information to the
336 commission, based on the commission's direction, which supports
337 the commission's development and updates of the long-range
338 financial outlook. The commission has the authority to accept,
339 modify, or direct the agency to modify any information received
340 from an agency.

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

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

347 216.023 Legislative budget requests to be furnished to
348 Legislature by agencies.--

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

354 Section 8. Section 216.065, Florida Statutes, is amended
355 to read:

356 216.065 Fiscal impact statements on actions affecting the
357 budget.--In addition to the applicable requirements of chapter

HB 7181

2006
CS

358 | 120, before the Governor, or Governor and Cabinet as a body,
 359 | performing any constitutional or statutory duty, or before any
 360 | state agency or statutorily authorized entity takes any final
 361 | action that will affect revenues, require a request for an
 362 | increased or new appropriation in the following 3 fiscal years
 363 | ~~year~~, or transfer current year funds, it shall first provide the
 364 | joint Legislative Budget Commission and the legislative
 365 | appropriations committees with a fiscal impact statement that
 366 | details the effects of such action on the budget. The fiscal
 367 | impact statement must specify the estimated budget and revenue
 368 | impacts for the current year and the 2 subsequent fiscal years
 369 | at the same level of detail required to support a legislative
 370 | budget request, including amounts by appropriation category and
 371 | fund.

372 | Section 9. Subsection (1) of section 216.162, Florida
 373 | Statutes, is amended to read:

374 | 216.162 Governor's recommended budget to be furnished
 375 | Legislature; copies to members.--

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

HB 7181

2006
CS

386 ~~budget be submitted at a later time prior to the Governor's~~
387 ~~first regular legislative session.~~

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

390 216.178 General Appropriations Act; format; procedure.--

391 (2) The Office of Planning and Budgeting shall develop a
392 final budget report that reflects the net appropriations for
393 each budget item. The report shall reflect actual expenditures
394 for each of the 2 preceding fiscal years and the estimated
395 expenditures for the current fiscal year. In addition, the
396 report must contain the actual revenues and cash balances for
397 the preceding 2 fiscal years and the estimated revenues and cash
398 balances for the current fiscal year. The report may also
399 contain expenditure data, program objectives, and program
400 measures for each state agency program. The report must be
401 produced by the 120th day of ~~October 15~~ each fiscal year. A copy
402 of the report must be made available to each member of the
403 Legislature, to the head of each state agency, to the Auditor
404 General, to the director of the Office of Program Policy
405 Analysis and Government Accountability, and to the public.

406 Section 11. This act shall take effect upon the effective
407 date of the amendment to the State Constitution contained in
408 2005 Senate Joint Resolution No. 2144, or a similar
409 constitutional amendment, relating to the state budgeting,
410 planning, and appropriations processes.