

1 A bill to be entitled
2 An act relating to state financial matters; amending s.
3 11.243, F.S.; providing for the moneys collected from the
4 sale of the Florida Statutes or other publications to be
5 deposited in a specified trust fund; amending s. 11.513,
6 F.S.; requiring the Chief Justice of the Supreme Court to
7 develop program monitoring plans; requiring that
8 additional data be included in the plans for monitoring
9 major programs of state agencies and the judicial branch
10 and in the reviews of those programs; providing for the
11 Office of Program Policy Analysis and Government
12 Accountability to review agency and judicial branch
13 performance standards and report to the Governor, the
14 Legislature, and the Legislative Budget Commission;
15 amending s. 20.435, F.S.; revising a provision relating to
16 certain undisbursed balances of appropriations from the
17 Biomedical Research Trust Fund; amending s. 215.18, F.S.;
18 requiring that the Governor provide prior notice of
19 transfers between certain funds; amending s. 215.3206,
20 F.S.; replacing references to a 6-digit fund code in the
21 Florida Accounting Information Resource Subsystem with a
22 classification scheme consistent with the Department of
23 Financial Services' financial systems; amending s.
24 215.3208, F.S.; revising references to conform; amending
25 s. 215.35, F.S.; revising a provision relating to the
26 numbering of warrants issued by the Chief Financial
27 Officer; amending s. 215.422, F.S.; replacing a reference
28 to certain vouchers with the terms "invoice" or

29 | "invoices"; clarifying that agencies or the judicial
30 | branch record and approve certain invoices by a specified
31 | date; revising provisions relating to the Department of
32 | Financial Services' approval of payment of certain
33 | invoices; providing that a vendor who does not submit the
34 | appropriate federal taxpayer identification documentation
35 | to the department will be deemed an error on the part of
36 | the vendor; revising references to conform; amending s.
37 | 215.97, F.S.; removing a reference to the appropriations
38 | act in a provision relating to the purposes of the Florida
39 | Single Audit Act; amending s. 216.011, F.S.; revising the
40 | definition of "operating capital outlay"; defining the
41 | terms "incurred obligation" and "salary rate reserve" for
42 | purposes of state fiscal affairs, appropriations, and
43 | budgets; amending s. 216.013, F.S.; revising requirements
44 | for information regarding performance measures to be
45 | included in the long-range program plans of state agencies
46 | and the judicial branch; revising a provision relating to
47 | making adjustments to long-range program plans; amending
48 | s. 216.023, F.S.; revising certain requirements for
49 | legislative budget requests; deleting a provision
50 | requiring agencies to maintain a certain performance
51 | accountability system and provide a list of performance
52 | measures; deleting a provision relating to adjustments to
53 | executive agency performance standards; deleting a
54 | provision relating to adjustments to judicial branch
55 | performance standards; amending s. 216.134, F.S.;
56 | providing for the responsibility of presiding over

57 sessions of consensus estimating conferences; amending s.
58 216.136, F.S.; revising provisions relating to the
59 principals of consensus estimating conferences; revising
60 the duties of certain agencies relating to the Criminal
61 Justice Estimating Conference, the Social Services
62 Estimating Conference, and the Workforce Estimating
63 Conference; amending s. 216.177, F.S.; clarifying the
64 circumstances under which the Executive Office of the
65 Governor and the Chief Justice of the Supreme Court are
66 required to provide notice to the chair and vice chair of
67 the Legislative Budget Commission; amending s. 216.178,
68 F.S.; revising the date by which the Office of Planning
69 and Budgeting must produce a final budget report; amending
70 s. 216.181, F.S.; providing that amendments to certain
71 approved operating budgets are subject to objection
72 procedures; requiring that state agencies submit to the
73 chair and vice chair of the Legislative Budget Commission
74 a plan for allocating any lump-sum appropriation in a
75 budget amendment; creating s. 216.1811, F.S.; providing
76 requirements for the Governor and the Chief Financial
77 Officer relating to certain approved operating budgets for
78 the legislative branch and appropriations made to the
79 legislative branch; amending s. 216.1815, F.S.; revising
80 certain requirements for the performance standards
81 included in an amended operating budget plan and request
82 submitted to the Legislative Budget Commission; creating
83 s. 216.1827, F.S.; requiring that each state agency and
84 the judicial branch maintain a performance accountability

85 | system; requiring agencies and the judicial branch to
86 | submit specified information to the Executive Office of
87 | the Governor and the Legislature or the Office of Program
88 | Policy Analysis and Government Accountability for review;
89 | providing guidelines for requests to delete or amend
90 | existing approved performance measures and standards;
91 | specifying authority of the Legislature relating to agency
92 | and judicial branch performance measures and standards;
93 | amending s. 216.292, F.S.; requiring that notice of
94 | changed conditions necessitating the budget action be
95 | provided to the Executive Office of the Governor and the
96 | legislative appropriations committees when funds are
97 | transferred between categories of appropriations or budget
98 | entities; requiring that such transfers be consistent with
99 | legislative policy and intent; providing that certain
100 | transfers between budget entities are subject to objection
101 | procedures; clarifying provisions authorizing certain
102 | transfers of appropriations from trust funds; providing
103 | that requirements of specified provisions relating to
104 | appropriations being nontransferable do not apply to
105 | legislative branch budgets; amending s. 216.301, F.S.;
106 | revising the requirements for undisbursed balances of
107 | appropriations; revising a procedure for identifying and
108 | paying incurred obligations; removing a provision relating
109 | to notification to retain certain balances from
110 | legislative budget entities; amending s. 252.37, F.S.;
111 | providing that a transfer of moneys with a budget
112 | amendment following a state of emergency is subject to

113 approval by the Legislative Budget Commission; amending s.
 114 273.02, F.S.; revising a definition; requiring the Chief
 115 Financial Officer to establish certain requirements by
 116 rule relating to the recording and inventory of certain
 117 state-owned property; creating s. 273.025, F.S.; requiring
 118 the Chief Financial Officer to establish by rule certain
 119 requirements relating to the capitalization of certain
 120 property; amending s. 273.055, F.S.; revising
 121 responsibility for rules relating to maintaining records
 122 as to disposition of state-owned tangible personal
 123 property; revising a provision relating to use of moneys
 124 received from the disposition of state-owned tangible
 125 personal property; amending s. 274.02, F.S.; revising a
 126 definition; requiring the Chief Financial Officer to
 127 establish by rule requirements relating to the recording
 128 and inventory of certain property owned by local
 129 governments; amending s. 338.2216, F.S.; revising
 130 requirements relating to unexpended funds appropriated or
 131 provided for the Florida Turnpike Enterprise; amending s.
 132 1011.57, F.S.; revising requirements relating to
 133 unexpended funds appropriated to the Florida School for
 134 the Deaf and the Blind; repealing s. 215.29, F.S.,
 135 relating to the classification of Chief Financial
 136 Officer's warrants; providing effective dates.

137

138 Be It Enacted by the Legislature of the State of Florida:

139

140 Section 1. Subsection (3) of section 11.243, Florida

141 Statutes, is amended to read:

142 11.243 Publishing Florida Statutes; price, sale.--

143 (3) All moneys collected from the sale of the Florida
 144 Statutes or other publications shall be deposited in the Grants
 145 and Donations Trust Fund within the Legislature State Treasury
 146 ~~and credited to the appropriation for legislative expense.~~

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

152 11.513 Program evaluation and justification review.--

153 (2) A state agency's inspector general, internal auditor,
 154 or other person designated by the agency head or the Chief
 155 Justice of the Supreme Court shall develop, in consultation with
 156 the Office of Program Policy Analysis and Government
 157 Accountability, a plan for monitoring and reviewing the state
 158 agency's or the judicial branch's major programs to ensure that
 159 performance measures and standards, as well as baseline and
 160 previous-year performance data, are maintained and supported by
 161 agency records.

162 (3) The program evaluation and justification review shall
 163 be conducted on major programs, but may include other programs.
 164 The review shall be comprehensive in its scope but, at a
 165 minimum, must be conducted in such a manner as to specifically
 166 determine the following, and to consider and determine what
 167 changes, if any, are needed with respect thereto:

168 (a) The identifiable cost of each program.

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

171 (c) Progress toward achieving the outputs and outcomes
172 associated with each program.

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

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

181 1. Whether the program could be organized in a more
182 efficient and effective manner, whether the program's mission,
183 goals, or objectives should be redefined, or, when the state
184 agency cannot demonstrate that its efforts have had a positive
185 effect, whether the program should be reduced in size or
186 eliminated.

187 2. Whether the program could be administered more
188 efficiently or effectively to avoid duplication of activities
189 and ensure that activities are adequately coordinated.

190 3. Whether the program could be performed more efficiently
191 or more effectively by another unit of government or a private
192 entity, or whether a program performed by a private entity could
193 be performed more efficiently and effectively by a state agency.

194 4. When compared to costs, whether effectiveness warrants
195 elimination of the program or, if the program serves a limited
196 interest, whether it should be redesigned to require users to

197 finance program costs.

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

200 6. Whether other changes could improve the efficiency and
201 effectiveness of the program.

202 (f) The consequences of discontinuing such program. If any
203 discontinuation is recommended, such recommendation must be
204 accompanied by a description of alternatives to implement such
205 recommendation, including an implementation schedule for
206 discontinuation and recommended procedures for assisting state
207 agency employees affected by the discontinuation.

208 (g) Determination as to public policy, which may include
209 recommendations as to whether it would be sound public policy to
210 continue or discontinue funding the program, either in whole or
211 in part, in the existing manner.

212 (h) Whether current performance measures and standards
213 should be reviewed or amended to assist agencies' and the
214 judicial branch's efforts in achieving outputs and outcome
215 measures.

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

219 (j)~~(i)~~ Whether state agency management has established
220 control systems sufficient to ensure that performance data are
221 maintained and supported by state agency records and accurately
222 presented in state agency performance reports.

223 (5) The Office of Program Policy Analysis and Government
224 Accountability may perform evaluation and justification reviews

225 when necessary and as directed by the Legislature in order to
 226 determine whether current agency and judicial branch performance
 227 measures and standards are adequate. Reports concerning the
 228 evaluation and review of agency performance measures and
 229 standards shall be submitted to the Executive Office of the
 230 Governor, the President of the Senate, the Speaker of the House
 231 of Representatives, and the chair and vice chair of the
 232 Legislative Budget Commission.

233 Section 3. Paragraph (h) of subsection (1) of section
 234 20.435, Florida Statutes, is amended to read:

235 20.435 Department of Health; trust funds.--

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

238 (h) Biomedical Research Trust Fund.

239 1. Funds to be credited to the trust fund shall consist of
 240 funds deposited pursuant to s. 215.5601. Funds shall be used for
 241 the purposes of the James and Esther King Biomedical Research
 242 Program as specified in ss. 215.5602 and 288.955. The trust fund
 243 is exempt from the service charges imposed by s. 215.20.

244 2. Notwithstanding the provisions of s. 216.301 and
 245 pursuant to s. 216.351, any balance in the trust fund at the end
 246 of any fiscal year shall remain in the trust fund at the end of
 247 the year and shall be available for carrying out the purposes of
 248 the trust fund. The department may invest these funds
 249 independently through the Chief Financial Officer or may
 250 negotiate a trust agreement with the State Board of
 251 Administration for the investment management of any balance in
 252 the trust fund.

253 3. Notwithstanding s. 216.301 and pursuant to s. 216.351,
 254 any balance of any appropriation from the Biomedical Research
 255 Trust Fund which is not disbursed but which is obligated
 256 pursuant to contract or committed to be expended may be carried
 257 forward ~~certified by the Governor~~ for up to 3 years following
 258 the effective date of the original appropriation.

259 4. The trust fund shall, unless terminated sooner, be
 260 terminated on July 1, 2008.

261 Section 4. Section 215.18, Florida Statutes, is amended to
 262 read:

263 215.18 Transfers between funds; limitation.--Whenever
 264 there exists in any fund provided for by s. 215.32 a deficiency
 265 which would render such fund insufficient to meet its just
 266 requirements, and there shall exist in the other funds in the
 267 State Treasury moneys which are for the time being or otherwise
 268 in excess of the amounts necessary to meet the just requirements
 269 of such last-mentioned funds, the Governor may order a temporary
 270 transfer of moneys from one fund to another in order to meet
 271 temporary deficiencies in a particular fund without resorting to
 272 the necessity of borrowing money and paying interest thereon.
 273 Any action proposed under this section is subject to the notice
 274 and objection procedures set forth in s. 216.177, and the
 275 Governor shall provide notice of such action at least 7 days
 276 prior to the effective date of the transfer of funds.

277 (1) Except as otherwise provided in s. 216.222(1)(a)2.,
 278 the fund from which any money is temporarily transferred shall
 279 be repaid the amount transferred from it not later than the end
 280 of the fiscal year in which such transfer is made, the date of

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281 repayment to be specified in the order of the Governor.

282 (2) Notwithstanding subsection (1) and for the 2005-2006
283 fiscal year only, the repayment period for funds temporarily
284 transferred in fiscal year 2004-2005 to meet deficiencies
285 resulting from hurricanes striking this state in 2004 may be
286 extended until grants awarded by the Federal Emergency
287 Management Agency for FEMA Disaster Declarations 1539-DR-FL,
288 1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are received. This
289 subsection expires July 1, 2006.

290 Section 5. Subsections (2) and (4) of section 215.3206,
291 Florida Statutes, are amended to read:

292 215.3206 Trust funds; termination or re-creation.--

293 (2) If the trust fund is terminated and not immediately
294 re-created, all cash balances and income of the trust fund shall
295 be deposited into the General Revenue Fund. The agency or Chief
296 Justice shall pay any outstanding debts of the trust fund as
297 soon as practicable, and the Chief Financial Officer shall close
298 out and remove the trust fund from the various state financial
299 ~~accounting~~ systems, using generally accepted accounting
300 practices concerning warrants outstanding, assets, and
301 liabilities. No appropriation or budget amendment shall be
302 construed to authorize any encumbrance of funds from a trust
303 fund after the date on which the trust fund is terminated or is
304 judicially determined to be invalid.

305 (4) For the purposes of this section, the Governor, Chief
306 Justice, and agencies shall review the trust funds as they are
307 identified by a classification scheme set out in the legislative
308 budget request instructions pursuant to s. 216.023 consistent

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309 with the Department of Financial Services' financial systems by
310 ~~a unique 6-digit code in the Florida Accounting Information~~
311 ~~Resource Subsystem at a level composed of the 2-digit~~
312 ~~organization level 1, the 1-digit state fund type 2, and the~~
313 ~~first three digits of the fund identifier.~~ The Governor, Chief
314 Justice, and agencies may also conduct their review and make
315 recommendations concerning accounts within such trust funds.

316 Section 6. Subsection (1) and paragraph (a) of subsection
317 (2) of section 215.3208, Florida Statutes, are amended to read:

318 215.3208 Trust funds; legislative review.--

319 (1) In order to implement s. 19(f), Art. III of the State
320 Constitution, for the purpose of reviewing trust funds prior to
321 their automatic termination pursuant to the provisions of s.
322 19(f)(2), Art. III of the State Constitution, the Legislature
323 shall review all state trust funds at least once every 4 years.
324 The schedule for such review may be included in the legislative
325 budget instructions developed pursuant to the requirements of s.
326 216.023. The Legislature shall review trust funds as they are
327 identified by a classification scheme set out in the legislative
328 budget request instructions pursuant to s. 216.023 consistent
329 with the Department of Financial Services' financial systems by
330 ~~a unique 6-digit code in the Florida Accounting Information~~
331 ~~Resource Subsystem at a level composed of the 2-digit~~
332 ~~organization level 1, the 1-digit state fund type 2, and the~~
333 ~~first three digits of the fund identifier.~~ When a statutorily
334 created trust fund that was in existence on November 4, 1992,
335 has more than one fund 6-digit code in the financial systems,
336 the Legislature may treat it as a single trust fund for the

337 | purposes of this section. The Legislature may also conduct its
 338 | review concerning accounts within such trust funds.

339 | (2) (a) When the Legislature terminates a trust fund, the
 340 | agency or branch of state government that administers the trust
 341 | fund shall pay any outstanding debts or obligations of the trust
 342 | fund as soon as practicable, and the Chief Financial Officer
 343 | shall close out and remove the trust fund from the various state
 344 | financial accounting systems, using generally accepted
 345 | accounting principles concerning assets, liabilities, and
 346 | warrants outstanding.

347 | Section 7. Section 215.35, Florida Statutes, is amended to
 348 | read:

349 | 215.35 State funds; warrants and their issuance.--All
 350 | warrants issued by the Chief Financial Officer shall be numbered
 351 | in a manner that uniquely identifies each warrant for audit and
 352 | reconciliation purposes ~~chronological order commencing with~~
 353 | ~~number one in each fiscal year and each warrant shall refer to~~
 354 | ~~the Chief Financial Officer's voucher by the number thereof,~~
 355 | ~~which voucher shall also be numbered as above set forth.~~ Each
 356 | warrant shall state the name of the payee thereof and the amount
 357 | allowed, and said warrant shall be stated in words at length. No
 358 | warrant shall issue until same has been authorized by an
 359 | appropriation made by law but such warrant need not state or set
 360 | forth such authorization. The Chief Financial Officer shall
 361 | register and maintain a record of each warrant in his or her
 362 | office. The record shall show the funds, accounts, purposes, and
 363 | departments involved in the issuance of each warrant. In those
 364 | instances where the expenditure of funds of regulatory boards or

365 commissions has been provided for by laws other than the annual
 366 appropriations bill, warrants shall be issued upon requisition
 367 to the Chief Financial Officer by the governing body of such
 368 board or commission.

369 Section 8. Subsections (1) and (2), paragraphs (a) and (b)
 370 of subsection (3), and subsection (6) of section 215.422,
 371 Florida Statutes, are amended to read:

372 215.422 Payments, warrants, ~~ouchers,~~ and invoices;
 373 processing time limits; dispute resolution; agency or judicial
 374 branch compliance.--

375 (1) ~~The voucher authorizing payment of~~ An invoice
 376 submitted to an agency of the state or the judicial branch,
 377 required by law to be filed with the Chief Financial Officer,
 378 shall be recorded in the financial systems of the state,
 379 approved for payment by the agency or the judicial branch, and
 380 filed with the Chief Financial Officer not later than 20 days
 381 after receipt of the invoice and receipt, inspection, and
 382 approval of the goods or services, except that in the case of a
 383 bona fide dispute the invoice recorded in the financial systems
 384 of the state ~~voucher~~ shall contain a statement of the dispute
 385 and authorize payment only in the amount not disputed. The Chief
 386 Financial Officer may establish dollar thresholds and other
 387 criteria for all invoices and may delegate to a state agency or
 388 the judicial branch responsibility for maintaining the official
 389 invoices ~~ouchers~~ and documents for invoices which do not exceed
 390 the thresholds or which meet the established criteria. Such
 391 records shall be maintained in accordance with the requirements
 392 established by the Secretary of State. The transmission of an

393 approved invoice recorded in the financial systems of the state
 394 ~~electronic payment request transmission~~ to the Chief Financial
 395 Officer shall constitute filing of a request ~~voucher~~ for payment
 396 of invoices for which the Chief Financial Officer has delegated
 397 to an agency custody of official records. Approval and
 398 inspection of goods or services shall take no longer than 5
 399 working days unless the bid specifications, purchase order, or
 400 contract specifies otherwise. If an invoice ~~a voucher~~ filed
 401 within the 20-day period is returned by the Department of
 402 Financial Services because of an error, it shall nevertheless be
 403 deemed timely filed. The 20-day filing requirement may be waived
 404 in whole or in part by the Department of Financial Services on a
 405 showing of exceptional circumstances in accordance with rules
 406 and regulations of the department. For the purposes of
 407 determining the receipt of invoice date, the agency or the
 408 judicial branch is deemed to receive an invoice on the date on
 409 which a proper invoice is first received at the place designated
 410 by the agency or the judicial branch. The agency or the judicial
 411 branch is deemed to receive an invoice on the date of the
 412 invoice if the agency or the judicial branch has failed to
 413 annotate the invoice with the date of receipt at the time the
 414 agency or the judicial branch actually received the invoice or
 415 failed at the time the order is placed or contract made to
 416 designate a specific location to which the invoice must be
 417 delivered.

418 (2) The Department of Financial Services shall approve
 419 payment of an invoice no later than 10 days after the agency's
 420 filing of the approved invoice ~~The warrant in payment of an~~

421 ~~invoice submitted to an agency of the state or the judicial~~
422 ~~branch shall be issued not later than 10 days after filing of~~
423 ~~the voucher authorizing payment.~~ However, this requirement may
424 be waived in whole or in part by the Department of Financial
425 Services on a showing of exceptional circumstances in accordance
426 with rules and regulations of the department. If the 10-day
427 period contains fewer than 6 working days, the Department of
428 Financial Services shall be deemed in compliance with this
429 subsection if the payment is approved ~~warrant is issued~~ within 6
430 working days without regard to the actual number of calendar
431 days. ~~For purposes of this section, a payment is deemed to be~~
432 ~~issued on the first working day that payment is available for~~
433 ~~delivery or mailing to the vendor.~~

434 (3) (a) Each agency of the state or the judicial branch
435 which is required by law to file invoices ~~vouchers~~ with the
436 Chief Financial Officer shall keep a record of the date of
437 receipt of the invoice; dates of receipt, inspection, and
438 approval of the goods or services; date of filing of the
439 approved invoice ~~voucher~~; and date of issuance of the warrant in
440 payment thereof. If the invoice ~~voucher~~ is not filed or the
441 warrant is not issued within the time required, an explanation
442 in writing by the agency head or the Chief Justice shall be
443 submitted to the Department of Financial Services in a manner
444 prescribed by it. Agencies and the judicial branch shall
445 continue to deliver or mail state payments promptly.

446 (b) If a warrant in payment of an invoice is not issued
447 within 40 days after receipt of the invoice and receipt,
448 inspection, and approval of the goods and services, the agency

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449 or judicial branch shall pay to the vendor, in addition to the
450 amount of the invoice, interest at a rate as established
451 pursuant to s. 55.03(1) on the unpaid balance from the
452 expiration of such 40-day period until such time as the warrant
453 is issued to the vendor. Such interest shall be added to the
454 invoice at the time of submission to the Chief Financial Officer
455 for payment whenever possible. If addition of the interest
456 penalty is not possible, the agency or judicial branch shall pay
457 the interest penalty payment within 15 days after issuing the
458 warrant. The provisions of this paragraph apply only to
459 undisputed amounts for which payment has been authorized.
460 Disputes shall be resolved in accordance with rules developed
461 and adopted by the Chief Justice for the judicial branch, and
462 rules adopted by the Department of Financial Services or in a
463 formal administrative proceeding before an administrative law
464 judge of the Division of Administrative Hearings for state
465 agencies, provided that, for the purposes of ss. 120.569 and
466 120.57(1), no party to a dispute involving less than \$1,000 in
467 interest penalties shall be deemed to be substantially affected
468 by the dispute or to have a substantial interest in the decision
469 resolving the dispute. In the case of an error on the part of
470 the vendor, the 40-day period shall begin to run upon receipt by
471 the agency or the judicial branch of a corrected invoice or
472 other remedy of the error. For purposes of this section, the
473 non-submittal of the appropriate federal taxpayer identification
474 documentation to the Department of Financial Services by the
475 vendor will be deemed an error on the part of the vendor and the
476 vendor will be required to submit the appropriate federal

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477 taxpayer documentation in order to remedy the error. The
478 provisions of this paragraph do not apply when the filing
479 requirement under subsection (1) or subsection (2) has been
480 waived in whole by the Department of Financial Services. The
481 various state agencies and the judicial branch shall be
482 responsible for initiating the penalty payments required by this
483 subsection and shall use this subsection as authority to make
484 such payments. The budget request submitted to the Legislature
485 shall specifically disclose the amount of any interest paid by
486 any agency or the judicial branch pursuant to this subsection.
487 The temporary unavailability of funds to make a timely payment
488 due for goods or services does not relieve an agency or the
489 judicial branch from the obligation to pay interest penalties
490 under this section.

491 (6) The Department of Financial Services shall monitor
492 each agency's and the judicial branch's compliance with the time
493 limits and interest penalty provisions of this section. The
494 department shall provide a report to an agency or to the
495 judicial branch if the department determines that the agency or
496 the judicial branch has failed to maintain an acceptable rate of
497 compliance with the time limits and interest penalty provisions
498 of this section. The department shall establish criteria for
499 determining acceptable rates of compliance. The report shall
500 also include a list of late invoices ~~ouchers~~ or payments, the
501 amount of interest owed or paid, and any corrective actions
502 recommended. The department shall perform monitoring
503 responsibilities, pursuant to this section, using the Department
504 of Financial Services' financial systems ~~Management Services and~~

505 ~~Purchasing Subsystem or the Florida Accounting Information~~
 506 ~~Resource Subsystem~~ provided in s. 215.94. Each agency and the
 507 judicial branch shall be responsible for the accuracy of
 508 information entered into the Department of Management Services'
 509 procurement system ~~Management Services and Purchasing Subsystem~~
 510 and the Department of Financial Services' financial systems
 511 ~~Florida Accounting Information Resource Subsystem~~ for use in
 512 this monitoring.

513 Section 9. Paragraph (d) of subsection (1) of section
 514 215.97, Florida Statutes, is amended to read:

515 215.97 Florida Single Audit Act.--

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

517 (d) Provide for identification of state financial
 518 assistance transactions in the ~~appropriations act~~, state
 519 accounting records, and recipient organization records.

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

524 216.011 Definitions.--

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

528 (bb) "Operating capital outlay" means the appropriation
 529 category used to fund equipment, fixtures, and other tangible
 530 personal property of a nonconsumable and nonexpendable nature
 531 under s. 273.025, ~~according to the value or cost specified in s.~~
 532 ~~273.02.~~

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533 (tt) "Incurred obligation" means a legal obligation for
534 goods or services that have been contracted for, referred to as
535 an encumbrance in the state's financial system, or received or
536 incurred by the state and referred to as a payable in the
537 state's financial system.

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

540 Section 11. Paragraphs (h) through (k) are added to
541 subsection (1) of section 216.013, Florida Statutes, and
542 subsection (5) of that section is amended, to read:

543 216.013 Long-range program plan.--State agencies and the
544 judicial branch shall develop long-range program plans to
545 achieve state goals using an interagency planning process that
546 includes the development of integrated agency program service
547 outcomes. The plans shall be policy based, priority driven,
548 accountable, and developed through careful examination and
549 justification of all agency and judicial branch programs.

550 (1) Long-range program plans shall provide the framework
551 for the development of budget requests and shall identify or
552 update:

553 (h) Legislatively approved output and outcome performance
554 measures.

555 (i) Performance standards for each performance measure and
556 justification for the standards and the sources of data to be
557 used for measurement.

558 (j) Prior-year performance data on approved performance
559 measures and an explanation of deviation from expected
560 performance. Performance data must be assessed for reliability

561 in accordance with s. 20.055.

562 (k) Proposed performance incentives and disincentives.

563 ~~(5) Following the adoption of the annual General~~
 564 ~~Appropriations Act,~~ The state agencies and the judicial branch
 565 shall make appropriate adjustments to their long-range program
 566 plans, excluding adjustments to performance measures and
 567 standards, to be consistent with the appropriations ~~and~~
 568 ~~performance measures~~ in the General Appropriations Act and
 569 legislation implementing the General Appropriations Act.
 570 Agencies and the judicial branch have 30 days subsequent to the
 571 effective date of the General Appropriations Act and
 572 implementing legislation ~~until June 30~~ to make adjustments to
 573 their plans as posted on their Internet websites.

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

579 216.023 Legislative budget requests to be furnished to
 580 Legislature by agencies.--

581 (4) (a) The legislative budget request must contain for
 582 each program:

583 1. The constitutional or statutory authority for a
 584 program, a brief purpose statement, and approved program
 585 components.

586 2. Information on expenditures for 3 fiscal years (actual
 587 prior-year expenditures, current-year estimated expenditures,
 588 and agency budget requested expenditures for the next fiscal

589 year) by appropriation category.

590 3. Details on trust funds and fees.

591 4. The total number of positions (authorized, fixed, and
592 requested).

593 5. An issue narrative describing and justifying changes in
594 amounts and positions requested for current and proposed
595 programs for the next fiscal year.

596 6. Information resource requests.

597 ~~7. Legislatively approved Output and outcome performance~~
598 ~~measures and any proposed revisions to measures.~~

599 ~~8. Proposed performance standards for each performance~~
600 ~~measure and justification for the standards and the sources of~~
601 ~~data to be used for measurement.~~

602 ~~9. Prior year performance data on approved performance~~
603 ~~measures and an explanation of deviation from expected~~
604 ~~performance. Performance data must be assessed for reliability~~
605 ~~in accordance with s. 20.055.~~

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

607 7.11. Supporting information, including applicable cost-
608 benefit analyses, business case analyses, performance
609 contracting procedures, service comparisons, and impacts on
610 performance standards for any request to outsource or privatize
611 agency functions.

612 8.12. An evaluation of any major outsourcing and
613 privatization initiatives undertaken during the last 5 fiscal
614 years having aggregate expenditures exceeding \$10 million during
615 the term of the contract. The evaluation shall include an
616 assessment of contractor performance, a comparison of

617 anticipated service levels to actual service levels, and a
 618 comparison of estimated savings to actual savings achieved.
 619 Consolidated reports issued by the Department of Management
 620 Services may be used to satisfy this requirement.

621 ~~(5) Agencies must maintain a comprehensive performance~~
 622 ~~accountability system and provide a list of performance measures~~
 623 ~~maintained by the agency which are in addition to the measures~~
 624 ~~approved by the Legislature.~~

625 ~~(6) Annually, by June 30, executive agencies shall submit~~
 626 ~~to the Executive Office of the Governor adjustments to their~~
 627 ~~performance standards based on the amounts appropriated for each~~
 628 ~~program by the Legislature. When such an adjustment is made, all~~
 629 ~~performance standards, including any adjustments made, shall be~~
 630 ~~reviewed and revised as necessary by the Executive Office of the~~
 631 ~~Governor and, upon approval, submitted to the Legislature~~
 632 ~~pursuant to the review and approval process provided in s.~~
 633 ~~216.177. The Senate and the House of Representatives~~
 634 ~~appropriations committees shall advise Senate substantive~~
 635 ~~committees and House of Representatives substantive committees,~~
 636 ~~respectively, of all adjustments made to performance standards~~
 637 ~~or measures. The Executive Office of the Governor shall maintain~~
 638 ~~the official record of adjustments to the performance standards.~~
 639 ~~As used in this section, the term "official record" means the~~
 640 ~~official compilation of information about state agency~~
 641 ~~performance based programs and measures, including approved~~
 642 ~~programs, approved outputs and outcomes, baseline data, approved~~
 643 ~~standards for each performance measure and any approved~~
 644 ~~adjustments thereto, as well as actual agency performance for~~

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645 ~~each measure.~~

646 ~~(8) Annually, by June 30, the judicial branch shall make~~
647 ~~adjustments to any performance standards for approved programs~~
648 ~~based on the amount appropriated for each program, which shall~~
649 ~~be submitted to the Legislature pursuant to the notice and~~
650 ~~review process provided in s. 216.177. The Senate and the House~~
651 ~~of Representatives appropriations committees shall advise Senate~~
652 ~~substantive committees and House substantive committees,~~
653 ~~respectively, of all adjustments made to performance standards~~
654 ~~or measures.~~

655 Section 13. Paragraph (a) of subsection (4) of section
656 216.134, Florida Statutes, is amended to read:

657 216.134 Consensus estimating conferences; general
658 provisions.--

659 (4) Consensus estimating conferences are within the
660 legislative branch. The membership of each consensus estimating
661 conference consists of principals and participants.

662 (a) A person designated by law as a principal may preside
663 over conference sessions, convene conference sessions, request
664 information, specify topics to be included on the conference
665 agenda, agree or withhold agreement on whether information is to
666 be official information of the conference, release official
667 information of the conference, interpret official information of
668 the conference, and monitor errors in official information of
669 the conference. The responsibility of presiding over sessions of
670 the conference shall be rotated among the principals.

671 Section 14. Paragraph (b) of subsection (1), paragraph (b)
672 of subsection (2), paragraph (b) of subsection (3), paragraph

673 (c) of subsection (4), subsections (5) through (7), paragraph
 674 (b) of subsection (8), paragraph (b) of subsection (9), and
 675 paragraph (b) of subsection (10) of section 216.136, Florida
 676 Statutes, are amended to read:

677 216.136 Consensus estimating conferences; duties and
 678 principals.--

679 (1) ECONOMIC ESTIMATING CONFERENCE.--

680 (b) Principals.--The Executive Office of the Governor, the
 681 coordinator of the Office of Economic and Demographic Research,
 682 and professional staff of the Senate and House of
 683 Representatives who have forecasting expertise, or their
 684 designees, are the principals of the Economic Estimating
 685 Conference. ~~The responsibility of presiding over sessions of the~~
 686 ~~conference shall be rotated among the principals.~~

687 (2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

688 (b) Principals.--The Executive Office of the Governor, the
 689 coordinator of the Office of Economic and Demographic Research,
 690 and professional staff of the Senate and House of
 691 Representatives who have forecasting expertise, or their
 692 designees, are the principals of the Demographic Estimating
 693 Conference. ~~The responsibility of presiding over sessions of the~~
 694 ~~conference shall be rotated among the principals.~~

695 (3) REVENUE ESTIMATING CONFERENCE.--

696 (b) Principals.--The Executive Office of the Governor, the
 697 coordinator of the Office of Economic and Demographic Research,
 698 and professional staff of the Senate and House of
 699 Representatives who have forecasting expertise, or their
 700 designees, are the principals of the Revenue Estimating

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701 Conference. ~~The responsibility of presiding over sessions of the~~
 702 ~~conference shall be rotated among the principals.~~

703 (4) EDUCATION ESTIMATING CONFERENCE.--

704 (c) Principals.--~~The Commissioner of Education, the~~
 705 Executive Office of the Governor, the coordinator of the Office
 706 of Economic and Demographic Research, and professional staff of
 707 the Senate and House of Representatives who have forecasting
 708 expertise, or their designees, are the principals of the
 709 Education Estimating Conference. ~~The Commissioner of Education~~
 710 ~~or his or her designee shall preside over sessions of the~~
 711 ~~conference.~~

712 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

713 (a) Duties.--The Criminal Justice Estimating Conference
 714 shall:

715 1. Develop such official information relating to the
 716 criminal justice system, including forecasts of prison
 717 admissions and population and of supervised felony offender
 718 admissions and population, as the conference determines is
 719 needed for the state planning and budgeting system.

720 2. Develop such official information relating to the
 721 number of eligible discharges and the projected number of civil
 722 commitments for determining space needs pursuant to the civil
 723 proceedings provided under part V of chapter 394.

724 3. Develop official information relating to the number of
 725 sexual offenders and sexual predators who are required by law to
 726 be placed on community control, probation, or conditional
 727 release who are subject to electronic monitoring. ~~In addition,~~
 728 ~~the Office of Economic and Demographic Research shall study the~~

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729 ~~factors relating to the sentencing of sex offenders from the~~
730 ~~point of arrest through the imposition of sanctions by the~~
731 ~~sentencing court, including original charges, plea negotiations,~~
732 ~~trial dispositions, and sanctions. The Department of~~
733 ~~Corrections, the Office of the State Courts Administrator, the~~
734 ~~Florida Department of Law Enforcement, and the state attorneys~~
735 ~~shall provide information deemed necessary for the study. The~~
736 ~~final report shall be provided to the President of the Senate~~
737 ~~and the Speaker of the House of Representatives by March 1,~~
738 ~~2006.~~

739 (b) Principals.--The Executive Office of the Governor, the
740 coordinator of the Office of Economic and Demographic Research,
741 and professional staff of, ~~who have forecasting expertise, from~~
742 the Senate and, ~~the House of Representatives who have~~
743 forecasting expertise, ~~and the Supreme Court, or their~~
744 designees, are the principals of the Criminal Justice Estimating
745 Conference. ~~The principal representing the Executive Office of~~
746 ~~the Governor shall preside over sessions of the conference.~~

747 (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

748 (a) Duties.--

749 1. The Social Services Estimating Conference shall develop
750 such official information relating to the social services system
751 of the state, including forecasts of social services caseloads,
752 utilization, and expenditures, as the conference determines is
753 needed for the state planning and budgeting system. Such
754 official information shall include, but not be limited to, cash
755 assistance and Medicaid caseloads.

756 2. The Social Services Estimating Conference shall develop

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757 information relating to the Florida Kidcare program, including,
758 but not limited to, outreach impacts, enrollment, caseload,
759 utilization, and expenditure information that the conference
760 determines is needed to plan for and project future budgets and
761 the drawdown of federal matching funds. ~~The agencies required to~~
762 ~~collect and analyze Florida Kidcare program data under s.~~
763 ~~409.8134 shall be participants in the Social Services Estimating~~
764 ~~Conference for purposes of developing information relating to~~
765 ~~the Florida Kidcare program.~~

766 (b) Principals.--The Executive Office of the Governor, the
767 coordinator of the Office of Economic and Demographic Research,
768 and professional staff of ~~who have forecasting expertise from~~
769 ~~the Department of Children and Family Services, the Agency for~~
770 ~~Health Care Administration, the Senate, and the House of~~
771 ~~Representatives~~ who have forecasting expertise, or their
772 designees, are the principals of the Social Services Estimating
773 Conference. ~~The principal representing the Executive Office of~~
774 ~~the Governor shall preside over sessions of the conference.~~

775 (7) WORKFORCE ESTIMATING CONFERENCE.--

776 (a) Duties.--

777 1. The Workforce Estimating Conference shall develop such
778 official information on the workforce development system
779 planning process as it relates to the personnel needs of
780 current, new, and emerging industries as the conference
781 determines is needed by the state planning and budgeting system.
782 Such information, using quantitative and qualitative research
783 methods, must include at least: short-term and long-term
784 forecasts of employment demand for jobs by occupation and

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785 industry; entry and average wage forecasts among those
786 occupations; and estimates of the supply of trained and
787 qualified individuals available or potentially available for
788 employment in those occupations, with special focus upon those
789 occupations and industries which require high skills and have
790 high entry wages and experienced wage levels. In the development
791 of workforce estimates, the conference shall use, to the fullest
792 extent possible, local occupational and workforce forecasts and
793 estimates.

794 2. The Workforce Estimating Conference shall review data
795 concerning the local and regional demands for short-term and
796 long-term employment in High-Skills/High-Wage Program jobs, as
797 well as other jobs, which data is generated through surveys
798 conducted as part of the state's Internet-based job matching and
799 labor market information system authorized under s. 445.011. The
800 conference shall consider such data in developing its forecasts
801 for statewide employment demand, including reviewing the local
802 and regional data for common trends and conditions among
803 localities or regions which may warrant inclusion of a
804 particular occupation on the statewide occupational forecasting
805 list developed by the conference. Based upon its review of such
806 survey data, the conference shall also make recommendations
807 semiannually to Workforce Florida, Inc., on additions or
808 deletions to lists of locally targeted occupations approved by
809 Workforce Florida, Inc.

810 ~~3. During each legislative session, and at other times if~~
811 ~~necessary, the Workforce Estimating Conference shall meet as the~~
812 ~~Workforce Impact Conference for the purpose of determining the~~

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813 ~~effects of legislation related to the state's workforce and~~
814 ~~economic development efforts introduced prior to and during such~~
815 ~~legislative session. In addition to the designated principals of~~
816 ~~the impact conference, nonprincipal participants of the impact~~
817 ~~conference shall include a representative of the Florida Chamber~~
818 ~~of Commerce and other interested parties. The impact conference~~
819 ~~shall use both quantitative and qualitative research methods to~~
820 ~~determine the impact of introduced legislation related to~~
821 ~~workforce and economic development issues.~~

822 3.4. ~~Notwithstanding subparagraph 3.,~~ The Workforce
823 Estimating Conference, for the purposes described in
824 subparagraph 1., shall meet no less than 2 times in a calendar
825 year. The first meeting shall be held in February, and the
826 second meeting shall be held in August. Other meetings may be
827 scheduled as needed.

828 (b) ~~Principals.--The Commissioner of Education, the~~
829 ~~Executive Office of the Governor, the director of the Office of~~
830 ~~Tourism, Trade, and Economic Development, the director of the~~
831 ~~Agency for Workforce Innovation, the executive director of the~~
832 ~~Commission for Independent Education, the Chancellor of the~~
833 ~~State University System, the chair of Workforce Florida, Inc.,~~
834 the coordinator of the Office of Economic and Demographic
835 Research, ~~or their designees,~~ and professional staff of ~~from~~ the
836 Senate and ~~the~~ House of Representatives who have forecasting ~~and~~
837 substantive expertise, or their designees, are the principals of
838 the Workforce Estimating Conference. ~~In addition to the~~
839 ~~designated principals of the conference, nonprincipal~~
840 ~~participants of the conference shall include a representative of~~

841 ~~the Florida Chamber of Commerce and other interested parties.~~
 842 ~~The principal representing the Executive Office of the Governor~~
 843 ~~shall preside over the sessions of the conference.~~

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

845 (b) Principals.--The Executive Office of the Governor, the
 846 coordinator ~~Director~~ of the Office of Economic and Demographic
 847 Research, and professional staff of who have forecasting
 848 ~~expertise from the Agency for Workforce Innovation, the~~
 849 ~~Department of Children and Family Services, the Department of~~
 850 ~~Education, the Senate, and the House of Representatives~~ who have
 851 forecasting expertise, or their designees, are the principals of
 852 the Early Learning Programs Estimating Conference. ~~The principal~~
 853 ~~representing the Executive Office of the Governor shall preside~~
 854 ~~over sessions of the conference.~~

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

856 (b) Principals.--The Executive Office of the Governor, the
 857 coordinator of the Office of Economic and Demographic Research,
 858 and professional staff of the Senate and ~~the~~ House of
 859 Representatives who have forecasting expertise ~~and substantive~~
 860 ~~experience~~, or their designees, are the principals of the Self-
 861 Insurance Estimating Conference. ~~The responsibility of presiding~~
 862 ~~over sessions of the conference shall be rotated among the~~
 863 ~~principals.~~

864 (10) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION
 865 CONFERENCE.--

866 (b) Principals.--The Executive Office of the Governor, the
 867 coordinator of the Office of Economic and Demographic Research,
 868 and professional staff of the Senate and House of

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869 Representatives who have forecasting and substantive expertise,
870 or their designees, are the principals of the Florida Retirement
871 System Actuarial Assumption Conference. ~~The Executive Office of~~
872 ~~the Governor shall have the responsibility of presiding over the~~
873 ~~sessions of the conference. The State Board of Administration~~
874 ~~and the Division of Retirement shall be participants in the~~
875 ~~conference.~~

876 Section 15. Paragraph (a) of subsection (2) of section
877 216.177, Florida Statutes, is amended to read:

878 216.177 Appropriations acts, statement of intent,
879 violation, notice, review and objection procedures.--

880 (2)(a) Whenever notice of action to be taken by the
881 Executive Office of the Governor or the Chief Justice of the
882 Supreme Court is required by law ~~this chapter~~, such notice shall
883 be given to the chair and vice chair of the Legislative Budget
884 Commission in writing, and shall be delivered at least 14 days
885 prior to the action referred to, unless a shorter period is
886 approved in writing by the chair and vice chair or a different
887 period is specified by law. If the action is solely for the
888 release of funds appropriated by the Legislature, the notice
889 shall be delivered at least 3 days before the effective date of
890 the action. Action shall not be taken on any budget item for
891 which this chapter requires notice to the Legislative Budget
892 Commission or the appropriations committees without such notice
893 having been provided, even though there may be good cause for
894 considering such item.

895 Section 16. Subsection (2) of section 216.178, Florida
896 Statutes, is amended to read:

897 | 216.178 General Appropriations Act; format; procedure.--

898 | (2) The Office of Planning and Budgeting shall develop a
 899 | final budget report that reflects the net appropriations for
 900 | each budget item. The report shall reflect actual expenditures
 901 | for each of the 2 preceding fiscal years and the estimated
 902 | expenditures for the current fiscal year. In addition, the
 903 | report must contain the actual revenues and cash balances for
 904 | the preceding 2 fiscal years and the estimated revenues and cash
 905 | balances for the current fiscal year. The report may also
 906 | contain expenditure data, program objectives, and program
 907 | measures for each state agency program. The report must be
 908 | produced by October 30 ~~15~~ each year. A copy of the report must
 909 | be made available to each member of the Legislature, to the head
 910 | of each state agency, to the Auditor General, to the director of
 911 | the Office of Program Policy Analysis and Government
 912 | Accountability, and to the public.

913 | Section 17. Subsections (3), (5), (6), and (11) of section
 914 | 216.181, Florida Statutes, are amended to read:

915 | 216.181 Approved budgets for operations and fixed capital
 916 | outlay.--

917 | (3) All amendments to original approved operating budgets,
 918 | regardless of funding source, are subject to the notice and
 919 | objection ~~review~~ procedures set forth in s. 216.177.

920 | (5) An amendment to the original operating budget for an
 921 | information technology project or initiative that involves more
 922 | than one agency, has an outcome that impacts another agency, or
 923 | exceeds \$500,000 in total cost over a 1-year period, except for
 924 | those projects that are a continuation of hardware or software

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925 maintenance or software licensing agreements, or that are for
926 desktop replacement that is similar to the technology currently
927 in use must be reviewed by the Technology Review Workgroup
928 pursuant to s. 216.0446 and approved by the Executive Office of
929 the Governor for the executive branch or by the Chief Justice
930 for the judicial branch, and shall be subject to the notice and
931 objection review procedures set forth in s. 216.177.

932 (6) (a) A detailed plan allocating a lump-sum appropriation
933 to traditional appropriations categories shall be submitted by
934 the affected agency to the Executive Office of the Governor or
935 the Chief Justice of the Supreme Court. The Executive Office of
936 the Governor and the Chief Justice of the Supreme Court shall
937 submit such plan to the chair and vice chair of the Legislative
938 Budget Commission either before or concurrent with the
939 submission of any budget amendment that recommends the transfer
940 and release of ~~may require the submission of a detailed plan~~
941 ~~from the agency or entity of the judicial branch affected,~~
942 ~~consistent with the General Appropriations Act, special~~
943 ~~appropriations acts, and statements of intent before~~
944 ~~transferring and releasing the balance of a lump-sum~~
945 ~~appropriation.~~

946 (b) The Executive Office of the Governor and the Chief
947 Justice of the Supreme Court may amend, without approval of the
948 Legislative Budget Commission, state agency and judicial branch
949 entity budgets, respectively, to reflect the transferred funds
950 and to provide the associated increased salary rate based on the
951 approved plans for lump-sum appropriations. Any action proposed
952 pursuant to this paragraph is subject to the procedures set

953 | forth in s. 216.177.

954 |
 955 | The Executive Office of the Governor shall transmit to each
 956 | state agency and the Chief Financial Officer, and the Chief
 957 | Justice shall transmit to each judicial branch component and the
 958 | Chief Financial Officer, any approved amendments to the approved
 959 | operating budgets.

960 | (8) As part of the approved operating budget, the
 961 | Executive Office of the Governor shall furnish to each state
 962 | agency, and the Chief Justice of the Supreme Court shall furnish
 963 | to the entity of the judicial branch, an approved annual salary
 964 | rate for each budget entity containing a salary appropriation.
 965 | This rate shall be based upon the actual salary rate and shall
 966 | be consistent with the General Appropriations Act or special
 967 | appropriations acts. The annual salary rate shall be:

968 | (a) Determined by the salary rate specified in the General
 969 | Appropriations Act and adjusted for reorganizations authorized
 970 | by law, for any other appropriations made by law, and, subject
 971 | to s. 216.177, for distributions of lump-sum appropriations and
 972 | administered funds and for actions that require authorization of
 973 | salary rate from salary rate reserve and placement of salary
 974 | rate in salary rate reserve.

975 | (10) (a) The Legislative Budget Commission may authorize
 976 | increases or decreases in the approved salary rate, except as
 977 | authorized in s. 216.181(8) (a), for positions pursuant to the
 978 | request of the agency filed with the Executive Office of the
 979 | Governor or pursuant to the request of an entity of the judicial
 980 | branch filed with the Chief Justice of the Supreme Court, if

981 deemed necessary and in the best interest of the state and
 982 consistent with legislative policy and intent.

983 (11) The Executive Office of the Governor and the Chief
 984 Justice of the Supreme Court may approve changes in the amounts
 985 appropriated from state trust funds in excess of those in the
 986 approved operating budget up to \$1 million only pursuant to the
 987 federal funds provisions of s. 216.212, when grants and
 988 donations are received after April 1, or when deemed necessary
 989 due to a set of conditions that were unforeseen at the time the
 990 General Appropriations Act was adopted and that are essential to
 991 correct in order to continue the operation of government.
 992 Changes in the amounts appropriated from state trust funds in
 993 excess of those in the approved operating budget which are in
 994 excess of \$1 million may be approved only by the Legislative
 995 Budget Commission pursuant to the request of a state agency
 996 filed with the Executive Office of the Governor or pursuant to
 997 the request of an entity of the judicial branch filed with the
 998 Chief Justice of the Supreme Court. The provisions of this
 999 subsection are subject to the notice, ~~review,~~ and objection
 1000 procedures set forth in s. 216.177.

1001 Section 18. Section 216.1811, Florida Statutes, is created
 1002 to read:

1003 216.1811 Approved operating budgets and appropriations for
 1004 the legislative branch.--

1005 (1) The Governor and the Chief Financial Officer shall
 1006 each make changes to the original approved operating budgets for
 1007 operational and fixed capital expenditures relating to the
 1008 legislative branch as directed by the presiding officers of the

1009 legislative branch.

1010 (2) The Governor and the Chief Financial Officer shall
 1011 each ensure that any balances of appropriations made to the
 1012 legislative branch are carried forward as directed by the
 1013 presiding officers of the legislative branch.

1014 Section 19. Paragraph (e) of subsection (2) of section
 1015 216.1815, Florida Statutes, is amended to read:

1016 216.1815 Agency incentive and savings program.--

1017 (2) To be eligible to retain funds, an agency or the Chief
 1018 Justice of the Supreme Court must submit a plan and an
 1019 associated request to amend its approved operating budget to the
 1020 Legislative Budget Commission specifying:

1021 (e) How the agency or the judicial branch will meet
 1022 performance standards, including established by the Legislature
 1023 ~~and~~ those in its long-range program plan; and

1024 Section 20. Section 216.1827, Florida Statutes, is created
 1025 to read:

1026 216.1827 Requirements for performance measures and
 1027 standards.--

1028 (1) Agencies and the judicial branch shall maintain a
 1029 comprehensive performance accountability system containing, at a
 1030 minimum, a list of performance measures and standards that are
 1031 adopted by the Legislature and subsequently amended pursuant to
 1032 this section.

1033 (2) (a) Agencies and the judicial branch shall submit
 1034 output and outcome measures and standards, as well as historical
 1035 baseline and performance data, to the Executive Office of the
 1036 Governor and the Legislature, under s. 216.013.

1037 (b) Agencies and the judicial branch shall also submit
 1038 performance data, measures, and standards to the Office of
 1039 Program Policy Analysis and Government Accountability upon
 1040 request for review of the adequacy of the legislatively approved
 1041 measures and standards.

1042 (3) (a) An agency may submit requests to delete or amend
 1043 its existing approved performance measures and standards or
 1044 submit requests to create additional performance measures and
 1045 standards to the Executive Office of the Governor for review and
 1046 approval. The request shall document the justification for the
 1047 change and ensure that the revision, deletion, or addition is
 1048 consistent with legislative intent. Revisions or deletions to,
 1049 or additions of performance measures and standards approved by
 1050 the Executive Office of the Governor are subject to the review
 1051 and objection procedure set forth in s. 216.177.

1052 (b) The Chief Justice of the Supreme Court may submit
 1053 deletions or amendments of the judicial branch's existing
 1054 approved performance measures and standards or may submit
 1055 additional performance measures and standards to the Executive
 1056 Office of the Governor accompanied with justification for the
 1057 change and ensure that the revision, deletion, or addition is
 1058 consistent with legislative intent. Revisions or deletions to,
 1059 or additions of performance measures and standards submitted by
 1060 the Chief Justice of the Supreme Court are subject to the review
 1061 and objection procedure set forth in s. 216.177.

1062 (4) (a) The Legislature may create, amend, and delete
 1063 performance measures and standards. The Legislature may confer
 1064 with the Executive Office of the Governor for state agencies and

1065 the Chief Justice of the Supreme Court for the judicial branch
 1066 prior to any such action.

1067 (b) The Legislature may require state agencies to submit
 1068 requests for revisions, additions, or deletions to approved
 1069 performance measures and standards to the Executive Office of
 1070 the Governor for review and approval, subject to the review and
 1071 objection procedure set forth in s. 216.177.

1072 (c) The Legislature may require the judicial branch to
 1073 submit revisions, additions, or deletions to approved
 1074 performance measures and standards to the Executive Office of
 1075 The Governor, subject to the review and objection procedure set
 1076 forth in s. 216.177.

1077 (d) Any new agency created by the Legislature is subject
 1078 to the initial performance measures and standards established by
 1079 the Legislature. The Legislature may require state agencies and
 1080 the judicial branch to provide any information necessary to
 1081 create initial performance measures and standards.

1082 Section 21. Paragraph (a) of subsection (2), subsection
 1083 (3), paragraph (b) of subsection (4), and subsection (5) of
 1084 section 216.292, Florida Statutes, are amended, and subsection
 1085 (7) is added to that section, to read:

1086 216.292 Appropriations nontransferable; exceptions.--

1087 (2) The following transfers are authorized to be made by
 1088 the head of each department or the Chief Justice of the Supreme
 1089 Court whenever it is deemed necessary by reason of changed
 1090 conditions:

1091 (a) The transfer of appropriations funded from identical
 1092 funding sources, except appropriations for fixed capital outlay,

1093 and the transfer of amounts included within the total original
 1094 approved budget and plans of releases of appropriations as
 1095 furnished pursuant to ss. 216.181 and 216.192, as follows:

1096 1. Between categories of appropriations within a budget
 1097 entity, if no category of appropriation is increased or
 1098 decreased by more than 5 percent of the original approved budget
 1099 or \$250,000, whichever is greater, by all action taken under
 1100 this subsection.

1101 2. Between budget entities within identical categories of
 1102 appropriations, if no category of appropriation is increased or
 1103 decreased by more than 5 percent of the original approved budget
 1104 or \$250,000, whichever is greater, by all action taken under
 1105 this subsection.

1106 3. Any agency exceeding salary rate established pursuant
 1107 to s. 216.181(8) on June 30th of any fiscal year shall not be
 1108 authorized to make transfers pursuant to subparagraphs 1. and 2.
 1109 in the subsequent fiscal year.

1110 4. Notice of proposed transfers under subparagraphs 1. and
 1111 2. and notice of the specific changed conditions necessitating
 1112 the action shall be provided to the Executive Office of the
 1113 Governor and the chairs of the legislative appropriations
 1114 committees at least 3 working days prior to agency
 1115 implementation in order to provide an opportunity for review and
 1116 objection. Such transfers must be consistent with legislative
 1117 policy and intent and may not adversely affect achievement of
 1118 approved performance outcomes or outputs in any program. The
 1119 ~~review shall be limited to ensuring that the transfer is in~~
 1120 ~~compliance with the requirements of this paragraph.~~

1121 (3) The following transfers are authorized with the
 1122 approval of the Executive Office of the Governor for the
 1123 executive branch or the Chief Justice for the judicial branch,
 1124 subject to the notice and objection ~~review~~ provisions of s.
 1125 216.177:

1126 (a) The transfer of appropriations for operations from
 1127 trust funds in excess of those provided in subsection (2), up to
 1128 \$1 million.

1129 (b) The transfer of positions between budget entities.

1130 (4) The following transfers are authorized with the
 1131 approval of the Legislative Budget Commission. Unless waived by
 1132 the chair and vice chair of the commission, notice of such
 1133 transfers must be provided 14 days before the commission
 1134 meeting:

1135 (b) The transfer of appropriations for operations from
 1136 trust funds in excess of those authorized ~~provided~~ in subsection
 1137 (2) or subsection (3) ~~this section that exceed the greater of 5~~
 1138 ~~percent of the original approved budget or \$1 million~~, as
 1139 recommended by the Executive Office of the Governor or the Chief
 1140 Justice of the Supreme Court.

1141 (5) A transfer of funds may not result in the initiation
 1142 of a fixed capital outlay project that has not received a
 1143 specific legislative appropriation, except that federal funds
 1144 for fixed capital outlay projects for the Department of Military
 1145 Affairs, which do not carry a continuing commitment on future
 1146 appropriations by the Legislature, may be approved by the
 1147 Executive Office of the Governor for the purpose received,
 1148 subject to the notice, ~~review~~, and objection procedures set

1149 | forth in s. 216.177.

1150 | (7) The provisions of this section do not apply to the
 1151 | budgets for the legislative branch.

1152 | Section 22. Effective upon this act becoming a law,
 1153 | subsections (1) and (3) and paragraph (a) of subsection (2) of
 1154 | section 216.301, Florida Statutes, as amended by section 40 of
 1155 | chapter 2005-152, Laws of Florida, are amended to read:

1156 | 216.301 Appropriations; undisbursed balances.--

1157 | (1) (a) As of June 30th of each year, for appropriations
 1158 | for operations only, each department and the judicial branch
 1159 | shall identify in the state's financial system any incurred
 1160 | obligation which has not been disbursed, showing in detail the
 1161 | commitment or to whom obligated and the amounts of such
 1162 | commitments or obligations. Any appropriation not identified as
 1163 | an incurred obligation effective June 30th shall revert to the
 1164 | fund from which it was appropriated and shall be available for
 1165 | reappropriation by the Legislature.

1166 | (b) The undisbursed release balance of any authorized
 1167 | appropriation, except an appropriation for fixed capital outlay,
 1168 | for any given fiscal year remaining on June 30 of the fiscal
 1169 | year shall be carried forward in an amount equal to the incurred
 1170 | obligations identified in paragraph (a). Any such incurred
 1171 | obligations remaining undisbursed on September 30 shall revert
 1172 | to the fund from which appropriated and shall be available for
 1173 | reappropriation by the Legislature. The Chief Financial Officer
 1174 | will monitor changes made to incurred obligations prior to the
 1175 | September 30 reversion to ensure generally accepted accounting
 1176 | procedures and legislative intent are followed.

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1177 (c) In the event an appropriate identification of an
1178 incurred obligation is not made and an incurred obligation is
1179 proven to be legal, due, and unpaid, then the incurred
1180 obligation shall be paid and charged to the appropriation for
1181 the current fiscal year of the state agency or the legislative
1182 or judicial branch affected.

1183 ~~(1)(a) Any balance of any appropriation, except an~~
1184 ~~appropriation for fixed capital outlay, which is not disbursed~~
1185 ~~but which is expended shall, at the end of each fiscal year, be~~
1186 ~~certified by the head of the affected state agency or the~~
1187 ~~judicial or legislative branches, on or before August 1 of each~~
1188 ~~year, to the Executive Office of the Governor, showing in detail~~
1189 ~~the obligees to whom obligated and the amounts of such~~
1190 ~~obligations. Any such encumbered balance remaining undisbursed~~
1191 ~~on September 30 of the same calendar year in which such~~
1192 ~~certification was made shall revert to the fund from which~~
1193 ~~appropriated, except as provided in subsection (3), and shall be~~
1194 ~~available for reappropriation by the Legislature. In the event~~
1195 ~~such certification is not made and an obligation is proven to be~~
1196 ~~legal, due, and unpaid, then the obligation shall be paid and~~
1197 ~~charged to the appropriation for the current fiscal year of the~~
1198 ~~state agency or the legislative or judicial branch affected.~~

1199 ~~(b) Any balance of any appropriation, except an~~
1200 ~~appropriation for fixed capital outlay, for any given fiscal~~
1201 ~~year remaining after charging against it any lawful expenditure~~
1202 ~~shall revert to the fund from which appropriated and shall be~~
1203 ~~available for reappropriation by the Legislature.~~

1204 (d)-(e) Each department and the judicial branch shall

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1205 maintain the integrity of the General Revenue Fund.
1206 Appropriations from the General Revenue Fund contained in the
1207 original approved budget may be transferred to the proper trust
1208 fund for disbursement. Any reversion of appropriation balances
1209 from programs which receive funding from the General Revenue
1210 Fund and trust funds shall be transferred to the General Revenue
1211 Fund within 15 days after such reversion, unless otherwise
1212 provided by federal or state law, including the General
1213 Appropriations Act. The Executive Office of the Governor or the
1214 Chief Justice of the Supreme Court shall determine the state
1215 agency or judicial branch programs which are subject to this
1216 paragraph. This determination shall be subject to the
1217 legislative consultation and objection process in this chapter.
1218 The Education Enhancement Trust Fund shall not be subject to the
1219 provisions of this section.

1220 (2) (a) The balance of any appropriation for fixed capital
1221 outlay which is not disbursed but expended, contracted, or
1222 committed to be expended prior to February 1 of the second
1223 fiscal year of the appropriation, or the third fiscal year if it
1224 is for an educational facility as defined in chapter 1013 or for
1225 a construction project of a state university, shall be certified
1226 by the head of the affected state agency or the legislative or
1227 judicial branch on February 1 to the Executive Office of the
1228 Governor, showing in detail the commitment or to whom obligated
1229 and the amount of the commitment or obligation. The Executive
1230 Office of the Governor for the executive branch and the Chief
1231 Justice for the judicial branch shall review and approve or
1232 disapprove, consistent with criteria jointly developed by the

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1233 Executive Office of the Governor and the legislative
 1234 appropriations committees, the continuation of such unexpended
 1235 balances. The Executive Office of the Governor shall, no later
 1236 than February 28 ~~20~~ of each year, furnish the Chief Financial
 1237 Officer, the legislative appropriations committees, and the
 1238 Auditor General a report listing in detail the items and amounts
 1239 reverting under the authority of this subsection, including the
 1240 fund to which reverted and the agency affected.

1241 ~~(3) The President of the Senate and the Speaker of the~~
 1242 ~~House of Representatives may notify the Executive Office of the~~
 1243 ~~Governor to retain certified forward balances from legislative~~
 1244 ~~budget entities until June 30 of the following fiscal year.~~

1245 Section 23. Subsection (2) of section 252.37, Florida
 1246 Statutes, is amended to read:

1247 252.37 Financing.--

1248 (2) It is the legislative intent that the first recourse
 1249 be made to funds regularly appropriated to state and local
 1250 agencies. If the Governor finds that the demands placed upon
 1251 these funds in coping with a particular disaster declared by the
 1252 Governor as a state of emergency are unreasonably great, she or
 1253 he may make funds available by transferring and expending moneys
 1254 appropriated for other purposes, by transferring and expending
 1255 moneys out of any unappropriated surplus funds, or from the
 1256 Budget Stabilization Fund. Following the expiration or
 1257 termination of the state of emergency, the Governor may transfer
 1258 moneys with a budget amendment, subject to approval by the
 1259 Legislative Budget Commission, ~~process a budget amendment under~~
 1260 ~~the notice and review procedures set forth in s. 216.177 to~~

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1261 ~~transfer moneys~~ to satisfy the budget authority granted for such
 1262 emergency.

1263 Section 24. Section 273.02, Florida Statutes, is amended
 1264 to read:

1265 273.02 Record and inventory of certain property.--The word
 1266 "property" as used in this section means equipment, fixtures,
 1267 and other tangible personal property of a nonconsumable and
 1268 nonexpendable nature. The Chief Financial Officer shall
 1269 establish by rule the requirements for the recording of property
 1270 in the state's financial systems and for the periodic review of
 1271 property for inventory purposes., ~~the value or cost of which is~~
 1272 ~~\$1,000 or more and the normal expected life of which is 1 year~~
 1273 ~~or more, and hardback covered bound books that are circulated to~~
 1274 ~~students or the general public, the value or cost of which is~~
 1275 ~~\$25 or more, and hardback covered bound books, the value or cost~~
 1276 ~~of which is \$250 or more. Each item of property which it is~~
 1277 ~~practicable to identify by marking shall be marked in the manner~~
 1278 ~~required by the Auditor General. Each custodian shall maintain~~
 1279 ~~an adequate record of property in his or her custody, which~~
 1280 ~~record shall contain such information as shall be required by~~
 1281 ~~the Auditor General. Once each year, on July 1 or as soon~~
 1282 ~~thereafter as is practicable, and whenever there is a change of~~
 1283 ~~custodian, each custodian shall take an inventory of property in~~
 1284 ~~his or her custody. The inventory shall be compared with the~~
 1285 ~~property record, and all discrepancies shall be traced and~~
 1286 ~~reconciled. All publicly supported libraries shall be exempt~~
 1287 ~~from marking hardback covered bound books, as required by this~~
 1288 ~~section. The catalog and inventory control records maintained by~~

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1289 ~~each publicly supported library shall constitute the property~~
 1290 ~~record of hardback covered bound books with a value or cost of~~
 1291 ~~\$25 or more included in each publicly supported library~~
 1292 ~~collection and shall serve as a perpetual inventory in lieu of~~
 1293 ~~an annual physical inventory. All books identified by these~~
 1294 ~~records as missing shall be traced and reconciled, and the~~
 1295 ~~library inventory shall be adjusted accordingly.~~

1296 Section 25. Section 273.025, Florida Statutes, is created
 1297 to read:

1298 273.025 Financial reporting for recorded property.--The
 1299 Chief Financial Officer shall establish by rule the requirements
 1300 for the capitalization of property that has been recorded in the
 1301 state's financial systems.

1302 Section 26. Subsections (2) and (5) of section 273.055,
 1303 Florida Statutes, are amended to read:

1304 273.055 Disposition of state-owned tangible personal
 1305 property.--

1306 (2) Custodians shall maintain records to identify each
 1307 property item as to disposition. Such records shall comply with
 1308 rules issued by the Chief Financial Officer ~~Auditor General~~.

1309 (5) All moneys received from the disposition of state-
 1310 owned tangible personal property or from any agreement entered
 1311 into under this chapter must be retained by the custodian and
 1312 may be disbursed for the acquisition of exchange and surplus
 1313 property and for all necessary operating expenditures, ~~and are~~
 1314 ~~appropriated for those purposes~~. The custodian shall maintain
 1315 records of the accounts into which the money is deposited.

1316 Section 27. Section 274.02, Florida Statutes, is amended

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1317 to read:

1318 274.02 Record and inventory of certain property.--

1319 (1) The word "property" as used in this section means
 1320 fixtures and other tangible personal property of a nonconsumable
 1321 nature ~~the value of which is \$1,000 or more and the normal~~
 1322 ~~expected life of which is 1 year or more.~~

1323 (2) The Chief Financial Officer shall establish by rule
 1324 the requirements for the recording of property and for the
 1325 periodic review of property for inventory purposes. ~~Each item of~~
 1326 ~~property which it is practicable to identify by marking shall be~~
 1327 ~~marked in the manner required by the Auditor General. Each~~
 1328 ~~governmental unit shall maintain an adequate record of its~~
 1329 ~~property, which record shall contain such information as shall~~
 1330 ~~be required by the Auditor General. Each governmental unit shall~~
 1331 ~~take an inventory of its property in the custody of a custodian~~
 1332 ~~whenever there is a change in such custodian. A complete~~
 1333 ~~physical inventory of all property shall be taken annually, and~~
 1334 ~~the date inventoried shall be entered on the property record.~~
 1335 ~~The inventory shall be compared with the property record, and~~
 1336 ~~all discrepancies shall be traced and reconciled.~~

1337 Section 28. Paragraph (b) of subsection (3) of section
 1338 338.2216, Florida Statutes, is amended to read:

1339 338.2216 Florida Turnpike Enterprise; powers and
 1340 authority.--

1341 (3)

1342 (b) Notwithstanding the provisions of s. 216.301 to the
 1343 contrary and in accordance with s. 216.351, the Executive Office
 1344 of the Governor shall, on July 1 of each year, certify forward

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1345 all unexpended funds appropriated or provided pursuant to this
 1346 section for the turnpike enterprise. Of the unexpended funds
 1347 certified forward, any unencumbered amounts shall be carried
 1348 forward. Such funds carried forward shall not exceed 5 percent
 1349 of the original approved total operating budget as defined in s.
 1350 216.181(1) of the turnpike enterprise. Funds carried forward
 1351 pursuant to this section may be used for any lawful purpose,
 1352 including, but not limited to, promotional and market
 1353 activities, technology, and training. Any certified forward
 1354 funds remaining undisbursed on September 30 ~~December 31~~ of each
 1355 year shall be carried forward.

1356 Section 29. Subsection (4) of section 1011.57, Florida
 1357 Statutes, is amended to read:

1358 1011.57 Florida School for the Deaf and the Blind; board
 1359 of trustees; management flexibility.--

1360 (4) Notwithstanding the provisions of s. 216.301 to the
 1361 contrary, ~~the Executive Office of the Governor shall, on July 1~~
 1362 ~~of each year, certify forward~~ all unexpended funds appropriated
 1363 for the Florida School for the Deaf and the Blind. ~~The~~
 1364 ~~unexpended amounts in any fund~~ shall be carried forward and
 1365 included as the balance forward for that fund in the approved
 1366 operating budget for the following year.

1367 Section 30. Section 215.29, Florida Statutes, is repealed.

1368 Section 31. Except as otherwise expressly provided in this
 1369 act, this act shall take effect July 1, 2006.