

1 A bill to be entitled
 2 An act relating to state agency planning and
 3 accountability; creating s. 216.1771, F.S.; providing
 4 budgetary disincentives to state agencies for
 5 noncompliance with legislative mandates; creating s.
 6 216.242, F.S.; providing legislative intent and
 7 requirements for state agencies related to state agencies'
 8 planning and analyzing outsourcing options; requiring
 9 legislative notification of certain contract violations;
 10 providing budgetary disincentives to certain state
 11 agencies for noncompliance with specified provisions;
 12 providing an effective date.

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

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 16 Section 1. Section 216.1771, Florida Statutes, is created
 17 to read:

18 216.1771 Appropriations acts, proviso compliance.--

19 (1) Any state agency in noncompliance with the
 20 requirements of proviso contained within the General
 21 Appropriations Act shall have all unexpended appropriations
 22 addressed by proviso placed in mandatory reserve by the
 23 Executive Office of the Governor and shall be subject to the
 24 immediate loss of delegated budget transfer flexibility as
 25 authorized in s. 216.292(2).

26 (2) The agency shall appear before the Legislative Budget
 27 Commission to address the agency's noncompliance with proviso
 28 before release of the funds in reserve may be requested and

HB 7195

2006

29 before delegated budget transfer flexibility may be restored to
30 the agency.

31 Section 2. Section 216.242, Florida Statutes, is created
32 to read:

33 216.242 Outsourcing state programs and functions.--

34 (1) To ensure the appropriate and efficient use of state
35 funds, it is the intent of the Legislature that prior to any
36 initiative by a state agency to outsource a program or function,
37 that agency shall take appropriate steps to plan and analyze the
38 proposed service delivery option prior to the obligation of any
39 state funds.

40 (2) A state agency planning and analyzing a proposed
41 outsourcing option shall develop a business case, including, but
42 not limited to, baseline costs, a cost-benefit analysis,
43 performance measures, end-of-term transition plan and strategy,
44 risk analysis, and contingency plans in the event of the
45 provider's nonperformance.

46 (3) During the term of any outsourcing agreement greater
47 than \$10 million, annually, if the provider is in violation or
48 suspected violation of the terms of the agreement, the
49 contracting state agency shall immediately report to the
50 appropriate jurisdictional appropriations committees of the
51 Legislature the facts surrounding the violation or suspected
52 violation.

53 (4) Any state agency that does not comply with the
54 requirements of this section shall be subject to the immediate
55 loss of delegated budget transfer flexibility as authorized in
56 s. 216.292(2).

HB 7195

2006

57 | (5) The agency shall appear before the Legislative Budget
58 | Commission to address the agency's noncompliance with this
59 | section before delegated budget transfer flexibility may be
60 | restored to the agency.

61 | Section 3. This act shall take effect July 1, 2006.