

By Senator Hays

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1 A bill to be entitled
2 An act relating to repealing budget provisions;
3 amending s. 216.023, F.S.; deleting certain budget
4 summary requirements; amending ss. 216.013 and
5 489.145, F.S.; conforming cross-references; providing
6 an effective date.

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

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10 Section 1. Subsection (4) of section 216.023, Florida
11 Statutes, is amended to read:

12 216.023 Legislative budget requests to be furnished to
13 Legislature by agencies.—

14 (4) ~~(a)~~ The legislative budget request must contain for each
15 program:

16 (a) 1. The constitutional or statutory authority for a
17 program, a brief purpose statement, and approved program
18 components.

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

23 (c) 3. Details on trust funds and fees.

24 (d) 4. The total number of positions (authorized, fixed, and
25 requested).

26 (e) 5. An issue narrative describing and justifying changes
27 in amounts and positions requested for current and proposed
28 programs for the next fiscal year.

29 (f) 6. Information resource requests.

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30 (g)7- Supporting information, including applicable cost-
31 benefit analyses, business case analyses, performance
32 contracting procedures, service comparisons, and impacts on
33 performance standards for any request to outsource or privatize
34 agency functions. The cost-benefit and business case analyses
35 must include an assessment of the impact on each affected
36 activity ~~from those identified in accordance with paragraph (b)~~.
37 Performance standards must include standards for each affected
38 activity and be expressed in terms of the associated unit of
39 activity.

40 (h)8- An evaluation of any major outsourcing and
41 privatization initiatives undertaken during the last 5 fiscal
42 years having aggregate expenditures exceeding \$10 million during
43 the term of the contract. The evaluation shall include an
44 assessment of contractor performance, a comparison of
45 anticipated service levels to actual service levels, and a
46 comparison of estimated savings to actual savings achieved.
47 Consolidated reports issued by the Department of Management
48 Services may be used to satisfy this requirement.

49 (i)9- Supporting information for any proposed consolidated
50 financing of deferred-payment commodity contracts including
51 guaranteed energy performance savings contracts. Supporting
52 information must also include narrative describing and
53 justifying the need, baseline for current costs, estimated cost
54 savings, projected equipment purchases, estimated contract
55 costs, and return on investment calculation.

56 (j)10- For projects that exceed \$10 million in total cost,
57 the statutory reference of the existing policy or the proposed
58 substantive policy that establishes and defines the project's

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59 governance structure, planned scope, main business objectives
60 that must be achieved, and estimated completion timeframes.
61 Information technology budget requests for the continuance of
62 existing hardware and software maintenance agreements, renewal
63 of existing software licensing agreements, or the replacement of
64 desktop units with new technology that is similar to the
65 technology currently in use are exempt from this requirement.

66 ~~(b) It is the intent of the Legislature that total~~
67 ~~accountability measures, including unit cost data, serve not~~
68 ~~only as a budgeting tool but also as a policymaking tool and an~~
69 ~~accountability tool. Therefore, each state agency and the~~
70 ~~judicial branch must submit a summary of information for the~~
71 ~~preceding year in accordance with the legislative budget~~
72 ~~instructions. Each summary must provide a one page overview and~~
73 ~~must contain:~~

- 74 ~~1. The final budget for the agency and the judicial branch.~~
- 75 ~~2. Total funds from the General Appropriations Act.~~
- 76 ~~3. Adjustments to the General Appropriations Act.~~
- 77 ~~4. The line-item listings of all activities.~~
- 78 ~~5. The number of activity units performed or accomplished.~~
- 79 ~~6. Total expenditures for each activity, including amounts~~
80 ~~paid to contractors and subordinate entities. Expenditures~~
81 ~~related to administrative activities not aligned with output~~
82 ~~measures must consistently be allocated to activities with~~
83 ~~output measures prior to computing unit costs.~~
- 84 ~~7. The cost per unit for each activity, including the costs~~
85 ~~allocated to contractors and subordinate entities.~~
- 86 ~~8. The total amount of reversions and pass-through~~
87 ~~expenditures omitted from unit-cost calculations.~~

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89 ~~At the regular session immediately following the submission of~~
90 ~~the agency unit cost summary, the Legislature shall reduce in~~
91 ~~the General Appropriations Act for the ensuing fiscal year, by~~
92 ~~an amount equal to at least 10 percent of the allocation for the~~
93 ~~fiscal year preceding the current fiscal year, the funding of~~
94 ~~each state agency that fails to submit the report required under~~
95 ~~this paragraph.~~

96 Section 2. Paragraph (h) of subsection (1) of section
97 216.013, Florida Statutes, is amended to read:

98 216.013 Long-range program plan.—State agencies and the
99 judicial branch shall develop long-range program plans to
100 achieve state goals using an interagency planning process that
101 includes the development of integrated agency program service
102 outcomes. The plans shall be policy based, priority driven,
103 accountable, and developed through careful examination and
104 justification of all agency and judicial branch programs.

105 (1) Long-range program plans shall provide the framework
106 for the development of budget requests and shall identify or
107 update:

108 (h) Legislatively approved output and outcome performance
109 measures. ~~Each performance measure must identify the associated~~
110 ~~activity contributing to the measure from those identified in~~
111 ~~accordance with s. 216.023(4)(b).~~

112 Section 3. Paragraph (a) of subsection (6) of section
113 489.145, Florida Statutes, is amended to read:

114 489.145 Guaranteed energy, water, and wastewater
115 performance savings contracting.—

116 (6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.—The

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117 Department of Management Services, with the assistance of the
118 Office of the Chief Financial Officer, shall, within available
119 resources, provide technical content assistance to state
120 agencies contracting for energy, water, and wastewater
121 efficiency and conservation measures and engage in other
122 activities considered appropriate by the department for
123 promoting and facilitating guaranteed energy, water, and
124 wastewater performance contracting by state agencies. The
125 Department of Management Services shall review the investment-
126 grade audit for each proposed project and certify that the cost
127 savings are appropriate and sufficient for the term of the
128 contract. The Office of the Chief Financial Officer, with the
129 assistance of the Department of Management Services, shall,
130 within available resources, develop model contractual and
131 related documents for use by state agencies. Prior to entering
132 into a guaranteed energy, water, and wastewater performance
133 savings contract, any contract or lease for third-party
134 financing, or any combination of such contracts, a state agency
135 shall submit such proposed contract or lease to the Office of
136 the Chief Financial Officer for review and approval. A proposed
137 contract or lease shall include:

138 (a) Supporting information required by s. 216.023(4)(i) ~~s.~~
139 ~~216.023(4)(a)9.~~ in ss. 287.063(5) and 287.064(11). For contracts
140 approved under this section, the criteria may, at a minimum,
141 include the specification of a benchmark cost of capital and
142 minimum real rate of return on energy, water, or wastewater
143 savings against which proposals shall be evaluated.

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145 The Office of the Chief Financial Officer shall not approve any

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146 contract submitted under this section from a state agency that
147 does not meet the requirements of this section.

148 Section 4. This act shall take effect July 1, 2012.