

By Senator Joyner

19-00272-16

2016924__

1 A bill to be entitled
2 An act relating to planning and budgeting; amending
3 ss. 216.013, 216.023, 216.031, 216.043, 216.044,
4 216.0442, 216.081, 216.102, 216.131, 216.135, 216.179,
5 216.181, 216.1815, 216.1826, 216.1827, 216.192,
6 216.195, 216.212, 216.216, 216.221, 216.231, 216.241,
7 216.251, 216.262, 216.271, 216.275, 216.292, 216.301,
8 216.313, 216.321, 216.345, and 216.347, F.S.; removing
9 certain references to the judicial branch from
10 planning and budgeting provisions in the chapter;
11 creating ch. 221, F.S.; recreating planning and
12 budgeting provisions for the judicial branch; creating
13 s. 221.06, F.S.; providing a short title; creating s.
14 221.07, F.S.; requiring the judicial branch to develop
15 a long-range program plan, subject to certain
16 requirements; providing applicability; creating s.
17 221.08, F.S.; requiring the judicial branch to submit
18 its complete legislative budget requests directly to
19 the Legislature with a copy to the Governor by a
20 certain date; specifying requirements for such
21 requests; requiring the Executive Office of the
22 Governor and the appropriations committees of the
23 Legislature to jointly develop legislative budget
24 instructions, subject to certain requirements;
25 requiring the Legislature to reduce in the General
26 Appropriations Act for the ensuing fiscal year, by a
27 certain amount, the funding of each judicial branch
28 entity that fails to submit a certain report;
29 authorizing the judicial branch to amend its request

19-00272-16

2016924__

30 under certain circumstances; requiring the Legislature
31 to review the legislative budget request from the
32 judicial branch; creating s. 221.09, F.S.; authorizing
33 either chair of a legislative appropriations committee
34 to require the Chief Justice of the Supreme Court to
35 address certain major issues for inclusion in the
36 requests of the judicial branch, subject to certain
37 requirements; authorizing the chair of an
38 appropriations committee of the Senate and the House
39 of Representatives to request the judicial branch to
40 submit a budget plan, with respect to certain targets
41 established by either chair; specifying the target
42 budget format; creating s. 221.10, F.S.; requiring the
43 Chief Justice of the Supreme Court to submit a
44 legislative budget request reflecting his or her
45 independent judgment with respect to the needs of the
46 judicial branch for fixed capital outlays; specifying
47 the content of such requests; creating s. 221.11,
48 F.S.; requiring that a specified budget request made
49 by the judicial branch be evaluated by the Department
50 of Management Services under certain circumstances and
51 subject to certain requirements; creating s. 221.12,
52 F.S.; providing definitions; requiring that certain
53 documents relating to state debt be developed under
54 certain circumstances, subject to certain
55 requirements; providing applicability; creating s.
56 221.13, F.S.; requiring that certain financial
57 estimates be furnished to the Governor; specifying how
58 the estimates are to be used; creating s. 221.14,

19-00272-16

2016924__

59 F.S.; requiring the judicial branch to prepare and
60 file with the Chief Financial Officer certain
61 financial and other information under certain
62 circumstances; requiring the judicial branch to record
63 the receipt and disbursement of funds from federal
64 sources, subject to certain requirements; prohibiting
65 access to federal funds by the judicial branch until
66 certain requirements are met; providing duties of the
67 Chief Financial Officer; providing penalties when
68 judicial branch information is not filed as required;
69 providing for rulemaking authority; creating s.
70 221.15, F.S.; requiring the Chief Justice of the
71 Supreme Court to provide for public hearings on
72 judicial branch budget requests; creating s. 221.16,
73 F.S.; requiring the judicial branch to use certain
74 information in carrying out its duties under the state
75 planning and budgeting system; creating s. 221.17,
76 F.S.; prohibiting the reinstatement of vetoed
77 appropriations for the judicial branch by
78 administrative means; creating s. 221.18, F.S.;
79 providing for approved budgets for operational and
80 certain capital expenditures; providing that
81 amendments from the judicial branch may be requested
82 only through the Chief Justice of the Supreme Court;
83 requiring that such amendments be approved by the
84 Chief Justice and the Legislative Budget Commission;
85 providing a requirement for compliance with certain
86 guidelines for such amendments to be approved by the
87 Chief Justice and the Legislative Budget Commission;

19-00272-16

2016924__

88 providing certain notice and procedural requirements;
89 authorizing the Chief Justice to amend judicial branch
90 entity budgets, subject to certain requirements;
91 providing that the Chief Justice may authorize the
92 consolidation of fixed capital outlay appropriations
93 for the judicial branch under certain circumstances;
94 providing requirements for a certain annual salary
95 rate; authorizing the Chief Justice to approve changes
96 in the amounts appropriated from state trust funds in
97 excess of those in the approved operating budget,
98 subject to certain requirements and restrictions;
99 providing for certain nonoperating budgets and their
100 purpose; defining the term "nonoperating budgets";
101 authorizing certain funds to be advanced under certain
102 circumstances and subject to certain requirements;
103 providing applicability; creating s. 221.19, F.S.;
104 providing legislative intent; providing eligibility
105 requirements to retain certain funds based on
106 efficiencies and cost reductions the judicial branch
107 achieves; creating s. 221.20, F.S.; directing the
108 Chief Justice of the Supreme Court to work with the
109 appropriations and appropriate substantive committees
110 of the Legislature to identify and reach consensus on
111 the appropriate services and activities for activity-
112 based budgeting; providing legislative intent;
113 requiring the judicial branch to examine approved
114 performance measures and provide certain
115 recommendations; creating s. 221.21, F.S.; specifying
116 requirements relating to certain performance measures

19-00272-16

2016924__

117 and standards; creating s. 221.22, F.S.; providing
118 requirements relating to the release of appropriations
119 and revision of certain budgets; creating s. 221.23,
120 F.S.; prohibiting the Chief Justice of the Supreme
121 Court or any other judicial branch entity from
122 impounding an appropriation except as necessary to
123 avoid or eliminate a deficit; defining the term
124 "impoundment"; providing for judicial review under
125 certain circumstances; creating s. 221.24, F.S.;
126 providing requirements relating to certain budgets for
127 federal funds; providing restrictions on expenditure
128 of federal funds; creating s. 221.25, F.S.; providing
129 requirements relating to court settlement funds
130 negotiated by the state; creating s. 221.26, F.S.;
131 requiring that all appropriations be maximum
132 appropriations, subject to certain requirements;
133 providing requirements relating to the adjustment of
134 branch and agency budgets under certain circumstances;
135 creating s. 221.27, F.S.; authorizing the Executive
136 Office of the Governor to release certain classified
137 appropriations under certain circumstances; providing
138 that such release of classified appropriations is
139 subject to certain requirements; creating s. 221.28,
140 F.S.; providing for the initiation or commencement and
141 approval of new programs, subject to certain
142 requirements; creating s. 221.29, F.S.; providing for
143 salary appropriations, subject to certain requirements
144 and limitations; creating s. 221.30, F.S.; prohibiting
145 the total number of authorized positions from

19-00272-16

2016924__

146 exceeding the total provided in the appropriations
147 acts; providing for an application and recommendation
148 process to increase, add, delete, or transfer
149 authorized positions under certain circumstances,
150 subject to certain requirements; providing
151 restrictions on certain employment; providing
152 requirements relating to the furnishing of certain
153 prerequisites; defining the term "prerequisites";
154 providing requirements relating to goods and services
155 that are to be sold to officers and employees of the
156 judicial branch rather than being furnished as
157 prerequisites; creating s. 221.31, F.S.; specifying
158 requirements relating to certain revolving funds;
159 defining the term "revolving fund"; creating s.
160 221.32, F.S.; providing requirements relating to
161 certain clearing accounts; creating s. 221.33, F.S.;
162 requiring appropriations be nontransferable; providing
163 exceptions; providing requirements related to certain
164 authorized revisions; authorizing the transfer of
165 funds under certain circumstances, subject to certain
166 requirements; creating s. 221.34, F.S.; providing
167 requirements relating to undisbursed balances of
168 authorized appropriations; creating s. 221.35, F.S.;
169 prohibiting a judicial branch public officer or
170 employee from entering into any contract or agreement
171 on behalf of the state or judicial branch which binds
172 the state or the judicial branch for the purchase of
173 services or tangible personal property in excess of a
174 specified amount under certain circumstances; creating

19-00272-16

2016924__

175 s. 221.36, F.S.; providing for construction of the
 176 chapter as to unauthorized expenditures and
 177 disbursements; creating s. 221.37, F.S.; providing for
 178 the payment of professional or other organization
 179 membership dues under certain circumstances; requiring
 180 the judicial branch to adopt specific criteria to
 181 determine justification for such payment; providing an
 182 exemption; creating s. 221.38, F.S.; prohibiting the
 183 judicial branch from authorizing or making any
 184 disbursement of grants and aids appropriations unless
 185 the terms of the grants or contracts contain certain
 186 lobbying prohibitions; providing applicability;
 187 amending ss. 402.731 and 624.307, F.S.; conforming
 188 cross-references; providing an effective date.

189

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

191

192 Section 1. Section 216.013, Florida Statutes, is amended to
 193 read:

194 216.013 Long-range program plan.—State agencies ~~and the~~
 195 ~~judicial branch~~ shall develop long-range program plans to
 196 achieve state goals using an interagency planning process that
 197 includes the development of integrated agency program service
 198 outcomes. The plans shall be policy based, priority driven,
 199 accountable, and developed through careful examination and
 200 justification of all agency ~~and judicial branch~~ programs.

201 (1) Long-range program plans must ~~shall~~ provide the
 202 framework for the development of budget requests and must ~~shall~~
 203 identify or update:

19-00272-16

2016924__

- 204 (a) The mission of the agency ~~or judicial branch~~.
- 205 (b) The goals established to accomplish the mission.
- 206 (c) The objectives developed to achieve state goals.
- 207 (d) The trends and conditions relevant to the mission,
208 goals, and objectives.
- 209 (e) The agency ~~or judicial branch~~ programs that will be
210 used to implement state policy and achieve state goals and
211 objectives.
- 212 (f) The program outcomes and standards to measure progress
213 toward program objectives.
- 214 (g) Information regarding performance measurement, which
215 includes, but is not limited to, how data is collected, the
216 methodology used to measure a performance indicator, the
217 validity and reliability of a measure, the appropriateness of a
218 measure, and whether, in the case of agencies, the agency
219 inspector general has assessed the reliability and validity of
220 agency performance measures, pursuant to s. 20.055(2).
- 221 (h) Legislatively approved output and outcome performance
222 measures. Each performance measure must identify the associated
223 activity contributing to the measure from those identified in
224 accordance with s. 216.023(4) (b).
- 225 (i) Performance standards for each performance measure and
226 justification for the standards and the sources of data to be
227 used for measurement. Performance standards must include
228 standards for each affected activity and be expressed in terms
229 of the associated unit of activity.
- 230 (j) Prior-year performance data on approved performance
231 measures and an explanation of deviation from expected
232 performance. Performance data must be assessed for reliability

19-00272-16

2016924__

233 in accordance with s. 20.055.

234 (k) Proposed performance incentives and disincentives.

235 (2) Each long-range program plan must ~~shall~~ cover a period
236 of 5 fiscal years, be revised annually, and remain in effect
237 until replaced or revised.

238 (3) State agencies shall present their long-range program
239 plans or revisions ~~shall be presented by state agencies and the~~
240 ~~judicial branch~~ in a form, manner, and timeframe prescribed in
241 written instructions prepared by the Executive Office of the
242 Governor in consultation with the chairs of the legislative
243 appropriations committees.

244 (4) Each state executive agency ~~and the judicial branch~~
245 shall post its ~~their~~ long-range program plan ~~plans~~ on its
246 website ~~their Internet websites~~ not later than September 30 ~~30th~~
247 of each year, and provide written notice to the Governor and the
248 Legislature that the plan has ~~plans have~~ been posted.

249 (5) The state agencies ~~and the judicial branch~~ shall make
250 appropriate adjustments to their long-range program plans,
251 excluding adjustments to performance measures and standards, to
252 be consistent with the appropriations in the General
253 Appropriations Act and legislation implementing the General
254 Appropriations Act. Agencies ~~and the judicial branch~~ have 30
255 days after ~~subsequent to~~ the effective date of the General
256 Appropriations Act and implementing legislation to make
257 adjustments to their plans as posted on their Internet websites.

258 (6) Long-range program plans developed pursuant to this
259 chapter are not rules and, therefore, are not subject to the
260 provisions of chapter 120.

261 Section 2. Subsections (2) and (3), paragraph (b) of

19-00272-16

2016924__

262 subsection (4), and subsections (5), (7), (8), and (9) of
263 section 216.023, Florida Statutes, are amended to read:

264 216.023 Legislative budget requests to be furnished to
265 Legislature by agencies.—

266 (2) The ~~judicial branch and the~~ Division of Administrative
267 Hearings shall submit its ~~their~~ complete legislative budget
268 requests directly to the Legislature with a copy to the
269 Governor, as chief budget officer of the state, in the form and
270 manner as prescribed in the budget instructions. However, the
271 complete legislative budget requests, including all supporting
272 forms and schedules required by this chapter, shall be submitted
273 no later than October 15 of each year unless an alternative date
274 is agreed to be in the best interest of the state by the
275 Governor and the chairs of the legislative appropriations
276 committees.

277 (3) The Executive Office of the Governor and the
278 appropriations committees of the Legislature shall jointly
279 develop legislative budget instructions for preparing the
280 exhibits and schedules that make up the agency budget from which
281 each agency ~~and the judicial branch~~ shall prepare its ~~their~~
282 budget request. The budget instructions must ~~shall~~ be consistent
283 with s. 216.141 and shall be transmitted to each agency ~~and to~~
284 ~~the judicial branch~~ no later than July 15 of each year unless an
285 alternative date is agreed to be in the best interest of the
286 state by the Governor and the chairs of the legislative
287 appropriations committees. In the event that agreement cannot be
288 reached between the Executive Office of the Governor and the
289 appropriations committees of the Legislature regarding
290 legislative budget instructions, the issue shall be resolved by

19-00272-16

2016924__

291 the Governor, the President of the Senate, and the Speaker of
292 the House of Representatives.

293 (4)

294 (b) It is the intent of the Legislature that total
295 accountability measures, including unit-cost data, serve not
296 only as a budgeting tool but also as a policymaking tool and an
297 accountability tool. Therefore, each state agency ~~and the~~
298 ~~judicial branch~~ must submit a summary of information for the
299 preceding year in accordance with the legislative budget
300 instructions. Each summary must provide a one-page overview and
301 must contain:

- 302 1. The final budget for the agency ~~and the judicial branch~~.
- 303 2. Total funds from the General Appropriations Act.
- 304 3. Adjustments to the General Appropriations Act.
- 305 4. The line-item listings of all activities.
- 306 5. The number of activity units performed or accomplished.
- 307 6. Total expenditures for each activity, including amounts
308 paid to contractors and subordinate entities. Expenditures
309 related to administrative activities not aligned with output
310 measures must consistently be allocated to activities with
311 output measures prior to computing unit costs.
- 312 7. The cost per unit for each activity, including the costs
313 allocated to contractors and subordinate entities.
- 314 8. The total amount of reversions and pass-through
315 expenditures omitted from unit-cost calculations.

316
317 At the regular session immediately following the submission of
318 the agency unit cost summary, the Legislature shall reduce in
319 the General Appropriations Act for the ensuing fiscal year, by

19-00272-16

2016924__

320 an amount equal to at least 10 percent of the allocation for the
321 fiscal year preceding the current fiscal year, the funding of
322 each state agency that fails to submit the report required under
323 this paragraph.

324 (5) As a part of the legislative budget request, the head
325 of each state agency ~~and the Chief Justice of the Supreme Court~~
326 ~~for the judicial branch~~ shall include an inventory of all
327 litigation in which the agency is involved that may require
328 additional appropriations to the agency, that may significantly
329 affect revenues received or anticipated to be received by the
330 state, or that may require amendments to the law under which the
331 agency operates. No later than March 1 following the submission
332 of the legislative budget request, the head of the state agency
333 ~~and the Chief Justice of the Supreme Court~~ shall provide an
334 update of any additions or changes to the inventory. Such
335 inventory shall include information specified annually in the
336 legislative budget instructions and, within the discretion of
337 the head of the state agency ~~or the Chief Justice of the Supreme~~
338 ~~Court~~, may contain only information found in the pleadings.

339 (7) The Executive Office of the Governor shall review the
340 legislative budget request for technical compliance with the
341 budget format provided for in the budget instructions. The
342 Executive Office of the Governor shall notify the agency ~~or the~~
343 ~~judicial branch~~ of any adjustment required. The agency ~~or~~
344 ~~judicial branch~~ shall make the appropriate corrections as
345 requested. If the appropriate technical corrections are not made
346 as requested, the Executive Office of the Governor shall adjust
347 the budget request to incorporate the appropriate technical
348 corrections in the format of the request.

19-00272-16

2016924__

349 (8) At any time after the Governor submits his or her
350 recommended budget to the Legislature, the head of the agency ~~or~~
351 ~~judicial branch~~ may amend his or her request by transmitting to
352 the Governor and the Legislature an amended request in the form
353 and manner prescribed in the legislative budget instructions.

354 (9) The Legislature shall review the legislative budget
355 request from each agency ~~and from the judicial branch shall be~~
356 ~~reviewed by the Legislature~~. The review may allow for the
357 opportunity to have information or testimony by the agency, ~~the~~
358 ~~judicial branch~~, the Auditor General, the Office of Program
359 Policy Analysis and Government Accountability, the Governor's
360 Office of Planning and Budgeting, and the public regarding the
361 proper level of funding for the agency in order to carry out its
362 mission.

363 Section 3. Section 216.031, Florida Statutes, is amended to
364 read:

365 216.031 Target budget request.—Either chair of a
366 legislative appropriations committee, or the Executive Office of
367 the Governor for state agencies, may require the agency ~~or the~~
368 ~~Chief Justice~~ to address major issues separate from those
369 outlined in s. 216.023, this section, and s. 216.043 for
370 inclusion in the requests of the agency ~~or of the judicial~~
371 ~~branch~~. The issues shall be submitted to the agency no later
372 than July 30 of each year and shall be displayed in its requests
373 as provided in the budget instructions. The Executive Office of
374 the Governor may request an agency, or the chair of an
375 appropriations committee of the Senate or the House of
376 Representatives may request any agency ~~or the judicial branch~~,
377 to submit a budget plan with respect to targets established by

19-00272-16

2016924__

378 the Governor or either chair. The target budget shall require
379 each entity to establish an order of priorities for its budget
380 issues and may include requests for multiple options for the
381 budget issues. The target budget format shall be compatible with
382 the planning and budgeting system requirements set out in s.
383 216.141. Such a request may ~~shall~~ not influence the agencies' ~~or~~
384 ~~judicial branch's~~ independent judgment in making legislative
385 budget requests, as required by law.

386 Section 4. Subsection (1) and paragraph (a) of subsection
387 (3) of section 216.043, Florida Statutes, are amended to read:

388 216.043 Budgets for fixed capital outlay.-

389 (1) A legislative budget request, reflecting the
390 independent judgment of the head of the agency ~~or of the Chief~~
391 ~~Justice of the Supreme Court~~ with respect to the needs of the
392 agency ~~or of the judicial branch~~ for fixed capital outlay during
393 the next fiscal year, shall be submitted by each head of an
394 agency ~~and by the Chief Justice~~ and shall contain:

395 (a) An estimate in itemized form showing the amounts needed
396 for fixed capital outlay expenditures, to include a detailed
397 statement of program needs, estimated construction costs and
398 square footage, site costs, operating capital necessary to
399 furnish and equip for operating a new or improved facility, and
400 the anticipated sources of funding during the next fiscal year.

401 (b) Proposed fixed capital outlay projects, including
402 proposed operational standards related to programs and
403 utilization, an analysis of continuing operating costs, and such
404 other data as the Executive Office of the Governor deems
405 necessary for state agencies, ~~or the Chief Justice deems~~
406 ~~necessary for the judicial branch~~, to analyze the relationship

19-00272-16

2016924__

407 of agency needs and program requirements to construction
408 requirements. The plan shall also include the availability and
409 suitability of privately constructed and owned buildings and
410 facilities to meet the needs and program requirements of the
411 agency ~~or of the judicial branch.~~

412 (c) For any budget request for fixed capital outlay or
413 operating capital outlay which is to be funded by a proposed
414 state debt or obligation as defined in s. 216.0442, the
415 information set forth in s. 216.0442(2).

416 (3) Each legislative budget request for fixed capital
417 outlay submitted shall contain:

418 (a) A schedule of projects planned to meet the 4-year
419 requirements of the agency ~~or of the judicial branch~~ and a
420 schedule of anticipated funding for the initial fiscal year of
421 the 4-year period.

422 Section 5. Section 216.044, Florida Statutes, is amended to
423 read:

424 216.044 Budget evaluation by Department of Management
425 Services.—

426 (1) Any state agency ~~or judicial branch entity~~ requesting a
427 fixed capital outlay project to be managed by the Department of
428 Management Services shall consult with that department during
429 the budget development process. The Department of Management
430 Services shall provide recommendations regarding construction
431 requirements, cost of the project, and project alternatives to
432 be incorporated in the agency's or entity's proposed fixed
433 capital outlay budget request and narrative justification.

434 (2) Concurrently with the submission of the fixed capital
435 outlay legislative budget request to the Executive Office of the

19-00272-16

2016924__

436 Governor ~~or to the Chief Justice of the Supreme Court,~~ the
437 agency ~~or judicial branch~~ shall submit a copy of the legislative
438 budget request to the Department of Management Services for
439 evaluation.

440 (3) The Department of Management Services shall advise the
441 Executive Office of the Governor, ~~the Chief Justice,~~ and the
442 Legislature regarding alternatives to the proposed fixed capital
443 outlay project and make recommendations relating to the
444 construction requirements and cost of the project. These
445 recommendations shall be provided to the Legislature and
446 Executive Office of the Governor at a time specified by the
447 Governor, but not less than 90 days before ~~prior to~~ the regular
448 session of the Legislature. When evaluating alternatives, the
449 Department of Management Services shall include information as
450 to whether it would be more cost-efficient to lease private
451 property or facilities, to construct facilities on property
452 presently owned by the state, or to acquire property on which to
453 construct the facilities. In determining the cost to the state
454 of constructing facilities on property presently owned by the
455 state or the cost of acquiring property on which to construct
456 facilities, the Department of Management Services shall include
457 the costs which would be incurred by a private person in
458 acquiring the property and constructing the facilities,
459 including, but not limited to, taxes and return on investment.

460 Section 6. Paragraphs (a) and (j) of subsection (1) and
461 subsection (3) of section 216.0442, Florida Statutes, are
462 amended to read:

463 216.0442 Truth in bonding; definitions; summary of state
464 debt; statement of proposed financing; truth-in-bonding

19-00272-16

2016924__

465 statement.-

466 (1) As used in this section, the following words and terms
467 shall have the following meanings, unless the context otherwise
468 requires:

469 (a) "Costs of issuance" means all of those costs and
470 expenses directly incurred by or on behalf of any state agency
471 ~~or the judicial branch~~ in the process of issuing or incurring a
472 debt or obligation. Such costs of issuance shall include, but
473 are ~~shall~~ not be limited to, the costs of rating the debt or
474 obligation, the costs of retaining professional services such as
475 bond counsel or financial advisers, the amount of underwriter's
476 discount, printing costs, and the costs of the entity
477 responsible for issuing or incurring the debt or obligation.

478 (j) "State debt or obligation" means a debt or obligation
479 incurred or issued by or on behalf of the state or any state
480 agency ~~or the judicial branch~~.

481 (3) The failure of any state agency ~~or the judicial branch~~
482 to comply with the provisions of this section may ~~shall~~ not
483 affect the validity of any state debt or obligation.

484 Section 7. Section 216.081, Florida Statutes, is amended to
485 read:

486 216.081 Data on legislative ~~and judicial branch~~ expenses.-

487 (1) In sufficient time to be included in the Governor's
488 recommended budget, estimates of the financial needs of the
489 legislative branch ~~and the judicial branch~~ during the ensuing
490 fiscal year shall be furnished to the Governor pursuant to
491 chapter 11.

492 (2) All of the data relative to the legislative branch ~~and~~
493 ~~to the judicial branch~~ shall be for information and guidance in

19-00272-16

2016924__

494 estimating the total financial needs of the state for the
495 ensuing fiscal year; none of these estimates shall be subject to
496 revision or review by the Governor, and they must be included in
497 the Governor's recommended budget.

498 (3) If the Governor does not receive timely estimates of
499 the financial needs of the legislative branch, the Governor's
500 recommended budget shall include the amounts appropriated and
501 budget entity structure established in the most recent General
502 Appropriations Act.

503 Section 8. Subsection (1), paragraphs (d), (e), and (f) of
504 subsection (3), and subsection (4) of section 216.102, Florida
505 Statutes, are amended to read:

506 216.102 Filing of financial information; handling by Chief
507 Financial Officer; penalty for noncompliance.—

508 (1) By September 30 of each year, each agency supported by
509 any form of taxation, licenses, fees, imposts, or exactions, ~~the~~
510 ~~judicial branch~~, and, for financial reporting purposes, each
511 component unit of the state as determined by the Chief Financial
512 Officer shall prepare, using generally accepted accounting
513 principles, and file with the Chief Financial Officer the
514 financial and other information necessary for the preparation of
515 annual financial statements for the State of Florida as of June
516 30. In addition, each such agency ~~and the judicial branch~~ shall
517 prepare financial statements showing the financial position and
518 results of agency ~~or branch~~ operations as of June 30 for
519 internal management purposes.

520 (a) Each state agency ~~and the judicial branch~~ shall record
521 the receipt and disbursement of funds from federal sources in a
522 form and format prescribed by the Chief Financial Officer. The

19-00272-16

2016924__

523 access to federal funds by the administering agencies ~~or the~~
524 ~~judicial branch~~ may not be authorized until:

525 1. The deposit has been recorded in the Florida Accounting
526 Information Resource Subsystem using proper, consistent codes
527 that designate deposits as federal funds.

528 2. The deposit and appropriate recording required by this
529 paragraph have been verified by the office of the Chief
530 Financial Officer.

531 (b) The Chief Financial Officer shall publish a statewide
532 policy detailing the requirements for recording receipt and
533 disbursement of federal funds into the Florida Accounting
534 Information Resource Subsystem and provide technical assistance
535 to the agencies ~~and the judicial branch~~ to implement the policy.

536 (3) The Chief Financial Officer shall:

537 (d) Notify each agency ~~and the judicial branch~~ of the data
538 that is required to be recorded to enhance accountability for
539 tracking federal financial assistance.

540 (e) Provide reports, as requested, to executive ~~or judicial~~
541 ~~branch~~ entities, the President of the Senate, the Speaker of the
542 House of Representatives, and the members of the Florida
543 Congressional Delegation, detailing the federal financial
544 assistance received and disbursed by state agencies ~~and the~~
545 ~~judicial branch~~.

546 (f) Consult with and elicit comments from the Executive
547 Office of the Governor on changes to the Florida Accounting
548 Information Resource Subsystem which clearly affect the
549 accounting of federal funds, so as to ensure consistency of
550 information entered into the Federal Aid Tracking System by
551 state executive ~~and judicial branch~~ entities. While efforts

19-00272-16

2016924__

552 shall be made to ensure the compatibility of the Florida
553 Accounting Information Resource Subsystem and the Federal Aid
554 Tracking System, any successive systems serving identical or
555 similar functions shall preserve such compatibility.

556

557 The Chief Financial Officer may furnish and publish in
558 electronic form the financial statements and the comprehensive
559 annual financial report required under paragraphs (a), (b), and
560 (c).

561 (4) If any agency ~~or the judicial branch~~ fails to comply
562 with subsection (1) or subsection (2), the Chief Financial
563 Officer may refuse to honor salary claims for agency ~~or branch~~
564 fiscal and executive staff until the agency ~~or branch~~ corrects
565 its deficiency.

566 Section 9. Section 216.131, Florida Statutes, is amended to
567 read:

568 216.131 Public hearings on legislative budgets.—The
569 Governor ~~and the Chief Justice of the Supreme Court~~ shall each
570 provide for at least one public hearing before ~~prior to~~
571 submission of budget recommendations to the Legislature on
572 issues contained in agency legislative budget requests ~~or in the~~
573 ~~judicial branch budget request~~ and issues that may be included
574 in budget recommendations to the Legislature, which hearing
575 shall be held at such time as the Governor ~~or the Chief Justice~~
576 may fix. The Governor may require the attendance or
577 participation, or both, at his or her hearings of the heads or
578 responsible representatives of all state agencies supported by
579 any form of taxation or licenses, fees, imposts, or exactions.
580 The Governor ~~and the Chief Justice~~ may provide these hearings

19-00272-16

2016924__

581 simultaneously via electronic format, such as teleconference,
582 Internet, etc., provided that a means for active participation
583 and questions by the audience is accommodated.

584 Section 10. Section 216.135, Florida Statutes, is amended
585 to read:

586 216.135 Use of official information by state agencies ~~and~~
587 ~~the judicial branch.~~—Each state agency ~~and the judicial branch~~
588 shall use the official information developed by the consensus
589 estimating conferences in carrying out its ~~their~~ duties under
590 the state planning and budgeting system.

591 Section 11. Section 216.179, Florida Statutes, is amended
592 to read:

593 216.179 Reinstatement of vetoed appropriations by
594 administrative means prohibited.—After the Governor has vetoed a
595 specific appropriation for an agency ~~or the judicial branch,~~
596 neither the Governor, ~~the Chief Justice of the Supreme Court,~~
597 nor a state agency, in their various statutory and
598 constitutional roles, may authorize expenditures for or
599 implementation in any manner of the programs that were
600 authorized by the vetoed appropriation.

601 Section 12. Section 216.181, Florida Statutes, is amended
602 to read:

603 216.181 Approved budgets for operations and fixed capital
604 outlay.—

605 (1) The General Appropriations Act and any other acts
606 containing appropriations shall be considered the original
607 approved operating budgets for operational and fixed capital
608 expenditures. Amendments to the approved operating budgets for
609 operational and fixed capital outlay expenditures from state

19-00272-16

2016924__

610 agencies may be requested only through the Executive Office of
611 the Governor and approved by the Governor and the Legislative
612 Budget Commission as provided in this chapter. ~~Amendments from~~
613 ~~the judicial branch may be requested only through the Chief~~
614 ~~Justice of the Supreme Court and must be approved by the Chief~~
615 ~~Justice and the Legislative Budget Commission as provided in~~
616 ~~this chapter. This includes amendments which are necessary to~~
617 ~~implement the provisions of s. 216.212 or s. 216.221.~~

618 (2) Amendments to the original approved operating budgets
619 for operational and fixed capital outlay expenditures must
620 comply with the following guidelines in order to be approved by
621 the Governor and the Legislative Budget Commission for the
622 executive branch ~~and the Chief Justice and the Legislative~~
623 ~~Budget Commission for the judicial branch:~~

624 (a) The amendment must be consistent with legislative
625 policy and intent.

626 (b) The amendment may not initiate or commence a new
627 program or a fixed capital outlay project, except as authorized
628 by this chapter, or eliminate an existing program.

629 (c) Except as authorized in s. 216.292 or other provisions
630 of this chapter, the amendment may not provide funding or
631 increased funding for items which were funded by the Legislature
632 in an amount less than that requested by the agency in the
633 legislative budget request or recommended by the Governor, or
634 which were vetoed by the Governor.

635 (d) For amendments that involve trust funds, there must be
636 adequate and appropriate revenues available in the trust fund
637 and the amendment must be consistent with the laws authorizing
638 such trust funds and the laws relating to the use of the trust

19-00272-16

2016924__

639 funds. However, a trust fund may ~~shall~~ not be increased in
640 excess of the original approved budget, except as provided in
641 subsection (11).

642 (e) The amendment may ~~shall~~ not conflict with any provision
643 of law.

644 (f) The amendment must not provide funding for any issue
645 which was requested by the agency ~~or branch~~ in its legislative
646 budget request and not funded in the General Appropriations Act.

647 (g) The amendment must include a written description of the
648 purpose of the proposed change, an indication of why interim
649 budget action is necessary, and the intended recipient of any
650 funds for contracted services.

651 (h) The amendment must not provide general salary increases
652 which the Legislature has not authorized in the General
653 Appropriations Act or other laws.

654 (3) All amendments to original approved operating budgets,
655 regardless of funding source, are subject to the notice and
656 objection procedures set forth in s. 216.177.

657 (4) To the extent possible, individual members of the
658 Senate and the House of Representatives should be advised of
659 budget amendments requested by the executive branch ~~and judicial~~
660 ~~branch~~.

661 (5) An amendment to the original operating budget for an
662 information technology project or initiative that involves more
663 than one agency, has an outcome that impacts another agency, or
664 exceeds \$500,000 in total cost over a 1-year period, except for
665 those projects that are a continuation of hardware or software
666 maintenance or software licensing agreements, or that are for
667 desktop replacement that is similar to the technology currently

19-00272-16

2016924__

668 in use must be approved by the Executive Office of the Governor
669 for the executive branch ~~or by the Chief Justice for the~~
670 ~~judicial branch~~, and shall be subject to approval by the
671 Legislative Budget Commission as well as the notice and
672 objection procedures set forth in s. 216.177.

673 (6) (a) A detailed plan allocating a lump-sum appropriation
674 to traditional appropriations categories shall be submitted by
675 the affected agency to the Executive Office of the Governor ~~or~~
676 ~~the Chief Justice of the Supreme Court~~. The Executive Office of
677 the Governor ~~and the Chief Justice of the Supreme Court~~ shall
678 submit such plan to the chair and vice chair of the Legislative
679 Budget Commission either before or concurrent with the
680 submission of any budget amendment that recommends the transfer
681 and release of the balance of a lump-sum appropriation.

682 (b) The Executive Office of the Governor ~~and the Chief~~
683 ~~Justice of the Supreme Court~~ may amend, without approval of the
684 Legislative Budget Commission, state agency ~~and judicial branch~~
685 ~~entity~~ budgets, ~~respectively~~, to reflect the transferred funds
686 and to provide the associated increased salary rate based on the
687 approved plans for lump-sum appropriations. Any action proposed
688 pursuant to this paragraph is subject to the procedures set
689 forth in s. 216.177.

690
691 The Executive Office of the Governor shall transmit to each
692 state agency and the Chief Financial Officer, ~~and the Chief~~
693 ~~Justice shall transmit to each judicial branch component and the~~
694 ~~Chief Financial Officer~~, any approved amendments to the approved
695 operating budgets.

696 (7) The Executive Office of the Governor may, for the

19-00272-16

2016924__

697 purpose of improved contract administration, authorize the
698 consolidation of two or more fixed capital outlay appropriations
699 for an agency, ~~and the Chief Justice of the Supreme Court for~~
700 ~~the judicial branch,~~ except for projects authorized under
701 chapter 1013, provided the original scope and purpose of each
702 project are not changed.

703 (8) As part of the approved operating budget, the Executive
704 Office of the Governor shall furnish to each state agency, ~~and~~
705 ~~the Chief Justice of the Supreme Court shall furnish to the~~
706 ~~entity of the judicial branch,~~ an approved annual salary rate
707 for each budget entity containing a salary appropriation. This
708 rate shall be based upon the actual salary rate and shall be
709 consistent with the General Appropriations Act or special
710 appropriations acts. The annual salary rate shall be:

711 (a) Determined by the salary rate specified in the General
712 Appropriations Act and adjusted for reorganizations authorized
713 by law, for any other appropriations made by law, and, subject
714 to s. 216.177, for distributions of lump-sum appropriations and
715 administered funds and for actions that require authorization of
716 salary rate from salary rate reserve and placement of salary
717 rate in salary rate reserve.

718 (b) Controlled by department or agency; except for the
719 Department of Education, which shall be controlled by division
720 ~~and for the judicial branch, which shall be controlled at the~~
721 ~~branch level.~~

722 (c) Assigned to the number of authorized positions.

723 (9) An ~~No~~ agency ~~or the judicial branch~~ may not exceed its
724 maximum approved annual salary rate for the fiscal year.
725 However, at any time during the fiscal year, an agency ~~or entity~~

19-00272-16

2016924__

726 ~~of the judicial branch~~ may exceed its approved rate for all
727 budget entities by no more than 5 percent, provided that, by
728 June 30 of every fiscal year, the agency ~~or entity of the~~
729 ~~judicial branch~~ has reduced its salary rate so that the salary
730 rate for each department is within the approved rate limit for
731 that department.

732 (10) (a) The Legislative Budget Commission may authorize
733 increases or decreases in the approved salary rate, except as
734 authorized in paragraph (8) (a), for positions pursuant to the
735 request of the agency filed with the Executive Office of the
736 Governor ~~or pursuant to the request of an entity of the judicial~~
737 ~~branch filed with the Chief Justice of the Supreme Court~~, if
738 deemed necessary and in the best interest of the state and
739 consistent with legislative policy and intent.

740 (b) Lump-sum salary bonuses may be provided only if
741 specifically appropriated or provided pursuant to s. 110.1245 or
742 s. 216.1815.

743 (c) The salary rate provisions of subsections (8) and (9)
744 and this subsection do not apply to the general office program
745 of the Executive Office of the Governor.

746 (11) (a) The Executive Office of the Governor ~~and the Chief~~
747 ~~Justice of the Supreme Court~~ may approve changes in the amounts
748 appropriated from state trust funds in excess of those in the
749 approved operating budget up to \$1 million only pursuant to the
750 federal funds provisions of s. 216.212, when grants and
751 donations are received after April 1, or when deemed necessary
752 due to a set of conditions that were unforeseen at the time the
753 General Appropriations Act was adopted and that are essential to
754 correct in order to continue the operation of government.

19-00272-16

2016924__

755 (b) Changes in the amounts appropriated from state trust
756 funds in excess of those in the approved operating budget which
757 are in excess of \$1 million may be approved only by the
758 Legislative Budget Commission pursuant to the request of a state
759 agency filed with the Executive Office of the Governor ~~or~~
760 ~~pursuant to the request of an entity of the judicial branch~~
761 ~~filed with the Chief Justice of the Supreme Court.~~

762 (c) Notwithstanding the provisions of paragraphs (a) and
763 (b) to the contrary, the Executive Office of the Governor may
764 approve changes in the amounts appropriated to the Department of
765 Military Affairs for fixed capital outlay projects when the
766 department has received federal funds for specific fixed capital
767 outlay projects that do not carry a continuing commitment for
768 future appropriations by the Legislature.

769 (d) Notwithstanding paragraph (b) and paragraph (2)(b), and
770 for the 2015-2016 fiscal year only, the Legislative Budget
771 Commission may increase the amounts appropriated to the Fish and
772 Wildlife Conservation Commission or the Department of
773 Environmental Protection for fixed capital outlay projects,
774 including additional fixed capital outlay projects, using funds
775 provided to the state from the Gulf Environmental Benefit Fund
776 administered by the National Fish and Wildlife Foundation; funds
777 provided to the state from the Gulf Coast Restoration Trust Fund
778 related to the Resources and Ecosystems Sustainability, Tourist
779 Opportunities, and Revived Economies of the Gulf Coast Act of
780 2012 (RESTORE Act); or funds provided by the British Petroleum
781 Corporation (BP) for natural resource damage assessment early
782 restoration projects. Concurrent with submission of an amendment
783 to the Legislative Budget Commission pursuant to this paragraph,

19-00272-16

2016924__

784 any project that carries a continuing commitment for future
785 appropriations by the Legislature must be specifically
786 identified, together with the projected amount of the future
787 commitment associated with the project and the fiscal years in
788 which the commitment is expected to commence. This paragraph
789 expires July 1, 2016.

790

791 The provisions of this subsection are subject to the notice and
792 objection procedures set forth in s. 216.177.

793 (12) There is appropriated nonoperating budget for refunds,
794 payments to the United States Treasury, and payments of the
795 service charge to the General Revenue Fund. Such authorized
796 budget, together with related releases, shall be transmitted by
797 the state agency ~~or by the judicial branch~~ to the Chief
798 Financial Officer for entry in his or her records in the manner
799 and format prescribed by the Executive Office of the Governor in
800 consultation with the Chief Financial Officer. A copy of such
801 authorized budgets shall be furnished to the Executive Office of
802 the Governor ~~or the Chief Justice~~, the chairs of the legislative
803 committees responsible for developing the general appropriations
804 acts, and the Auditor General. Notwithstanding the duty
805 specified for each state agency in s. 17.61(3), the Governor may
806 withhold approval of nonoperating investment authority for
807 certain trust funds when deemed in the best interest of the
808 state. The Governor for the executive branch, ~~and the Chief~~
809 ~~Justice for the judicial branch~~, may establish nonoperating
810 budgets, with the approval of the chairs of the Senate and the
811 House of Representatives appropriations committees, for
812 transfers, purchase of investments, special expenses,

19-00272-16

2016924__

813 distributions, transfers of funds specifically required by law,
814 and any other nonoperating budget categories they deem necessary
815 and in the best interest of the state and consistent with
816 legislative intent and policy. For purposes of this section, the
817 term "nonoperating budgets" means nonoperating disbursement
818 authority for purchase of investments, refunds, payments to the
819 United States Treasury, transfers of funds specifically required
820 by law, distributions of assets held by the state in a trustee
821 capacity as an agent of fiduciary, special expenses, and other
822 nonoperating budget categories, as determined necessary by the
823 Executive Office of the Governor and the chairs of the Senate
824 and the House of Representatives appropriations committees, not
825 otherwise appropriated in the General Appropriations Act. The
826 establishment of nonoperating budget authority shall be deemed
827 approved by a chair of a legislative committee if written notice
828 of the objection is not provided to the Governor ~~or Chief~~
829 ~~Justice, as appropriate,~~ within 14 days of the chair receiving
830 notice of the action pursuant to the provisions of s. 216.177.

831 (13) Each state agency ~~and the judicial branch~~ shall
832 develop the internal management procedures and budgets necessary
833 to assure compliance with the approved operating budget.

834 (14) The Executive Office of the Governor ~~and the Chief~~
835 ~~Justice of the Supreme Court~~ shall certify the amounts approved
836 for operations and fixed capital outlay, together with any
837 relevant supplementary materials or information, to the Chief
838 Financial Officer; and such certification shall be the Chief
839 Financial Officer's guide with reference to the expenditures of
840 each state agency pursuant to s. 216.192.

841 (15) The provisions of this section do not apply to the

19-00272-16

2016924__

842 budgets for the legislative branch.

843 (16) (a) Funds provided in any specific appropriation in the
844 General Appropriations Act may be advanced if the General
845 Appropriations Act specifically so provides.

846 (b) Any agency, ~~or the judicial branch,~~ that has been
847 authorized by the General Appropriations Act or expressly
848 authorized by other law to make advances for program startup or
849 advances for contracted services, in total or periodically,
850 shall limit such disbursements to other governmental entities
851 and not-for-profit corporations. The amount that may be advanced
852 may ~~shall~~ not exceed the expected cash needs of the contractor
853 or recipient within the initial 3 months. Thereafter,
854 disbursements shall only be made on a reimbursement basis. Any
855 agreement that provides for advancements may contain a clause
856 that permits the contractor or recipient to temporarily invest
857 the proceeds, provided that any interest income shall either be
858 returned to the agency or be applied against the agency's
859 obligation to pay the contract amount. This paragraph does not
860 constitute lawful authority to make any advance payment not
861 otherwise authorized by laws relating to a particular agency or
862 general laws relating to the expenditure or disbursement of
863 public funds. The Chief Financial Officer may, after
864 consultation with the legislative appropriations committees,
865 advance funds beyond a 3-month requirement if it is determined
866 to be consistent with the intent of the approved operating
867 budget.

868 (17) Except as otherwise specifically provided in this
869 chapter or chapter 339, a change to the approved operating
870 budget may not initiate or commence a fixed capital outlay

19-00272-16

2016924__

871 project.

872 Section 13. Section 216.1815, Florida Statutes, is amended
873 to read:

874 216.1815 Agency incentive and savings program.—

875 (1) In order to provide an incentive for agencies ~~and the~~
876 ~~judicial branch~~ to re-engineer business processes and otherwise
877 increase operating efficiency, it is the intent of the
878 Legislature to allow agencies ~~and the judicial branch~~ to retain
879 a portion of the savings produced by internally generated agency
880 ~~or judicial branch~~ program efficiencies and cost reductions.

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

885 (a) The modifications to approved programs resulting in
886 efficiencies and cost savings;

887 (b) The amount and source of the funds and positions saved;

888 (c) The specific positions, rate, amounts, and sources of
889 funds the agency ~~or the judicial branch~~ wishes to include in its
890 incentive expenditures;

891 (d) How the agency ~~or the judicial branch~~ will meet the
892 goals and objectives established in its long-range program plan;

893 (e) How the agency ~~or the judicial branch~~ will meet
894 performance standards, including those in its long-range program
895 plan; and

896 (f) Any other incentive expenditures which the agency ~~or~~
897 ~~the judicial branch~~ believes will enhance its performance.

898 (3) Notwithstanding the 14-day notice requirement contained
899 in s. 216.177(2) (a), all plans and budget amendments submitted

19-00272-16

2016924__

900 to the Legislative Budget Commission pursuant to this section
901 shall be delivered at least 30 days prior to the date of the
902 commission meeting at which the request will be considered.

903 (4) In determining the amount the agency ~~or the judicial~~
904 ~~branch~~ will be allowed to retain, the commission shall consider
905 the actual savings projected for the current budget year and the
906 annualized savings.

907 (5) The amount to be retained by the agency ~~or the judicial~~
908 ~~branch~~ shall be no less than 5 percent and no more than 25
909 percent of the annual savings and may be used by the agency ~~or~~
910 ~~the judicial branch~~ for salary increases or other expenditures
911 specified in the agency's ~~or the judicial branch's~~ plan if the
912 salary increases or other expenditures do not create a recurring
913 cost to the state in excess of the recurring savings achieved by
914 the agency ~~or the judicial branch~~ in the plan.

915 (6) Each agency ~~or judicial branch~~ allowed to retain funds
916 pursuant to this section shall submit in its next legislative
917 budget request a schedule showing how it used such funds.

918 Section 14. Section 216.1826, Florida Statutes, is amended
919 to read:

920 216.1826 Activity-based planning and budgeting.—Agencies
921 are directed to work in consultation with the Executive Office
922 of the Governor and the appropriations and appropriate
923 substantive committees of the Legislature, ~~and the Chief Justice~~
924 ~~of the Supreme Court is directed to work with the appropriations~~
925 ~~and appropriate substantive committees of the Legislature,~~ to
926 identify and reach consensus on the appropriate services and
927 activities for activity-based budgeting. It is the intent of the
928 Legislature that all dollars within an agency ~~or the judicial~~

19-00272-16

2016924__

929 ~~branch~~ be allocated to the appropriate activity for budgeting
930 purposes. Additionally, agencies ~~or the judicial branch~~ shall
931 examine approved performance measures and recommend any changes
932 so that outcomes are clearly delineated for each service or
933 program, as appropriate, and outputs are aligned with
934 activities. Output measures should be capable of being used to
935 generate a unit cost for each activity resulting in a true
936 accounting of what the state should spend on each activity it
937 provides and what the state should expect to accomplish with
938 those funds.

939 Section 15. Section 216.1827, Florida Statutes, is amended
940 to read:

941 216.1827 Requirements for performance measures and
942 standards.—

943 (1) Agencies ~~and the judicial branch~~ shall maintain a
944 comprehensive performance accountability system containing, at a
945 minimum, a list of performance measures and standards that are
946 adopted by the Legislature and subsequently amended pursuant to
947 this section.

948 (2) (a) Agencies ~~and the judicial branch~~ shall submit output
949 and outcome measures and standards, as well as historical
950 baseline and performance data pursuant to s. 216.013.

951 (b) Agencies ~~and the judicial branch~~ shall also submit
952 performance data, measures, and standards to the Office of
953 Program Policy Analysis and Government Accountability upon
954 request for review of the adequacy of the legislatively approved
955 measures and standards.

956 (3) ~~(a)~~ An agency may submit requests to delete or amend its
957 existing approved performance measures and standards or

19-00272-16

2016924__

958 activities, including alignment of activities to performance
959 measures, or submit requests to create additional performance
960 measures and standards or activities to the Executive Office of
961 the Governor for review and approval. The request shall document
962 the justification for the change and ensure that the revision,
963 deletion, or addition is consistent with legislative intent.
964 Revisions or deletions to or additions of performance measures
965 and standards approved by the Executive Office of the Governor
966 are subject to the review and objection procedure set forth in
967 s. 216.177.

968 ~~(b) The Chief Justice of the Supreme Court may submit~~
969 ~~deletions or amendments of the judicial branch's existing~~
970 ~~approved performance measures and standards or may submit~~
971 ~~additional performance measures and standards to the Legislature~~
972 ~~accompanied with justification for the change and ensure that~~
973 ~~the revision, deletion, or addition is consistent with~~
974 ~~legislative intent. Revisions or deletions to, or additions of~~
975 ~~performance measures and standards submitted by the Chief~~
976 ~~Justice of the Supreme Court are subject to the review and~~
977 ~~objection procedure set forth in s. 216.177.~~

978 (4) (a) The Legislature may create, amend, and delete
979 performance measures and standards. The Legislature may confer
980 with the Executive Office of the Governor for state agencies
981 before ~~and the Chief Justice of the Supreme Court for the~~
982 ~~judicial branch prior to~~ any such action.

983 (b) The Legislature may require state agencies to submit
984 requests for revisions, additions, or deletions to approved
985 performance measures and standards to the Executive Office of
986 the Governor for review and approval, subject to the review and

19-00272-16

2016924__

987 objection procedure set forth in s. 216.177.

988 ~~(c) The Legislature may require the judicial branch to~~
989 ~~submit revisions, additions, or deletions to approved~~
990 ~~performance measures and standards to the Legislature, subject~~
991 ~~to the review and objection procedure set forth in s. 216.177.~~

992 (c)~~(d)~~ Any new agency created by the Legislature is subject
993 to the initial performance measures and standards established by
994 the Legislature. The Legislature may require state agencies ~~and~~
995 ~~the judicial branch~~ to provide any information necessary to
996 create initial performance measures and standards.

997 Section 16. Section 216.192, Florida Statutes, is amended
998 to read:

999 216.192 Release of appropriations; revision of budgets.—

1000 (1) Unless otherwise provided in law, on July 1 of each
1001 fiscal year, up to 25 percent of the original approved operating
1002 budget of each agency ~~and of the judicial branch~~ may be released
1003 until such time as annual plans for quarterly releases for all
1004 appropriations have been developed, approved, and furnished to
1005 the Chief Financial Officer by the Executive Office of the
1006 Governor for state agencies ~~and by the Chief Justice of the~~
1007 ~~Supreme Court for the judicial branch~~. The plans, including
1008 appropriate plans of releases for fixed capital outlay projects
1009 that correspond with each project schedule, shall attempt to
1010 maximize the use of trust funds and shall be transmitted to the
1011 Chief Financial Officer by August 1 of each fiscal year. Such
1012 releases shall at no time exceed the total appropriations
1013 available to a state agency ~~or to the judicial branch~~, or the
1014 approved budget for such agency ~~or the judicial branch~~ if less.
1015 The Chief Financial Officer shall enter such releases in his or

19-00272-16

2016924__

1016 her records in accordance with the release plans prescribed by
1017 the Executive Office of the Governor ~~and the Chief Justice~~,
1018 unless otherwise amended as provided by law. The Executive
1019 Office of the Governor ~~and the Chief Justice~~ shall transmit a
1020 copy of the approved annual releases to the head of the state
1021 agency, the chair and vice chair of the Legislative Budget
1022 Commission, and the Auditor General. The Chief Financial Officer
1023 shall authorize all expenditures to be made from the
1024 appropriations on the basis of such releases and in accordance
1025 with the approved budget, and not otherwise. Expenditures shall
1026 be authorized only in accordance with legislative
1027 authorizations. Nothing herein precludes periodic reexamination
1028 and revision by the Executive Office of the Governor ~~or by the~~
1029 ~~Chief Justice~~ of the annual plans for release of appropriations
1030 and the notifications of the parties of all such revisions.

1031 (2) Any department under the direct supervision of a member
1032 of the Cabinet or of a board consisting of the Governor and
1033 members of the Cabinet which contends that the plan for releases
1034 of funds appropriated to it is contrary to the approved
1035 operating budget shall have the right to have the issue reviewed
1036 by the Administration Commission which shall decide such issue
1037 by majority vote.

1038 (3) The Executive Office of the Governor shall make
1039 releases within the amounts appropriated and as requested for
1040 all appropriations to the legislative branch, and the provisions
1041 of subsections (1) and (2) may ~~shall~~ not apply to the
1042 legislative branch.

1043 (4) The annual plans of releases authorized by this section
1044 may be considered by the Revenue Estimating Conference in

19-00272-16

2016924__

1045 preparation of the statement of financial outlook.

1046 (5) In order to implement directives contained in the
1047 General Appropriations Act or to prevent deficits pursuant to s.
1048 216.221, the Executive Office of the Governor for the executive
1049 branch ~~and the Chief Justice for the judicial branch~~ may place
1050 appropriations in budget reserve or mandatory reserve.

1051 (6) All budget actions taken pursuant to the provisions of
1052 this section are subject to the notice and review procedures set
1053 forth in s. 216.177.

1054 Section 17. Section 216.195, Florida Statutes, is amended
1055 to read:

1056 216.195 Impoundment of funds; restricted.—The Executive
1057 Office of the Governor, ~~the Chief Justice of the Supreme Court,~~
1058 any member of the Cabinet, or any state agency may ~~shall~~ not
1059 impound any appropriation except as necessary to avoid or
1060 eliminate a deficit pursuant to the provisions of s. 216.221. As
1061 used in this section, the term "impoundment" means the omission
1062 of any appropriation or part of an appropriation in the approved
1063 operating plan prepared pursuant to s. 216.181 or in the
1064 schedule of releases prepared pursuant to s. 216.192 or the
1065 failure of any state agency ~~or the judicial branch~~ to spend an
1066 appropriation for the stated purposes authorized in the approved
1067 operating budget. The Governor or either house of the
1068 Legislature may seek judicial review of any action or proposed
1069 action which violates this section.

1070 Section 18. Section 216.212, Florida Statutes, is amended
1071 to read:

1072 216.212 Budgets for federal funds; restrictions on
1073 expenditure of federal funds.—

19-00272-16

2016924__

1074 (1) (a) The Executive Office of the Governor and the office
1075 of the Chief Financial Officer shall develop and implement
1076 procedures for accelerating the drawdown of, and minimizing the
1077 payment of interest on, federal funds. The Executive Office of
1078 the Governor shall establish a clearinghouse for federal
1079 programs and activities. The clearinghouse shall develop the
1080 capacity to respond to federal grant opportunities and to
1081 coordinate the use of federal funds in the state.

1082 (b) ~~(a)~~ Every state agency, when making a request or
1083 preparing a budget to be submitted to the Federal Government for
1084 funds, equipment, material, or services, shall submit such
1085 request or budget to the Executive Office of the Governor for
1086 review before submitting it to the proper federal authority.
1087 However, the Executive Office of the Governor may specifically
1088 authorize any agency to submit specific types of grant proposals
1089 directly to the Federal Government.

1090 ~~(b) Every office or court of the judicial branch, when~~
1091 ~~making a request or preparing a budget to be submitted to the~~
1092 ~~Federal Government for funds, equipment, material, or services,~~
1093 ~~shall submit such request or budget to the Chief Justice of the~~
1094 ~~Supreme Court for approval before submitting it to the proper~~
1095 ~~federal authority. However, the Chief Justice may specifically~~
1096 ~~authorize any court to submit specific types of grant proposals~~
1097 ~~directly to the Federal Government.~~

1098 (2) When such federal authority has approved the request or
1099 budget, the state agency ~~or the judicial branch~~ shall submit to
1100 the Executive Office of the Governor such documentation showing
1101 approval as that office prescribes. The Executive Office of the
1102 Governor must acknowledge each approved request or budget by

19-00272-16

2016924__

1103 entering that approval into an Automated Grant Management System
1104 developed in consultation with the chairs of the House of
1105 Representatives and Senate appropriations committees.

1106 (3) Federal money appropriated by Congress or received from
1107 court settlements to be used for state purposes, whether by
1108 itself or in conjunction with moneys appropriated by the
1109 Legislature, may not be expended unless appropriated by the
1110 Legislature. However, the Executive Office of the Governor ~~or~~
1111 ~~the Chief Justice of the Supreme Court~~ may, after consultation
1112 with the legislative appropriations committees, approve the
1113 receipt and expenditure of funds from federal sources by state
1114 agencies ~~or by the judicial branch~~. Any federal programs
1115 requiring state matching funds which funds were eliminated, or
1116 were requested and were not approved, by the Legislature may not
1117 be implemented during the interim. However, federal and other
1118 fund sources for the State University System which do not carry
1119 a continuing commitment on future appropriations are hereby
1120 appropriated for the purpose received.

1121 Section 19. Section 216.216, Florida Statutes, is amended
1122 to read:

1123 216.216 Court settlement funds negotiated by the state.—In
1124 any court settlement in which a state agency or officer or any
1125 other counsel representing the interests of the state negotiates
1126 settlement amounts to be expended by the ~~judicial branch or the~~
1127 executive branch, such funds may not be expended unless the
1128 Legislature has appropriated funds to the agency in the
1129 appropriate category or the Legislative Budget Commission has
1130 approved a budget amendment for such funds. In either instance,
1131 the funding source identified must be sufficient to cover both

19-00272-16

2016924__

1132 the anticipated program costs and the amount of the settlement,
1133 the settlement must not be contrary to the intent of the
1134 Legislature, and, if the settlement amount is substantial, good
1135 reason must exist for entering into the settlement prior to the
1136 next legislative session and no significant amount of recurring
1137 funding shall be committed. When a state agency or officer
1138 settles an action in which the state will receive moneys, the
1139 funds shall be placed in the General Revenue Fund or in the
1140 trust fund that is associated with the agency's or officer's
1141 authority to pursue the legal action. The provisions of this
1142 section are subject to the notice and review procedures set
1143 forth in s. 216.177.

1144 Section 20. Subsections (5), (7), (9), and (10) of section
1145 216.221, Florida Statutes, are amended to read:

1146 216.221 Appropriations as maximum appropriations;
1147 adjustment of budgets to avoid or eliminate deficits.-

1148 (5) (a) If, in the opinion of the Governor, after
1149 consultation with the Revenue Estimating Conference, a deficit
1150 will occur in the General Revenue Fund, he or she shall so
1151 certify to the commission ~~and to the Chief Justice of the~~
1152 ~~Supreme Court~~. No more than 30 days after certifying that a
1153 deficit will occur in the General Revenue Fund, the Governor
1154 shall develop for the executive branch, ~~and the Chief Justice of~~
1155 ~~the Supreme Court shall develop for the judicial branch,~~ and
1156 provide to the commission and to the Legislature plans of action
1157 to eliminate the deficit.

1158 (b) If, in the opinion of the President of the Senate and
1159 the Speaker of the House of Representatives, after consultation
1160 with the Revenue Estimating Conference, a deficit will occur in

19-00272-16

2016924__

1161 the General Revenue Fund and the Governor has not certified the
1162 deficit, the President of the Senate and the Speaker of the
1163 House of Representatives shall so certify. Within 30 days after
1164 such certification, the Governor shall develop for the executive
1165 branch ~~and the Chief Justice of the Supreme Court shall develop~~
1166 ~~for the judicial branch~~ and provide to the commission and to the
1167 Legislature plans of action to eliminate the deficit.

1168 (c) In developing a plan of action to prevent deficits in
1169 accordance with subsection (7), the Governor ~~and Chief Justice~~
1170 shall, to the extent possible, preserve legislative policy and
1171 intent, and, absent any specific direction to the contrary in
1172 the General Appropriations Act, the Governor ~~and Chief Justice~~
1173 shall comply with the following guidelines for reductions in the
1174 approved operating budgets of the executive branch ~~and the~~
1175 ~~judicial branch~~:

1176 1. Education budgets should not be reduced more than
1177 provided for in s. 215.16(2).

1178 2. The use of nonrecurring funds to solve recurring
1179 deficits should be minimized.

1180 3. Newly created programs that are not fully implemented
1181 and programs with critical audits, evaluations, and reviews
1182 should receive first consideration for reductions.

1183 4. No agencies or branches of government receiving
1184 appropriations should be exempt from reductions.

1185 5. When reductions in positions are required, the focus
1186 should be initially on vacant positions.

1187 6. Reductions that would cause substantial losses of
1188 federal funds should be minimized.

1189 7. Reductions to statewide programs should occur only after

19-00272-16

2016924__

1190 review of programs that provide only local benefits.

1191 8. Reductions in administrative and support functions
1192 should be considered before reductions in direct-support
1193 services.

1194 9. Maximum reductions should be considered in budgets for
1195 expenses including travel and in budgets for equipment
1196 replacement, outside consultants, and contracts.

1197 10. Reductions in salaries for elected state officials
1198 should be considered.

1199 11. Reductions that adversely affect the public health,
1200 safety, and welfare should be minimized.

1201 12. The Budget Stabilization Fund should not be reduced to
1202 a level that would impair the financial stability of this state.

1203 13. Reductions in programs that are traditionally funded by
1204 the private sector and that may be assumed by private enterprise
1205 should be considered.

1206 14. Reductions in programs that are duplicated among state
1207 agencies or branches of government should be considered.

1208 (7) Deficits in the General Revenue Fund that do not meet
1209 the amounts specified by subsection (6) shall be resolved by the
1210 Governor for the executive branch ~~and the Chief Justice of the~~
1211 ~~Supreme Court for the judicial branch.~~ The Governor ~~and Chief~~
1212 ~~Justice~~ shall implement any directions provided in the General
1213 Appropriations Act related to eliminating deficits and to
1214 reducing agency ~~and judicial branch~~ budgets, including the use
1215 of those legislative appropriations voluntarily placed in
1216 reserve. In addition, the Governor ~~and Chief Justice~~ shall
1217 implement any directions in the General Appropriations Act
1218 relating to the resolution of deficit situations. When reducing

19-00272-16

2016924__

1219 state agency ~~or judicial branch~~ budgets, the Governor ~~or the~~
1220 ~~Chief Justice, respectively,~~ shall use the guidelines prescribed
1221 in subsection (5). The Executive Office of the Governor, ~~and the~~
1222 ~~Chief Justice for the judicial branch,~~ shall implement the
1223 deficit reduction plans through amendments to the approved
1224 operating budgets in accordance with s. 216.181.

1225 (9) If, in the opinion of the Chief Financial Officer,
1226 after consultation with the Revenue Estimating Conference, a
1227 deficit will occur, he or she shall report his or her opinion to
1228 the Governor, the President of the Senate, and the Speaker of
1229 the House of Representatives in writing. In the event the
1230 Governor does not certify a deficit, or the President of the
1231 Senate and the Speaker of the House of Representatives do not
1232 certify a deficit within 10 days after the Chief Financial
1233 Officer's report, the Chief Financial Officer shall report his
1234 or her findings and opinion to the commission and the Chief
1235 Justice of the Supreme Court.

1236 (10) When advised by the Revenue Estimating Conference, the
1237 Chief Financial Officer, or any agency responsible for a trust
1238 fund that a deficit will occur with respect to the
1239 appropriations from a specific trust fund in the current fiscal
1240 year, the Governor for the executive branch, ~~or the Chief~~
1241 ~~Justice for the judicial branch,~~ shall develop a plan of action
1242 to eliminate the deficit. Before implementing the plan of
1243 action, the Governor ~~or the Chief Justice~~ must comply with the
1244 provisions of s. 216.177(2), and actions to resolve deficits in
1245 excess of \$1 million must be approved by the Legislative Budget
1246 Commission. In developing the plan of action, the Governor ~~or~~
1247 ~~the Chief Justice~~ shall, to the extent possible, preserve

19-00272-16

2016924__

1248 legislative policy and intent.

1249 Section 21. Section 216.231, Florida Statutes, is amended
1250 to read:

1251 216.231 Release of certain classified appropriations.—

1252 (1) (a) Any appropriation to the Executive Office of the
1253 Governor which is classified as an emergency, as defined in s.
1254 252.34, may be released only with the approval of the Governor.
1255 The state agency, ~~or the judicial branch,~~ desiring the use of
1256 the emergency appropriation shall submit to the Executive Office
1257 of the Governor application in writing setting forth the facts
1258 from which the alleged need arises. The Executive Office of the
1259 Governor shall, at a public hearing, review such application
1260 promptly and approve or disapprove the applications as the
1261 circumstances may warrant. All actions of the Executive Office
1262 of the Governor shall be reported to the legislative
1263 appropriations committees, and the committees may advise the
1264 Executive Office of the Governor relative to the release of such
1265 funds.

1266 (b) The release of appropriated funds classified as
1267 "emergency" shall be approved only if an act or circumstance
1268 caused by an act of God, civil disturbance, natural disaster, or
1269 other circumstance of an emergency nature threatens, endangers,
1270 or damages the property, safety, health, or welfare of the state
1271 or its residents, which condition has not been provided for in
1272 appropriation acts of the Legislature. Funds allocated for this
1273 purpose may be used to pay overtime pay to personnel of agencies
1274 called upon to perform extra duty because of any civil
1275 disturbance or other emergency as defined in s. 252.34 and to
1276 provide the required state match for federal grants under the

19-00272-16

2016924__

1277 federal Disaster Relief Act.

1278 (2) The release of appropriated funds classified as
1279 "deficiency" shall be approved only when a General Revenue Fund
1280 appropriation for operations of a state agency ~~or of the~~
1281 ~~judicial branch~~ is inadequate because the workload or cost of
1282 the operation exceeds that anticipated by the Legislature and a
1283 determination has been made by the Governor that the deficiency
1284 will result in an impairment of the activities of an agency ~~or~~
1285 ~~of the judicial branch~~ to the extent that the agency is unable
1286 to carry out its program as provided by the Legislature in the
1287 general appropriations acts. These funds may not be used for
1288 creation of any new agency or program, for increases of salary,
1289 or for the construction or equipping of additional buildings.

1290 (3) Notwithstanding any other provisions of law, moneys
1291 appropriated in any appropriations act to the Governor for
1292 discretionary contingencies may be expended at his or her
1293 discretion to promote general government and intergovernmental
1294 cooperation and to enhance the image of the state. All funds
1295 expended for such purposes shall be accounted for, and a report
1296 showing the amounts expended, the names of the persons receiving
1297 the amounts expended, and the purpose of each expenditure shall
1298 be annually reported to the Auditor General and the legislative
1299 appropriations committees.

1300 Section 22. Section 216.241, Florida Statutes, is amended
1301 to read:

1302 216.241 Initiation or commencement of new programs;
1303 approval; expenditure of certain revenues.—

1304 (1) A state agency ~~or the judicial branch~~ may not initiate
1305 or commence any new program, including any new federal program

19-00272-16

2016924__

1306 or initiative, or make changes in its current programs, as
1307 provided for in the appropriations act, that require additional
1308 financing unless funds have been specifically appropriated by
1309 the Legislature or unless the Legislative Budget Commission
1310 expressly approves such new program or changes.

1311 (2) Changes that are inconsistent with the approved budget
1312 may not be made to existing programs unless such changes are
1313 recommended to the Legislative Budget Commission by the Governor
1314 ~~or the Chief Justice~~ and the Legislative Budget Commission
1315 expressly approves such program changes. This subsection is
1316 subject to the notice, review, and objection procedures set
1317 forth in s. 216.177.

1318 (3) Any revenues generated by any tax or fee imposed by
1319 amendment to the State Constitution after October 1, 1999, may
1320 ~~shall~~ not be expended by any agency, as defined in s. 120.52(1),
1321 except pursuant to appropriation by the Legislature.

1322 Section 23. Subsection (2) of section 216.251, Florida
1323 Statutes, is amended to read:

1324 216.251 Salary appropriations; limitations.—

1325 (2) (a) The salary for each position not specifically
1326 indicated in the appropriations acts shall be as provided in one
1327 of the following subparagraphs:

1328 1. Within the classification and pay plans provided for in
1329 chapter 110.

1330 2. Within the classification and pay plans established by
1331 the Board of Trustees for the Florida School for the Deaf and
1332 the Blind of the Department of Education and approved by the
1333 State Board of Education for academic and academic
1334 administrative personnel.

19-00272-16

2016924__

1335 3. Within the classification and pay plan approved and
1336 administered by the Board of Governors or the designee of the
1337 board for those positions in the State University System.

1338 4. Within the classification and pay plan approved by the
1339 President of the Senate and the Speaker of the House of
1340 Representatives, as the case may be, for employees of the
1341 Legislature.

1342 ~~5. Within the approved classification and pay plan for the~~
1343 ~~judicial branch.~~

1344 (b) Salary payments shall be made only to employees filling
1345 established positions included in the agency's ~~or in the~~
1346 ~~judicial branch's~~ approved budgets and amendments thereto as may
1347 be provided by law; provided, however:

1348 1. Reclassification of established positions may be
1349 accomplished when justified in accordance with the established
1350 procedures for reclassifying positions; or

1351 2. When the Division of Risk Management of the Department
1352 of Financial Services has determined that an employee is
1353 entitled to receive a temporary partial disability benefit or a
1354 temporary total disability benefit pursuant to the provisions of
1355 s. 440.15 and there is medical certification that the employee
1356 cannot perform the duties of the employee's regular position,
1357 but the employee can perform some type of work beneficial to the
1358 agency, the agency may return the employee to the payroll, at
1359 his or her regular rate of pay, to perform such duties as the
1360 employee is capable of performing, even if there is not an
1361 established position in which the employee can be placed.

1362 Nothing in this subparagraph shall abrogate an employee's rights
1363 under chapter 440 or chapter 447, nor shall it adversely affect

19-00272-16

2016924__

1364 the retirement credit of a member of the Florida Retirement
1365 System in the membership class he or she was in at the time of,
1366 and during, the member's disability.

1367 Section 24. Section 216.262, Florida Statutes, is amended
1368 to read:

1369 216.262 Authorized positions.—

1370 (1) (a) Unless otherwise expressly provided by law, the
1371 total number of authorized positions may not exceed the total
1372 provided in the appropriations acts. If ~~In the event~~ any state
1373 agency ~~or entity of the judicial branch~~ finds that the number of
1374 positions so provided is not sufficient to administer its
1375 authorized programs, it may file an application with the
1376 Executive Office of the Governor ~~or the Chief Justice~~; and, if
1377 the Executive Office of the Governor ~~or Chief Justice~~ certifies
1378 that there are no authorized positions available for addition,
1379 deletion, or transfer within the agency as provided in paragraph
1380 (c) and recommends an increase in the number of positions, the
1381 Governor ~~or the Chief Justice~~ may recommend an increase in the
1382 number of positions for the following reasons only:

1383 1. To implement or provide for continuing federal grants or
1384 changes in grants not previously anticipated.

1385 2. To meet emergencies pursuant to s. 252.36.

1386 3. To satisfy new federal regulations or changes therein.

1387 4. To take advantage of opportunities to reduce operating
1388 expenditures or to increase the revenues of the state or local
1389 government.

1390 5. To authorize positions that were not fixed by the
1391 Legislature through error in drafting the appropriations acts.

1392

19-00272-16

2016924__

1393 Actions recommended pursuant to this paragraph are subject to
1394 approval by the Legislative Budget Commission. The certification
1395 and the final authorization shall be provided to the Legislative
1396 Budget Commission, the appropriations committees, and the
1397 Auditor General.

1398 (b) The Governor ~~and the Chief Justice~~ may, after a public
1399 hearing, delete supervisory or managerial positions within a
1400 department and establish direct service delivery positions in
1401 excess of the number of supervisory or managerial positions
1402 deleted. The salary rate for all positions authorized under this
1403 paragraph may not exceed the salary rate for all positions
1404 deleted under this paragraph. Positions affected by changes made
1405 under this paragraph may be funded only from identical funding
1406 sources.

1407 (c) ~~1.~~ The Executive Office of the Governor, under such
1408 procedures and qualifications as it deems appropriate, shall,
1409 upon agency request, delegate to any state agency authority to
1410 add and delete authorized positions or transfer authorized
1411 positions from one budget entity to another budget entity within
1412 the same division, and may approve additions and deletions of
1413 authorized positions or transfers of authorized positions within
1414 the state agency when such changes would enable the agency to
1415 administer more effectively its authorized and approved
1416 programs. The additions or deletions must be consistent with the
1417 intent of the approved operating budget, must be consistent with
1418 legislative policy and intent, and must not conflict with
1419 specific spending policies specified in the General
1420 Appropriations Act.

1421 ~~2. The Chief Justice of the Supreme Court shall have the~~

19-00272-16

2016924__

1422 ~~authority to establish procedures for the judicial branch to add~~
1423 ~~and delete authorized positions or transfer authorized positions~~
1424 ~~from one budget entity to another budget entity, and to add and~~
1425 ~~delete authorized positions within the same budget entity, when~~
1426 ~~such changes are consistent with legislative policy and intent~~
1427 ~~and do not conflict with spending policies specified in the~~
1428 ~~General Appropriations Act.~~

1429 (d) An individual employed by a state agency ~~or by the~~
1430 ~~judicial branch~~ may not hold more than one employment during his
1431 or her normal working hours with the state, such working hours
1432 to be determined by the head of the state agency affected,
1433 unless approved by the Department of Management Services, or
1434 otherwise delegated to the agency head, ~~or by the Chief Justice~~
1435 ~~of the Supreme Court, respectively.~~

1436 (e) An individual employed by a state agency ~~or by the~~
1437 ~~judicial branch~~ may not fill more than a total of one full-time
1438 equivalent established position, receive compensation
1439 simultaneously from any appropriation other than appropriations
1440 for salaries, or receive compensation simultaneously from more
1441 than one state agency unless approved by the Department of
1442 Management Services, or otherwise delegated to the agency head,
1443 ~~or by the Chief Justice, respectively,~~ during each fiscal year.
1444 The Department of Management Services may adopt uniform rules
1445 applicable to the executive branch agencies to implement its
1446 responsibilities under this paragraph.

1447 (f) Perquisites may not be furnished by a state agency ~~or~~
1448 ~~by the judicial branch~~ unless approved by the Department of
1449 Management Services, or otherwise delegated to the agency head,
1450 ~~or by the Chief Justice, respectively,~~ during each fiscal year.

19-00272-16

2016924__

1451 Whenever a state agency ~~or the judicial branch~~ is to furnish
1452 perquisites, the Department of Management Services or the agency
1453 head to which the approval has been delegated ~~or the Chief~~
1454 ~~Justice, respectively,~~ must approve the kind and monetary value
1455 of such perquisites before they may be furnished. Perquisites
1456 may be furnished only when in the best interest of the state due
1457 to the exceptional or unique requirements of the position. The
1458 value of a perquisite may not be used to compute an employee's
1459 base rate of pay or regular rate of pay unless required by the
1460 Fair Labor Standards Act. Permissible perquisites include, but
1461 are not limited to, moving expenses, clothing, use of vehicles
1462 and other transportation, domestic services, groundskeeping
1463 services, telephone services, medical services, housing,
1464 utilities, and meals. The Department of Management Services may
1465 adopt uniform rules applicable to the executive branch agencies
1466 to implement its responsibilities under this paragraph, which
1467 rules may specify additional perquisites, establish additional
1468 criteria for each kind of perquisite, provide the procedure to
1469 be used by executive agencies in applying for approvals, and
1470 establish the required justification. As used in this section,
1471 the term "perquisites" means those things, or the use thereof,
1472 or services of a kind that confer on the officers or employees
1473 receiving them some benefit that is in the nature of additional
1474 compensation, or that reduce to some extent the normal personal
1475 expenses of the officer or employee receiving them. The term
1476 includes, but is not limited to, such things as quarters,
1477 subsistence, utilities, laundry services, medical service, use
1478 of state-owned vehicles for other than state purposes, and
1479 servants paid by the state.

19-00272-16

2016924__

1480 (g) If goods and services are to be sold to officers and
1481 employees of a state agency ~~or of the judicial branch~~ rather
1482 than being furnished as perquisites, the kind and selling price
1483 thereof shall be approved by the Department of Management
1484 Services, unless otherwise delegated to the agency head, ~~or by~~
1485 ~~the Chief Justice, respectively,~~ during each fiscal year before
1486 such sales are made. The selling price may be deducted from any
1487 amounts due by the state to any person receiving such things.
1488 The amount of cash so deducted shall be faithfully accounted
1489 for. This paragraph does not apply to sales to officers or
1490 employees of items generally sold to the public and does not
1491 apply to meals which may be provided without charge to
1492 volunteers under a volunteer service program approved by the
1493 Department of Management Services. The goods and services may
1494 include, but are not limited to, medical services, long-term and
1495 short-term rental housing, and laundry and transportation
1496 services. The Department of Management Services may adopt
1497 uniform rules applicable to the executive branch agencies to
1498 implement its responsibilities under this paragraph, which rules
1499 may specify other items that may be approved, the required
1500 justification for proposed sales, and the manner in which
1501 agencies will apply for approvals.

1502 (2) The provisions of paragraphs (1)(d) and (e) do not
1503 apply to an individual filling a position the salary of which
1504 has been specifically fixed or limited by law. Unless
1505 specifically authorized by law, an individual filling or
1506 performing the duties of a position the salary of which has been
1507 specifically fixed or limited by law may not receive
1508 compensation from more than one appropriation, or in excess of

19-00272-16

2016924__

1509 the amount so fixed or limited by law, regardless of any
1510 additional duties performed by that individual in any capacity
1511 or position. However, this subsection does not prohibit
1512 additional compensation from an educational appropriation to any
1513 person holding a position the salary of which is specifically
1514 fixed or limited by law, provided such compensation does not
1515 exceed payment for more than one course of instruction during
1516 any one academic term and that such compensation is approved as
1517 provided in paragraphs (1)(d) and (e). Any compensation received
1518 by any person pursuant to the provisions of this subsection may
1519 ~~shall~~ not be computed as a part of average final compensation
1520 for retirement purposes under the provisions of chapter 121.

1521 (3) A ~~No~~ full-time position may not ~~shall~~ be filled by more
1522 than the equivalent of one full-time officer or employee, except
1523 when extenuating circumstances exist. Extenuating circumstances
1524 will be provided for in rules to be adopted by the Department of
1525 Management Services ~~or by the Chief Justice, respectively.~~

1526 (4) Notwithstanding the provisions of this chapter relating
1527 to increasing the number of authorized positions, and for the
1528 2015-2016 fiscal year only, if the actual inmate population of
1529 the Department of Corrections exceeds the inmate population
1530 projections of the February 27, 2015, Criminal Justice
1531 Estimating Conference by 1 percent for 2 consecutive months or 2
1532 percent for any month, the Executive Office of the Governor,
1533 with the approval of the Legislative Budget Commission, shall
1534 immediately notify the Criminal Justice Estimating Conference,
1535 which shall convene as soon as possible to revise the estimates.
1536 The Department of Corrections may then submit a budget amendment
1537 requesting the establishment of positions in excess of the

19-00272-16

2016924__

1538 number authorized by the Legislature and additional
1539 appropriations from unallocated general revenue sufficient to
1540 provide for essential staff, fixed capital improvements, and
1541 other resources to provide classification, security, food
1542 services, health services, and other variable expenses within
1543 the institutions to accommodate the estimated increase in the
1544 inmate population. All actions taken pursuant to this subsection
1545 are subject to review and approval by the Legislative Budget
1546 Commission. This subsection expires July 1, 2016.

1547 Section 25. Section 216.271, Florida Statutes, is amended
1548 to read:

1549 216.271 Revolving funds.—

1550 (1) A ~~No~~ revolving fund may not be established or increased
1551 in amount pursuant to s. 17.58(2)~~7~~, unless approved by the Chief
1552 Financial Officer. The purpose and uses of a revolving fund may
1553 not be changed without the prior approval of the Chief Financial
1554 Officer. As used in this section, the term "revolving fund"
1555 means a cash fund maintained within or outside the State
1556 Treasury and established from an appropriation, to be used by an
1557 agency ~~or the judicial branch~~ in making authorized expenditures.

1558 (2) When the Chief Financial Officer approves a revolving
1559 or petty cash fund for making refunds or other payments, such
1560 fund shall be established from an account within the appropriate
1561 fund to be known as "payments for revolving funds from funds not
1562 otherwise appropriated." Reimbursements made from revolving or
1563 petty cash funds shall be made in strict accordance with the
1564 provisions of s. 215.26(2). The Chief Financial Officer may
1565 restrict the types of uses of any revolving fund established
1566 pursuant to this section.

19-00272-16

2016924__

1567 (3) Vouchers for reimbursement of expenditures from
1568 revolving funds established under this section shall be
1569 presented in a routine manner to the Chief Financial Officer for
1570 approval and payment, the proceeds of which shall be returned to
1571 the revolving or petty cash fund involved.

1572 (4) The revolving or petty cash fund authorized herein
1573 shall be properly maintained and accounted for by the agency ~~or~~
1574 ~~by the judicial branch~~ requesting the fund and, upon the
1575 expiration of the need therefor, shall be returned in the amount
1576 originally established to the appropriate fund for credit to the
1577 payments for revolving funds account therein.

1578 (5) Reimbursement to the revolving fund for uninsured
1579 losses and theft may be made from the fund in which the
1580 responsible operating department is budgeted. Such reimbursement
1581 shall be submitted consistent with procedures specified by the
1582 Chief Financial Officer.

1583 Section 26. Section 216.275, Florida Statutes, is amended
1584 to read:

1585 216.275 Clearing accounts.—A ~~No~~ clearing account may not be
1586 established outside the State Treasury pursuant to s. 17.58(2)
1587 unless approved by the Chief Financial Officer during the fiscal
1588 year. Each agency, ~~or the judicial branch,~~ desiring to maintain
1589 a clearing account outside the State Treasury shall submit a
1590 written request to do so to the Chief Financial Officer in
1591 accordance with the format and manner prescribed by the Chief
1592 Financial Officer. The Chief Financial Officer shall maintain a
1593 listing of all clearing accounts approved during the fiscal
1594 year.

1595 Section 27. Subsections (1) through (4) and (6) of section

19-00272-16

2016924__

1596 216.292, Florida Statutes, are amended to read:

1597 216.292 Appropriations nontransferable; exceptions.—

1598 (1) (a) Funds provided in the General Appropriations Act or
1599 as otherwise expressly provided by law shall be expended only
1600 for the purpose for which appropriated, except that such moneys
1601 may be transferred as provided in this section when it is
1602 determined to be in the best interest of the state.

1603 Appropriations for fixed capital outlay may not be expended for
1604 any other purpose. Appropriations may not be transferred between
1605 state agencies, or between a state agency and the judicial
1606 branch, unless specifically authorized by law.

1607 (b)1. Authorized revisions of the original approved
1608 operating budget, together with related changes in the plan for
1609 release of appropriations, if any, shall be transmitted by the
1610 state agency ~~or by the judicial branch~~ to the Executive Office
1611 of the Governor ~~or the Chief Justice, respectively~~, the chairs
1612 of the Senate and the House of Representatives appropriations
1613 committees, the Office of Program Policy Analysis and Government
1614 Accountability, and the Auditor General. Such authorized
1615 revisions shall be consistent with the intent of the approved
1616 operating budget, shall be consistent with legislative policy
1617 and intent, and may not conflict with specific spending policies
1618 specified in the General Appropriations Act.

1619 2. Authorized revisions, together with related changes, if
1620 any, in the plan for release of appropriations shall be
1621 transmitted by the state agency ~~or by the judicial branch~~ to the
1622 Chief Financial Officer for entry in the Chief Financial
1623 Officer's records in the manner and format prescribed by the
1624 Executive Office of the Governor in consultation with the Chief

19-00272-16

2016924__

1625 Financial Officer.

1626 3. The Executive Office of the Governor ~~or the Chief~~
1627 ~~Justice~~ shall forward a copy of the revisions within 7 working
1628 days to the Chief Financial Officer for entry in his or her
1629 records in the manner and format prescribed by the Executive
1630 Office of the Governor in consultation with the Chief Financial
1631 Officer.

1632 (2) The following transfers are authorized to be made by
1633 the head of each department ~~or the Chief Justice of the Supreme~~
1634 ~~Court~~ whenever it is deemed necessary by reason of changed
1635 conditions:

1636 (a) The transfer of appropriations funded from identical
1637 funding sources, except appropriations for fixed capital outlay,
1638 and the transfer of amounts included within the total original
1639 approved budget and plans of releases of appropriations as
1640 furnished pursuant to ss. 216.181 and 216.192, as follows:

1641 1. Between categories of appropriations within a budget
1642 entity, if no category of appropriation is increased or
1643 decreased by more than 5 percent of the original approved budget
1644 or \$250,000, whichever is greater, by all action taken under
1645 this subsection.

1646 2. Between budget entities within identical categories of
1647 appropriations, if no category of appropriation is increased or
1648 decreased by more than 5 percent of the original approved budget
1649 or \$250,000, whichever is greater, by all action taken under
1650 this subsection.

1651 3. Any agency exceeding salary rate established pursuant to
1652 s. 216.181(8) on June 30 ~~30th~~ of any fiscal year may ~~shall~~ not
1653 be authorized to make transfers pursuant to subparagraphs 1. and

19-00272-16

2016924__

1654 2. in the subsequent fiscal year.

1655 4. Notice of proposed transfers under subparagraphs 1. and
1656 2. shall be provided to the Executive Office of the Governor and
1657 the chairs of the legislative appropriations committees at least
1658 3 days prior to agency implementation in order to provide an
1659 opportunity for review.

1660 (b) After providing notice at least 5 working days prior to
1661 implementation:

1662 1. The transfer of funds within programs identified in the
1663 General Appropriations Act from identical funding sources
1664 between the following appropriation categories without
1665 limitation so long as such a transfer does not result in an
1666 increase, to the total recurring general revenue or trust fund
1667 cost of the agency ~~or entity of the judicial branch~~ in the
1668 subsequent fiscal year: other personal services, expenses,
1669 operating capital outlay, food products, state attorney and
1670 public defender operations, data processing services, operating
1671 and maintenance of patrol vehicles, overtime payments, salary
1672 incentive payments, compensation to retired judges, law
1673 libraries, and juror and witness payments.

1674 2. The transfer of funds and positions from identical
1675 funding sources between salaries and benefits appropriation
1676 categories within programs identified in the General
1677 Appropriations Act. Such transfers must be consistent with
1678 legislative policy and intent and may not adversely affect
1679 achievement of approved performance outcomes or outputs in any
1680 program.

1681 (c) The transfer of funds appropriated to accounts
1682 established for disbursement purposes upon release of such

19-00272-16

2016924__

1683 appropriation upon request of a department and approval by the
1684 Chief Financial Officer. Such transfer may only be made to the
1685 same appropriation category and the same funding source from
1686 which the funds are transferred.

1687 (3) The following transfers are authorized with the
1688 approval of the Executive Office of the Governor for the
1689 executive branch ~~or the Chief Justice for the judicial branch,~~
1690 subject to the notice and objection provisions of s. 216.177:

1691 (a) The transfer of appropriations for operations from
1692 trust funds in excess of those provided in subsection (2), up to
1693 \$1 million.

1694 (b) The transfer of positions between budget entities.

1695 (4) The following transfers are authorized with the
1696 approval of the Legislative Budget Commission. Unless waived by
1697 the chair and vice chair of the commission, notice of such
1698 transfers must be provided 14 days before the commission
1699 meeting:

1700 (a) The transfer of appropriations for operations from the
1701 General Revenue Fund in excess of those provided in this section
1702 but within a state agency ~~or within the judicial branch,~~ as
1703 recommended by the Executive Office of the Governor ~~or the Chief~~
1704 ~~Justice of the Supreme Court.~~

1705 (b) The transfer of appropriations for operations from
1706 trust funds in excess of those authorized in subsection (2) or
1707 subsection (3), as recommended by the Executive Office of the
1708 Governor ~~or the Chief Justice of the Supreme Court.~~

1709 (c) The transfer of the portion of an appropriation for a
1710 named fixed capital outlay project found to be in excess of that
1711 needed to complete the project to another project for which

19-00272-16

2016924__

1712 there has been an appropriation in the same fiscal year from the
1713 same fund and within the same department where a deficiency is
1714 found to exist, at the request of the Executive Office of the
1715 Governor for state agencies ~~or the Chief Justice of the Supreme~~
1716 ~~Court for the judicial branch~~. The scope of a fixed capital
1717 outlay project may not be changed by any transfer of funds made
1718 pursuant to this subsection.

1719 (d) The transfers necessary to accomplish the purposes of
1720 reorganization within state agencies ~~or the judicial branch~~
1721 authorized by the Legislature when the necessary adjustments of
1722 appropriations and positions have not been provided in the
1723 General Appropriations Act.

1724 (6) The Chief Financial Officer shall transfer from any
1725 available funds of an agency ~~or the judicial branch~~ the
1726 following amounts and shall report all such transfers and the
1727 reasons therefor to the legislative appropriations committees
1728 and the Executive Office of the Governor:

1729 (a) The amount due to the Unemployment Compensation Trust
1730 Fund which is more than 90 days delinquent on reimbursements due
1731 to the Unemployment Compensation Trust Fund. The amount
1732 transferred shall be that certified by the state agency
1733 providing reemployment assistance tax collection services under
1734 contract with the Department of Economic Opportunity through an
1735 interagency agreement pursuant to s. 443.1316.

1736 (b) The amount due to the Division of Risk Management which
1737 is more than 90 days delinquent in payment to the Division of
1738 Risk Management of the Department of Financial Services for
1739 insurance coverage. The amount transferred shall be that
1740 certified by the division.

19-00272-16

2016924__

1741 (c) The amount due to the Communications Working Capital
1742 Trust Fund from moneys appropriated in the General
1743 Appropriations Act for the purpose of paying for services
1744 provided by the state communications system in the Department of
1745 Management Services which is unpaid 45 days after the billing
1746 date. The amount transferred shall be that billed by the
1747 department.

1748 Section 28. Section 216.301, Florida Statutes, is amended
1749 to read:

1750 216.301 Appropriations; undisbursed balances.—

1751 (1) (a) As of June 30 ~~30th~~ of each year, for appropriations
1752 for operations only, each department ~~and the judicial branch~~
1753 shall identify in the state's financial system any incurred
1754 obligation which has not been disbursed, showing in detail the
1755 commitment or to whom obligated and the amounts of such
1756 commitments or obligations. Any appropriation not identified as
1757 an incurred obligation effective June 30 ~~30th~~ shall revert to
1758 the fund from which it was appropriated and shall be available
1759 for reappropriation by the Legislature.

1760 (b) The undisbursed release balance of any authorized
1761 appropriation, except an appropriation for fixed capital outlay,
1762 for any given fiscal year remaining on June 30 of the fiscal
1763 year shall be carried forward in an amount equal to the incurred
1764 obligations identified in paragraph (a). Any such incurred
1765 obligations remaining undisbursed on September 30 shall revert
1766 to the fund from which appropriated and shall be available for
1767 reappropriation by the Legislature. The Chief Financial Officer
1768 will monitor changes made to incurred obligations prior to the
1769 September 30 reversion to ensure generally accepted accounting

19-00272-16

2016924__

1770 principles and legislative intent are followed.

1771 (c) In the event an appropriate identification of an
1772 incurred obligation is not made and an incurred obligation is
1773 proven to be legal, due, and unpaid, then the incurred
1774 obligation shall be paid and charged to the appropriation for
1775 the current fiscal year of the state agency ~~or judicial branch~~
1776 affected.

1777 (d) Each department ~~and the judicial branch~~ shall maintain
1778 the integrity of the General Revenue Fund. Appropriations from
1779 the General Revenue Fund contained in the original approved
1780 budget may be transferred to the proper trust fund for
1781 disbursement. Any reversion of appropriation balances from
1782 programs which receive funding from the General Revenue Fund and
1783 trust funds shall be transferred to the General Revenue Fund
1784 within 15 days after such reversion, unless otherwise provided
1785 by federal or state law, including the General Appropriations
1786 Act. The Executive Office of the Governor ~~or the Chief Justice~~
1787 ~~of the Supreme Court~~ shall determine the state agency ~~or~~
1788 ~~judicial branch~~ programs that ~~which~~ are subject to this
1789 paragraph. This determination shall be subject to the
1790 legislative consultation and objection process in this chapter.
1791 The Education Enhancement Trust Fund is not ~~shall not be~~ subject
1792 to the provisions of this section.

1793 (2) (a) The balance of any appropriation for fixed capital
1794 outlay which is not disbursed but expended, contracted, or
1795 committed to be expended prior to February 1 of the second
1796 fiscal year of the appropriation, or the third fiscal year if it
1797 is for an educational facility as defined in chapter 1013 or for
1798 a construction project of a state university, shall be certified

19-00272-16

2016924__

1799 by the head of the affected state agency ~~or judicial branch~~ on
1800 February 1 to the Executive Office of the Governor, showing in
1801 detail the commitment or to whom obligated and the amount of the
1802 commitment or obligation. The Executive Office of the Governor
1803 for the executive branch ~~and the Chief Justice for the judicial~~
1804 ~~branch~~ shall review and approve or disapprove, consistent with
1805 criteria jointly developed by the Executive Office of the
1806 Governor and the legislative appropriations committees, the
1807 continuation of such unexpended balances. The Executive Office
1808 of the Governor shall, no later than February 28 of each year,
1809 furnish the Chief Financial Officer, the legislative
1810 appropriations committees, and the Auditor General a report
1811 listing in detail the items and amounts reverting under the
1812 authority of this subsection, including the fund to which
1813 reverted and the agency affected.

1814 (b) The certification required in this subsection shall be
1815 in the form and on the date approved by the Executive Office of
1816 the Governor. Any balance that is not certified shall revert to
1817 the fund from which it was appropriated and be available for
1818 reappropriation.

1819 (c) The balance of any appropriation for fixed capital
1820 outlay certified forward under paragraph (a) which is not
1821 disbursed but expended, contracted, or committed to be expended
1822 prior to the end of the second fiscal year of the appropriation,
1823 or the third fiscal year if it is for an educational facility as
1824 defined in chapter 1013 or for a construction project of a state
1825 university, and any subsequent fiscal year, shall be certified
1826 by the head of the affected state agency or the legislative ~~or~~
1827 ~~judicial~~ branch on or before August 1 of each year to the

19-00272-16

2016924__

1828 Executive Office of the Governor, showing in detail the
1829 commitment or to whom obligated and the amount of such
1830 commitment or obligation. On or before September 1 of each year,
1831 the Executive Office of the Governor shall review and approve or
1832 disapprove, consistent with legislative policy and intent, any
1833 or all of the items and amounts certified by the head of the
1834 affected state agency and shall approve all items and amounts
1835 certified by ~~the Chief Justice of the Supreme Court and by the~~
1836 legislative branch and shall furnish the Chief Financial
1837 Officer, the legislative appropriations committees, and the
1838 Auditor General a detailed listing of the items and amounts
1839 approved as legal encumbrances against the undisbursed balances
1840 of such appropriations. If such certification is not made and
1841 the balance of the appropriation has reverted and the obligation
1842 is proven to be legal, due, and unpaid, the obligation shall be
1843 presented to the Legislature for its consideration.

1844 Section 29. Section 216.313, Florida Statutes, is amended
1845 to read:

1846 216.313 Contract appropriation; requirements.—An executive
1847 ~~or judicial~~ branch public officer or employee may not enter into
1848 any contract or agreement on behalf of the state ~~or judicial~~
1849 ~~branch~~ which binds the state or its executive agencies ~~or the~~
1850 ~~judicial branch~~ for the purchase of services or tangible
1851 personal property in excess of \$5 million unless the contract
1852 identifies the specific appropriation of state funds from which
1853 the state will make payment under the contract in the first year
1854 of the contract, unless the Legislature expressly authorizes the
1855 agency ~~or the judicial branch~~ to enter into such contract absent
1856 a specific appropriation of funds.

19-00272-16

2016924__

1857 Section 30. Section 216.321, Florida Statutes, is amended
1858 to read:

1859 216.321 Construction of chapter 216 as unauthorized
1860 expenditures and disbursements.—Nothing contained in any
1861 legislative budget or operating budget shall be construed to be
1862 an administrative or legislative construction affirming the
1863 existence then of the lawful authority to make an expenditure or
1864 disbursement for any purpose not otherwise authorized by laws of
1865 the particular agency, ~~judicial branch,~~ or legislative branch
1866 and the general laws relating to the expenditure or disbursement
1867 of public funds.

1868 Section 31. Section 216.345, Florida Statutes, is amended
1869 to read:

1870 216.345 Professional or other organization membership dues;
1871 payment.—

1872 (1) A state department, agency, bureau, commission, or
1873 other component of state government, ~~or the judicial branch,~~
1874 upon approval by the head or the designated agent thereof, may
1875 use ~~utilize~~ state funds for the purpose of paying dues for
1876 membership in a professional or other organization only when
1877 such membership is essential to the statutory duties and
1878 responsibilities of the state agency.

1879 (2) Upon certification by a professional or other
1880 organization that it does not accept institutional memberships,
1881 the agency or branch may authorize the use of state funds for
1882 the payment of individual membership dues when such membership
1883 is essential to the statutory duties and responsibilities of the
1884 state agency ~~or judicial branch~~ by which the individual is
1885 employed. However, approval may ~~shall~~ not be granted to pay

19-00272-16

2016924__

1886 membership dues for maintenance of an individual's professional
1887 or trade status in any association or organization, except in
1888 those instances where agency or branch membership is necessary
1889 and purchase of an individual membership is more economical.

1890 (3) Each agency ~~and the judicial branch~~ shall promulgate
1891 specific criteria to be used to determine justification for
1892 payment of such membership dues.

1893 (4) Payments for membership dues are exempt from the
1894 provisions of part I of chapter 287.

1895 Section 32. Section 216.347, Florida Statutes, is amended
1896 to read:

1897 216.347 Disbursement of grants and aids appropriations for
1898 lobbying prohibited.—A state agency or a water management
1899 district, ~~or the judicial branch~~ may not authorize or make any
1900 disbursement of grants and aids appropriations pursuant to a
1901 contract or grant to any person or organization unless the terms
1902 of the grant or contract prohibit the expenditure of funds for
1903 the purpose of lobbying the Legislature, the judicial branch, or
1904 a state agency. The provisions of this section are supplemental
1905 to the provisions of s. 11.062 and any other law prohibiting the
1906 use of state funds for lobbying purposes. However, for the
1907 purposes of this section and s. 11.062, the payment of funds for
1908 the purpose of registering as a lobbyist may ~~shall~~ not be
1909 considered a lobbying purpose.

1910 Section 33. Chapter 221, Florida Statutes, to be entitled
1911 "Judicial Branch Planning and Budgeting," is created.

1912 Section 34. Section 221.06, Florida Statutes, is created to
1913 read:

1914 221.06 Short title.—This chapter may be cited as the

19-00272-16

2016924__

1915 "Judicial Branch Budgeting Act."

1916 Section 35. Section 221.07, Florida Statutes, is created to
1917 read:

1918 221.07 Long-range program plan.—The judicial branch shall
1919 develop long-range program plans to achieve state goals using a
1920 planning process that includes the development of integrated
1921 judicial branch entity program service outcomes. The plans shall
1922 be policy based, priority driven, accountable, and developed
1923 through careful examination and justification of all judicial
1924 branch programs.

1925 (1) Long-range program plans must provide the framework for
1926 the development of budget requests and must identify or update:

1927 (a) The mission of the judicial branch.

1928 (b) The goals established to accomplish the mission.

1929 (c) The objectives developed to achieve state goals.

1930 (d) The trends and conditions relevant to the mission,
1931 goals, and objectives.

1932 (e) The judicial branch programs that will be used to
1933 implement state policy and achieve state goals and objectives.

1934 (f) The program outcomes and standards to measure progress
1935 toward program objectives.

1936 (g) Information regarding performance measurement, which
1937 includes, but is not limited to, how data is collected, the
1938 methodology used to measure a performance indicator, the
1939 validity and reliability of a measure, and the appropriateness
1940 of a measure.

1941 (h) Legislatively approved output and outcome performance
1942 measures. Each performance measure must identify the associated
1943 activity contributing to the measure from those identified in

19-00272-16

2016924__

1944 accordance with s. 221.08(3)(b).

1945 (i) Performance standards for each performance measure and
1946 justification for the standards and the sources of data to be
1947 used for measurement. Performance standards must include
1948 standards for each affected activity and be expressed in terms
1949 of the associated unit of activity.

1950 (j) Prior-year performance data on approved performance
1951 measures and an explanation of deviation from expected
1952 performance. Performance data must be assessed for reliability
1953 in accordance with s. 20.055.

1954 (k) Proposed performance incentives and disincentives.

1955 (2) Each long-range program plan must cover a period of 5
1956 fiscal years, be revised annually, and remain in effect until
1957 replaced or revised.

1958 (3) The judicial branch shall present its long-range
1959 program plans or revisions in a form, manner, and timeframe
1960 prescribed in written instructions prepared by the Executive
1961 Office of the Governor in consultation with the chairs of the
1962 legislative appropriations committees.

1963 (4) The judicial branch shall post its long-range program
1964 plans on its websites not later than September 30 of each year
1965 and provide written notice to the Governor and the Legislature
1966 that the plans have been posted.

1967 (5) The judicial branch shall make appropriate adjustments
1968 to its long-range program plans, excluding adjustments to
1969 performance measures and standards, to be consistent with the
1970 appropriations in the General Appropriations Act and legislation
1971 implementing the General Appropriations Act. The judicial branch
1972 has 30 days after the effective date of the General

19-00272-16

2016924__

1973 Appropriations Act and implementing legislation to make
1974 adjustments to its plans as posted on its websites.

1975 (6) Long-range program plans developed pursuant to this
1976 chapter are not rules and, therefore, are not subject to chapter
1977 120.

1978 Section 36. Section 221.08, Florida Statutes, is created to
1979 read:

1980 221.08 Legislative budget requests to be furnished to
1981 Legislature.-

1982 (1) The judicial branch shall submit its complete
1983 legislative budget requests directly to the Legislature with a
1984 copy to the Governor, as chief budget officer of the state, in
1985 the form and manner prescribed in the budget instructions.
1986 However, the complete legislative budget requests, including all
1987 supporting forms and schedules required by this chapter, shall
1988 be submitted no later than October 15 of each year unless an
1989 alternative date is agreed to be in the best interest of the
1990 state by the Governor and the chairs of the legislative
1991 appropriations committees.

1992 (2) The Executive Office of the Governor and the
1993 appropriations committees of the Legislature shall jointly
1994 develop legislative budget instructions for preparing the
1995 exhibits and schedules that make up the judicial branch entity
1996 budget from which the judicial branch shall prepare its budget
1997 request. The budget instructions shall be consistent with s.
1998 216.141 and shall be transmitted to the judicial branch no later
1999 than July 15 of each year unless an alternative date is agreed
2000 to be in the best interest of the state by the Governor and the
2001 chairs of the legislative appropriations committees. In the

19-00272-16

2016924__

2002 event that agreement cannot be reached between the Executive
2003 Office of the Governor and the appropriations committees of the
2004 Legislature regarding legislative budget instructions, the issue
2005 shall be resolved by the Governor, the President of the Senate,
2006 and the Speaker of the House of Representatives.

2007 (3) (a) The legislative budget request for each program must
2008 contain:

2009 1. The constitutional or statutory authority for a program,
2010 a brief purpose statement, and approved program components.

2011 2. Information on expenditures for 3 fiscal years,
2012 including actual prior-year expenditures, current-year estimated
2013 expenditures, and judicial branch entity budget requested
2014 expenditures for the next fiscal year, by appropriation
2015 category.

2016 3. Details on trust funds and fees.

2017 4. The total number of positions authorized, fixed, and
2018 requested.

2019 5. An issue narrative describing and justifying changes in
2020 amounts and positions requested for current and proposed
2021 programs for the next fiscal year.

2022 6. Information resource requests.

2023 7. Supporting information, including applicable cost-
2024 benefit analyses, business case analyses, performance
2025 contracting procedures, service comparisons, and impacts on
2026 performance standards for any request to outsource or privatize
2027 judicial branch entity functions. The cost-benefit and business
2028 case analyses must include an assessment of the impact on each
2029 affected activity from those identified in accordance with
2030 paragraph (b). Performance standards must include standards for

19-00272-16

2016924__

2031 each affected activity and be expressed in terms of the
2032 associated unit of activity.

2033 8. An evaluation of major outsourcing and privatization
2034 initiatives undertaken during the last 5 fiscal years having
2035 aggregate expenditures exceeding \$10 million during the term of
2036 the contract. The evaluation must include an assessment of
2037 contractor performance, a comparison of anticipated service
2038 levels to actual service levels, and a comparison of estimated
2039 savings to actual savings achieved. Consolidated reports issued
2040 by the Department of Management Services may be used to satisfy
2041 this requirement.

2042 9. Supporting information for any proposed consolidated
2043 financing of deferred-payment commodity contracts, including
2044 guaranteed energy performance savings contracts. Supporting
2045 information must also include a narrative describing and
2046 justifying the need, the baseline for current costs, estimated
2047 cost savings, projected equipment purchases, estimated contract
2048 costs, and return on investment calculations.

2049 10. For projects that exceed \$10 million in total cost, the
2050 statutory reference of the existing policy or the proposed
2051 substantive policy that establishes and defines the project's
2052 governance structure, planned scope, main business objectives
2053 that must be achieved, and estimated completion timeframes. The
2054 governance structure for information technology-related projects
2055 must incorporate the applicable project management and oversight
2056 standards established pursuant to s. 282.0051. Information
2057 technology budget requests for the continuance of existing
2058 hardware and software maintenance agreements, the renewal of
2059 existing software licensing agreements, or the replacement of

19-00272-16

2016924__

2060 desktop units with new technology that is similar to the
2061 technology currently in use are exempt from this requirement.

2062 (b) It is the intent of the Legislature that total
2063 accountability measures, including unit-cost data, serve not
2064 only as a budgeting tool but also as a policymaking tool and an
2065 accountability tool. Therefore, the judicial branch must submit
2066 a summary of information for the preceding year in accordance
2067 with the legislative budget instructions. Each summary must
2068 provide a one-page overview and must contain:

- 2069 1. The final budget for the judicial branch.
- 2070 2. Total funds from the General Appropriations Act.
- 2071 3. Adjustments to the General Appropriations Act.
- 2072 4. The line-item listings of all activities.
- 2073 5. The number of activity units performed or accomplished.
- 2074 6. Total expenditures for each activity, including amounts
2075 paid to contractors and subordinate entities. Expenditures
2076 related to administrative activities not aligned with output
2077 measures must consistently be allocated to activities with
2078 output measures before computing unit costs.
- 2079 7. The cost per unit for each activity, including the costs
2080 allocated to contractors and subordinate entities.
- 2081 8. The total amount of reversions and pass-through
2082 expenditures omitted from unit-cost calculations.

2083
2084 At the regular session immediately following the submission of
2085 the judicial branch entity unit cost summary, the Legislature
2086 shall reduce in the General Appropriations Act for the ensuing
2087 fiscal year, by an amount equal to at least 10 percent of the
2088 allocation for the fiscal year preceding the current fiscal

19-00272-16

2016924__

2089 year, the funding of each judicial branch entity that fails to
2090 submit the report required under this paragraph.

2091 (4) As a part of the legislative budget request, the Chief
2092 Justice of the Supreme Court shall include an inventory of all
2093 litigation in which a judicial branch entity is involved which
2094 may require additional appropriations to the judicial branch
2095 entity, which may significantly affect revenues received or
2096 anticipated to be received by the state, or which may require
2097 amendments to the law under which the judicial branch entity
2098 operates. No later than March 1 following the submission of the
2099 legislative budget request, the Chief Justice shall provide an
2100 update of any additions or changes to the inventory. Such
2101 inventory shall include information specified annually in the
2102 legislative budget instructions and, within the discretion of
2103 the Chief Justice, may contain only information found in the
2104 pleadings.

2105 (5) As part of the legislative budget request, each
2106 judicial branch entity must include the following information
2107 for each contract in which the consideration to be paid to the
2108 judicial branch entity is a percentage of the vendor revenue and
2109 is in excess of \$10 million under the contract period:

2110 (a) The name of the vendor.

2111 (b) A brief description of the services provided by the
2112 vendor.

2113 (c) The term of the contract and the years remaining on the
2114 contract.

2115 (d) The amount of revenue generated or expected to be
2116 generated by the vendor under the contract for the prior fiscal
2117 year, the current fiscal year, and the next fiscal year.

19-00272-16

2016924__

2118 (e) The amount of revenue remitted or expected to be
2119 remitted to the judicial branch entity by the vendor for the
2120 prior fiscal year, the current fiscal year, and the next fiscal
2121 year.

2122 (f) The value of capital improvements, if any, on state
2123 property which have been funded by the vendor over the term of
2124 the contract.

2125 (g) The remaining amount of capital improvements, if any,
2126 on state property which have not been fully amortized by June 30
2127 of the prior fiscal year.

2128 (h) The amount, if any, of state appropriations made to the
2129 judicial branch entity to pay for services provided by the
2130 vendor.

2131 (6) The Executive Office of the Governor shall review the
2132 legislative budget request for technical compliance with the
2133 budget format provided for in the budget instructions. The
2134 Executive Office of the Governor shall notify the judicial
2135 branch of any adjustment required. The judicial branch shall
2136 make the appropriate corrections as requested. If the
2137 appropriate technical corrections are not made as requested, the
2138 Executive Office of the Governor must adjust the budget request
2139 to incorporate the appropriate technical corrections in the
2140 format of the request.

2141 (7) At any time after the Governor submits his or her
2142 recommended budget to the Legislature, the judicial branch may
2143 amend its request by transmitting to the Governor and the
2144 Legislature an amended request in the form and manner prescribed
2145 in the legislative budget instructions.

2146 (8) The legislative budget request from the judicial branch

19-00272-16

2016924__

2147 shall be reviewed by the Legislature. The review may allow for
2148 the opportunity to have information or testimony by the judicial
2149 branch, the Auditor General, the Office of Program Policy
2150 Analysis and Government Accountability, the Governor's Office of
2151 Planning and Budgeting, and the public regarding the proper
2152 level of funding for the judicial branch in order to carry out
2153 its mission.

2154 (9) In order to ensure an integrated state planning and
2155 budgeting process, the judicial branch long-range plan should be
2156 reviewed by the Legislature. The legislative budget request
2157 instructions must provide for consistency between the judicial
2158 branch long-range plan and the judicial branch legislative
2159 budget request.

2160 Section 37. Section 221.09, Florida Statutes, is created to
2161 read:

2162 221.09 Target budget request.—Either chair of a legislative
2163 appropriations committee may require the Chief Justice of the
2164 Supreme Court to address major issues separate from those
2165 outlined in s. 221.08, this section, and s. 221.10 for inclusion
2166 in the requests of the judicial branch. The issues shall be
2167 submitted to the judicial branch no later than July 30 of each
2168 year and shall be displayed in its requests as provided in the
2169 budget instructions. The chair of an appropriations committee of
2170 the Senate or the House of Representatives may request the
2171 judicial branch to submit a budget plan with respect to targets
2172 established by either chair. Each entity shall use the target
2173 budget to establish an order of priorities for its budget
2174 issues. The target budget may include requests for multiple
2175 options for the budget issues. The target budget format must be

19-00272-16

2016924__

2176 compatible with the planning and budgeting system requirements
2177 set out in s. 216.141. Such a request may not influence the
2178 judicial branch's independent judgment in making legislative
2179 budget requests, as required by law.

2180 Section 38. Section 221.10, Florida Statutes, is created to
2181 read:

2182 221.10 Budgets for fixed capital outlay.-

2183 (1) The Chief Justice of the Supreme Court shall submit a
2184 legislative budget request reflecting his or her independent
2185 judgment with respect to the needs of the judicial branch for
2186 fixed capital outlays during the next fiscal year. The
2187 legislative budget request shall contain:

2188 (a) An itemized estimate form showing the amounts needed
2189 for fixed capital outlay expenditures, including a detailed
2190 statement of program needs, estimated construction costs and
2191 square footage, site costs, operating capital necessary to
2192 furnish and equip for operating a new or improved facility, and
2193 the anticipated sources of funding during the next fiscal year.

2194 (b) Proposed fixed capital outlay projects, including
2195 proposed operational standards related to programs and use, an
2196 analysis of continuing operating costs, and such other data as
2197 the Chief Justice deems necessary for the judicial branch to
2198 analyze the relationship of judicial branch entity needs and
2199 program requirements to construction requirements. The plan
2200 shall also include the availability and suitability of privately
2201 constructed and owned buildings and facilities to meet the needs
2202 and program requirements of the judicial branch.

2203 (c) For any budget request for fixed capital outlay or
2204 operating capital outlay which is to be funded by a proposed

19-00272-16

2016924__

2205 state debt or obligation as defined in s. 221.12, the
2206 information set forth in s. 221.12(2).

2207 (2) The legislative budget requests for fixed capital
2208 outlay shall be submitted as a product of an ongoing planning
2209 process that:

2210 (a) Relates to program plans in an anticipatory manner so
2211 as to identify facility requirements sufficiently early to
2212 provide lead time for planning and construction without
2213 detrerring the operation of the applicable program.

2214 (b) Applies that lead time to the budget process.

2215 (3) Each legislative budget request for fixed capital
2216 outlay submitted shall contain:

2217 (a) A schedule of projects planned to meet the 4-year
2218 requirements of the judicial branch and a schedule of
2219 anticipated funding for the initial fiscal year of the 4-year
2220 period.

2221 (b) A full explanation of the basis for each project,
2222 including a description of the program that requires the
2223 facility; an explanation of the inability of existing facilities
2224 to meet such requirements; historical background; alternatives;
2225 and anticipated changes in operating costs, both initial and
2226 continuing.

2227 (c) An application of standards and criteria to establish
2228 the scope of each project.

2229 (d) An application of cost factors to all elements of each
2230 project to establish an estimate of funding requirements.

2231 (e) A request for legislative appropriation to provide such
2232 funding in the appropriate fiscal year, including the need for
2233 advance funding of programming and design activities.

19-00272-16

2016924__

2234 (f) A priority list of fixed capital outlay projects for
2235 which the construction of the project may be deferred for
2236 countercyclical purposes for a period not to exceed 12 months.

2237 (g) The unamortized cost of tenant improvements under any
2238 lease executed after September 30, 2000, which is terminated
2239 before the expiration of its term for the purpose of relocating
2240 to a state-owned building.

2241 Section 39. Section 221.11, Florida Statutes, is created to
2242 read:

2243 221.11 Budget evaluation by Department of Management
2244 Services.—

2245 (1) A judicial branch entity requesting a fixed capital
2246 outlay project to be managed by the Department of Management
2247 Services shall consult with that department during the budget
2248 development process. The Department of Management Services shall
2249 provide recommendations regarding construction requirements,
2250 cost of the project, and project alternatives to be incorporated
2251 in the entity's proposed fixed capital outlay budget request and
2252 narrative justification.

2253 (2) Concurrently with the submission of the fixed capital
2254 outlay legislative budget request to the Chief Justice of the
2255 Supreme Court, the judicial branch shall submit a copy of the
2256 legislative budget request to the Department of Management
2257 Services for evaluation.

2258 (3) The Department of Management Services shall advise the
2259 Chief Justice and the Legislature regarding alternatives to the
2260 proposed fixed capital outlay project and make recommendations
2261 relating to the construction requirements and cost of the
2262 project. These recommendations shall be provided to the

19-00272-16

2016924__

2263 Executive Office of the Governor and the Legislature at a time
2264 specified by the Governor, but not less than 90 days before the
2265 regular session of the Legislature. When evaluating
2266 alternatives, the Department of Management Services shall
2267 include information as to whether it would be more cost-
2268 efficient to lease private property or facilities, to construct
2269 facilities on property presently owned by the state, or to
2270 acquire property on which to construct the facilities. In
2271 determining the cost to the state of constructing facilities on
2272 property presently owned by the state or the cost of acquiring
2273 property on which to construct facilities, the Department of
2274 Management Services shall include the costs that would be
2275 incurred by a private person in acquiring the property and
2276 constructing the facilities, including, but not limited to,
2277 taxes and return on investment.

2278 Section 40. Section 221.12, Florida Statutes, is created to
2279 read:

2280 221.12 Truth in bonding; definitions; summary of state
2281 debt; statement of proposed financing; truth-in-bonding
2282 statement.—

2283 (1) As used in this section, the following words and terms
2284 have the following meanings, unless the context otherwise
2285 requires:

2286 (a) "Costs of issuance" means all of those costs and
2287 expenses directly incurred by or on behalf of the judicial
2288 branch in the process of issuing or incurring a debt or
2289 obligation. Such costs of issuance include, but are not limited
2290 to, the costs of rating the debt or obligation, the costs of
2291 retaining such professional services as bond counsel or

19-00272-16

2016924__

2292 financial advisers, the amount of underwriter's discount,
2293 printing costs, and the costs of the entity responsible for
2294 issuing or incurring the debt or obligation.

2295 (b) "Debt" means a bond, certificate, note, or other
2296 evidence of indebtedness, including, but not limited to, an
2297 agreement to pay principal and any interest thereon, whether in
2298 the form of a contract to repay borrowed money or otherwise, and
2299 includes a share or other interest in any such agreement.

2300 (c) "Debt service" means the amounts due on any state debt
2301 or obligation for interest, any maturing principal, any required
2302 contributions to an amortization or sinking fund for a term debt
2303 or obligation, and any other continuing payments necessary or
2304 incidental to the repayment of a state debt or obligation.

2305 (d) "Interest" means the compensation for the use or
2306 detention of money or its equivalent.

2307 (e) "Interest rate" means the annual percentage of the
2308 outstanding state debt or obligation payable as interest.

2309 (f) "Obligation" means an agreement to pay principal and
2310 interest thereon, other than a debt, whether in the form of a
2311 lease, lease-purchase, installment purchase, or otherwise, and
2312 includes a share, participation, or other interest in any such
2313 agreement. However, the term "obligation" does not include an
2314 agreement having a term of less than 5 years, unless the
2315 principal is more than \$5 million and the term is more than 2
2316 years.

2317 (g) "Outstanding state debt" means any state debt or
2318 obligation of which the principal has not been paid or for which
2319 an amount sufficient to provide for the payment of such state
2320 debt or obligation and the interest on such state debt or

19-00272-16

2016924__

2321 obligation to the maturity or early redemption of such state
2322 debt or obligation has not been set aside for the benefit of the
2323 holders of such state debt or obligation.

2324 (h) "Principal" means the face value of the debt or
2325 obligation.

2326 (i) "Proposed state debt or obligation" means any state
2327 debt or obligation proposed to be issued or incurred.

2328 (j) "State debt or obligation" means a debt or obligation
2329 incurred or issued by or on behalf of the state or the judicial
2330 branch.

2331 (2) When required by statute to support the proposed debt
2332 financing of fixed capital outlay projects or operating capital
2333 outlay requests or to explain the issuance of a debt or
2334 obligation, one or more of the following documents shall be
2335 developed:

2336 (a) A summary of outstanding state debt as furnished by the
2337 Chief Financial Officer pursuant to s. 221.14.

2338 (b) A statement of proposed financing, which shall include
2339 the following items:

2340 1. A listing of the purpose of the debt or obligation.

2341 2. The source of repayment of the debt or obligation.

2342 3. The principal amount of the debt or obligation.

2343 4. The interest rate on the debt or obligation, which shall
2344 be as forecasted by the Economic Estimating Conference, as
2345 provided in s. 216.136, for the period during which the debt or
2346 obligation is to be sold.

2347 5. A schedule of annual debt service payments for each
2348 proposed state debt or obligation.

2349 6. The method of sale of the debt or obligation.

19-00272-16

2016924__

2350 7. The costs of issuance of the debt or obligation,
2351 including a detailed listing of the amounts of the major costs
2352 of issuance.

2353 (c) A truth-in-bonding statement, developed from the
2354 information compiled pursuant to this section, in substantially
2355 the following form:

2356
2357 The State of Florida is proposing to issue \$ (insert
2358 principal) of debt or obligation for the purpose of (insert
2359 purpose). This debt or obligation is expected to be repaid over
2360 a period of (insert term of issue from subparagraph (b)5.)
2361 years. At a forecasted interest rate of (insert rate of interest
2362 from subparagraph (b)4.), total interest paid over the life of
2363 the debt or obligation will be \$ (insert sum of interest
2364 payments).

2365
2366 (3) The failure of the judicial branch to comply with this
2367 section does not affect the validity of any state debt or
2368 obligation.

2369 (4) The documents prepared pursuant to this section are for
2370 illustrative purposes only and do not affect or control the
2371 actual terms and conditions of the debt or obligation.

2372 Section 41. Section 221.13, Florida Statutes, is created to
2373 read:

2374 221.13 Data on judicial branch expenses.—

2375 (1) In sufficient time to be included in the Governor's
2376 recommended budget, estimates of the financial needs of the
2377 judicial branch during the ensuing fiscal year shall be
2378 furnished to the Governor pursuant to chapter 11.

19-00272-16

2016924__

2379 (2) All of the data relative to the judicial branch shall
2380 be for information and guidance in estimating the total
2381 financial needs of the state for the ensuing fiscal year; none
2382 of these estimates shall be subject to revision or review by the
2383 Governor, and they must be included in the Governor's
2384 recommended budget.

2385 Section 42. Section 221.14, Florida Statutes, is created to
2386 read:

2387 221.14 Filing of financial information; penalty for
2388 noncompliance.—

2389 (1) By September 30 of each year, the judicial branch shall
2390 prepare, using generally accepted accounting principles, and
2391 file with the Chief Financial Officer the financial and other
2392 information necessary for the preparation of annual financial
2393 statements for the State of Florida as of June 30. In addition,
2394 the judicial branch shall prepare financial statements showing
2395 the financial position and results of branch operations as of
2396 June 30 for internal management purposes.

2397 (a) The judicial branch shall record the receipt and
2398 disbursement of funds from federal sources in a form and format
2399 prescribed by the Chief Financial Officer. The access to federal
2400 funds by the judicial branch may not be authorized until:

2401 1. The deposit has been recorded in the Florida Accounting
2402 Information Resource Subsystem using proper, consistent codes
2403 that designate deposits as federal funds.

2404 2. The deposit and appropriate recording required by this
2405 paragraph have been verified by the office of the Chief
2406 Financial Officer.

2407 (b) The Chief Financial Officer shall publish a statewide

19-00272-16

2016924__

2408 policy detailing the requirements for recording receipt and
2409 disbursement of federal funds into the Florida Accounting
2410 Information Resource Subsystem and provide technical assistance
2411 to the judicial branch to implement the policy.

2412 (2) Financial information must be contained within the
2413 Florida Accounting Information Resource Subsystem. Other
2414 information must be submitted in the form and format prescribed
2415 by the Chief Financial Officer.

2416 (a) Each component unit shall file financial information
2417 and other information necessary for the preparation of annual
2418 financial statements with the branch designated by the Chief
2419 Financial Officer by the date specified by the Chief Financial
2420 Officer.

2421 (b) The branch designated by the Chief Financial Officer to
2422 receive financial information and other information from
2423 component units shall include the financial information in the
2424 Florida Accounting Information Resource Subsystem and shall
2425 include the component units' other information in its submission
2426 to the Chief Financial Officer.

2427 (3) The Chief Financial Officer shall:

2428 (a) Prepare and furnish to the Auditor General annual
2429 financial statements for the state on or before December 31 of
2430 each year, using generally accepted accounting principles.

2431 (b) Prepare and publish a comprehensive annual financial
2432 report for the state in accordance with generally accepted
2433 accounting principles on or before February 28 of each year.

2434 (c) Furnish the Governor, the President of the Senate, and
2435 the Speaker of the House of Representatives with a copy of the
2436 comprehensive annual financial report prepared pursuant to

19-00272-16

2016924__

2437 paragraph (b).

2438 (d) Notify the judicial branch of the data that is required
2439 to be recorded to enhance accountability for tracking federal
2440 financial assistance.

2441 (e) Provide reports, as requested, to judicial branch
2442 entities, the President of the Senate, the Speaker of the House
2443 of Representatives, and the members of the Florida Congressional
2444 Delegation detailing the federal financial assistance received
2445 and disbursed by the judicial branch.

2446 (f) Consult with and elicit comments from the Executive
2447 Office of the Governor on changes to the Florida Accounting
2448 Information Resource Subsystem which clearly affect the
2449 accounting of federal funds, so as to ensure consistency of
2450 information entered into the Federal Aid Tracking System by
2451 judicial branch entities. While efforts shall be made to ensure
2452 the compatibility of the Florida Accounting Information Resource
2453 Subsystem and the Federal Aid Tracking System, any successive
2454 systems serving identical or similar functions shall preserve
2455 such compatibility.

2456
2457 The Chief Financial Officer may furnish and publish in
2458 electronic form the financial statements and the comprehensive
2459 annual financial report required under paragraphs (a), (b), and
2460 (c).

2461 (4) If the judicial branch fails to comply with subsection
2462 (1) or subsection (2), the Chief Financial Officer may refuse to
2463 honor salary claims for branch fiscal and executive staff until
2464 the branch corrects its deficiency.

2465 (5) The Chief Financial Officer may withhold any funds

19-00272-16

2016924__

2466 payable to a component unit that does not comply with subsection
2467 (1) or subsection (2) until the component unit corrects its
2468 deficiency.

2469 (6) The Chief Financial Officer may adopt rules to
2470 administer this section.

2471 Section 43. Section 221.15, Florida Statutes, is created to
2472 read:

2473 221.15 Public hearings on legislative budgets.—The Chief
2474 Justice of the Supreme Court shall provide for at least one
2475 public hearing before submission of budget recommendations to
2476 the Legislature on issues contained in the judicial branch
2477 budget request and issues that may be included in budget
2478 recommendations to the Legislature. The public hearings shall be
2479 held at such time as the Chief Justice may fix. The Chief
2480 Justice may provide these hearings simultaneously via electronic
2481 format, such as teleconference, Internet, etc., provided that a
2482 means for active participation and questions by the audience is
2483 accommodated.

2484 Section 44. Section 221.16, Florida Statutes, is created to
2485 read:

2486 221.16 Use of official information by the judicial branch.—
2487 The judicial branch shall use the official information developed
2488 by the consensus estimating conferences in carrying out its
2489 duties under the state planning and budgeting system.

2490 Section 45. Section 221.17, Florida Statutes, is created to
2491 read:

2492 221.17 Reinstatement of vetoed appropriations by
2493 administrative means prohibited.—After the Governor has vetoed a
2494 specific appropriation for the judicial branch, neither the

19-00272-16

2016924__

2495 Governor nor the Chief Justice of the Supreme Court in their
2496 various statutory and constitutional roles may authorize
2497 expenditures for or implementation, in any manner, of the
2498 programs that were authorized before the appropriation was
2499 vetoed.

2500 Section 46. Section 221.18, Florida Statutes, is created to
2501 read:

2502 221.18 Approved budgets for operations and fixed capital
2503 outlay.—

2504 (1) The General Appropriations Act and any other acts
2505 containing appropriations shall be considered the original
2506 approved operating budgets for operational and fixed capital
2507 expenditures. Amendments from the judicial branch may be
2508 requested only through the Chief Justice of the Supreme Court
2509 and must be approved by the Chief Justice and the Legislative
2510 Budget Commission as provided in this chapter. This includes
2511 amendments that are necessary to implement s. 221.24 or s.
2512 221.26.

2513 (2) Amendments to the original approved operating budgets
2514 for operational and fixed capital outlay expenditures must
2515 comply with the following guidelines in order to be approved by
2516 the Chief Justice and the Legislative Budget Commission for the
2517 judicial branch:

2518 (a) The amendment must be consistent with legislative
2519 policy and intent.

2520 (b) The amendment may not initiate or commence a new
2521 program or a fixed capital outlay project, except as authorized
2522 by this chapter, or eliminate an existing program.

2523 (c) Except as authorized in s. 221.33 or other provisions

19-00272-16

2016924__

2524 of this chapter, the amendment may not provide funding or
2525 increased funding for items that were funded by the Legislature
2526 in an amount less than that requested by the judicial branch
2527 entity in the legislative budget request or recommended by the
2528 Governor, or that were vetoed by the Governor.

2529 (d) For amendments that involve trust funds, there must be
2530 adequate and appropriate revenues available in the trust fund
2531 and the amendment must be consistent with the laws authorizing
2532 such trust funds and the laws relating to the use of the trust
2533 funds. However, a trust fund may not be increased in excess of
2534 the original approved budget, except as provided in subsection
2535 (11).

2536 (e) The amendment may not conflict with any provision of
2537 law.

2538 (f) The amendment must not provide funding for any issue
2539 that was requested by the judicial branch in its legislative
2540 budget request and not funded in the General Appropriations Act.

2541 (g) The amendment must include a written description of the
2542 purpose of the proposed change, an indication of why interim
2543 budget action is necessary, and the intended recipient of any
2544 funds for contracted services.

2545 (h) The amendment may not provide general salary increases
2546 that the Legislature has not authorized in the General
2547 Appropriations Act or other laws.

2548 (3) All amendments to original approved operating budgets,
2549 regardless of funding source, are subject to the notice and
2550 objection procedures set forth in s. 216.177.

2551 (4) To the extent possible, individual members of the
2552 Senate and the House of Representatives should be advised of

19-00272-16

2016924__

2553 budget amendments requested by the judicial branch.

2554 (5) An amendment to the original operating budget for an
2555 information technology project or initiative that involves more
2556 than one judicial branch entity, has an outcome that impacts
2557 another judicial branch entity, or exceeds \$500,000 in total
2558 cost over a 1-year period, except for those projects that are a
2559 continuation of hardware or software maintenance or software
2560 licensing agreements, or that are for desktop replacement that
2561 is similar to the technology currently in use, must be approved
2562 by the Chief Justice for the judicial branch and shall be
2563 subject to approval by the Legislative Budget Commission as well
2564 as the notice and objection procedures set forth in s. 216.177.

2565 (6) (a) A detailed plan allocating a lump-sum appropriation
2566 to traditional appropriations categories shall be submitted by
2567 the affected judicial branch entity to the Chief Justice of the
2568 Supreme Court. The Chief Justice shall submit such plan to the
2569 chair and vice chair of the Legislative Budget Commission either
2570 before or concurrent with the submission of any budget amendment
2571 that recommends the transfer and release of the balance of a
2572 lump-sum appropriation.

2573 (b) The Chief Justice may amend, without approval of the
2574 Legislative Budget Commission, judicial branch entity budgets to
2575 reflect the transferred funds and to provide the associated
2576 increased salary rate based on the approved plans for lump-sum
2577 appropriations. Any action proposed pursuant to this paragraph
2578 is subject to the procedures set forth in s. 216.177.

2579
2580 The Chief Justice shall transmit to each judicial branch
2581 component and the Chief Financial Officer any approved

19-00272-16

2016924__

2582 amendments to the approved operating budgets.

2583 (7) The Chief Justice of the Supreme Court may, for the
2584 purpose of improved contract administration, authorize the
2585 consolidation of two or more fixed capital outlay appropriations
2586 for the judicial branch, if the original scope and purpose of
2587 each project are not changed.

2588 (8) As part of the approved operating budget, the Chief
2589 Justice of the Supreme Court shall furnish to the judicial
2590 branch entity an approved annual salary rate for each budget
2591 entity containing a salary appropriation. This rate shall be
2592 based upon the actual salary rate and shall be consistent with
2593 the General Appropriations Act or special appropriations acts.
2594 The annual salary rate shall be:

2595 (a) Determined by the salary rate specified in the General
2596 Appropriations Act and adjusted for reorganizations authorized
2597 by law, for any other appropriations made by law, and, subject
2598 to s. 216.177, for distributions of lump-sum appropriations and
2599 administered funds and for actions that require authorization of
2600 salary rate from salary rate reserve and placement of salary
2601 rate in salary rate reserve.

2602 (b) Controlled at the branch level for the judicial branch.

2603 (c) Assigned to the number of authorized positions.

2604 (9) The judicial branch may not exceed its maximum approved
2605 annual salary rate for the fiscal year. However, at any time
2606 during the fiscal year, a judicial branch entity may exceed its
2607 approved rate for all budget entities by no more than 5 percent,
2608 if, by June 30 of every fiscal year, the judicial branch entity
2609 has reduced its salary rate so that the salary rate for each
2610 entity of the judicial branch is within the approved rate limit

19-00272-16

2016924__

2611 for that entity.

2612 (10) (a) The Legislative Budget Commission may authorize
2613 increases or decreases in the approved salary rate, except as
2614 authorized in paragraph (8) (a), for positions pursuant to the
2615 request of a judicial branch entity filed with the Chief Justice
2616 of the Supreme Court, if deemed necessary and in the best
2617 interest of the state and consistent with legislative policy and
2618 intent.

2619 (b) Lump-sum salary bonuses may be provided only if
2620 specifically appropriated or provided pursuant to s. 110.1245 or
2621 s. 221.19.

2622 (11) (a) The Chief Justice of the Supreme Court may approve
2623 changes in the amounts appropriated from state trust funds in
2624 excess of those in the approved operating budget up to \$1
2625 million only pursuant to the federal funds provisions of s.
2626 221.24, when grants and donations are received after April 1, or
2627 when deemed necessary due to a set of conditions that were
2628 unforeseen at the time the General Appropriations Act was
2629 adopted and that are essential to correct in order to continue
2630 the operation of government.

2631 (b) Changes in the amounts appropriated from state trust
2632 funds in excess of those in the approved operating budget which
2633 are in excess of \$1 million may be approved only by the
2634 Legislative Budget Commission pursuant to the request of a
2635 judicial branch entity filed with the Chief Justice.

2636 (12) There is appropriated nonoperating budget for refunds,
2637 payments to the United States Treasury, and payments of the
2638 service charge to the General Revenue Fund. Such authorized
2639 budget, together with related releases, shall be transmitted by

19-00272-16

2016924__

2640 the judicial branch to the Chief Financial Officer for entry in
2641 his or her records in the manner and format prescribed by the
2642 Executive Office of the Governor in consultation with the Chief
2643 Financial Officer. A copy of such authorized budgets shall be
2644 furnished to the Chief Justice, the chairs of the legislative
2645 committees responsible for developing the general appropriations
2646 acts, and the Auditor General. Notwithstanding the duty
2647 specified for each judicial branch entity in s. 17.61(3), the
2648 Governor may withhold approval of nonoperating investment
2649 authority for certain trust funds when deemed in the best
2650 interest of the state. The Chief Justice may establish
2651 nonoperating budgets for the judicial branch, with the approval
2652 of the chairs of the Senate and the House of Representatives
2653 appropriations committees, for transfers, purchase of
2654 investments, special expenses, distributions, transfers of funds
2655 specifically required by law, and any other nonoperating budget
2656 categories they deem necessary and in the best interest of the
2657 state and consistent with legislative intent and policy. For
2658 purposes of this section, the term "nonoperating budgets" means
2659 nonoperating disbursement authority for purchase of investments,
2660 refunds, payments to the United States Treasury, transfers of
2661 funds specifically required by law, distributions of assets held
2662 by the state in a trustee capacity as an agent of fiduciary,
2663 special expenses, and other nonoperating budget categories, as
2664 determined necessary by the Executive Office of the Governor and
2665 the chairs of the Senate and the House of Representatives
2666 appropriations committees, not otherwise appropriated in the
2667 General Appropriations Act. The establishment of nonoperating
2668 budget authority shall be deemed approved by a chair of a

19-00272-16

2016924__

2669 legislative committee if written notice of the objection is not
2670 provided to the Chief Justice, as appropriate, within 14 days
2671 after the chair receives notice of the action pursuant to s.
2672 216.177.

2673 (13) The judicial branch shall develop the internal
2674 management procedures and budgets necessary to assure compliance
2675 with the approved operating budget.

2676 (14) The Chief Justice of the Supreme Court shall certify
2677 the amounts approved for operations and fixed capital outlay,
2678 together with any relevant supplementary materials or
2679 information, to the Chief Financial Officer; and such
2680 certification shall be the Chief Financial Officer's guide with
2681 reference to the expenditures of each judicial branch entity
2682 pursuant to s. 221.22.

2683 (15) (a) Funds provided in any specific appropriation in the
2684 General Appropriations Act may be advanced if the General
2685 Appropriations Act specifically provides.

2686 (b) The judicial branch, if authorized by the General
2687 Appropriations Act or expressly authorized by other law to make
2688 advances for program startup or advances for contracted
2689 services, in total or periodically, shall limit such
2690 disbursements to other governmental entities and not-for-profit
2691 corporations. The amount that may be advanced may not exceed the
2692 expected cash needs of the contractor or recipient within the
2693 initial 3 months. Thereafter, disbursements shall be made only
2694 on a reimbursement basis. Any agreement that provides for
2695 advancements may contain a clause that permits the contractor or
2696 recipient to temporarily invest the proceeds; however, any
2697 interest income shall either be returned to the judicial branch

19-00272-16

2016924__

2698 entity or be applied against the judicial branch entity's
2699 obligation to pay the contract amount. This paragraph does not
2700 constitute lawful authority to make any advance payment not
2701 otherwise authorized by laws relating to a particular judicial
2702 branch entity or general laws relating to the expenditure or
2703 disbursement of public funds. The Chief Financial Officer may,
2704 after consultation with the legislative appropriations
2705 committees, advance funds beyond the 3-month requirement if it
2706 is determined to be consistent with the intent of the approved
2707 operating budget.

2708 (16) Except as otherwise specifically provided in this
2709 chapter, a change to the approved operating budget may not
2710 initiate or commence a fixed capital outlay project.

2711 Section 47. Section 221.19, Florida Statutes, is created to
2712 read:

2713 221.19 Judicial branch incentive and savings program.—

2714 (1) In order to provide an incentive for the judicial
2715 branch to re-engineer business processes and otherwise increase
2716 operating efficiency, it is the intent of the Legislature to
2717 allow the judicial branch to retain a portion of the savings
2718 produced by internally generated judicial branch program
2719 efficiencies and cost reductions.

2720 (2) To be eligible to retain funds, the Chief Justice of
2721 the Supreme Court must submit a plan and an associated request
2722 to amend the judicial branch's approved operating budget to the
2723 Legislative Budget Commission specifying:

2724 (a) The modifications to approved programs resulting in
2725 efficiencies and cost savings;

2726 (b) The amount and source of the funds and positions saved;

19-00272-16

2016924__

2727 (c) The specific positions, rate, amounts, and sources of
2728 funds the judicial branch wishes to include in its incentive
2729 expenditures;

2730 (d) How the judicial branch will meet the goals and
2731 objectives established in its long-range program plan;

2732 (e) How the judicial branch will meet performance
2733 standards, including those in its long-range program plan; and

2734 (f) Any other incentive expenditures that the judicial
2735 branch believes will enhance its performance.

2736 (3) Notwithstanding the 14-day notice requirement contained
2737 in s. 216.177(2) (a), all plans and budget amendments submitted
2738 to the Legislative Budget Commission pursuant to this section
2739 shall be delivered at least 30 days before the date of the
2740 commission meeting at which the request will be considered.

2741 (4) In determining the amount the judicial branch will be
2742 allowed to retain, the commission shall consider the actual
2743 savings projected for the current budget year and the annualized
2744 savings.

2745 (5) The amount to be retained by the judicial branch shall
2746 be no less than 5 percent and no more than 25 percent of the
2747 annual savings and may be used by the judicial branch for salary
2748 increases or other expenditures specified in the judicial
2749 branch's plan if the salary increases or other expenditures do
2750 not create a recurring cost to the state in excess of the
2751 recurring savings achieved by the judicial branch in the plan.

2752 (6) The judicial branch allowed to retain funds pursuant to
2753 this section shall submit in its next legislative budget request
2754 a schedule showing how it used such funds.

2755 Section 48. Section 221.20, Florida Statutes, is created to

19-00272-16

2016924__

2756 read:

2757 221.20 Activity-based planning and budgeting.—The Chief
2758 Justice of the Supreme Court is directed to work with the
2759 appropriations and appropriate substantive committees of the
2760 Legislature to identify and reach consensus on the appropriate
2761 services and activities for activity-based budgeting. It is the
2762 intent of the Legislature that all dollars within the judicial
2763 branch be allocated to the appropriate activity for budgeting
2764 purposes. Additionally, the judicial branch shall examine
2765 approved performance measures and recommend any changes so that
2766 outcomes are clearly delineated for each service or program, as
2767 appropriate, and outputs are aligned with activities. Output
2768 measures should be capable of being used to generate a unit cost
2769 for each activity resulting in a true accounting of what the
2770 state should spend on each activity it provides and what the
2771 state should expect to accomplish with those funds.

2772 Section 49. Section 221.21, Florida Statutes, is created to
2773 read:

2774 221.21 Requirements for performance measures and
2775 standards.—

2776 (1) The judicial branch shall maintain a comprehensive
2777 performance accountability system containing, at a minimum, a
2778 list of performance measures and standards that are adopted by
2779 the Legislature and subsequently amended pursuant to this
2780 section.

2781 (2) (a) The judicial branch shall submit output and outcome
2782 measures and standards, as well as historical baseline and
2783 performance data pursuant to s. 221.07.

2784 (b) The judicial branch shall also submit performance data,

19-00272-16

2016924__

2785 measures, and standards to the Office of Program Policy Analysis
2786 and Government Accountability upon request for review of the
2787 adequacy of the legislatively approved measures and standards.

2788 (3) The Chief Justice of the Supreme Court may submit
2789 deletions or amendments of the judicial branch's existing
2790 approved performance measures and standards or may submit
2791 additional performance measures and standards to the Legislature
2792 accompanied by justification for the change. The Chief Justice
2793 must ensure that the revision, deletion, or addition is
2794 consistent with legislative intent. Revisions or deletions of,
2795 or additions to, performance measures and standards submitted by
2796 the Chief Justice are subject to the review and objection
2797 procedure set forth in s. 216.177.

2798 (4) (a) The Legislature may create, amend, and delete
2799 performance measures and standards. The Legislature may confer
2800 with the Chief Justice of the Supreme Court before any such
2801 action.

2802 (b) The Legislature may require the judicial branch to
2803 submit revisions, additions, or deletions to approved
2804 performance measures and standards to the Legislature, subject
2805 to the review and objection procedure set forth in s. 216.177.

2806 (c) Any new judicial branch entity created by the
2807 Legislature is subject to the initial performance measures and
2808 standards established by the Legislature. The Legislature may
2809 require the judicial branch to provide any information necessary
2810 to create initial performance measures and standards.

2811 Section 50. Section 221.22, Florida Statutes, is created to
2812 read:

2813 221.22 Release of appropriations; revision of budgets.—

19-00272-16

2016924__

2814 (1) Unless otherwise provided by law, on July 1 of each
2815 fiscal year, up to 25 percent of the original approved operating
2816 budget of the judicial branch may be released until such time as
2817 annual plans for quarterly releases for all appropriations have
2818 been developed, approved, and furnished to the Chief Financial
2819 Officer by the Chief Justice of the Supreme Court for the
2820 judicial branch. The plans, including appropriate plans of
2821 releases for fixed capital outlay projects which correspond with
2822 each project schedule, must attempt to maximize the use of trust
2823 funds and shall be transmitted to the Chief Financial Officer by
2824 August 1 of each fiscal year. Such releases may not exceed the
2825 total appropriations available to the judicial branch, or the
2826 approved budget for the judicial branch if less. The Chief
2827 Financial Officer shall enter such releases in his or her
2828 records in accordance with the release plans prescribed by the
2829 Chief Justice, unless otherwise amended as provided by law. The
2830 Chief Justice shall transmit a copy of the approved annual
2831 releases to the head of the judicial branch entity, the chair
2832 and vice chair of the Legislative Budget Commission, and the
2833 Auditor General. The Chief Financial Officer shall authorize all
2834 expenditures to be made from the appropriations on the basis of
2835 such releases and in accordance with the approved budget, and
2836 not otherwise. Expenditures shall be authorized only in
2837 accordance with legislative authorizations. Nothing herein
2838 precludes periodic reexamination and revision by the Chief
2839 Justice of the annual plans for release of appropriations and
2840 the notifications of the parties of all such revisions.

2841 (2) Any department under the direct supervision of a member
2842 of the Cabinet or of a board consisting of the Governor and

19-00272-16

2016924__

2843 members of the Cabinet which contends that the plan for releases
2844 of funds appropriated to it is contrary to the approved
2845 operating budget shall have the right to have the issue reviewed
2846 by the Administration Commission, which shall decide such issue
2847 by majority vote.

2848 (3) The annual plans of releases authorized by this section
2849 may be considered by the Revenue Estimating Conference in
2850 preparation of the statement of financial outlook.

2851 (4) In order to implement directives contained in the
2852 General Appropriations Act or to prevent deficits pursuant to s.
2853 221.26, the Chief Justice may place appropriations for the
2854 judicial branch in budget reserve or mandatory reserve.

2855 (5) All budget actions taken pursuant to this section are
2856 subject to the notice and review procedures set forth in s.
2857 216.177.

2858 Section 51. Section 221.23, Florida Statutes, is created to
2859 read:

2860 221.23 Impoundment of funds; restricted.—The Chief Justice
2861 of the Supreme Court or any judicial branch entity may not
2862 impound any appropriation except as necessary to avoid or
2863 eliminate a deficit pursuant to s. 221.26. As used in this
2864 section, the term "impoundment" means the omission of any
2865 appropriation or part of an appropriation in the approved
2866 operating plan prepared pursuant to s. 221.18 or in the schedule
2867 of releases prepared pursuant to s. 221.22 or the failure of the
2868 judicial branch to spend an appropriation for the stated
2869 purposes authorized in the approved operating budget. The
2870 Governor or either house of the Legislature may seek judicial
2871 review of any action or proposed action that violates this

19-00272-16

2016924__

2872 section.

2873 Section 52. Section 221.24, Florida Statutes, is created to
2874 read:

2875 221.24 Budgets for federal funds; restrictions on
2876 expenditure of federal funds.—

2877 (1) (a) The Executive Office of the Governor and the office
2878 of the Chief Financial Officer shall develop and implement
2879 procedures for accelerating the drawdown of, and minimizing the
2880 payment of interest on, federal funds. The Executive Office of
2881 the Governor shall establish a clearinghouse for federal
2882 programs and activities. The clearinghouse shall develop the
2883 capacity to respond to federal grant opportunities and to
2884 coordinate the use of federal funds in the state.

2885 (b) Every office or court of the judicial branch, when
2886 making a request or preparing a budget to be submitted to the
2887 Federal Government for funds, equipment, material, or services,
2888 shall submit such request or budget to the Chief Justice of the
2889 Supreme Court for approval before submitting it to the proper
2890 federal authority. However, the Chief Justice may specifically
2891 authorize any court to submit specific types of grant proposals
2892 directly to the Federal Government.

2893 (2) When such federal authority has approved the request or
2894 budget, the judicial branch shall submit to the Executive Office
2895 of the Governor such documentation showing approval as that
2896 office prescribes. The Executive Office of the Governor must
2897 acknowledge each approved request or budget by entering that
2898 approval into an Automated Grant Management System developed in
2899 consultation with the chairs of the Senate and the House of
2900 Representatives appropriations committees.

19-00272-16

2016924__

2901 (3) Federal money appropriated by Congress or received from
2902 court settlements to be used for state purposes, whether by
2903 itself or in conjunction with moneys appropriated by the
2904 Legislature, may not be expended unless appropriated by the
2905 Legislature. However, the Chief Justice of the Supreme Court
2906 may, after consultation with the legislative appropriations
2907 committees, approve the receipt and expenditure of funds from
2908 federal sources by the judicial branch. Any federal programs
2909 requiring state matching funds which funds were eliminated, or
2910 were requested and were not approved, by the Legislature may not
2911 be implemented during the interim.

2912 Section 53. Section 221.25, Florida Statutes, is created to
2913 read:

2914 221.25 Court settlement funds negotiated by the state.—In
2915 any court settlement in which a judicial branch entity or
2916 officer or any other counsel representing the interests of the
2917 state negotiates settlement amounts to be expended by the
2918 judicial branch, such funds may not be expended unless the
2919 Legislature has appropriated funds to the judicial branch entity
2920 in the appropriate category or the Legislative Budget Commission
2921 has approved a budget amendment for such funds. In either
2922 instance, the funding source identified must be sufficient to
2923 cover both the anticipated program costs and the settlement
2924 amount, the settlement must not be contrary to the intent of the
2925 Legislature, and, if the settlement amount is substantial, good
2926 reason must exist for entering into the settlement before the
2927 next legislative session and no significant amount of recurring
2928 funding shall be committed. When a judicial branch entity or
2929 officer settles an action in which the state will receive

19-00272-16

2016924__

2930 moneys, the funds shall be placed in the General Revenue Fund or
2931 in the trust fund that is associated with the judicial branch
2932 entity or officer's authority to pursue the legal action. This
2933 section is subject to the notice and review procedures set forth
2934 in s. 216.177.

2935 Section 54. Section 221.26, Florida Statutes, is created to
2936 read:

2937 221.26 Appropriations as maximum appropriations; adjustment
2938 of budgets to avoid or eliminate deficits.-

2939 (1) All appropriations shall be maximum appropriations,
2940 based upon the collection of sufficient revenues to meet and
2941 provide for such appropriations. It is the duty of the Governor,
2942 as chief budget officer, to ensure that revenues collected will
2943 be sufficient to meet the appropriations and that no deficit
2944 occurs in any state fund.

2945 (2) The Legislature may annually provide direction in the
2946 General Appropriations Act regarding use of any state funds to
2947 offset General Revenue Fund deficits.

2948 (3) For purposes of preventing a deficit in the General
2949 Revenue Fund, all branches and agencies of government shall
2950 participate in deficit reduction efforts. Absent specific
2951 legislative direction, when budget reductions are required in
2952 order to prevent a deficit under subsection (6), each branch
2953 shall reduce its General Revenue Fund appropriations by a
2954 proportional amount.

2955 (4) (a) If, in the opinion of the Governor, after
2956 consultation with the Revenue Estimating Conference, a deficit
2957 will occur in the General Revenue Fund, he or she shall so
2958 certify to the commission and to the Chief Justice of the

19-00272-16

2016924__

2959 Supreme Court. No more than 30 days after certifying that a
2960 deficit will occur in the General Revenue Fund, the Chief
2961 Justice shall develop for the judicial branch and provide to the
2962 commission and to the Legislature plans of action to eliminate
2963 the deficit.

2964 (b) If, in the opinion of the President of the Senate and
2965 the Speaker of the House of Representatives, after consultation
2966 with the Revenue Estimating Conference, a deficit will occur in
2967 the General Revenue Fund and the Governor has not certified the
2968 deficit, the President of the Senate and the Speaker of the
2969 House of Representatives shall so certify. Within 30 days after
2970 such certification, the Chief Justice shall develop for the
2971 judicial branch and provide to the commission and to the
2972 Legislature plans of action to eliminate the deficit.

2973 (c) In developing a plan of action to prevent deficits in
2974 accordance with subsection (6), the Chief Justice shall, to the
2975 extent possible, preserve legislative policy and intent, and,
2976 absent any specific direction to the contrary in the General
2977 Appropriations Act, the Chief Justice shall comply with the
2978 following guidelines for reductions in the approved operating
2979 budgets of the judicial branch:

2980 1. Education budgets should not be reduced more than
2981 provided for in s. 215.16(2).

2982 2. The use of nonrecurring funds to solve recurring
2983 deficits should be minimized.

2984 3. Newly created programs that are not fully implemented
2985 and programs with critical audits, evaluations, and reviews
2986 should receive first consideration for reductions.

2987 4. No branches of government receiving appropriations

19-00272-16

2016924__

2988 should be exempt from reductions.

2989 5. When reductions in positions are required, the focus
2990 initially should be on vacant positions.

2991 6. Reductions that would cause substantial losses of
2992 federal funds should be minimized.

2993 7. Reductions to statewide programs should occur only after
2994 review of programs that provide only local benefits.

2995 8. Reductions in administrative and support functions
2996 should be considered before reductions in direct-support
2997 services.

2998 9. Maximum reductions should be considered in budgets for
2999 expenses including travel and in budgets for equipment
3000 replacement, outside consultants, and contracts.

3001 10. Reductions in salaries for elected state officials
3002 should be considered.

3003 11. Reductions that adversely affect the public health,
3004 safety, and welfare should be minimized.

3005 12. The Budget Stabilization Fund should not be reduced to
3006 a level that would impair the financial stability of this state.

3007 13. Reductions in programs that are traditionally funded by
3008 the private sector and that may be assumed by private enterprise
3009 should be considered.

3010 14. Reductions in programs that are duplicated among state
3011 agencies or branches of government should be considered.

3012 (5) If the Revenue Estimating Conference projects a deficit
3013 in the General Revenue Fund in excess of 1.5 percent of the
3014 moneys appropriated from the General Revenue Fund during a
3015 fiscal year or when the cumulative total of a series of
3016 projected deficits in the General Revenue Fund exceeds 1.5

19-00272-16

2016924__

3017 percent of the moneys appropriated from the General Revenue
3018 Fund, the deficit shall be resolved by the Legislature.

3019 (6) Deficits in the General Revenue Fund which do not meet
3020 the amounts specified by subsection (5) shall be resolved by the
3021 Chief Justice of the Supreme Court for the judicial branch. The
3022 Chief Justice shall implement any directions provided in the
3023 General Appropriations Act related to eliminating deficits and
3024 to reducing judicial branch budgets, including the use of those
3025 legislative appropriations voluntarily placed in reserve. In
3026 addition, the Chief Justice shall implement any directions in
3027 the General Appropriations Act relating to the resolution of
3028 deficit situations. When reducing judicial branch budgets, the
3029 Chief Justice shall use the guidelines prescribed in subsection
3030 (4). The Chief Justice shall implement the deficit reduction
3031 plans for the judicial branch through amendments to the approved
3032 operating budgets in accordance with s. 221.18.

3033 (7) The Chief Financial Officer shall also ensure that
3034 revenues being collected will be sufficient to meet the
3035 appropriations and that no deficit occurs in any fund of the
3036 state.

3037 (8) If, in the opinion of the Chief Financial Officer,
3038 after consultation with the Revenue Estimating Conference, a
3039 deficit will occur, he or she shall report his or her opinion to
3040 the Governor, the President of the Senate, and the Speaker of
3041 the House of Representatives in writing. If the Governor does
3042 not certify a deficit, or the President of the Senate and the
3043 Speaker of the House of Representatives do not certify a deficit
3044 within 10 days after the Chief Financial Officer's report, the
3045 Chief Financial Officer shall report his or her findings and

19-00272-16

2016924__

3046 opinion to the commission and the Chief Justice of the Supreme
3047 Court.

3048 (9) When advised by the Revenue Estimating Conference that
3049 a deficit will occur with respect to the appropriations from a
3050 specific trust fund in the current fiscal year, the Chief
3051 Financial Officer, or the Chief Justice for the judicial branch,
3052 shall develop a plan of action to eliminate the deficit. Before
3053 implementing the plan of action, the Chief Justice must comply
3054 with s. 216.177(2), and actions to resolve deficits in excess of
3055 \$1 million must be approved by the Legislative Budget
3056 Commission. In developing the plan of action, the Chief Justice
3057 shall, to the extent possible, preserve legislative policy and
3058 intent.

3059 (10) Once a deficit is determined to have occurred and
3060 action is taken to reduce approved operating budgets and release
3061 authority, no action may be taken to restore the reductions,
3062 either directly or indirectly.

3063 Section 55. Section 221.27, Florida Statutes, is created to
3064 read:

3065 221.27 Release of certain classified appropriations.-

3066 (1) (a) Any appropriation to the Executive Office of the
3067 Governor which is classified as an emergency, as defined in s.
3068 252.34, may be released only with the approval of the Governor.
3069 The judicial branch, desiring the use of the emergency
3070 appropriation, shall submit to the Executive Office of the
3071 Governor application in writing stating the facts from which the
3072 alleged need arises. The Executive Office of the Governor shall
3073 promptly review such application at a public hearing and approve
3074 or disapprove the application as the circumstances may warrant.

19-00272-16

2016924__

3075 All actions of the Executive Office of the Governor shall be
3076 reported to the legislative appropriations committees, and the
3077 committees may advise the Executive Office of the Governor
3078 relative to the release of such funds.

3079 (b) The release of appropriated funds classified as
3080 "emergency" shall be approved only if an event or circumstance
3081 caused by an act of God, civil disturbance, natural disaster, or
3082 other circumstance of an emergency nature threatens, endangers,
3083 or damages the property, safety, health, or welfare of the state
3084 or its residents, and which condition has not been provided for
3085 in appropriations acts of the Legislature. Funds allocated for
3086 this purpose may be used to pay overtime pay to personnel of
3087 agencies called upon to perform extra duty because of any civil
3088 disturbance or other emergency as defined in s. 252.34 and to
3089 provide the required state match for federal grants under the
3090 federal Disaster Relief Act.

3091 (2) The release of appropriated funds classified as
3092 "deficiency" shall be approved only when a General Revenue Fund
3093 appropriation for judicial branch operations is inadequate
3094 because the workload or cost of an operation exceeds that
3095 anticipated by the Legislature and the Governor has made a
3096 determination that the deficiency will result in an impairment
3097 of judicial branch activities to the extent that the judicial
3098 branch entity is unable to carry out its program as provided by
3099 the Legislature in the general appropriations acts. These funds
3100 may not be used for creation of any new judicial branch entity
3101 or program, for increases of salaries, or for the construction
3102 or equipping of additional buildings.

3103 (3) Notwithstanding any other provisions of law, moneys

19-00272-16

2016924__

3104 appropriated in any appropriations act to the Governor for
3105 discretionary contingencies may be expended at his or her
3106 discretion to promote general governmental and intergovernmental
3107 cooperation and to enhance the image of the state. All funds
3108 expended for such purposes shall be accounted for, and a report
3109 showing the amounts expended, the names of the persons receiving
3110 the amounts expended, and the purpose of each expenditure shall
3111 be annually submitted to the Auditor General and the legislative
3112 appropriations committees.

3113 Section 56. Section 221.28, Florida Statutes, is created to
3114 read:

3115 221.28 Initiation or commencement of new programs;
3116 approval; expenditure of certain revenues.-

3117 (1) The judicial branch may not initiate or commence any
3118 new program, including any new federal program or initiative, or
3119 make changes in its current programs, as provided for in the
3120 appropriations act, which require additional financing unless
3121 funds have been specifically appropriated by the Legislature or
3122 unless the Legislative Budget Commission expressly approves such
3123 new program or changes.

3124 (2) Changes that are inconsistent with the approved budget
3125 may not be made to existing programs unless such changes are
3126 recommended to the Legislative Budget Commission by the Chief
3127 Justice and the Legislative Budget Commission expressly approves
3128 such program changes. This subsection is subject to the notice,
3129 review, and objection procedures set forth in s. 216.177.

3130 Section 57. Section 221.29, Florida Statutes, is created to
3131 read:

3132 221.29 Salary appropriations; limitations.-

19-00272-16

2016924__

3133 (1) The annual rate of salary of any officer or employee
3134 filling the position specifically named in an item in the
3135 appropriations acts shall be as provided in one of the
3136 following:

3137 (a) Included in the amount appropriated for such position;
3138 (b) Calculated as the amount appropriated in an item for
3139 the named positions in that item divided by the indicated number
3140 of such positions, the resulting quotient being the annual rate
3141 of salary of each position; or
3142 (c) Provided for in the amounts appropriated if such salary
3143 may be otherwise fixed pursuant to law.

3144 (2) (a) The salary for each position not specifically
3145 indicated in the appropriations acts shall be as provided in one
3146 of the following:

3147 1. Within the classification and pay plans provided for in
3148 chapter 110.
3149 2. Within the approved classification and pay plan for the
3150 judicial branch.

3151 (b) Salary payments shall be made only to employees filling
3152 established positions included in the judicial branch's approved
3153 budgets and amendments thereto as may be provided by law;
3154 however:

3155 1. Reclassification of established positions may be
3156 accomplished when justified in accordance with the established
3157 procedures for reclassifying positions; or
3158 2. When the Division of Risk Management of the Department
3159 of Financial Services has determined that an employee is
3160 entitled to receive a temporary partial disability benefit or a
3161 temporary total disability benefit pursuant to s. 440.15 and

19-00272-16

2016924__

3162 there is medical certification that the employee cannot perform
3163 the duties of the employee's regular position, but the employee
3164 can perform some type of work beneficial to the judicial branch
3165 entity, the judicial branch entity may return the employee to
3166 the payroll, at his or her regular rate of pay, to perform such
3167 duties as the employee is capable of performing, even if there
3168 is not an established position in which the employee can be
3169 placed. This subparagraph does not abrogate an employee's rights
3170 under chapter 440 or chapter 447, nor does it adversely affect
3171 the retirement credit of a member of the Florida Retirement
3172 System in the membership class he or she was in at the time of,
3173 and during, the member's disability.

3174 (3) A judicial branch entity may not provide general salary
3175 increases or pay additives for a cohort of positions sharing the
3176 same job classification or job occupations which the Legislature
3177 has not authorized in the General Appropriations Act or other
3178 laws.

3179 Section 58. Section 221.30, Florida Statutes, is created to
3180 read:

3181 221.30 Authorized positions.-

3182 (1) (a) Unless otherwise expressly provided by law, the
3183 total number of authorized positions may not exceed the total
3184 provided in the appropriations acts. If any entity of the
3185 judicial branch finds that the number of positions so provided
3186 is not sufficient to administer its authorized programs, it may
3187 file an application with the Chief Justice; and, if the Chief
3188 Justice certifies that there are no authorized positions
3189 available for addition, deletion, or transfer within the
3190 judicial branch entity as provided in paragraph (c) and

19-00272-16

2016924__

3191 recommends an increase in the number of positions, the Chief
3192 Justice may recommend an increase in the number of positions for
3193 the following reasons only:

3194 1. To implement or provide for continuing federal grants or
3195 changes in grants not previously anticipated.

3196 2. To meet emergencies pursuant to s. 252.36.

3197 3. To satisfy new federal regulations or changes.

3198 4. To take advantage of opportunities to reduce operating
3199 expenditures or to increase the revenues of the state or local
3200 government.

3201 5. To authorize positions that were not fixed by the
3202 Legislature through error in drafting the appropriations acts.

3203
3204 Actions recommended pursuant to this paragraph are subject to
3205 approval by the Legislative Budget Commission. The certification
3206 and the final authorization shall be provided to the Legislative
3207 Budget Commission, the appropriations committees, and the
3208 Auditor General.

3209 (b) The Chief Justice may, after a public hearing, delete
3210 supervisory or managerial positions within the judicial branch
3211 and establish direct service delivery positions in excess of the
3212 number of supervisory or managerial positions deleted. The
3213 salary rate for all positions authorized under this paragraph
3214 may not exceed the salary rate for all positions deleted under
3215 this paragraph. Positions affected by changes made under this
3216 paragraph may be funded only from identical funding sources.

3217 (c) The Chief Justice of the Supreme Court may establish
3218 procedures for the judicial branch to add and delete authorized
3219 positions or transfer authorized positions from one budget

19-00272-16

2016924__

3220 entity to another budget entity, and to add and delete
3221 authorized positions within the same budget entity, when such
3222 changes are consistent with legislative policy and intent and do
3223 not conflict with spending policies specified in the General
3224 Appropriations Act.

3225 (d) An individual employed by the judicial branch may not
3226 hold more than one employment during his or her normal working
3227 hours with the state, such working hours to be determined by the
3228 head of the judicial branch entity affected, unless approved by
3229 the Chief Justice of the Supreme Court.

3230 (e) An individual employed by the judicial branch may not
3231 fill more than a total of one full-time equivalent established
3232 position, receive compensation simultaneously from any
3233 appropriation other than appropriations for salaries, or receive
3234 compensation simultaneously from more than one judicial branch
3235 entity unless approved by the Chief Justice during each fiscal
3236 year.

3237 (f) Perquisites may not be furnished by the judicial branch
3238 unless approved by the Chief Justice during each fiscal year.
3239 Whenever the judicial branch is to furnish perquisites, the
3240 Chief Justice must approve the kind and monetary value of such
3241 perquisites before they may be furnished. Perquisites may be
3242 furnished only when in the best interest of the state due to the
3243 exceptional or unique requirements of the position. The value of
3244 a perquisite may not be used to compute an employee's base rate
3245 of pay or regular rate of pay unless required by the Fair Labor
3246 Standards Act. Permissible perquisites include, but are not
3247 limited to, moving expenses, clothing, use of vehicles and other
3248 transportation, domestic services, groundskeeping services,

19-00272-16

2016924__

3249 telephone services, medical services, housing, utilities, and
3250 meals. As used in this section, the term "perquisites" means
3251 those things, or the use thereof, or services that confer on the
3252 officers or employees receiving them some benefit that is in the
3253 nature of additional compensation, or that reduce to some extent
3254 the normal personal expenses of the officer or employee
3255 receiving them. The term includes, but is not limited to, such
3256 things as quarters, subsistence, utilities, laundry services,
3257 medical services, use of state-owned vehicles for other than
3258 state purposes, and servants paid by the state.

3259 (g) If goods and services are to be sold to officers and
3260 employees of the judicial branch rather than being furnished as
3261 perquisites, the kind and selling price thereof shall be
3262 approved by the Chief Justice during each fiscal year before
3263 such sales are made. The selling price may be deducted from any
3264 amounts due by the state to any person receiving such things.
3265 The amount of cash so deducted shall be faithfully accounted
3266 for. This paragraph does not apply to sales to officers or
3267 employees of items generally sold to the public and does not
3268 apply to meals that may be provided without charge to volunteers
3269 under a volunteer service program approved by the Department of
3270 Management Services. The goods and services may include, but are
3271 not limited to, medical services, long-term and short-term
3272 rental housing, and laundry and transportation services.

3273 (2) Paragraphs (1) (d) and (e) do not apply to an individual
3274 filling a position the salary of which has been specifically
3275 fixed or limited by law. Unless specifically authorized by law,
3276 an individual filling or performing the duties of a position the
3277 salary of which has been specifically fixed or limited by law

19-00272-16

2016924__

3278 may not receive compensation from more than one appropriation,
3279 or in excess of the amount so fixed or limited by law,
3280 regardless of any additional duties performed by that individual
3281 in any capacity or position. However, this subsection does not
3282 prohibit additional compensation from an educational
3283 appropriation to any person holding a position the salary of
3284 which is specifically fixed or limited by law, if such
3285 compensation does not exceed payment for more than one course of
3286 instruction during any one academic term and such compensation
3287 is approved as provided in paragraphs (1)(d) and (e). Any
3288 compensation received by any person pursuant to this subsection
3289 may not be computed as a part of average final compensation for
3290 retirement purposes under chapter 121.

3291 (3) A full-time position may not be filled by more than the
3292 equivalent of one full-time officer or employee, except when
3293 extenuating circumstances exist. Extenuating circumstances will
3294 be provided for in rules to be adopted by the Chief Justice.

3295 Section 59. Section 221.31, Florida Statutes, is created to
3296 read:

3297 221.31 Revolving funds.—

3298 (1) A revolving fund may not be established or increased in
3299 amount pursuant to s. 17.58(2) unless approved by the Chief
3300 Financial Officer. The purpose and uses of a revolving fund may
3301 not be changed without the prior approval of the Chief Financial
3302 Officer. As used in this section, the term "revolving fund"
3303 means a cash fund maintained within or outside the State
3304 Treasury and established from an appropriation, to be used by
3305 the judicial branch in making authorized expenditures.

3306 (2) When the Chief Financial Officer approves a revolving

19-00272-16

2016924__

3307 or petty cash fund for making refunds or other payments, the
3308 fund shall be established from an account within the appropriate
3309 fund to be known as "payments for revolving funds from funds not
3310 otherwise appropriated." Reimbursements made from revolving or
3311 petty cash funds shall be made in strict accordance with s.
3312 215.26(2). The Chief Financial Officer may restrict the types of
3313 uses of any revolving fund established pursuant to this section.

3314 (3) Vouchers for reimbursement of expenditures from
3315 revolving funds established under this section shall be
3316 presented in a routine manner to the Chief Financial Officer for
3317 approval and payment, the proceeds of which shall be returned to
3318 the revolving or petty cash fund involved.

3319 (4) The revolving or petty cash fund authorized in this
3320 section shall be properly maintained and accounted for by the
3321 judicial branch requesting the fund and, upon the expiration of
3322 the need for the fund, shall be returned in the amount
3323 originally established to the appropriate fund for credit to the
3324 payments for revolving funds account therein.

3325 (5) Reimbursement to the revolving fund for uninsured
3326 losses and theft may be made from the fund in which the
3327 responsible operating department is budgeted. Such reimbursement
3328 shall be submitted consistent with procedures specified by the
3329 Chief Financial Officer.

3330 Section 60. Section 221.32, Florida Statutes, is created to
3331 read:

3332 221.32 Clearing accounts.—A clearing account may not be
3333 established outside the State Treasury pursuant to s. 17.58(2)
3334 unless approved by the Chief Financial Officer during the fiscal
3335 year. The judicial branch desiring to maintain a clearing

19-00272-16

2016924__

3336 account outside of the State Treasury shall submit a written
3337 request to do so to the Chief Financial Officer in accordance
3338 with the format and manner prescribed by the Chief Financial
3339 Officer. The Chief Financial Officer shall maintain a listing of
3340 all clearing accounts approved during the fiscal year.

3341 Section 61. Section 221.33, Florida Statutes, is created to
3342 read:

3343 221.33 Appropriations nontransferable; exceptions.—

3344 (1) (a) Funds provided in the General Appropriations Act or
3345 as otherwise expressly provided by law shall be expended only
3346 for the purpose for which appropriated, except that such moneys
3347 may be transferred as provided in this section when it is
3348 determined to be in the best interest of the state.

3349 Appropriations for fixed capital outlay may not be expended for
3350 any other purpose. Appropriations may not be transferred between
3351 state agencies, or between a state agency and the judicial
3352 branch, unless specifically authorized by law.

3353 (b)1. Authorized revisions of the original approved
3354 operating budget, together with related changes in the plan for
3355 release of appropriations, if any, shall be transmitted by the
3356 judicial branch to the Chief Justice of the Supreme Court, the
3357 chairs of the Senate and the House of Representatives
3358 appropriations committees, the Office of Program Policy Analysis
3359 and Government Accountability, and the Auditor General. Such
3360 authorized revisions shall be consistent with the intent of the
3361 approved operating budget, shall be consistent with legislative
3362 policy and intent, and may not conflict with spending policies
3363 specified in the General Appropriations Act.

3364 2. Authorized revisions, together with related changes, if

19-00272-16

2016924__

3365 any, in the plan for release of appropriations shall be
3366 transmitted by the judicial branch to the Chief Financial
3367 Officer for entry in the Chief Financial Officer's records in
3368 the manner and format prescribed by the Executive Office of the
3369 Governor in consultation with the Chief Financial Officer.

3370 3. The Chief Justice shall forward a copy of the revisions
3371 within 7 working days to the Chief Financial Officer for entry
3372 in his or her records in the manner and format prescribed by the
3373 Executive Office of the Governor in consultation with the Chief
3374 Financial Officer.

3375 (2) The following transfers are authorized to be made by
3376 the Chief Justice of the Supreme Court whenever it is deemed
3377 necessary by reason of changed conditions:

3378 (a) The transfer of appropriations funded from identical
3379 funding sources, except appropriations for fixed capital outlay,
3380 and the transfer of amounts included within the total original
3381 approved budget and plans of releases of appropriations as
3382 furnished pursuant to ss. 221.18 and 221.22, as follows:

3383 1. Between categories of appropriations within a budget
3384 entity, if no category of appropriation is increased or
3385 decreased by more than 5 percent of the original approved budget
3386 or \$250,000, whichever is greater, by all action taken under
3387 this subsection.

3388 2. Between budget entities within identical categories of
3389 appropriations, if no category of appropriation is increased or
3390 decreased by more than 5 percent of the original approved budget
3391 or \$250,000, whichever is greater, by all action taken under
3392 this subsection.

3393 3. Any judicial branch entity exceeding salary rates

19-00272-16

2016924__

3394 established pursuant to s. 221.18(8) on June 30 of any fiscal
3395 year may not be authorized to make transfers pursuant to
3396 subparagraphs 1. and 2. in the subsequent fiscal year.

3397 4. Notice of proposed transfers under subparagraphs 1. and
3398 2. shall be provided to the Executive Office of the Governor and
3399 the chairs of the legislative appropriations committees at least
3400 3 days before judicial branch entity implementation in order to
3401 provide an opportunity for review.

3402 (b) After providing notice at least 5 working days before
3403 implementation:

3404 1. The transfer of funds within programs identified in the
3405 General Appropriations Act from identical funding sources
3406 between the following appropriation categories without
3407 limitation so long as such a transfer does not result in an
3408 increase to the total recurring general revenue or trust fund
3409 cost of the entity of the judicial branch in the subsequent
3410 fiscal year: other personal services, expenses, operating
3411 capital outlay, food products, state attorney and public
3412 defender operations, data processing services, operating and
3413 maintenance of patrol vehicles, overtime payments, salary
3414 incentive payments, compensation to retired judges, law
3415 libraries, and juror and witness payments.

3416 2. The transfer of funds and positions from identical
3417 funding sources between salaries and benefits appropriation
3418 categories within programs identified in the General
3419 Appropriations Act. Such transfers must be consistent with
3420 legislative policy and intent and may not adversely affect
3421 achievement of approved performance outcomes or outputs in any
3422 program.

19-00272-16

2016924__

3423 (c) The transfer of funds appropriated to accounts
3424 established for disbursement purposes upon release of such
3425 appropriation at the request of a judicial branch entity and
3426 approval by the Chief Financial Officer. Such transfer may be
3427 made only to the same appropriation category and the same
3428 funding source from which the funds are transferred.

3429 (3) The following transfers may be made with the approval
3430 of the Chief Justice for the judicial branch, subject to the
3431 notice and objection provisions of s. 216.177:

3432 (a) The transfer of appropriations for operations from
3433 trust funds in excess of those provided in subsection (2), up to
3434 \$1 million.

3435 (b) The transfer of positions between budget entities.

3436 (4) The following transfers may be made with the approval
3437 of the Legislative Budget Commission:

3438 (a) The transfer of appropriations for operations from the
3439 General Revenue Fund in excess of those provided in this section
3440 but within the judicial branch, as recommended by the Chief
3441 Justice of the Supreme Court.

3442 (b) The transfer of appropriations for operations from
3443 trust funds in excess of those authorized in subsection (2) or
3444 subsection (3), as recommended by the Chief Justice of the
3445 Supreme Court.

3446 (c) The transfer of the portion of an appropriation for a
3447 named fixed capital outlay project found to be in excess of that
3448 needed to complete the project to another project found to have
3449 a deficiency and for which there has been an appropriation in
3450 the same fiscal year from the same fund and within the same
3451 judicial branch entity, at the request of the Chief Justice of

19-00272-16

2016924__

3452 the Supreme Court for the judicial branch. The scope of a fixed
3453 capital outlay project may not be changed by any transfer of
3454 funds made pursuant to this subsection.

3455 (d) The transfers necessary to accomplish the purposes of
3456 reorganization within the judicial branch authorized by the
3457 Legislature when the necessary adjustments of appropriations and
3458 positions have not been provided in the General Appropriations
3459 Act.

3460
3461 Unless waived by the chair and vice chair of the commission,
3462 notice of the transfers provided in this subsection must be
3463 provided 14 days before the commission meeting.

3464 (5) A transfer of funds may not result in the initiation of
3465 a fixed capital outlay project that has not received a specific
3466 legislative appropriation.

3467 (6) The Chief Financial Officer shall transfer from any
3468 available funds of the judicial branch the following amounts and
3469 shall report all such transfers and the reasons for the
3470 transfers to the legislative appropriations committees and the
3471 Executive Office of the Governor:

3472 (a) The amount due to the Unemployment Compensation Trust
3473 Fund which is more than 90 days delinquent on reimbursements due
3474 to the trust fund. The amount transferred shall be that
3475 certified by the judicial branch entity providing reemployment
3476 assistance tax collection services under contract with the
3477 Department of Economic Opportunity through an interagency
3478 agreement pursuant to s. 443.1316.

3479 (b) The amount due to the Division of Risk Management which
3480 is more than 90 days delinquent in payment to the division for

19-00272-16

2016924__

3481 insurance coverage. The amount transferred shall be that
3482 certified by the division.

3483 (c) The amount due to the Communications Working Capital
3484 Trust Fund from moneys appropriated in the General
3485 Appropriations Act for the purpose of paying for services
3486 provided by the state communications system in the Department of
3487 Management Services which is unpaid 45 days after the billing
3488 date. The amount transferred shall be that billed by the
3489 department.

3490 (7) Notwithstanding subsections (2), (3), and (4), and for
3491 the 2015-2016 fiscal year only, the Agency for State Technology,
3492 with the approval of the Executive Office of the Governor and
3493 after 14 days prior notice, may transfer up to \$2.5 million of
3494 recurring funds from the Working Capital Trust Fund within the
3495 Agency for State Technology between appropriations categories
3496 for operations, as needed, to realign funds, based upon the
3497 final report of the third-party assessment required by January
3498 15, 2016, to begin migration of cloud-ready applications at the
3499 State Data Center to a cloud solution that complies with all
3500 applicable federal and state security and privacy requirements,
3501 to the extent feasible within available resources, while
3502 continuing to provide computing services for existing data
3503 center applications, until those applications can be cloud-
3504 ready. Such transfers are subject to the notice and objection
3505 provisions of s. 216.177. This subsection expires July 1, 2016.

3506 Section 62. Section 221.34, Florida Statutes, is created to
3507 read:

3508 221.34 Appropriations; undisbursed balances.—

3509 (1) (a) As of June 30 of each year, for appropriations for

19-00272-16

2016924__

3510 operations only, the judicial branch shall identify in the
3511 state's financial system any incurred obligation that has not
3512 been disbursed, showing in detail the commitment or to whom
3513 obligated and the amounts of such commitments or obligations.
3514 Any appropriation not identified as an incurred obligation
3515 effective June 30 shall revert to the fund from which it was
3516 appropriated and shall be available for reappropriation by the
3517 Legislature.

3518 (b) The undisbursed release balance of any authorized
3519 appropriation, except an appropriation for fixed capital outlay,
3520 for any given fiscal year remaining on June 30 of the fiscal
3521 year shall be carried forward in an amount equal to the incurred
3522 obligations identified in paragraph (a). Any such incurred
3523 obligations remaining undisbursed on September 30 shall revert
3524 to the fund from which appropriated and shall be available for
3525 reappropriation by the Legislature. The Chief Financial Officer
3526 shall monitor changes made to incurred obligations before the
3527 September 30 reversion to ensure generally accepted accounting
3528 principles and legislative intent are followed.

3529 (c) If an appropriate identification of an incurred
3530 obligation is not made and an incurred obligation is proven to
3531 be legal, due, and unpaid, then the incurred obligation shall be
3532 paid and charged to the appropriation for the current fiscal
3533 year of the judicial branch entity affected.

3534 (d) The judicial branch shall maintain the integrity of the
3535 General Revenue Fund. Appropriations from the General Revenue
3536 Fund contained in the original approved budget may be
3537 transferred to the proper trust fund for disbursement. Any
3538 reversion of appropriation balances from programs that receive

19-00272-16

2016924__

3539 funding from the General Revenue Fund and trust funds shall be
3540 transferred to the General Revenue Fund within 15 days after
3541 such reversion, unless otherwise provided by federal or state
3542 law, including the General Appropriations Act. The Chief Justice
3543 of the Supreme Court shall determine the judicial branch
3544 programs that are subject to this paragraph. This determination
3545 shall be subject to the legislative consultation and objection
3546 process in this chapter.

3547 (2) (a) The balance of any appropriation for fixed capital
3548 outlay which is not disbursed but expended, contracted, or
3549 committed to be expended before February 1 of the second fiscal
3550 year of the appropriation shall be certified by the head of the
3551 affected judicial branch on February 1 to the Executive Office
3552 of the Governor, showing in detail the commitment or to whom
3553 obligated and the amount of the commitment or obligation. The
3554 Chief Justice of the Supreme Court for the judicial branch shall
3555 review and approve or disapprove, consistent with criteria
3556 jointly developed by the Executive Office of the Governor and
3557 the legislative appropriations committees, the continuation of
3558 such unexpended balances. The Executive Office of the Governor
3559 shall, no later than February 28 of each year, furnish to the
3560 Chief Financial Officer, the legislative appropriations
3561 committees, and the Auditor General a report listing in detail
3562 the items and amounts reverting under the authority of this
3563 subsection, including the fund to which reverted and the
3564 judicial branch entity affected.

3565 (b) The certification required in this subsection shall be
3566 in the form and on the date approved by the Executive Office of
3567 the Governor. Any balance that is not certified shall revert to

19-00272-16

2016924__

3568 the fund from which it was appropriated and be available for
3569 reappropriation.

3570 (c) The balance of any appropriation for fixed capital
3571 outlay certified forward under paragraph (a) which is not
3572 disbursed but expended, contracted, or committed to be expended
3573 before the end of the second fiscal year of the appropriation
3574 and any subsequent fiscal year, shall be certified by the head
3575 of the affected judicial branch entity on or before August 1 of
3576 each year to the Executive Office of the Governor, showing in
3577 detail the commitment or to whom obligated and the amount of
3578 such commitment or obligation. On or before September 1 of each
3579 year, the Executive Office of the Governor shall review and
3580 approve or disapprove, consistent with legislative policy and
3581 intent, any or all of the items and amounts certified by the
3582 head of the affected judicial branch entity and shall approve
3583 all items and amounts certified by the Chief Justice of the
3584 Supreme Court and shall furnish to the Chief Financial Officer,
3585 the legislative appropriations committees, and the Auditor
3586 General a detailed listing of the items and amounts approved as
3587 legal encumbrances against the undisbursed balances of such
3588 appropriations. If such certification is not made and the
3589 balance of the appropriation has reverted and the obligation is
3590 proven to be legal, due, and unpaid, the obligation shall be
3591 presented to the Legislature for its consideration.

3592 Section 63. Section 221.35, Florida Statutes, is created to
3593 read:

3594 221.35 Contract appropriation; requirements.—A judicial
3595 branch public officer or employee may not enter into any
3596 contract or agreement on behalf of the state or judicial branch

19-00272-16

2016924__

3597 which binds the state or the judicial branch for the purchase of
3598 services or tangible personal property in excess of \$5 million
3599 unless the contract identifies the specific appropriation of
3600 state funds from which the state will make payment under the
3601 contract in the first year of the contract, unless the
3602 Legislature expressly authorizes the judicial branch to enter
3603 into such contract absent a specific appropriation of funds.

3604 Section 64. Section 221.36, Florida Statutes, is created to
3605 read:

3606 221.36 Construction of this chapter as to unauthorized
3607 expenditures and disbursements.—Nothing contained in any
3608 legislative budget or operating budget shall be construed to be
3609 an administrative or legislative construction affirming the
3610 existence of the lawful authority to make an expenditure or
3611 disbursement for any purpose not otherwise authorized by laws of
3612 the judicial branch and the general laws relating to the
3613 expenditure or disbursement of public funds.

3614 Section 65. Section 221.37, Florida Statutes, is created to
3615 read:

3616 221.37 Professional or other organization membership dues;
3617 payment.—

3618 (1) The judicial branch, upon approval by the head or the
3619 designated agent thereof, may utilize state funds for the
3620 purpose of paying dues for membership in a professional or other
3621 organization only when such membership is essential to the
3622 statutory duties and responsibilities of the judicial branch
3623 entity.

3624 (2) Upon certification by a professional or other
3625 organization that it does not accept institutional memberships,

19-00272-16

2016924__

3626 the branch may authorize the use of state funds for the payment
3627 of individual membership dues when such membership is essential
3628 to the statutory duties and responsibilities of the judicial
3629 branch by which the individual is employed. However, approval
3630 may not be granted to pay membership dues for maintenance of an
3631 individual's professional or trade status in any association or
3632 organization, unless branch membership is necessary and purchase
3633 of an individual membership is more economical.

3634 (3) The judicial branch shall adopt specific criteria to be
3635 used to determine justification for payment of such membership
3636 dues.

3637 (4) Payments for membership dues are exempt from part I of
3638 chapter 287.

3639 Section 66. Section 221.38, Florida Statutes, is created to
3640 read:

3641 221.38 Disbursement of grants and aids appropriations for
3642 lobbying prohibited.—The judicial branch may not authorize or
3643 make any disbursement of grants and aids appropriations pursuant
3644 to a contract or grant to any person or organization unless the
3645 terms of the grant or contract prohibit the expenditure of funds
3646 for the purpose of lobbying the Legislature, the judicial
3647 branch, or a judicial branch entity. This section is
3648 supplemental to s. 11.062 and any other law prohibiting the use
3649 of state funds for lobbying purposes. However, for the purposes
3650 of this section and s. 11.062, the payment of funds for the
3651 purpose of registering as a lobbyist may not be considered a
3652 lobbying purpose.

3653 Section 67. Subsection (2) of section 402.731, Florida
3654 Statutes, is amended to read:

19-00272-16

2016924__

3655 402.731 Department of Children and Families certification
 3656 programs for employees and service providers; employment
 3657 provisions for transition to community-based care.—

3658 (2) The department shall develop and implement employment
 3659 programs to attract and retain competent staff to support and
 3660 facilitate the transition to privatized community-based care.
 3661 Such employment programs shall include lump-sum bonuses, salary
 3662 incentives, relocation allowances, or severance pay. The
 3663 department shall also contract for the delivery or
 3664 administration of outplacement services. The department shall
 3665 establish time-limited exempt positions as provided in s.
 3666 110.205(2)(i), in accordance with the authority provided in s.
 3667 216.262(1)(c) ~~s. 216.262(1)(e)~~1. Employees appointed to fill
 3668 such exempt positions shall have the same salaries and benefits
 3669 as career service employees.

3670 Section 68. Subsection (6) of section 624.307, Florida
 3671 Statutes, is amended to read:

3672 624.307 General powers; duties.—

3673 (6) The department and office may each employ actuaries who
 3674 shall be at-will employees and who shall serve at the pleasure
 3675 of the Chief Financial Officer, in the case of department
 3676 employees, or at the pleasure of the director of the office, in
 3677 the case of office employees. Actuaries employed pursuant to
 3678 this paragraph shall be members of the Society of Actuaries or
 3679 the Casualty Actuarial Society and shall be exempt from the
 3680 Career Service System established under chapter 110. The
 3681 salaries of the actuaries employed pursuant to this paragraph
 3682 shall be set in accordance with s. 221.29(2)(a)2. ~~s.~~
 3683 ~~216.251(2)(a)5.~~ and shall be set at levels that ~~which~~ are

19-00272-16

2016924__

3684 commensurate with salary levels paid to actuaries by the
3685 insurance industry.

3686 Section 69. This act shall take effect July 1, 2016.